

**EAST AYRSHIRE COUNCIL**  
**PLANNING COMMITTEE: 28 SEPTEMBER 2018**

**18/0354/PP: ERECTION AND OPERATION OF SEVEN WIND TURBINES OF UP  
TO 135M TO BLADE TIP HEIGHT WITH ASSOCIATED INFRASTRUCTURE**

**AT LAND AT ASHMARK HILL C90 AFTON ROAD FROM LEGGATE TO  
CRAIGDARROCH NEW CUMNOCK EAST AYRSHIRE**

**APPLICATION BY INNOGY RENEWABLES UK LTD**

**Report by the Head of Planning and Economic Development, Economy & Skills**

**Click for Application Details:**<http://eplanning.east-ayrshire.gov.uk/online/applicationDetails.do?activeTab=summary&keyVal=P820FHGFMFZO>  
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**EXECUTIVE SUMMARY SHEET**

**PURPOSE OF REPORT**

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 Council's Scheme of Delegation as the proposal is a Major Development as defined within the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 and is not significantly contrary to the development plan.

**RECOMMENDATION**

2. **It is recommended that the Planning Application be refused.**

**CONTRARY DECISION NOTE**

3. Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development, the application:
  - (i) will not require to be referred to Council as it would not represent a significant departure from Council policy. The proposal does not represent a significant departure from the Development Plan as the general principle of renewable energy generation is supported, subject to detailed assessment against various criteria. The proposal, however, has been found to be unacceptable following this detailed assessment.

**Michael Keane**  
**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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**APPLICATION DETAILS**

2. **Site Description:** The proposed wind farm development site will be located on an area of hilly, undulating land used for sheep grazing, with commercial forestry extending along much of the southern boundary of the application site. The site is accessed from an unclassified road which runs along the length of Glen Afton and borders the very north-eastern boundary of the application red line site boundary. This road travels south from the B741 at the edge of New Cumnock. New Cumnock is the nearest settlement which is located approximately 1.3km north of the application site with Burnside located approximately 1.7km north-west and Dalleagles is located approximately 2km north-west of the application site. Further afield, other notable settlements include Cumnock (8km to the north, north-west) and Dalmellington (9.5km to the west). The A76 (Kilmarnock to Dumfries) is located approximately 2km north of the application site whilst the A713 (Ayr to Castle Douglas) is located approximately 8.4km south-west of the application site. The elevation across the site varies from around 220m AOD in the north-eastern limits of the site to 475m AOD in the south-western limits of the site. The turbines themselves will be located on land which falls within the heights of approximately 357m AOD to 426m AOD.
3. There are a number of farms/dwellinghouses within the immediate area:
  - Ashmark Farm – within the application red line site boundary;
  - Ashmark Bungalow – within the application red line site boundary;

Glenshee – within the application red line site boundary;  
Carcow House – within the application red line site boundary;  
Meadow View – 15m to the east;  
Little Dalhanna – 375m to the east;  
Over Dalhanna – 380m to the east;  
Glenafton Leisure Park – 90m to the east;  
Burnfoot – 360m to the east;  
Pencloe Farm – 280m to the east;  
Lochingerroch – 760m to the east;  
Lochbrowan – 650m to the east;  
Laight Farm – 370m to the north;  
Back O Laight – 500m to the north;  
Laglaff Farm – 340m to the west, and  
Brockloch Farm – 765m to the north-west.

4. The proposed wind farm application site falls within 4 different Landscape Character Types (LCT's) and these are, LCT 20a: East Ayrshire Southern Uplands, LCT 14: Upland Glen, LCT 20c: Southern Uplands with Forestry, and LCT 15: Upland Basin. The majority of the wind farm infrastructure (including 6 of the 7 proposed wind turbines) will be located in LCT 20a: East Ayrshire Southern Uplands, with a single turbine and other construction elements (including borrow pit, permanent anemometer mast and access tracks) being located within LCT 14: Upland Glen. The application site is located fully within the East Ayrshire Special Landscape Area.
5. **Proposed Development:** The proposed development comprises of seven (7) 135m high to blade tip Vestas V105 turbines (candidate model) with an installed capacity of 21MW, with associated infrastructure which includes: access tracks; crane pads; up to two borrow pits; permanent anemometer mast, construction compound and substation. The application site comprises an area of approximately 539ha (or 5.39km<sup>2</sup>). Access to the site will be taken via a new access track from the C90 Afton Road, north of the junction next to Meadow View. The turbine delivery route itself will be from the Port of Ayr, travelling north-east on the A77 to Kilmarnock where the route will then join the A76 and journey south-west towards New Cumnock where the delivery route joins the B741 only briefly before joining the C90 Afton Road. The development is proposed for a temporary period with an initial construction period of approximately 15 months, an operational period of 30 years and a further decommissioning period of approximately 1 year.
6. **Background Information:** This application site was the subject of a previous wind farm application for a very similar scheme by the same Applicant although the company name was RWE Innogy UK Ltd at the time of the 2011 application (now Innogy Renewables UK Ltd). The previous application reference number was 11/0983/PP and was for the erection of 7 turbines up to 116m high and associated

infrastructure including access tracks, construction compound and control building / substation, a permanent met mast and 5 borrow pits.

7. There is very little difference between the previous application and this current one, with the 7 turbines being located in almost identical locations, albeit with some minor micro-siting, as has the other infrastructure undergone some locational adjustment. The key differences are that the currently proposed turbines would be up to 135m high and there are now only 2 borrow pits proposed, one main one (measuring approximately 160m x 65m and maximum cut height of 12.8m) and a reserve one (measuring approximately 100m x 50m) which would only be worked if necessary, where the material from the main borrow pit is found not to be of suitable quality or quantity.
8. The original 2011 application (11/0983/PP) was refused by East Ayrshire Council's Planning Committee of 3 September 2014 on the basis of the unacceptable landscape and visual impacts, including cumulative landscape and visual impacts and resultant adverse impacts on local recreational routes. The Applicant subsequently appealed the decision by East Ayrshire Council to refuse the application, to the Scottish Government's Planning and Environmental Appeals Division (case reference PPA-190-2042). The appeal was dismissed by the Scottish Ministers as they found the modest benefits of the proposed scheme insufficient to outweigh the significant adverse visual effects and consequential breaches of development plan policies, especially given the prominent site of the wind farm within a sensitive location, approaching a very attractive and popular component of the East Ayrshire landscape (Glen Afton).
9. The Applicant of this current application (18/0354/PP) believes there is still support within the local community for a wind farm development at the Ashmark Hill site and believes the cumulative situation and planning policy framework has changed sufficiently, in addition to wind turbine technology advancing, that this site is still suitable for a wind farm development. The Applicant has chosen to progress this application with the offer of shared ownership to a local community partner and has submitted this proposed Ashmark Hill Community Wind Farm development planning application for assessment.

## **CONSULTATION AND RESPONSES**

10. Environmental Health were consulted on 22nd May 2018 and their comments dated 12th September 2018 can be summarised as follows:-

Environmental Health have no objection to the proposed development but would offer the following comments:

1. Work noise on site during construction should be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and no noisy work on a Sunday.
2. Noise from the works during construction should at no time cause the underlying background noise level LA90(1hour) to rise by more than 3dB(A) at the nearest noise-sensitive location.

3. Environmental Health would defer to the views of the Council's independent noise consultant in relation to likely noise impacts from the proposed development and any construction and operational noise limits recommended by the consultant, together with any other recommendations ACCON may wish to put forward.
4. All Private Water Supplies having the potential to be affected by the development should be investigated by the developer and an appropriate risk assessment made, together with the production of an effective mitigation strategy to minimise impacts, including the provision of alternative potable supplies where required, and any plan should be submitted to the Council for approval prior to the commencement of development.

Such requirements can be reflected in appropriate planning conditions if consent is granted.

11. Historic Environment Scotland (HES) were consulted on 31st May 2018 and their comments dated 7th June 2018 can be summarised as follows:-

We do not wish to object to the planning application. HES are content that there will not be significant impacts on the site or setting of any of our historic environment interests. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. Our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

12. West of Scotland Archaeology Service (WoSAS) were consulted on 22nd May 2018 and their comments dated 22nd June 2018 can be summarised as follows:-

The proposed development falls within an area of some archaeological sensitivity based on the presence of sites and finds of post-medieval, medieval and prehistoric date in the surrounding landscape. WoSAS do not agree with the methodology used to assess setting in the EIA Report but do not disagree with the conclusions that there would be no significant effects on setting for heritage assets.

The application involves a reasonably large greenfield area which has not previously been developed. As this is a fairly large area of ground disturbance to green fields in an area of some archaeological potential, WoSAS advise that an archaeological issue is raised by the proposals. WoSAS advise the attachment of a condition for staged scheme of investigation and programme of archaeological works, submitted by the Applicant, agreed by WoSAS and approved by the Planning Authority, is fully implemented. Such a condition can be attached to any consent, if granted.

13. Nith District Salmon Fisheries Board (NDSFB) were consulted on 22nd May 2018 and their comments dated 29th May 2018 can be summarised as follows:-

NDSFB maintains its position and previous comments made (at the scoping stage – comments dated 29 June 2017). Further discussions between the Applicant and NDSFB agreed that fish monitoring would be carried out post-consent (if granted) but

did not require to inform the EIA Report. NDSFB consider the inclusion of fish surveys to be essential in the suite of environmental monitoring. The requirements of NDSFB have been set out at paragraph 8.169 of Chapter 8 of the EIA Report and NDSFB are content with the level and scope of fish surveys as described in the EIA Report. An appropriate planning condition can be attached to any consent, if granted, to ensure the required fish monitoring is undertaken to the satisfaction of the Council in consultation with NDSFB.

14. Ayrshire Rivers Trust (ART) was consulted on 22nd May 2018 and its comments dated 30th July 2018 can be summarised as follows:-

Thank you for consulting ART but the response should come from NDSFB or Nith Catchment Fisheries Trust (or both) as it affects the Nith rather than any rivers flowing to the Ayrshire Coast.

15. Scottish Environment Protection Agency (SEPA) were consulted on 31st May 2018 and their comments dated 18th June 2018 can be summarised as follows:-

SEPA confirms that it has no objection to the proposals, subject to its suggested planning conditions being attached to any consent, if granted. A summary of the aspects of the conditions / advisory notes from SEPA are provided below:

1. SEPA acknowledge the Developer's intention to prepare a site specific Construction Environmental Management Plan (CEMP) and welcome the Draft CEMP submitted as part of the application. SEPA ask that a condition be attached to any consent, if granted, requiring a site specific CEMP be submitted for the approval of the planning authority in consultation with SEPA, at least 2 months prior to commencement of development. Such a document shall incorporate detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution at stage of the project, including decommissioning and restoration. Detailed site specific Construction Method Statements shall also be included within the CEMP.
2. Peat depths, as reported in the EIA Report, are largely less than 1m deep across the application site. On the basis of the information submitted, SEPA have no concerns regarding the impacts of the development in relation to the disturbance and re-use of excavated peat. SEPA requests a condition is attached requiring the submission of a detailed Peat Management Plan (PMP) for the approval of the planning authority, in consultation with SEPA, at least 2 months prior to the commencement of development. Peat should only be reused to create a suitable tie-in with surrounding vegetation, and for the reinstatement of adjacent ground which has been disturbed during the construction process.
3. With regards to Groundwater Dependent Terrestrial Ecosystems (GWDTE's), SEPA agree, based on the information presented within the EIA Report, that the wetland habitats are unlikely to be groundwater dependent. The habitats present are of low conservation value and not botanically rich so would be considered to be of low importance. SEPA are satisfied that the development will not have a significant effect on GWDTE's.

4. SEPA advise that the three watercourse crossings proposed to replace three existing culverts, would require to be authorised under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

Appropriate conditions (and advisory notes) to reflect the needs of SEPA could be attached to any consent, if granted.

16. Scottish Natural Heritage (SNH) were consulted on 31st May 2018 and their comments dated 29th June 2018 can be summarised as follows:-

SNH does not object to the proposed development, however, based on the information provided it is the view of SNH that the development will give rise to significantly adverse landscape and visual impacts of a local and regional significance – including cumulatively with other built developments.

*Landscape and Visual Assessment* – SNH understand the current application to be essentially, a resubmission of the previous application (11/0983/PP) which was refused by the Council and the subsequent appeal dismissed in September 2014. The landscape advice provided by SNH in April 2012 to the previous application (for seven turbines of a maximum height of 116m) was that there would be significant adverse landscape, visual and cumulative impacts of local and regional significance, these effects being a function of the wind farm's design, layout and location, notably:

- Different design and layout to other schemes;
- Visibility on prominent ridge;
- Visible on the skyline;
- Viewed face-on from the settled basin to the north;
- Seen in entirety on the skyline;
- Impinges on Afton Valley, and
- Disproportionate visual impact for the size of the scheme.

SNH consider the current application has not taken on board any of its earlier comments regarding design and layout of the turbines themselves although note there has been some modification to the access tracks, borrow pits and other infrastructure. SNH's view is that the taller turbines will only exacerbate the effects noted in their earlier advice regarding the previous (11/0983/PP) application.

With regards to cumulative impacts, SNH note their scoping advice in July 2017 stated, "...wind farms are increasingly becoming a key or defining landscape and visual characteristic within this area," and, "cumulative landscape and visual impacts are likely to be a particularly important issue for consideration in the LVIA." Recent site visits by SNH in and around the New Cumnock area have confirmed that this settlement is becoming increasingly encircled by wind farms. The addition of Ashmark Hill to this scenario would bring wind farm development considerably closer to the settlement edge.

SNH recommend the adoption of a number of ecological mitigation measures, many of which are proposed by the Applicant. These include (but are not limited to): The employment of a suitable qualified Ecological Clerk of Works (ECOW) during

construction, decommissioning and reinstatement phases; The production and implementation of a Habitat Management Plan (HMP) to accepted standards, particularly covering peatland habitat restoration and the development of new native woodland habitat, and pre-construction protected species surveys in order to identify any new SNH licensing requirements.

The proposed development would be situated within approximately 7km of the Muirkirk and North Lowther Uplands Special Protection Area (SPA) which is classified for its breeding and wintering populations of hen harrier, and breeding populations of merlin, peregrine, short-eared owl and golden plover. The SPA's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters, the Conservation of Habitats and Species Regulations 2010 as amended apply. Given the separation distance between the proposed development site and the SPA, in line with SNH's Guidance on Assessing Connectivity with Special Protection Areas (SPAs) (June 2016), the development would be situated out with the core foraging range of all SPA species which is the area in which SNH would consider there may be connectivity between the development site and the qualifying interests of the SPA. It is SNH's view that it is unlikely that the proposal will have a significant effect on the qualifying interest either directly or indirectly, therefore an Appropriate Assessment is not required.

Muirkirk Uplands SSSI is of national importance and also shares the same boundary as the SPA. Its designated features comprise of ornithology interests, fossil bearing rocks and upland habitats including blanket bog. Given the proposed development is out with the boundary of the SSSI, SNH do not consider that the upland habitats / blanket bog or ecological interests of the site will be affected by the proposals, nor the ornithological interests of the SSSI for the same reasons as discussed with regards to the SPA.

*European Protected Species* – Otters: SNH support proposals to undertake pre-construction otter surveys within 8 months preceding commencement of construction as detailed in paragraph 8.105 of EIA Report Chapter 8. If changes to the use of the site by otters is identified, an updated assessment of impacts must be completed alongside the identification of appropriate mitigation measures. Bats: The 2016 update surveys conducted to inform the EIA Report recorded activity from at least 7 species of bats including Noctule, Leisler's and Nathusius pipistrelle bats which are considered to be at higher risk from wind turbines. Nevertheless the overall level of bat activity within the application site was considered to be low. SNH continue to recommend that the turbines should be located where no part of their structure or blades should fall within 50m of the nearest building, tree or hedgerow.

*Nationally Protected Species* – Water Voles and Badgers: No evidence of these species was found during the 2016 update surveys however SNH support the proposals to undertake pre-construction badger and water vole surveys as detailed in paragraph 8.105 of EIA Report Chapter 8. If changes to the use of the site by these species is identified, an updated assessment of impacts must be completed alongside the identification of appropriate mitigation measures. SNH supports the ornithology mitigation and good practice measures as detailed in paragraphs 9.79 – 9.83 of EIA Report Chapter 9, and recommend that these should be included within

any CEMP. SNH also support the proposals for a HMP to be implemented with 12.7ha of land to be positively managed for breeding waders within the application site. SNH support the proposals to undertake pre-construction black grouse surveys as detailed in paragraph 9.96 of EIA Report Chapter 9. SNH further recommend that fences within the development site should be marked to reduce collision risk for black grouse. The Applicant proposes a Habitat Management Plan (HMP) will be submitted for the agreement of the Council and SNH prior to commencement of development. A planning condition can be attached to any consent, if granted, to achieve this.

*Habitats and Peat* – SNH note the proposed development will result in the loss of up to 8.09ha of locally important bog habitats. SNH support the submission of and implementation of a HMP which will include peatland restoration measures in the form of ditch blocking across 51.4ha of the site and also the creation of 1.6ha of native woodland at Connell and Carcow Burn. With regards to the nationally scarce plant species, Hairy Stonecrop, SNH support the changes to the proposed site infrastructure (over the 2011 application) to avoid the hairy stonecrop and the proposed fencing off of the hairy stonecrop prior to commencement of construction as well as the proposed toolbox talks by an ECoW.

17. Transport Scotland were consulted on 31st May 2018 and their comments dated 6th June 2018 can be summarised as follows:-

The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted (if this is the case), it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

In issuing any consent, the Applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations.

Suggested conditions:

- i) The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening and traffic management must similarly be approved.
- ii) Any additional signage or temporary traffic control measures deemed necessary due to their size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Appropriate conditions can be attached to any consent, if granted, reflecting the requirements of Transport Scotland.

18. Ayrshire Roads Alliance (Flooding) were consulted on 22nd May 2018 and their comments dated 30th May 2018 can be summarised as follows:-

No comments.

19. Ayrshire Roads Alliance were consulted on 22nd May 2018 and their comments dated 14<sup>th</sup> September 2018 can be summarised as follows:-

The significant impacts of the development to be addressed in transport terms are the impacts of general construction traffic, import of construction materials and abnormal load deliveries for turbine components, primarily on the C90 Afton Road. Operational activities are minimal with maximum of 5 trips per day.

The C90 Afton Road has been subject to recent improvement works required for the Afton wind farm including localised widening and additional passing places.

Access to the site is proposed via a new bell mouth junction from the C90 Afton Road. The access will take the form of an industrial standard access at 90° for general construction traffic, operational and maintenance traffic, 6m width, and a separate access for abnormal loads. The layout and sightline visibilities of 4.5m x 120m have been agreed by ARA and are considered acceptable.

The EIA Report makes reference to the 19 turbine Pencloe wind farm which would also take access from the Afton Road. The EIA Report does not mention the proposed 9 turbine Lorg wind farm which would also take access from the Afton Road. ARA considers the potential impacts of simultaneous wind farm development taking access from the Afton Road could not be managed or mitigated and recommends that a condition be attached to any consent, if granted, which precludes simultaneous wind farm developments taking access from Afton Road.

To mitigate the impact of construction, a detailed Construction Traffic Management Plan (CTMP) will require to be submitted and agreed by the Planning Authority in consultation with ARA. This should be a condition of any planning consent, if granted. It is recommended that the CTMP specifically includes arrangements for the establishment of a community liaison group to be led by the Applicant/Developer in collaboration with ARA and New Cumnock Community Council, local residents and local interest groups to discuss the arrangements for the delivery of all road and construction traffic mitigation measures required for the development along Afton Road.

ARA raise no objections to the proposals subject to a number of conditions being met and advisory notes adhered to. A summary of the aspects of the conditions / advisory notes are provided below:

1. There shall be no use of the C90 Afton Road for construction traffic unless the Planning Authority has given written approval that either no other wind farm has commenced development or where commencement of development whilst another wind farm is under construction and using the Afton Road is acceptable.

2. There shall be no commencement of development unless a construction traffic management plan (CTMP) has been submitted to and approved in writing by the Planning Authority.
3. At least 2 months prior to the commencement of development, the Applicant must submit a scheme containing details of the proposed mitigation works on the C90 Afton Road to accommodate the anticipated volumes of two way construction related traffic which shall include, though not limited to, passing places, widening, signage, etc. The proposed scheme shall be implemented prior to commencement of development.
4. Prior to commencement of development, the Applicant shall undertake a joint condition survey of the affected public routes (except Trunk Roads) with ARA and a written and photographic record of the survey findings shall be submitted to the Planning Authority within 28 days of the survey taking place. These surveys shall be undertaken at regular intervals agreed between the Applicant / Developer and ARA. Where any condition survey finds the public road has deteriorated and requires remedial action, the Applicant shall undertake such works within a timetable agreed with the Planning Authority in consultation with ARA.
5. Prior to the delivery of any abnormal load, the transportation route, timings and methodology shall be submitted to and approved in writing by the Planning Authority in consultation with ARA. If the permanent reinstatement of any area of mitigation works is requested by ARA through the Planning Authority, it will be carried out by the Applicant at the Applicant's expense within an agreed timescale.
6. Prior to the movement of abnormal loads, the Applicant / Developer must undertake an Abnormal Load Route Assessment to include a structural assessment of all bridges, culverts and other drainage structures on the B741 and C90 affected by the development in accordance with ARA requirements. Mitigation works identified as a result must be based on a topographical survey. Any mitigation works deemed necessary by ARA to accommodate abnormal loads must be constructed to a specification approved by the Planning Authority in consultation with ARA.
7. No surface water is to discharge from the site access onto the public road and all new accesses taken from off the public roads must be surfaced in a hard or bound material for a minimum distance of 10m from the edge of the public road unless a lesser distance is agreed in writing by the Planning Authority in consultation with ARA.
8. The Applicant must enter into a legal agreement under Section 96 of the Roads (Scotland) Act 1984 with associated financial guarantee.
9. The Planning Authority, in consultation with ARA, may place restrictions on the timing and number of movements of imported stone and concrete, etc. subject to (a) the source(s) of these materials, (b) the required vehicle route(s) and (c) whether or not the movements conflict with, or excessively add to, other

extraordinary traffic volumes as a result of simultaneous development(s). This applies to all delivery routes affected by the works (other than Trunk Roads) from the source of the materials to the site access.

This is a summary of the comments by ARA and their full consultation response should be read to see all the detailed comments. Appropriate planning conditions can be attached to any consent, if granted, to satisfy the requirements of ARA.

**20.** Scottish Water were consulted on 22nd May 2018 and their comments dated 25th May 2018 can be summarised as follows:-

Scottish Water has no objection to this planning application, however the Applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

*Water* – There is currently sufficient capacity in the Afton Water Treatment Works. The Applicant should be aware that Scottish Water is unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted (if this is the case), Scottish Water will review the availability of capacity at the time and advise the Applicant accordingly.

*Foul* – Unfortunately, according to our records there is no public Scottish Water waste water infrastructure within the vicinity of this proposed development therefore Scottish Water would advise the Applicant to investigate private treatment.

*Drinking Water Protected Areas* – Scottish Water responded to the scoping stage in June 2017 and there are no changes to add to these previous comments. In summary these were: The proposed development is located within the headwaters of the River Nith. Scottish Water abstract from boreholes within the River Nith catchment. A pollution event in the River Nith could potentially impact the boreholes, however it would be unlikely and low. As a precaution, water quality mitigation in the catchment is required and Scottish Water would request to be notified of any pollution incidents that would impact the River Nith. This could be reflected in an appropriately worded planning condition if consent is granted.

The proposed wind farm is located adjacent to the drinking water catchment within which a Scottish Water abstraction from Carsfad Reservoir is located. If any works require to take place within the catchment, please notify Scottish Water.

**21.** Scottish Wildlife Trust (SWT) were consulted on 22nd May 2018 and their comments dated 13th July 2018 can be summarised as follows:-

SWT are concerned by the possibility of the Connel Burn being affected by run-off or other contamination and having an impact on the SWT reserve at Knockshinnoch. Whilst the Applicants will have to comply with SEPA requirements there is still the possibility of unforeseen accidents.

Although there is some overlap with adjacent Wildlife Sites it was not felt that this was likely to have sufficient impact to justify a formal objection. SWT notes with concern that this is yet another wind farm application in this area. There is clearly a

landscape impact, which is out with the remit of SWT, but there is also a cumulative effect which may have implications for the wildlife in the Afton Glen area. While the direct impact of the turbine sites and the associated infrastructure is relatively small in terms of area, there is a possibility of indirect disturbance and of direct impacts. Collisions with turbines appear to be relatively rare and may not be significant but there has been little research into the effects on vegetation communities, mammals and invertebrates. Unfortunately this means that SWT are not in a position to lodge a formal objection but we think that a precautionary approach is required here and that the scale of windfarm developments has reached a stage where serious consideration has to be given to seeking a limit to further schemes.

22. Ministry of Defence (MOD) were consulted on 22nd May 2018 and their comments dated 7th June 2018 can be summarised as follows:-

MOD has no objection to the proposal. In the interests of air safety, MOD request that the turbines be fitted with MOD accredited aviation safety lighting on the most northerly and southerly turbines and on alternative turbines in between. This lighting should be in the form of 25 candela omni-directional infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. If consent is granted, MOD wish to be advised of the following, prior to commencement of construction: the date construction starts and ends; the maximum height of construction equipment and the latitude and longitude of every turbine. These matters can be addressed with appropriate planning conditions.

23. National Air Traffic Services (NATS) were consulted on 22nd May 2018 and their comments dated 7th June 2018 can be summarised as follows:-

The proposed development has been examined by our technical safeguarding team and conflicts with our safeguarding criteria. Accordingly NATS (En Route) plc objects to the proposal. It has been determined that the terrain screening available will not adequately attenuate the signal and therefore the development is likely to cause false primary plots to be generated.

It should be noted that the failure to consult NATS, or to take into account NATS' comments when determining a planning application, could cause serious safety risks for air traffic and a recommendation to grant consent, against the advice of NATS, would require the application to be referred to Scottish Ministers in terms of the Town and Country Planning (Safeguarding Aerodromes, Technical Sites, Meteorological Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2016.

**UPDATE:** NATS provided further comments dated 5th September 2018 which can be summarised as follows:-

NATS (En Route) PLC, has objected to the proposed development as it believes the development will cause an adverse impact to the Lowther Hill Radar and associated air traffic operations of NATS (En Route) Plc ("NERL") without suitable mitigation.

An agreement has been entered into between NATS (En Route) PLC, NATS (Services) Limited and Innogy Renewables UK Limited dated 24/08/2018 for the

design and implementation of an identified and defined mitigation solution in relation to the development that will be completed under agreement. NATS (En Route) PLC is therefore prepared to **withdraw its objection** to the proposed development. Whilst NATS consider the mitigation solution can be completed under their agreement with the Applicant, the Council would impose a condition on any grant of consent to ensure that, prior to the erection of any turbine on site, written confirmation is provided to the Council by NATS that the mitigation has been successfully implemented.

24. Glasgow Prestwick Airport (GPA) were consulted on 22nd May 2018 and their comments dated 28 August 2018 can be summarised as follows:-

Having considered the application and supporting documentation, Glasgow Prestwick Airport objects to the proposal on safeguarding grounds.

Aviation safety is of paramount importance to GPA. GPA is a licensed air navigation service provider (ANSP). It is a safeguarded airport (The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2016. GPA is obliged to ensure that proposed development will not impact adversely on the operation and provision of air traffic services (ATS) and associated procedures. The purpose of air traffic control is to provide services to aircraft which are safe, efficient and expeditious.

The development is located approximately 15nm (27 km) south-east of GPA underneath airspace that many aircraft use when positioning onto their final approach inbound to Runway 30. This is GPA's most utilised runway and is deemed to be critical airspace. The effect that the seven proposed turbines may have on the safety of air traffic is threefold:

- (i) It may affect the protected safeguarding areas that Instrument Flight Procedures are based upon and need to be checked against both the current and proposed RNAV (satellite based) procedures that we are currently applying for as part of a wider UK programme of Airspace Change Proposals. I believe that the Developer has engaged a third party for a technical assessment of this but GPA have yet to receive the results;
- (ii) It may affect the integrity of the Instrument Landing System (ILS) which electronically helps to guide the aircraft in to land on Runway 30. This assessment has been completed and we are now content that this does not significantly affect the likelihood of maintaining a signal integrity that is fit for purpose, and
- (iii) The proposed turbines may be visible to GPA's Primary Radar and therefore will display as "clutter" on our radar consoles. Due to the critical nature of this airspace, any clutter visible on this area of the radar display is not acceptable to GPA.

GPA has recently installed a new radar at the airport, which is known as the Terma Scanter 4002. The Terma Scanter will not necessarily provide mitigation for every

proposed wind turbine development within GPA's airspace due to capacity constraints and configuration issues.

A technical feasibility assessment has been successfully completed which indicates the Terma Scanner may be a suitable mitigation solution for this development, subject to reconfiguration works being carried out. GPA is currently in advanced negotiations with the developer over the terms of a radar mitigation agreement for this development and based on the current status of negotiations GPA expect to enter into a radar mitigation agreement with the developer in the near future. Once the radar mitigation agreement has been entered GPA would be in a position to withdraw its objection subject to the adoption of recommended suspensive conditions.

**UPDATE:** GPA provided further comments dated 13th September 2018 which can be summarised as follows:-

GPA has assessed and identified an appropriate solution which GPA considers will be realised and available to mitigate the adverse impact of the proposed development on its Primary Surveillance Radar (PSR) and Air Traffic control Service (ATS) within a reasonable timeframe.

In light of the progress of this work, GPA have now entered an agreement with the Applicant on the basis of which the Applicant has agreed to abide by the terms of the proposed conditions (set out below), in order to enable GPA to implement the Mitigation Scheme for the development.

Accordingly, in light of the agreement concluded and with the reasonable likelihood the solution can be delivered within a reasonable period of time following the development receiving planning consent (if granted), GPA is prepared to **withdraw its objection** to the development, provided that any consent is made subject to the following conditions. The conditions are required because GPA's ability to implement an appropriate Mitigation Scheme depends upon the agreement GPA has reached with the Developer.

- (i) No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as the Planning Authority receives confirmation from the Airport Operator that (a) all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented, and (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator that the Radar Mitigation Scheme is acceptable mitigation for the development and has been satisfactorily implemented by the Airport Operator.
- (ii) No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme.

Such condition can be attached to any consent, if granted, which shall ensure that suitable radar mitigation for Glasgow Prestwick Airport must be fully operational before the turbines can be erected.

25. Forestry Commission Scotland (FCS) were consulted on 22nd May 2018 and their comments dated 20th July 2018 can be summarised as follows:-

This application does not appear to include any development which would require tree felling or woodland removal or would otherwise impact on existing woodlands. On that basis, we have no comments to make.

26. New Cumnock Community Council (NCCC) were consulted on 22nd May 2018 and their comments dated 10th July 2018 can be summarised as follows:-

I can confirm that NCCC voted on the Ashmark Wind Farm on 27th June 2018, where there was one vote for support and 6 abstentions.

27. Dumfries and Galloway Council were consulted on 25th May 2018 and their comments dated 26th August 2018 can be summarised as follows:-

Dumfries and Galloway Council have no objections to the proposal.

28. The following were also consulted however no responses were provided:

- Auchinleck Community Council
- Cumnock Community Council
- Dalmellington Community Council
- Drongan, Rankinston & Stair Community Council
- East Ayrshire Council Access Officer
- Lugar & Logan Community Council
- Netherthird & District Community Council
- Ochiltree Community Council
- Patna Community Council
- RSPB.

## **REPRESENTATIONS**

29. Seven (7) representations were received in response to this application, of which four (4) were valid representations, the others not providing full postal addresses. 2 (two) representations were in support of the application whilst 2 (two) representations were objecting to the application. The matters raised within the invalid representations were still reviewed and account taken of the points raised. The final number of representations have been verified and checked both in Uniform and IDOX systems. A summary of the points raised in the representations is as follows:

## Support:

- This is a great opportunity for the residents of New Cumnock, to own a fifteen percent share in this wind farm;

***The offer of community shared ownership with a share of up to 15% on offer is being made available to the New Cumnock Development Trust as part of this proposal although no contract has yet been signed between the respective parties guaranteeing this element will be taken forward.***

- The development will benefit the community through the opportunity to invest in a green energy project. Funds generated through this partnership could be used to develop, through training and education, more employment opportunities for young people in the area and improve the general welfare of all concerned.

***It is acknowledged that the EIA Report indicates any revenues from the development could be used to further the aims of the New Cumnock Action Plan 2014 - 2019 which includes, amongst other themes and strategies, local economy, tourism and jobs.***

## Objection:

- Object to further turbines which require access via the Afton Road. The road as well as my property have suffered damage due to heavy haulage and persistent movement of heavy trucks during the night have disrupted my sleep.

***The Planning Authority notes the nature of the Afton Road and would condition any consent to provide for a phased approach to development along the Afton Road to reduce traffic impacts on this road. Unlike other wind farm development accessed via the Afton Road, this site is accessed at the northern stretch of the Afton Road, so this will, in part reduce impacts as traffic will not be travelling along significant lengths of this road. Night time movement of loads would be limited to abnormal loads which would be limited in nature. A Traffic Management Plan would be required through conditioning, if consent is granted, and the provisions within it to minimise traffic impacts would need to be complied with by the Developer. A Community Liaison Group was required to be established, at the request of East Ayrshire Councillors on the Planning Committee during the determination of the Lorg wind farm application (15/0935/PP), which was to be secured via a Section 75 legal agreement, as access would be taken from the Afton Road. If such a scheme was deemed necessary by the Councillors in the Ashmark case, this could be established by the Operator, if consent is granted, which would provide an open forum for discussion for local residents which may be affected along the Afton Road.***

- Object to further windfarms as there are already too many turbines in the area.

***Cumulative impacts are assessed within this report and it is judged that the proposed Ashmark turbines would cause unacceptable cumulative impacts.***

- Applicants overstate the importance of the iterative design process, claiming the iterative process has improved the scheme and reduced its adverse effects “in response to concerns expressed by consultees and local people” and that this means that their scheme should be approved.

***Whilst Applicants undertake an iterative design process, the eventual application submitted is assessed fully by the Planning Authority and any impacts resulting from the proposed development are weighed against any benefits to determine where the planning balance lies, either in support of or against the proposed development. Applications are not approved simply due to the Applicant undertaking an iterative process.***

- Calls into question the objectivity of consultants such as landscape consultants, as they have been instructed by a developer to supply material that supports their application so their judgements cannot be unbiased albeit subconsciously.

***The Planning Authority cannot comment on the objectivity of consultants contributing to an EIA Report on behalf of an Applicant. The Planning Service does, however, undertake its own assessment of an application in order to arrive at its ultimate decision on the acceptability or otherwise of any proposal.***

- Lengthy discussion on the renewable energy targets and the need argument regarding wind farm development. Argues that evidence demonstrates the target to be achieved and the data conclusively shows that the proposed scheme is not needed to meet the target.

***Irrespective of whether the Scottish Government’s renewable energy generation targets are achieved or not with current operational or consented schemes, the target is not a cap and does not mean further renewable energy generation development should not take place. The generation of electricity from renewable sources is a positive although this is only part of the assessment criteria and must be balanced against any negatives resulting from the scheme.***

- The Applicant can submit a fresh application on a site where a previous application has been refused locally and on appeal but the onus must be on them to explain what has changed since the previous decision for the new scheme to be approved. It is a surprise in this case that the Applicant has chosen to increase the height of the turbines by 20m from that previously refused, on the basis that higher turbines are more efficient. The cumulative impact is also been changed due to the construction or approval of more wind farms since the previous refusal.

***The visual and landscape impacts as well as the cumulative impacts have been assessed within this report and these have been found to be significant, adverse and unacceptable.***

- Many Developers suggest that the Planning Balance has been changed in favour of windfarms as a consequence of recent Scottish Government policy. This claim

was dismissed by the Reporter who refused the appeal on Druim Ba, saying if this was the Scottish Government's intention they could and would have included it.

***The publication of the Scottish Energy Strategy (SES) and Onshore Wind Policy Statement (OWPS) set new targets but ultimately provide for a continuation of previous Scottish Government policy – appropriately sited onshore wind farms will continue to receive Scottish Government support but this does not extend to support for such development at any cost. In this case it is judged that the adverse impacts resulting from the proposed scheme are unacceptable and would not constitute the right development in the right place.***

- Those adversely affected by construction traffic for windfarms are told by decision makers that this is a temporary inconvenience of little relevance to a decision.

***The Planning Authority has taken into account traffic impacts and acknowledge impacts will vary in their severity, particularly during the construction period when these impacts are likely to be more pronounced, however even where those impacts are deemed to be temporary in nature and ultimately not a reason for refusal, the impacts are considered carefully and not simply deemed to be of 'little relevance' when making a decision.***

- The proposal of shared ownership cannot be an overriding issue.

***The Planning Authority has assessed the shared ownership nature of this proposal and whilst it may offer a degree of socio-economic benefit, it has not been considered sufficient to overcome the significant unacceptable landscape and visual impacts, including cumulative impacts.***

## **ASSESSMENT AGAINST DEVELOPMENT PLAN**

30. 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 development, the development plan comprises four separate plans. These are the Opencast Coal Subject Plan 2003, the Ayrshire Joint Structure Plan 2007, the East Ayrshire Local Plan 2010 and the East Ayrshire Local Development Plan which was adopted by the Council on 3 April 2017. The topics contained in the Structure and Local Plans are superseded by the EALDP with the exception of those policies relating to minerals. On this basis the policies relevant to wind energy development are contained solely within the EALDP which is up to date and it is these policies which are considered in detail below.

### **Adopted East Ayrshire Local Development Plan (EALDP)**

#### **Overarching Policy OP1**

31. All development proposals will require to meet the following criteria in so far as they are relevant, or otherwise demonstrate how their contribution to sustainable development in the context of the subsequent relevant policies in the local

development plan and Scottish Planning Policy would outweigh any lack of consistency with the relevant criteria:

32. *(i) Comply with the provisions and principles of the LDP vision and spatial strategy, all relevant LDP policies and associated supplementary guidance and non-statutory guidance;*

**A full assessment of the proposed wind farm against all relevant LDP policies follows the assessment of Policy OP1 so this will offer only a brief summary of the issues. The proposed development would contribute towards a low carbon economy however due to the unacceptable landscape and visual impacts and resultant impacts on other associated aspects, it is not considered that the proposal complies with all relevant LDP policies or associated supplementary and non-supplementary guidance. These issues will be discussed in detail within the relevant sections of the report.**

33. *(ii) Be fully compatible with surrounding established uses and have no unacceptable impacts on the environmental quality of the area;*

**The full assessment below will examine the impacts associated with the proposed wind farm and why these impacts, predominantly landscape, visual and cumulative impacts, have been found to be unacceptable in terms of their impact on the environmental quality of the area, including the Sensitive Landscape Area (SLA).**

34. *(iii) Ensure that the size, scale, layout, and design enhances the character and amenity of the area and creates a clear sense of place;*

**This criteria is particularly relevant to this application as the unacceptable landscape, visual and cumulative impacts are a direct result of the size, scale, layout and design of the proposed windfarm. These combine to create a linear row of very large turbines extending across a wide expanse of low lying hills forming a scenic skyline to the more settled Upland Basin which will be prominent features, contrasting with the design of nearby wind farms. These impacts would not enhance the character and amenity of the area but would detract significantly from these aspects. The impacts are a fundamental characteristic of the design, layout and scale of the turbines.**

35. *(iv) Where possible, reuse vacant previously developed land in preference to greenfield land;*

**This is not applicable to wind energy developments as a preference for brownfield over greenfield sites does not form part of the wind energy spatial framework.**

36. *(v) Be of the highest quality design by meeting with the provisions of SPP, the Scottish Government's policy statement Designing Streets, the Council's Design Guidance and any master plan/design brief prepared for the site;*

**This criteria is not applicable to wind energy development.**

37. *(vi) Prepare Master Plans/Design Statements in line with Planning Advice Notes 83 and 68 respectively where requested by the Council and/or where this is set out as a requirement in Volume 2 of the LDP;*

**This criteria is not applicable to wind energy development.**

38. *(vii) Be compatible with, and where possible implement, projects shown on the LDP placemaking maps;*

**This criteria is not applicable to wind energy development.**

39. *(viii) Ensure that there is no unacceptable loss of safeguarded areas of open space/green infrastructure and prime quality agricultural land;*

**The application site is not designated as any of those safeguarded areas listed above.**

40. *(ix) Protect and enhance natural and built heritage designations and link to and integrate with green infrastructure where possible;*

**There are a number of designations within the application site and in the wider area including Local Nature Conservation Sites, Scheduled Monuments, Listed Buildings and S.S.S.I.'s. The full assessment in later paragraphs will provide greater detail on the conclusions reached with respect to each of these designations but ultimately it is considered that due to a number of different reasons, including separations distances and mitigation proposals, the proposed development would not cause unacceptable adverse impacts on those designated assets. The site does however fall within the Sensitive Landscape Area and the impacts on this designation resulting from the proposed development are considered to be unacceptably adverse.**

41. *(x) Ensure that there are no unacceptable impacts on the landscape character or tourism offer of the area;*

**As will be discussed in detail in the relevant sections of the report below, the proposed development is considered to have unacceptable impacts on recreational routes and resources such as the Lochside House Hotel, which are likely to detract from the enjoyment and experience of those assets by users, due to the significant visual impacts. This would be considered an impact on the tourism offer of the area.**

**In terms of landscape character impacts, whilst the linear design along the ridgeline of hills to the west of Afton Glen, goes some way to overcoming the landscape sensitivities with regards to the complex interlocking nature of these hills, the lower relief of these hills, in combination with the significant visible impacts of the turbines would result in an unacceptable impact on the landscape character, in isolation and in combination with other nearby existing / consented and application stage wind farms.**

42. *(xi) Meet with the requirements of all relevant service providers and the Ayrshire Roads Alliance, and*

The Ayrshire Roads Alliance has not raised any objections to the proposed development although there are some issues which would require planning conditions and legal obligations to overcome.

43. *(xii) Be accessible to all.*

Given the nature of the proposed development, such a criterion is not especially applicable to wind energy developments. The development site is currently active farmland and this would remain the case were the development to be constructed. It is worth noting that the proposed formation of access track extending from the Afton Road across the ridgeline of the hills towards the furthest turbine, turbine 7, could effectively improve access in parts of the site.

44. The full assessment of the proposed development against all relevant LDP policies and material considerations follows this initial OP1 discussion. The assessment of each criteria listed above (which can be further supported upon reading the full assessment, below) indicates the proposed development would result in unacceptably significant adverse landscape, visual and cumulative impacts and impacts on tourism and recreational resources. Therefore, the proposed development does not comply with the assessment criteria of Overarching Policy OP1 (i), (ii), (iii), (ix) and (x). The proposal is therefore contrary to Policy OP1.

45. In terms of Policy OP1, it is possible that development can be deemed acceptable, despite not complying with the criteria listed above, where development proposals demonstrate how their contribution to sustainable development in the context of the other relevant LDP policies and SPP outweighs any lack of compliance with the criteria of OP1. As discussed in greater detail in the 'Assessment Against Material Considerations' section below, the proposed development, due to its significant adverse landscape, visual and cumulative impacts, is not considered to constitute development contributing to sustainable development. Furthermore, as will be seen from the full discussion of the relevant LDP policies, below, the proposed development is also contrary to a number of other LDP policies. Therefore, in the context of the relevant LDP policies and SPP, the proposed development does not demonstrate its contribution to sustainable development would outweigh its lack of consistency with the relevant criteria of Policy OP1.

### **Policy RE3: Wind energy proposals over 50 metres in height**

46. All wind energy proposals over 50m in height, including extensions and proposals for repowering, will be assessed using the spatial framework for wind development shown on Map 12 and all relevant Renewable Energy and other LDP policies.
47. The Council will afford significant protection to Group 2 areas shown on Map 12. Development may be appropriate in some circumstances within these areas in cases

where it can be demonstrated that any significant adverse effects on the environmental characteristics of these areas can be substantially overcome by siting, design or other mitigation and where the proposal is acceptable in terms of all applicable renewable energy criteria set out in Schedule 1.

48. Within those areas shown on the Spatial Framework (Map 12) as Group 3 – Areas with Potential for Wind Energy Development, proposals for wind energy over 50m in height will be supported where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1.
49. **The proposed wind farm is located in both Group 2 and Group 3 areas as identified on the Spatial Framework (Map 12). The reason for Group 2 inclusion is that the site falls within 2km settlement buffer areas. The principle of development must be carefully assessed against the constraints / safeguarding associated with the Group 2 restrictions. An assessment to ascertain whether the impacts on the Group 2 areas can be minimised to ensure the proposals do not unacceptably impact on those interests.**
50. **As will become clear in the detailed assessment of the Schedule 1 criteria below, the proposed wind farm would not directly impact on the settlements whose 2km buffer the application site falls within, however the visual impacts resulting from the proposed development are considered to have an unacceptable impact on the amenity of those settlements. Policy RE3 (alongside SPP) requires significant protection of such mapped Group 2 areas unless demonstrated that significant impacts can be substantially overcome by siting, design or other mitigation. The significant adverse visual impacts are a direct result of the siting, design, layout and scale of the proposed turbines and therefore these impacts cannot be mitigated further, nor the negative impacts on the Group 2 Area of Significant Protection.**

Policy RE3 also requires that developments be acceptable in terms of the Schedule 1: Renewable Energy Assessment Criteria – this sets out a list of criteria against which applications for turbines over 50m in height will be assessed. Each criteria will be addressed below:

Landscape and visual impacts:

51. **The topography of this site is characterised by undulating hills incised by river/stream valleys on largely open grazing land. The land tends to be steeper and more elevated towards the south, whilst decreasing in elevation towards the north where it extends into the Upland Basin Landscape Character Type (LCT). The northern-most part of the application site actually extends into this LCT (LCT 15: Upland Basin). The application site also extends into LCT's 14: Upland Glen and 20c: Southern Uplands with Forestry, however the majority of the proposed turbines will be located within LCT 20a: East Ayrshire Southern Uplands (with one turbine and some of the infrastructure being located within LCT 14: Upland Glen) (as defined within the East Ayrshire Landscape Wind Capacity Study 2018 (EALWCS)). The proposed turbines will be located between the contour heights of 357m and 426m AOD, increasing in elevation across the hillside in a north-easterly to south-westerly direction. At these**

elevations, the proposed 135m high turbines will be prominent features and would reach a height greater than the surrounding hills to the west, south and east such as Benty Cowan Hill (477m), Enoch Hill (569m), Strandlud Hill (531m), Struther's Brae (540m) and Quintin Knowe (554m) amongst others.

52. Looking at landscape character type 20a: East Ayrshire Southern Uplands in more detail, the EALWCS comments that this LCT has no scope for very large turbine typologies (>130m high), going on to state, "There may be very limited scope for the large typology (turbines 70-130m) to be accommodated as a small extension to operational/consented wind farms sited in this LCT and the adjoining Southern Uplands with Forestry (20c). Additional turbines should be carefully located to avoid significantly exacerbating adverse landscape and visual effects on Glen Afton and the Upland Basin (15). They should not be sited on or close-by the landmark hills of Blackcraig and Craigbraneoch Rig and should be set well back from the northern edge of this LCT. They should not substantially increase the extent of turbine development visible on these hills from the Upland Basin (15) and (where relevant) should aim to improve the layout of the original development in key views to these uplands from the north."
53. In terms of the impacts on the landscape character of LCT 20a, the proposed turbines would represent large scale intrusions into this landscape and would represent the largest structures within the area. The hills to the east of Glen Afton which include the more elevated hills of Hare Hill, Blackcraig Hill (a landmark hill) and Craigbraneoch Rig are more well-defined and prominent due to their elevation however the hills to the west of Glen Afton (where the proposed Ashmark scheme will be located), whilst lower, are prominent due to their complex landform of interlocking ridges and river/stream valleys.
54. The landscape is characterised by open grass moorland which ordinarily would be less sensitive to large scale development due to the lack of a more intimate landscape. The contrast with the neighbouring Southern Uplands with Forestry (LCT 20c) and Foothills with Forestry and Opencast Mining (LCT 17a) which are densely forested means that development in the East Ayrshire Southern Uplands would detract from its open quality. The complex narrow ridges found on these western slopes of the Afton Glen can make a coherent wind farm layout difficult to achieve although to an extent, the Applicant has not suffered from this issue due to the relatively small scale of the development (only 7 turbines) and by locating the turbines in a linear fashion along the ridge rather than clustering turbines on higher and lower slopes between and on top of the ridge. Nevertheless, the lower western hills of this LCT, west of the Afton Glen, are particularly sensitive to large scale wind turbines as they would dominate the perceived relief of the hills when seen from the adjacent Upland Basin. Such dominance is observed in Figures 7.37b(ii) and 7.38b(ii) (of Volume 3b: LVIA Visualisations) which provide photomontages from Viewpoint 2 - Muirfoot Place, Mansfield and Viewpoint 3 - Connell View, New Cumnock respectively.

## Visual Impacts – on Upland Basin settlements

55. The EIA Report in Chapter 7 (including Technical Appendix 7.6) assesses the landscape and visual impacts of the proposed turbines, considering the 21 viewpoints assessed as part of the EIA process. The EIA Report assessment found there would be a major or major/moderate residual effect on landscape character at 9 of the 21 viewpoints (2, 3, 5, 6, 7, 14, 15, 19 and 21). Similarly with regards to residual effects on visual amenity 11 of the 21 viewpoints were found to face major or major/moderate impacts (1, 2, 3, 5, 6, 7, 14, 15, 17, 19 and 21). This represents a significant number of viewpoints (approximately 50%) being faced with major effects as a result of the proposed development.
56. Looking at some of the viewpoint visualisations, it becomes apparent just how visible and prominent the proposed turbines would be. Viewpoints 2 (Muirfoot Place, Mansfield - Figure 7.37b) and 3 (Connell View, New Cumnock - Figure 7.38b) provide representative views of the visual impacts faced by residents of the main settlement in the Upland Basin, New Cumnock, in both its northern and southern limits. What these visualisations show is the prominent position of the turbines, extending across the skyline above the settlement. The scale of these turbines is evident from such viewpoints, as is their overbearing impact on the settlement itself.
57. These two viewpoints represent only two locations within the settlement although probably represent the turbines at their most visible. It is, however, worth considering the numerous locations within the settlement where it will be possible to have substantial views of the turbines. Certainly from the A76, southbound, entering New Cumnock over the railway bridge at New Cumnock railway station, views of the turbines would be clear for vehicle users and train travellers (and residents and/or those on foot) exiting the station and walking south into the main settlement or using the footbridge up onto the A76. From this location the turbines would appear prominently on the skyline, appearing above the settlement and would have an unacceptable visual impact on those experiencing these views (which are similar to those represented by photomontage Figure 7.37b(ii)). Other public spaces within the settlement include the area in front of the outdoor swimming pool which has undergone public realm works with the inclusion of benches where people can sit and enjoy the setting which would also include views towards the East Ayrshire Southern Uplands, where the proposed turbines would be clearly visible at approximately 4km to turbine 1.
58. Given the close proximity of the proposed turbines in relation to New Cumnock, moving around the settlement will allow for many views of the turbines, especially given their position on the skyline of the containing landform of the southern uplands, therefore the settlement will be impacted by a sense of these turbines being ever-present throughout the settlement, unless facing / moving in a northerly direction. Residential receptors would be particularly affected, with properties on the western and southern edges of the A76 readily having clear views either from rear windows or garden space. Whilst properties on the opposite sides of the A76 would have views partially screened by the properties on the western and southern edge of the road, the

prominent position of the turbines will mean that views, especially on upper floors, remain likely from a number of residential receptors.

59. There are a number of smaller settlements located along the B741, south-west of New Cumnock, which include Connel Park, Bankglen and Burnside. Viewpoint 14 (Figure 7.49) provides a representative wireline and photomontage of the views likely from around Burnside. What this shows is the prominence of the turbines, across an extensive section of the skyline. Whilst some turbines would be partially screened at lower levels by the intervening topography, views of all hubs and blades would be possible in addition to a number of the towers. Given the properties in these settlements are generally parallel to the application site, they would largely have views across the skyline with the majority of turbines visible. The combination of the location, layout and height of the proposed turbines on the more elevated skyline means the lower lying settlements (including New Cumnock but also some scattered individual dwellings / farmhouses in the Upland Basin) will have expansive, face-on views considered to represent a significant and unacceptable impact on the visual amenity at these settlements, experienced by a large number of sensitive receptors.

Visual Impacts – on more distant settlements

60. Sizeable settlements in the wider area include Cumnock, Auchinleck, Ochiltree, Drongan and Mauchline (Viewpoint 13). These settlements face varying degrees of visual impact. Based on the ZTV (Figure 7.5 of Volume 3a: Figures) neither Drongan nor Ochiltree are likely to have any particular views of the proposed turbines so will not be discussed further. Some parts of Cumnock could have theoretical visibility however Auchinleck (approximately 12km north) and Mauchline (approximately 20km north-west) are the two settlements most likely to have views of the proposed wind farm. Viewpoint 17 (Figure 7.52b(ii)) provides a photomontage from Auchinleck. From this point, the proposed turbines are partially back-dropped by the distant landscape south of the turbines, although some blade tips break the skyline. The separation distance goes some way to reducing the perceived scale of the turbines although they remain reasonably prominent features. What is evident is the scale disparity between the proposed turbines and the existing Afton wind farm turbines which does create a degree of cumulative visual impact. Despite the character of the views likely from Auchinleck, ultimately it is considered that due to the separation distance and the resultant reduction in perceived scale of the proposed turbines as a result of this, the visual impacts would not be judged to be so significant that they would warrant refusal based on views from this settlement. Similarly, from Mauchline, Viewpoint 13 (Figure 7.48b(ii)) provides an indicative visualisation of the views likely to be experienced from this settlement. The perceived scale of the turbines is similarly reduced due to the separation distance, whilst the landscape back-drop and skyline breaking by blades is similar to that seen from Auchinleck. The proposed turbines, given their scale and location means they would appear as the most prominent of all the existing / consented / proposed turbines in the area around Glen Afton and the cumulative issues associated with the Afton turbines are evident from Mauchline too. Much like Auchinleck,

the visual impacts are not considered to be of a magnitude deemed unacceptably negative.

Visual Impacts – general area within 10km of turbines

61. **The most significant visual impacts are considered to be faced at distances of 10km and less from the proposed turbines. Beyond this distance, the reduction in perceived scale due to separation distances, combined with varying degrees of natural and built screening across the intervening landscape mean that despite varying degrees of significance, it is ultimately judged that viewpoints generally beyond 10km from the proposed turbines can be discounted from further consideration in this report as they are not judged to be unacceptably significant. Focus will now turn to the visual impacts within 10kms.**
62. **The recreational and landscape value of Blackcraig Hill as a landmark hill, and highest point in East Ayrshire, is important and makes this a sensitive receptor from a recreational point of view and a landscape point of view, where the Council aims to protect the landmark hills and their settings. The core path running along the Glen Afton valley connects with a Right of Way which leads up the eastern slope of Glen Afton towards Hare Hill and Blackcraig Hill, with Quintin Knowe in between the two. Viewpoints 6 and 7 (Figures 7.41 and 7.42) provide visualisations of the representative views likely of the proposed turbines from Quintin Knowe and Blackcraig Hill respectively.**
63. **The scale and extent across the hill summits around Ashmark Hill result in the proposed turbines forming an expansive, highly visible intrusion into views from both Blackcraig Hill and Quinin Knowe which dominate views in a north-easterly direction. Despite the northerly landscape providing a back-drop for much of the turbines' structures, their visual impacts are not diluted due to this back-dropping. The resultant major impacts on the sensitive recreational receptors and as a landscape itself mean that both individually and cumulatively, when considering other nearby operational / consented and proposed schemes, the proposed turbines would cause unacceptable impacts which would significantly detract from the landscape quality and subsequent views to and from Blackcraig Hill, a landmark hill. Cumulative impacts would be major and unacceptable when consider this application in combination with other existing / consented and proposed schemes. Excluding the proposed Ashmark turbines, views to the north-west, towards the Afton Valley and Upland Basin are generally free from wind turbines, with only distant in-application proposals of Over Hill and Polquhairn, whose turbines are perceived to have a reduced scale due to this separation distance, being possible features. Whilst in-application Enoch Hill and Pencloe turbines would be visible, they tend to be on the western fringes of views towards the Upland Basin whereas the proposed Ashmark turbines would be prominent, extending across the ridgeline of the three hills Ewe Hill, Lamb Hill and Ashmark Hill providing close-range, direct views of the turbines from Blackcraig Hill in a direction not otherwise unacceptably impacted by wind farm development. Given the other existing / consented / in-application wind farm developments**

around Blackcraig Hill, the proposed Ashmark Hill wind farm would result in a sense of full encirclement of this landmark hill by wind turbine development.

64. It is clear from many of the viewpoints assessed just how prominent the proposed Ashmark wind turbines would be. The significant visual impacts are a key function of the scale, location and design of the wind farm. The scale, being 135m to blade tip represents the largest of the wind turbines, with the exception of South Kyle (149.5m to blade tip), within this immediate area around the Afton Glen, taller than those of Hare Hill, Afton, Enoch Hill, Pencloe and Windy Standard. Whilst some of the nearby proposals are not significantly shorter, for instance Enoch Hill at 130m to blade tip height, the Ashmark turbines are located further north in the East Ayrshire Southern Uplands, closer to the Upland Basin and the settlements of New Cumnock and those located along the B741. As a result, the scale of the proposed Ashmark turbines appears significantly greater than that of nearby schemes and their visual prominence and overbearing impact is felt greater.
65. One of the most striking aspects of the visual impacts of the proposed turbines, evident throughout the viewpoint visualisations, is the expansive nature of the impacts spread out across a wide extent of the skyline, considering the limited number of turbines proposed (7). This is a function of the turbine layout being a linear design. SNH's guidance on Siting and Design of Windfarms in the Landscape (2017) states (p.12), "There are several common types of layout divided into regular or irregular formats. Generally, the fewer turbines and the simpler the layout on an even landform, the easier it is to create a positive feature....This is most easily achieved by a simple line upon level ground."
66. The site itself is not entirely even as it undulates in an upwards trend from Ashmark Hill (369m) to Ewe Hill (437m) however of more significance with this site is the complex ridges and valleys around this western side of the Afton Glen which includes the ridge upon which the proposed turbines are to be located, incised on either side by Carcow and Connel Burns, along with the other peaks of Connelburn Rig, Benty Cowan Hill and Chang Hill which are in part divided by Connel Burn but also Polga Burn, Blarene Burn and Dalleagles Burn. Whilst the scale of the turbines impose on this interlocking series of hills and ridges, it is the linear design itself which contributes significantly to the visual impacts. Rather than clustering the turbines in a more compact area of land, the turbines are stretched out across the ridges, visible on the skyline, ensuring views of the turbines are evident across much of the field of view for receptors looking in their direction. There are cumulative landscape and visual impacts associated with the proposed wind farm however this will be discussed in the following section.
67. SNH has provided comments in terms of landscape and visual impacts within their consultation response. Within their response they note that their comments provided in respect of the original Ashmark wind farm proposal (11/0983/PP) for 116m high turbines would cause significant adverse landscape and visual and cumulative impacts. These effects being a function of the wind farm's design, layout and location. In that response to the original

application of 2011, SNH noted that the linear design appeared to be to create a simple, coherent linear layout responding to the ridge upon which the turbines were proposed. In this respect SNH considered the design to be reasonably successful although noted that the contrast between such a design and the designs of other nearby wind farm schemes meant that significant cumulative visual impacts were evident although cumulative impacts will be discussed in the following section.

68. SNH's summary of landscape and visual effects of the 11/0983/PP application stated, "With regard to landscape issues in particular we consider that the proposal would cause significant adverse landscape, visual and cumulative effects of local and regional significance, especially in views from the north. We consider this to be a function of the windfarm's design, layout and location. We 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...." Furthermore SNH state, "The applicant's assessment finds that these significant impacts are acceptable given that wind development (Hare Hill and Windy Standard) is already located close to this proposed development. We disagree with the assessment on this aspect....We consider that Ashmark Hill's design differs considerably from the other windfarms and that the proposed development would cause a disproportionate impact for its size. In our opinion these impacts cannot be mitigated further than the design strategy has already achieved."
69. It is worthwhile bearing in mind the concerns raised by SNH in their response to the previous application as they point to the fact, in their response to this current application (18/0354/PP), that, "The current application does not appear to have taken on board any of SNH's earlier comments regarding design and layout of the turbines themselves although we note there have been some modifications to the access track, borrow pits and other infrastructure. In our view the taller turbines will only exacerbate the effects noted in our earlier advice to the 2012 application." (this reference is to the 11/0983/PP application) Therefore the locally and regionally significant impacts SNH found, resulting from the originally proposed development in 2011, have not been addressed in this new 2018 application and in fact, the larger turbines (now 135m high turbines proposed rather than the original 116m high proposed in 2011) are considered by SNH to exacerbate those landscape and visual impacts.
70. The Applicant was offered the opportunity to provide comments on the updated EALWCS 2018 which supersedes the 2013 version. The Applicant took that opportunity to provide comments in responses of SNH and the Council's consultants, Ironside Farrar Ltd, on landscape and visual impact matters. The Applicant notes, with regards to SNH's comments that, "Any on-shore wind energy development in the UK is likely to result in some significant landscape and visual effects. The critical issue is whether the benefits associated with the scheme outweigh the environmental impacts." It is for the decision maker to make the planning balance in weighing the benefits versus the impacts, and it is not unreasonable for SNH to provide their observations

with regards to landscape and visual impacts. Other points of disagreement raised by the Applicant relate to cumulative impacts, the design of the proposed wind farm and impacts on Glen Afton. These aspects are covered in detail throughout this report and it is considered that this detailed assessment would address such matters as those raised in the Applicant's response of 3 September 2018.

71. The Council's consultants, Ironside Farrar Ltd, (IFL) have reviewed the LVIA document and have provided their assessment of this document. IFL find that the proposed development would result in landscape, visual and cumulative effects which strategic guidance (the EALWCS) seeks to avoid, including impacts on the sensitive Glen Afton and lowland landscape to the north. IFL identify significant effects on the East Ayrshire Sensitive Landscape Area west of Glen Afton in an area of the SLA, south of the Nith, least affected by wind energy development at present. IFL highlight the elevation of the windfarm relative to New Cumnock tends to accentuate the scale of the wind farm which, along with views of small scale features such as properties, farmhouses and small tree clumps, contribute to the visual impacts of the proposed wind farm. IFL consider that the visual impacts of the proposed Ashmark Hill wind farm are large in terms of extent and numbers of visual receptors significantly affected which can be attributed to the wind farm's prominent location and linear design, occupying a wide field of view from the more sensitive northerly viewpoints in comparison to those impacts associated with the nearby larger wind farm developments of the East Ayrshire Southern Uplands and Southern Uplands with Forestry landscapes.
72. IFL recognise that the Southern Uplands with Forestry of the Carsphairn Plateau which straddles East Ayrshire and Dumfries and Galloway Councils is now strongly characterised by wind energy development, with much of the area perceived to be a 'windfarm landscape'. IFL acknowledge the characterising influence which Hare Hill (and its extension) and Afton wind farms have on the east and southern parts of Glen Afton respectively. Despite this, it is considered that the more settled lowlands to the north face relatively limited influential impacts from these developments. Hare Hill occupies a prominent hill top though comprises relatively small turbines whilst other wind farms are set back into the Southern Uplands with Forestry, appearing relatively distant and well separated from viewers in and around the Upland Basin. The LVIA undertaken for the EIA Report assesses that, despite a well-developed existing / consented cumulative baseline, Ashmark would result in a significant change to the cumulative landscape situation. The character of the Upland Basin would be impacted cumulatively, becoming partly enclosed primarily by South Kyle and the proposed Ashmark turbines, whilst the inclusion of Ashmark would mean both the norther and southern areas of Glen Afton becoming enclosed by and significantly characterised by wind energy and these impacts would remain when including the application stage Pencloe and Enoch Hill wind farms.
73. As noted above, the Applicant provided comments on 3 September 2018 in response to IFL's review of the LVIA documents. General comments made do not raise any issues considered to require addressing specifically and

generally reflect differences of professional opinion between the landscape consultants. The Applicant, with regards to impacts on the Sensitive Landscape Area, suggests impacts are not simply a matter of landscape character but the specific qualities of the Sensitive Landscape Area require consideration. Such an assessment has been undertaken and has been discussed later in this report under the assessment of Policy ENV 7. The Applicant queries the extent to which turbine 1 extends into the Afton Glen Upland Glen landscape type and states, “....detailed investigation indicates that this turbine is located on Ashmark Hill, on a ridge between Strandlod Hill and the Glen, and not the interior of the glen, on its sides or rim.” Despite this, the boundaries of the different landscape character types do show that turbine 1 falls within the Upland Glen landscape type and paragraph 7.165 of the EIA Report acknowledges the visibility from Glen Afton, stating, “the cumulative magnitude of change within Glen Afton would range from none to substantial, the greatest change occurring in the northern half of Glen Afton. Hare Hill Wind Farm, Afton Wind Farm and the proposed development would be the most visible wind farms, and would be seen on either side of Glen Afton.” Other comments relate to visual impacts, particularly residential visual amenity impacts, however these are discussed in detail throughout this report. As with the Applicant’s comments in response to SNH’s consultation response, the Planning Authority considers the matters raised have been addressed within the full assessment reported throughout this Committee Report.

74. In terms of landscape and visual impacts, the proposed Ashmark Hill Community Wind Farm will result in a number of significant impacts on the East Ayrshire Southern Uplands landscape character type and significant visual impacts. The lower, interlocking hills of this site effectively mark the western entrance to the Afton Glen, with the more prominent Hare Hill marking the eastern entrance to Afton Glen. Given the significant scale and proximity of the proposed turbines to this glen (with turbine 1 actually encroaching into the Upland Glen LCT which encompasses Glen Afton) and also the lower lying, more settled Upland Basin and New Cumnock, the proposed wind farm will result in unacceptable visual impacts, dominating the containing skyline of the Upland Basin and further encircling New Cumnock (and settlements along the B741) with wind turbines. Cumulative landscape and visual impacts are touched upon within this section however these will be dealt with in full in the following section, with impacts on the Sensitive Landscape Area also being discussed later under the assessment against Policy ENV 7.

Cumulative impacts – likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;

75. Scottish Natural Heritage Guidance: Assessing the Cumulative Impacts of Onshore Wind Energy Developments provides information on the assessment of cumulative impacts associated with development proposals which should encompass the effects of a proposal in combination with existing development, either built or under construction, approved development,

awaiting implementation and proposals awaiting determination within the planning process with design information in the public domain.

76. This guidance indicates the cumulative impact of windfarm development on landscape and visual amenity is a product of: the distance between individual windfarms (or turbines); the distance over which they are visible; the overall character of the landscape and its sensitivity to windfarms; the siting and design of the windfarms themselves, and the way in which the landscape is experienced.
77. In terms of turbine development, there are very few individual turbines within 5km of the application site. Any that are erected / approved are generally small typology turbines associated with farm steadings throughout the area. Given the small typology nature and reasonable sparse spread of such turbines, they are not considered to contribute to any significant extent towards cumulative impacts.
78. There are a number of constructed / consented / application stage wind farms in the surrounding area, including:
- Afton – (operational) approximately 2km to the south-east;
  - Hare Hill – (operational) approximately 2.5km to the east;
  - Hare Hill Extension – (operational) approximately 3.3km to the east;
  - Pencloe Section 36 application – (application) adjoins the Ashmark site on its southern boundary;
  - Windy Standard – (operational) approximately 4km to the south;
  - Windy Standard Phase 2 – (under construction) approximately 2km to the south;
  - Windy Standard 3 Section 36 application – (application) approximately 3km to the south;
  - South Kyle Section 36 application – (approved) approximately 1km to the south-west;
  - Enoch Hill – (application) adjoins the Ashmark site on its western boundary;
  - Over Hill – (application) approximately 6km to the north-west, and
  - High Park Farm – (existing single turbine – operational) approximately 1.4km to the north-east; (extension of two additional turbines – currently at appeal) approximately 1.5km to the north-east.
  - North Kyle wind farm is currently at scoping stage and would be a Section 36 application which would be located approximately 5.2km to the north-west. Given it is at scoping stage, it will not be considered further.

A number of the above mentioned wind farms are located within landscape character type (LCT) 20c: Southern Uplands with Forestry with some also located in LCT 20a: East Ayrshire Southern Uplands and even LCT 14: Upland

Glen. The cumulative situation, certainly in terms of the cluster of wind farm schemes around Afton Glen and visible from the Upland Basin, is becoming quite significant and there are further wind farms at various stages towards the south-east and north-east of New Cumnock. This leaves this southern part of the East Ayrshire Council district becoming increasingly pressurised, especially within and around the East Ayrshire Southern Uplands.

79. Looking at the nearest settlements and their corresponding figures / visualisations within the application submission: New Cumnock (approximately 3km north-east of the nearest turbine, turbine 1) – Viewpoints 2 and 3 (as shown in Figures 7.37 and 7.38 respectively) shows the increasingly extensive string of wind farm developments across the southern skyline from Hare Hill in the east to South Kyle in the west. The proposed wind farm would add significantly to this cumulative context, effectively filling in any existing or perceived gap between the Afton and Windy Standard schemes and the more westerly South Kyle wind farm site, almost linking the schemes across this lateral expanse.
80. It is acknowledged that the proposed Pencloe and Enoch Hill schemes could lessen the significance of the cumulative landscape and visual impacts slightly from some viewpoints, the degree to which Enoch hill does this is considered limited. Enoch Hill could infill existing gaps observed in the consented South Kyle layout however this would only consolidate development around that area. This would serve to make the presence of wind energy development around the South Kyle site more noticeable, therefore providing a more obvious pattern of turbines which the Ashmark turbines would 'link' with the existing Afton and Windy Standard grouping. This effect can be seen in the visualisations (Figure 7.37) associated with Viewpoint 2.
81. The proposed Pencloe wind farm (which is currently at public local inquiry) would have more of an effect in terms of lessening the cumulative impacts of the proposed Ashmark turbines. Figures 7.37 and 7.54 (visualisations from viewpoints 2 and 19 respectively) show that the proposed Pencloe turbines would act in a similar way as the proposed Ashmark turbines by providing a degree of infilling between existing easterly (Afton / Wind Standards) wind farms and westerly consented (South Kyle) schemes. Whilst infilling can sometimes have a beneficial effect, in this case the residual cumulative impacts posed by the Ashmark turbines remain significant. It would result in a more lateral expanse of turbines, extending to the west in views more so than any other existing / consented or application stage wind farm and leads to a large, almost continuous expanse of turbines highly visible (with prominent face-on views) from the northerly Upland Basin, along its containing skyline. The increased cluttering effects of the contrasting design of turbines (clustered versus linear, in the case of Ashmark) would mean that even if Pencloe was to be consented, Ashmark would still cause significant visual impacts and would extend the influence of wind turbine development ever closer to the Upland Basin, whereas Pencloe would be located in the neighbouring Southern Uplands with Forestry LCT which is set back further from the Upland Basin.

82. Cumulative landscape impacts will be felt by the increasing perception of the East Ayrshire Southern Uplands and Southern Uplands with Forestry, possibly even the Upland Glen, becoming wind farm landscapes due to the extent of wind energy development in these landscapes, which would alter the character of these landscapes from their present state. The East Ayrshire Landscape Wind Capacity Study (2018) states on page 107 with regards to turbines of 130m + in size, "Additional wind farm development, and especially turbines of this size, located on these uplands would be located relatively close to the Upland Basin (15) and would have a dominant effect on this landscape." Furthermore, with regards to the East Ayrshire Southern Uplands, "The large scale of this open and unsettled landscape reduces sensitivity to this typology although the outer edges and lower western hills of this LCT would be sensitive to turbines of this size as they would dominate the perceived relief of these hills seen from the Upland Basin (15)."
83. Figure 7.38b (of Volume 3b: LVIA Visualisations) demonstrates the likely views of the proposed wind farm from New Cumnock in LCT 15: Upland Basin and exemplifies the dominant effect the proposed turbines would have on the relief of the western hills of the East Ayrshire Southern Uplands. The EALWCS notes that LCT 20a: East Ayrshire Southern Uplands already experiences cumulative effects where both Hare Hill and Afton wind farms are seen and notes that these effects could be exacerbated where new wind farms have a different size and layout to existing schemes, given the complex ridges to the west of Glen Afton.
84. This issue is one of the key cumulative impacts resulting from the proposed Ashmark scheme. At 135m high, the proposed turbines are the highest of all existing / consented and proposed wind turbines in East Ayrshire, south of the Upland Basin with the exception of South Kyle. Despite the proposed Enoch Hill (130m) and Pencloe (125m) turbines being similar in scale, these turbines are set further back into this landscape (LCT 20a) or extend into the Southern Uplands with Forestry landscape (LCT 20c). As a result their perceived scale, especially from the settled Upland Basin, is reduced. The Ashmark turbines in contrast, given their larger scale and more prominent northerly position within the East Ayrshire Southern Uplands LCT, towards the Upland Basin, result in these turbines appearing significantly larger than other schemes in the immediate vicinity, appearing as roughly double and possibly even treble the size of other wind turbines. Figures 7.37, 7.38 and 7.54 provide representative visualisations from Viewpoints 2, 3 and 19 respectively and highlight these contrasting scales. From certain viewpoints, the contrast between the proposed Ashmark turbines and other schemes varies considerably with the various Windy Standard turbines appearing almost a third of the height of the Ashmark turbines, with even closer schemes such as Afton, proposed Pencloe and Enoch Hill and consented South Kyle appearing, at times half the size of the Ashmark turbines.
85. The design of the proposed Ashmark wind farm also contributes to the significant cumulative landscape and visual impacts caused. Where other schemes such as Hare Hill, Enoch Hill, South Kyle and Pencloe have a clustered design, Ashmark by contrast has a uniform linear design (to

overcome the problem of siting in the complex interlocking ridges of the hills west of Glen Afton). This linear design means that the visual impacts extend across a comparatively larger stretch of skyline compared to other more clustered designs, despite these other sites having considerably more turbines associated with their respective schemes. Even where schemes such as Afton or the Windy Standards display a partial degree of linearity in their design, these schemes are viewed perpendicularly from the settled Upland Basin to the north therefore the visual impacts are more constrained from northern viewpoints, exacerbating the contrast resulting from the lateral expanse of the proposed Ashmark turbines.

86. At present the East Ayrshire Southern Uplands (LCT 20a) is a predominantly open, natural landscape which contrasts to the neighbouring Southern Uplands with Forestry (LCT 20c). Further development in the East Ayrshire Southern Uplands (where the majority of the proposed Ashmark turbines would be located along with the site compound and other infrastructure) would diminish the sense of openness. The EALWCS highlights potential cumulative issues where turbines in this LCT (20a) along with others in the Foothills with Forest and Opencast Mining (17a) and Plateau Moorlands (18a) could affect views from the Upland Basin (LCT 15) with turbines extending over the skylines of the upland character types, leading to a sense of encirclement of the Upland Basin and associated settlements. SNH, in their scoping response noted that wind farms were ‘increasingly becoming a key or defining landscape and visual characteristic within this area’ and further advised in their consultation response that, “Recent site visits undertaken in and around the New Cumnock area have confirmed that this settlement is becoming increasingly encircled by wind farms and will become more so when recently consented wind farms (e.g. South Kyle) are constructed. The addition of Ashmark Hill to this scenario would bring wind farm development considerably closer to the settlement edge.”
87. The Council’s consultants, Ironside Farrar Ltd (IFL), have also provided comments on the cumulative visual impacts, noting the proposed Ashmark scheme would be seen separately from other wind farm development. More sensitive receptors, typically located to the north (generally in the Upland Basin landscape character type) would be significantly affected by the combined effects of existing and consented wind farm scheme, whilst the addition of Ashmark would further intensify the cumulative effects. The main reasons for this intensification of effects are due to the Ashmark turbines advancing the presence of wind energy developments towards the settled northern lowlands; the proposed wind farm would link existing and consented schemes such as Afton and South Kyle, as already discussed, exacerbating the dominance of the southern skyline by wind turbines, and the proposed wind farm would increase the extent of wind energy development in views towards the settled lowlands and into the northern part of Glen Afton. The cumulative effects, were Pencloe and Enoch Hill to be consented would be lessened slightly, especially from more distant viewpoints where Ashmark would be subsumed within a mass of turbines on the southern skyline. Nevertheless, as IFL note, the contrasting linear design of the proposed Ashmark wind farm would undoubtedly exacerbate the cumulative visual

impacts by adding confusion to the existing / consented pattern of wind energy development.

88. The Applicant has noted within the EIA Report at paragraph 7.265 that the East Ayrshire Landscape Wind Capacity Study (2013) had found the East Ayrshire Southern Uplands and neighbouring Southern Uplands with Forestry LCTs both to have a high-medium sensitivity to large turbines (at the time considered to be 70m or higher). The EIA Report is dismissive of the 2013 capacity study, considering it to be out of date in respect of its analysis and the cumulative context of these areas. The EALWCS was updated in 2018 and now represents the up to date guidance for wind energy development in the different landscape character types within East Ayrshire. The EALWCS now finds both these LCTs to have a high sensitivity to very large typology turbines (>130m high).
89. The Applicant was offered the opportunity to provide comments on the newly adopted EALWCS (of June 2018) however they did not choose to provide further comments on that document, considering their application submission already dealt with landscape and visual impacts in the relevant section of the EIA Report and Planning Statement. In response to this offer however, the Applicant did provide some comments on the consultation response from SNH and Ironside Farrar's review of the LVIA. These comments have been discussed in previous paragraphs above.
90. Paragraph 7.265 of the EIA Report states, "This concentration of development will continue with the construction of consented wind farms such as South Kyle, and would be strengthened further still by the inclusion of schemes such as the proposed Pencloe and Enoch Hill Wind Farms. This emerging cumulative context forms important antecedent for the proposed development, and provides a key alternative to a more dispersed pattern of development that aids the protection of national and regionally important landscape designations, GDLs, as well as especially sensitive landscapes such as the Doon Valley and Glen Afton." The Planning Authority considers that, for the reasons discussed previously, the proposed development does not act as an extension to any existing wind farms and represents a more prominent and contrasting development to any existing, consented or application stage wind farms around this area, further highlighting its separation from, rather than extension to, these other schemes and exacerbating the landscape and visual impacts, especially on the settled Upland Basin. It is not clear how the impacts discussed within this report and observed in the associated visualisations, can be regarded as aiding the protection of especially sensitive landscapes such as Glen Afton considering it would introduce a highly visible, prominent, large scale development right on the north-western entrance to Glen Afton, further encircling, encroaching into and degrading this highly sensitive and scenic part of East Ayrshire.
91. Whilst there are no opencast coal sites within the East Ayrshire Southern Uplands, there are some present in the neighbouring LCT's of 17a: Foothills with Forestry and Opencast Mining and 15: Upland Basin. All Opencast Coal Sites (OCCS) within LCT 17a are non-operational with the exception of House

of Water and Greenburn, both of which are located in the east and south-eastern edge of this LCT, extending largely into the Upland Basin LCT where other operational sites are located. These result in degradation of the land, which could cause cumulative visual impacts when combined with nearby wind farms. In terms of reducing visual cumulative impacts however, it should be borne in mind that operations on these opencast sites are likely to cease within 4 years (Greenburn having ceased coaling operations in July 2018 and House of Water scheduled to cease in 2021) and upon restoration of the sites, the cumulative impacts are likely to reduce.

92. In terms of other cumulative impacts, many of these will be discussed within their respective section of the report (traffic issues, noise impacts, for example) so will not be discussed here.
93. It is clear the proposed Ashmark wind farm would bring significant visual and landscape impacts closer to the settled Upland Basin, much of which is due to the location, scale and design of the wind farm and increasing extent to which wind turbines are becoming a key feature in this landscape. The application site falls within the Sensitive Landscape Area (SLA) and this aspect will be assessed in full under Policy ENV 7, though in summary here, it is considered the proposed development would result in significant impacts on the quality and special characteristics of the SLA. The proposed development further reinforces the extent of wind farm development to the south of the Upland Basin and particularly, the settlement of New Cumnock, with Ashmark representing the most prominent of all existing / consented and application wind farm schemes around this area. Whilst cumulative impacts from some viewpoints could be reduced to a degree if the Pencloe and Enoch Hill applications are consented, at the moment these are still at application stage and have yet to be determined by the Scottish Ministers. If either is refused, the cumulative impacts resulting from Ashmark would not be reduced at all and would remain significant and unacceptable. In conclusion, the visual and landscape impacts, including cumulative impacts, of the proposed Ashmark Hill wind farm are significantly adverse and unacceptable.

*Impacts on carbon rich soils, deep peat and peatland habitats; using the carbon calculator;*

94. The Applicant has undertaken a peat probing exercise across the application site and the results of this can be seen in Figure 10.8 of EIA Report Volume 3a: Figures. Figure 10.8 shows the peat depths across the application site along with the locations of proposed infrastructure. This figure shows that peat depths across the site are generally quite shallow with depths ranging from 0 – 1.5m. The deeper areas of peat tend to be located in the south-western part of the site (bordering the areas of commercial forestry adjoining the application site), with two noticeable areas of deeper peat which tend to form perceptible lines along the ridgelines from Ashmark Hill to Ewe Hill and along the north-western edge of the application site boundary. Just outside this north-western boundary of the site is a pocket of deeper peat, possibly in the region of up to 2.5 – 2.9m deep, whilst a single area immediately south of proposed turbine 1 is an area of peat possibly ranging from 1.6 – 2m deep.

95. The EIA Report notes within Chapter 10 that the maximum recorded peat depth was 2.7m (although this does not indicate whether this was recorded within the application site or within the pocket of deep peat just outside the red line site boundary) and 93% of the peat probes recorded peat less than 1m deep. There are no designated peatland habitats located within the application site, nor is any Class 1 peat located within the site. No proposed infrastructure will be located on areas of deep peat (classed as peat deeper than 1m).
96. Given the permanent and temporary loss of bog habitats (wet and dry modified bog) up to 8.02ha in area, the Applicant proposes an area of 51.4ha would be targeted for peatland restoration (as shown in Figure 8.4 of EIA Report Volume 3a: Figures - towards the south-western area of the application site) to compensate for this habitat loss. This would be secured through a detailed Habitat Management Plan which would require to be submitted for the written approval of the Council, through conditioning of any consent, if granted.
97. The Applicant has submitted a summary of their carbon calculator assessment results (Chapter 16 of the EIA Report) which takes account of peat depths recorded on site along with other parameters in order to reach a calculation as to where the balance lies in terms of carbon savings. The results demonstrate the lifetime benefit of the scheme in terms of CO<sup>2</sup> reduction is likely to be positive.

*Effects on the natural heritage, including birds. Renewable energy proposals will only be approved where the Council has ascertained that they would not have an adverse effect on the integrity of a Natura 2000 site:*

98. The application site is not located within any S.S.S.I.'s although there are a number of such designated sites in the wider area, the nearest of these to the application site are include Nith Bridge S.S.S.I. (approximately 3.2km north of the application site, although this increases to 4.7km from the nearest turbine, turbine 1); Fountainhead S.S.S.I. (approximately 4km east of the application site, although this increases to 4.7km from the nearest turbine, turbine 1); Benbeoch S.S.S.I. (located approximately 8.6km to the west of the application site, although this increases to 9km from the nearest turbine, turbine 7), and Muirkirk Uplands S.S.S.I. (located approximately 5.5km north-east of the application site, although this increases to 7km from the nearest turbine, turbine 1).
99. It is considered that of the four, only Muirkirk Uplands S.S.S.I. would require discussion as the other three sites are designated for their geological features rather than biological/ecological and therefore are unlikely to be affected by the proposed development, especially when the separation distances are taken into account, with no development taking place on or near these designations. The EIA Report notes in Chapter 8 that Muirkirk Uplands S.S.S.I. has been scoped out of any further assessment, in agreement with SNH, due to the separation distance and lack of hydrological connection or pathway, resulting in no likely significant effects impacting on this designated site. This is probably a reasonable conclusion to make.

100. There are a number of Local Nature Conservation Sites (LNCS) around the application site (with two falling partly within the application site boundary) in relatively close proximity to this application site. These designated sites include: Dalleagles Woodland (approximately 2.6km north-west of the application site); Riggfoot / Lanemark Bogside Wetland (approximately 1.5km north-west of the application site); New Cumnock Wetlands which also incorporates Knockshinnoch Lagoons Scottish Wildlife Trust Reserve (located approximately 1.7km north of the application site), and Afton Uplands (approximately 180m east of the application site). Two LNCS fall partly within the application site. These are Glen Afton LNCS, which runs immediately adjacent to the north-eastern boundary edge of the application site (and a small area of this designation falls within the south-eastern application boundary at Carcow Burn), and Connel Burn / Benty Cowan LNCS which falls within the length of the north-western edge of the application site.
101. Such LNCS's are defined within the EALDP as, "sites of nature conservation interest identified by the Scottish Wildlife Trust which are considered worthy of non-statutory protection from insensitive or inappropriate development." With regards to Dalleagles Woodland LNCS, this site is considered significant due to the tree species composition and as such, given the separation distance between the proposed infrastructure and this LNCS, it is considered that no direct impacts will be faced as a result of the proposed development and this site does not need to be discussed further. The EIA Report scopes out Riggfoot / Lanemark Bogside Wetland LNCS from further assessment on the basis that it is not hydrologically linked to the application site and is separated from it by 1.5km (although this distance increases when considering the nearest proposed infrastructure) and this would appear to be a reasonable approach.
102. Looking at the Afton Uplands LNCS, this extends up the eastern slopes of the Afton Glen, across the more elevated, hilly land to the east of the application site and includes peaks such as Hare Hill, Quintin Knowe and Blackcraig Hill. The special characteristics of this LNCS include a range of upland mire, heath montane and grassland habitats. Given these features, the proposed development is unlikely to impact on these habitats due to there being no direct impact / development within this site. New Cumnock Wetlands and also Knockshinnoch Lagoons SWT Reserve overlap similar areas approximately 1.7km north of the application site. These sites comprise subsidence lagoons and associated swamp, carr and mire habitats. Connel Burn, which flows into these sites, also flows along the north-western edge of the proposed application site, therefore should there be a potential pollution event affecting this burn, it would have the potential to have negative downstream impacts on the LNCS and SWT Reserve. No direct impacts will be experienced at these sites as a result of the proposed development and, subject to appropriate pollution prevention measures, which would be agreed and implemented by way of a planning condition requiring a Construction and Environmental Management Plan (CEMP), should consent be granted, indirect impacts through pollution into the sites via Connel Burn are considered unlikely. A Water Quality Monitoring Plan (WQMP), which would also be required by way

of condition, if consent is granted, would work in tandem with any CEMP to help ensure that works are carried out in a safe and environmentally acceptable manner which will further mitigate impacts on the application site and wider area.

103. Glen Afton LNCS runs the length of Glen Afton and contains the Afton Water and semi-natural valley woodland, scrub and areas of semi-improved meadow. The application site boundary runs immediately adjacent to this LNCS however the only infrastructure which would be closest to this LNCS would be a small section of proposed access track, leading off the existing C90 Afton Road. There is a small area of the south-eastern corner of the application site which falls within this designation, at Carcow Burn. Approximately 90ha of the application site falls within Connel Burn / Benty Cowan LNCS, along a length of the north-western application site boundary. With regards to each of these LNCS, no infrastructure is proposed directly within these sites so direct impacts should not occur. Given that watercourses within the application site could face the potential for pollutants to enter these waterbodies, which would have potential impacts on downstream water bodies (such as Afton Water or Knockshinnoch Lagoons), there is a risk which requires mitigation. It is considered that the same measures as mentioned above, the requirement for an approved CEMP and WQMP to be implemented on site, would be sufficient to protect against potential pollution impacts on these Local Nature Conservation Sites given the impacts they face are indirect in nature and separation distances to proposed infrastructure are such that the risks are relatively low to start with.
104. In terms of wildlife in and around the site, field surveys indicated no evidence of red squirrel and badger, with the site offering little in the way of habitat or, where there is some potential for habitat or habitat connectivity, this will not be significantly affected by the proposed development. Similarly for other species, including Water Vole and Otter, separation distances between proposed infrastructure and potential habitats, such as watercourses, are such that any use of these habitats even in passing, are unlikely to significantly impact these species. Through the design of the proposed wind farm, the Applicant has sought to build in mitigation by avoiding potential wildlife habitats such as woodland. A condition would be attached to any consent, if granted, requiring that updated protected species surveys be carried out prior to the commencement of development which would provide an up to date assessment to ensure current results, as assessed within the EIA Report and this report, still accurately reflect the risks to such species. This will also ensure appropriate mitigation is employed should it be found to be necessary.
105. The employment of an Ecological Clerk of Works (ECoW) on site would ensure natural heritage interests are safeguarded during the construction period, which in line with the other measures, such as avoidance of potential habitats and on-site speed limits to reduce the risk to wildlife from construction vehicles, would further reduce the risks to wildlife. A protected plant species, Hairy Stonecrop, is located within the application site, to the south-east of the proposed construction compound (as shown on Figure 8.3 in EIA Report

Volume 3a: Figures). The proposed infrastructure layout has been designed to avoid the Hairy Stonecrop so that it can remain in situ, with a 25m separation distance between it and any infrastructure. To further avoid any potential indirect impacts on this protected species, good practice measures controlling pollution risk and the management of surface runoff, which would form part of any approved CEMP, would be adhered to on site.

106. Bat activity has been found to be generally concentrated along sheltered valleys, away from the proposed turbine locations. Bat surveys carried out to inform the EIA Report indicated that high risk species (such as Leisler's and Noctule) were recorded infrequently at the recording locations. Common species (such as Soprano Pipistrelle) demonstrated most activity at control locations (approximately 500m from proposed turbines) whilst recorders closer to proposed turbines indicated much lower bat activity. Generally bat activity across this site is considered to be quite low, therefore the risk of significant bat casualties resulting from the proposed scheme is deemed to be low. Separation distances from trees and habitat features of value to bats are such that this will further reduce the potential impacts to bat species. Atlantic Salmon and Sea Trout have been recorded in Afton Water, Carcow Burn and Connel Burn. Any impacts on these watercourses which support those species could have a negative impact on the species themselves. The Applicant has committed to carrying out pre-construction surveys (to identify the baseline) and during and post-construction surveys also, to monitor impacts on fish and consequently the water quality. Mitigation measures detailed within the EIA Report (which would be further set out for the approval of the Council with consultation from SEPA and SNH within any CEMP or WQMP, which would be secured by condition if consent is granted) would include sustainable drainage systems and pollution control measures which would reduce potential impacts on fish species. The Nith District Salmon Fisheries Board commented in their consultation response, of 29 May 2018, that fish surveys are essential to the suite of environmental monitoring and are content with the proposals set out within Paragraph 8.169 (pages 8-48 to 8-49).
107. In terms of ornithological interests, Muirkirk and North Lowther Uplands Special Protection Area (SPA) is located approximately 5.5km north-east of the application site and extends across much of the same area as the Muirkirk Uplands S.S.S.I. This SPA is valued for supporting populations of European importance of the following species: Golden Plover; Hen Harrier; Merlin; Peregrine; Short-eared Owl, and Hen Harrier. Potential impacts on this designated site were scoped out of the EIA Report due to the application site having no connectivity to the SPA and the separation distance unlikely to impact on any bird interests of the SPA or S.S.S.I. Two Local Nature Conservation Sites (Connel Burn / Benty Cowan and Riggfoot / Lanemark Bogside Wetland) have been scoped out of the EIA Report as the potential threats to bird species are deemed not significant due to separation distances from proposed turbines or a lack of evidence of any protected species during field surveys.
108. Bird surveys were carried out within the application site to assess the potential impacts within the site. Black Grouse surveys found no leks within

1.5km of the turbine layout with incidental sightings of Black Grouse around the site and wider areas. Other species of interest assessed within the EIA Report are Snipe and Curlew. Effects can result from habitat loss or damage, disturbance or destruction of nests or disturbance to birds from construction activities and operational turbines. Proposed construction timing, if consent is granted, would see construction activity near sensitive habitat areas around the site restricted or, where works during the breeding bird season (March to August) are unavoidable, subject to pre-commencement surveys to ensure nest destruction or disturbance to sensitive species is avoided. A 300m disturbance-free buffer is proposed for Snipe and Curlew to prevent nest failure and prevent disturbance to these species.

109. Direct losses of modified bog, marshy grassland and unimproved acid grassland habitats of potential value to bird species equates to approximately 5.98ha as a result of the proposed infrastructure. Employment of good practice measures will go some way to minimising impacts on important ornithological species however further mitigation is proposed. A detailed Habitat Management Plan (HMP) would be required by way of an appropriate planning condition, if consent is granted, which would set out proposals for the targeted management of an area of approximately 12.7ha (as shown in Figure 8.4 of EIA Report Volume 3a: Figures) towards the north-eastern extent of the application site, for improved Curlew habitat creation which could also provide benefits to other wader species such as Snipe. Curlew has been identified as the only species likely to face a significant impact as a result of the proposed development, therefore cumulative impacts, considering all other wind farms within 10km of the proposed Ashmark site, have been considered for this species. Most other schemes considered indicated no significant residual effects for Curlew though where there is considered possible displacement, in combination with the impacts posed by this current application, the proposed habitat management is considered to offer compensation for these potential impacts.
110. The Galloway and Southern Ayrshire Biosphere is a place with a world-class environment, designated to promote and demonstrate a balanced relationship between people and nature. The Galloway and Southern Ayrshire Biosphere provides the area with an opportunity to take a lead in developing more sustainable ways of living that will benefit the environment, economy and community of the area and ultimately act as an example of good practice within UNESCO's worldwide network of Biosphere Reserves.
111. The application site is located fully within the transitional area of the biosphere although not the core area. Page 8-18 of the EIA Report states, "The proposed development would not clash with the main functions of the Biosphere Reserve, and would contribute positively towards the functions of conservation, sustainable development, and economic and community development, and the Biosphere Reserve has been scoped out of further assessment." With regards to the proposition that the development would contribute positively towards sustainable development, SPP sets out guiding principles to assess whether development can be considered as contributing to sustainable development and where a development fails to meet those

tests, it cannot automatically be deemed to be suitable as contributing to sustainable development. This is fully discussed elsewhere in this report (in the material considerations section) however that assessment concluded that the proposed wind farm could not be described as contributing to sustainable development. Nevertheless, as the proposed development is located in the transitional area and is not of a nature which would fundamentally conflict with the biosphere aims, its influence on the aims of the biosphere designation are not considered to be unacceptably adverse and the decision to scope it out of further discussion within the EIA Report is considered reasonable.

Impacts on wild land;

112. The application site is not located within or in close proximity to any designated wild land so the proposal would not affect such land.

Impacts on all aspects of the historic environment;

113. There are no listed buildings located within the application site. The majority of listed buildings in the wider area tend to be approximately 9km or further from any proposed turbines, with only a select few being located at a closer proximity than this, in/around New Cumnock. Given that no works are proposed to any listed buildings, possible impacts would only be on the settings of the listed buildings. The closest C-listed listed buildings to the application site include: East Polquhirter Farm, approximately 4.5km north-east from the nearest turbine; Mossmark of Oldmill Farm, approximately 3.8km north, north-east of the nearest turbine, and Town Hall and Police Station, approximately 4km north, north-east of the nearest turbine. In each case turbine 1 is the nearest turbine. Figures 7.5 and 11.2 (of EIA Report Volume 3a: Figures) provide ZTV's which indicate that East Polquhirter Farm would face limited views of the turbines in comparison to the other two listed buildings. In each case, it is considered that the separation distances, in combination with the built and natural screening, go some way to mitigating the impacts and ultimately the proposed wind farm is not considered to significantly impact on the special character of these C-listed buildings.
114. The closest B-listed structures to the application site include: Martyrs' Parish Church, approximately 4km north, north-east of the nearest turbine; Ruins of Old Church and the Graveyard, approximately 4.3km north, north-east of the nearest turbine, and Nith Bridge, approximately 4.6km north, north-east of the nearest turbine. The nearest turbine in each case is turbine 1. There is not considered to be an impact on the setting of Nith Bridge and its context with the River Nith, especially taking into account natural and built screening across the intervening land. With regards to Martyrs' Parish Church and the Ruins of Old Church and its graveyard, these buildings are their settings are largely based on their setting within the settlement of New Cumnock. Whilst views out to the west and south-west are more open from these sites, and have a greater potential to view the turbines, whilst the turbines would appear as prominent features in such views, it is ultimately considered that the turbines would not unacceptably impact on the settings of the listed buildings, despite prominent skyline views.

115. There are a number of Gardens and Designed Landscapes throughout the wider area (though the application site does not fall within the boundaries of any such designated sites) with those located to the west (Camlarg, Grimmet, Keirs Castle and Craigengillan) largely unaffected due to limited, if any, visibility as demonstrated by the ZTV in Figure 7.5. The nationally important Dumfries House Garden and Designed Landscape, approximately 11.5km north-west of the nearest turbine (turbine 1). Figures 7.51a, 7.51b(i) and 7.51b(ii) from EIA Report Volume 3b: LVIA Visualisations provide wireframes and photomontages to demonstrate the likely visual impacts from Dumfries House. At this distance from the proposed turbines, whilst the development would be visible from this site, the perceived scale of the turbines would be reduced somewhat, whilst the intervening topography and built and natural environment would provide a degree of screening to varying extents such that the wind farm is not considered to significantly impact on the special character of this designation. Non-inventory Gardens and Designed Landscapes in close proximity to Dumfries House (such as Glaisnock and Logan) and those further afield (such as Drongan and Auchinleck) are considered to face similar impacts as Dumfries House or lesser due to increasing separation distances and are not considered to be unacceptably impacted by the proposed wind farm.
116. The settlements of Ochiltree, Cumnock, Lugar, Dalmellington and Waterside (to the west of the proposed wind farm) all have conservation areas designated within the settlements. With regards to Dalmellington and Waterside, to the west of the proposed wind farm, in this direction, the ZTV (Figure 7.5 of EIA Report Volume 3a: Figures) shows that these settlements would not have any views of the proposed turbines and therefore the impacts on the character of these conservation areas will not be impacted as a result of the proposed development. The separation distances between the other settlements (and their corresponding conservation areas) and the proposed wind farm, when considering the perceived scale and intervening built and natural screening, are considered to be sufficient to ensure that there will be no unacceptably adverse impacts on the character of these conservation areas.
117. The village of Waterside and its immediate surrounds features the following Scheduled Monuments: Waterside, miner's villages & mineral railways N of; Waterside, Dalmellington Ironworks, and Waterside Bing, iron slag bing, Dalmellington Ironworks, all located to the west of the proposed application site, at a distance of approximately 12km from the nearest turbine, turbine 7. Due to the intervening topography the proposed wind farm would not be visible from these Scheduled Monuments (as shown by the ZTV – Figure 7.5 from EIA Report Volume 3a: Figures) and therefore would not impact on these designations. There are no other Scheduled Monuments within relatively close proximity to the application site which would be considered likely to suffer from adverse impacts as a result of the proposed wind farm.
118. There are a number of other cultural and archaeological heritage assets both within and out with the application site as shown in Figure 11.1 (of EIA Report

Volume 3a: Figures). The wind farm design has been intended to try to avoid these assets where possible, however some will be affected by any construction of the wind farm, should consent be granted and development take place. The heritage value of these assets is generally low and the impacts on these would therefore not be considered to be significantly adverse. An asset of particular note is Burns' Cairn, located approximately 2km north-east from the nearest turbine, turbine 1. This cairn was erected by New Cumnock Burns Club in 1973, marking the place of inspiration for his poem 'Sweet Afton'. Given the wooded nature of this site, views of the turbines from here would be partially obscured, limiting their visual impact on this heritage site. The association of the cairn to the Afton Water and Glen Afton would not be impacted significantly as a result of the proposed development, given the easterly and north-south focus of views.

119. Historic Environment Scotland (HES) have not objected to the proposed development and note they are content the development will not cause significant impacts on the site or setting of any of their historic environment interests. The West of Scotland Archaeological Service (WoSAS) had noted within their consultation response that whilst they did not agree with the methodology used to assess setting within the EIA Report, they also did not disagree with the conclusions that there would be no significant effects on setting for heritage assets. WoSAS also note that despite the proposal being found to affect some sites found during a walkover survey, the EIA Report considers that no mitigation would be required.
120. WoSAS therefore consider, given the large greenfield area of previously undeveloped land representing the application site, that it is important a condition be attached to any consent, if granted, securing the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will require to be submitted for the written approval of the Council, in consultation with WoSAS. This programme would then require to be implemented to ensure the recording and recovery of archaeological resources within the development site is carried out to the satisfaction of the Council and WoSAS.

*Effects on hydrology, the water environment, flood risk and groundwater dependent terrestrial ecosystems:*

121. The EIA Report identifies two properties which use Private Water Supplies (PWS) and these are Laglaff Farm and Brockloch, both located to the north / north-west of the application site. The source of the Laglaff Farm PWS falls within the Connel Burn catchment as shown on Figure 10.1 (from Volume 3a: Figures). The source is a stream which runs from the south of Laglaff, northwards where it eventually joins the Connel Burn. This source is downgradient of a number of proposed infrastructure including access track, borrow pit 1, the control building, permanent anemometer mast and turbine 1. This head of this source stream falls partly within the application site, approximately 75m from the nearest infrastructure (the access track) although there is an existing farm track in this location. The EIA Report identifies the sensitivity of the PWS as high (Table 10-10 on page 10-25 of Chapter 10) and

could be at risk of pollution, erosion and sedimentation and on-site drainage water entering the water source.

122. Whilst the proposed development has been designed to seek to minimise potential impacts on, amongst other things, watercourses by employing a 50m buffer as a minimum (as is the case with this PWS source stream) to any proposed infrastructure, there remains a risk of contamination through surface water runoff or other site drainage. Chapter 10 of the EIA Report sets out general good practice measures which would be employed on site to prevent pollution and sediment release. Specific to the PWS, the Applicant proposes that prior to construction of infrastructure near to the source stream, the residents of Laglaff Farm would be informed that construction in the area had started. Baseline water quality and quantity data would be collected prior to commencement of construction which would be used to assess any changes in the water. The Council would expect at least two seasons worth (approximately 6 months) of baseline monitoring to be carried out prior to any development taking place on site to ensure a robust baseline is identified against which all future monitoring would be compared. Water quality monitoring would be a part of any Water Quality Monitoring Plan as required as part of any CEMP and would fully detail triggers for monitoring to be undertaken and actions required where it is confirmed that a change in water quality and/or quantity has been observed. Periodic monitoring would also be a requirement at intervals to check there are no impacts on the water source from which Laglaff is extracting. An emergency plan would be fully detailed which would involve emergency contact details, the provision of bottled or bowser water (within 24 hours) in the event of a pollution occurrence. If it is decided that the application be approved, the Council would attach a suspensive condition requiring a full PWS risk assessment be carried out and submitted to the Council for its approval prior to any development on site. This risk assessment should set out detailed mitigation for a scenario where the existing PWS is impacted to such an extent that it is no longer useable and what alternative sources of water can be installed at Laglaff to ensure a continued supply of water of sufficient quality and quantity to meet the needs of that property.
123. Such mitigation can be achieved through an appropriate planning condition, should consent be granted, which, combined with other general water quality monitoring proposed for the surface water catchments that serve the site (to ensure none of the tributaries of the main channels are carrying pollutants or suspended solids) would help to mitigate any potential impacts on the PWS. The other property served by a PWS, Brockloch Farm extracts water from the Blarene Burn which flows to the north-west of Connelburn Rig and is therefore hydrologically remote from the proposed development and not within any of the associated surface water sub-catchments. As such, impacts on this PWS are not considered likely and it is not assessed further.
124. In terms of flood risk, Sustainable Drainage Systems (SUDS) would be incorporated on site and these would be designed to mimic pre-development runoff conditions, ensuring any sediment pollutants or objects which could cause blockages are removed before water is discharged into a watercourse.

Routine checks of on-site drainage for sediment build up or blockages would ensure the efficiency of the drainage design. Other good practice measures would include stockpiling material beyond a 50m buffer of watercourses and monitoring of these during and after rainfall events to ensure no leakage; installation of silt fencing to reduce sediment transport; cut-off drainage used to ensure water flows do not enter excavations; use of settlement lagoons where necessary and, in the case of access tracks, these would be designed with adequate cross fall or camber to avoid ponding of water and surface run-off. Run-off from the tracks would be directed into swales that would be designed to intercept, filtrate and convey any run-off. Adherence with all good practice principles and measures which would be fully detailed in any subsequent CEMP and Water Quality Monitoring Plan (WQMP), required through conditioning of any consent, if granted, would ensure flood risk and impacts on the water environment are mitigated and reduced sufficiently that they would pose a negligible risk.

125. Groundwater Dependent Terrestrial Ecosystems (GWDTE's) have been identified and mapped on Figure 10.7 (of Volume 3a: Figures) showing the areas most likely to have potentially high and moderate groundwater dependency tend to be located in the southern section of the application site, around the Carcow Burn valley. The EIA Report on page 10-24 of Chapter 10 has suggested that these areas are more likely to be sustained by rainfall and local surface water runoff rather than by groundwater. The Applicant's reasons for considering this to be the case include: little groundwater presence on the site and where present would follow surface gradients; the proposed development on a topographic ridgeline where groundwater would not be expected; ground conditions at the time of the site walkover (October 2017) were dry, suggesting the habitats were not supported by a sustained or reliable groundwater source, and glacial till underlies the soils in the lower valley elevations which will hinder the infiltration of rainfall runoff allowing surface water to pond and saturate the soils, sustaining habitats that otherwise might be considered groundwater dependent. The EIA Report notes that measures such as permeable access tracks and regular cross-track drains have been proposed to safeguard existing water flows. These measures in conjunction with the various other measures set out within the Outline CEMP would provide safeguards to the existing water flows and quality, therefore sustaining the water dependent habitats identified within the site. It is therefore considered that subject to compliance with a number of appropriate planning conditions and other relevant legislative requirements, the proposed development will not have an unacceptable impact on the water environment.

Re-use of excavated peat, forest removal and forest waste;

126. No forestry is proposed to be removed to accommodate the proposed development so no forest waste will be created requiring any removal. Whilst the proposed access track follows the line of an existing track through a small section of trees to the south-west of the Ashmark Farm steading, tree loss is likely to be negligible, if required, for any widening or upgrading of this existing track.

127. In terms of excavated peat, the Outline Construction Environment Management Plan (CEMP) (Technical Appendix 3.1 of Volume 4a – Technical Appendices) notes that during the construction of the proposed development excavations would generate material including peat, soils and rock. This excavated material may require some temporary storage before being used as soon as possible and as close as possible to its extraction point, for reinstatement works associated with access tracks, cable trenches, turbine foundations and other infrastructure. Given the relatively shallow depth of peat recorded on the site and in particular areas where infrastructure is proposed, the volume of peat requiring excavation is not deemed considerable. A condition of any consent, if granted, would require a CEMP and associated Peat Management Plan and Materials Management Plan be approved in writing by the Planning Authority and implemented on site to ensure the appropriate handling and management of any excavated peat.

*Impacts on forestry and woodlands, with reference to the Ayrshire and Arran Forestry and Woodland Strategy (2013);*

128. The Ayrshire and Arran Forestry and Woodland Strategy (2013:35) notes the Scottish Government's aim of reducing carbon emissions and measures to do this will include: the substitution of fossil-based fuels with low carbon and renewable energy sources; improving energy efficiency designed to reduce the demand for fossil fuels, and initiatives to increase the amount of carbon absorbed and retained within the environment.

129. Woodlands and forestry can contribute to all of the above. The document further states, "increasing the amount of carbon sequestered by woodland is a national priority."

130. There is very little in the way of forestry within the application site boundary. Whilst the southern boundary abuts large areas of commercial forestry, there are only limited small woodland areas towards the north-eastern area of the site and these are not commercial plantations. The EIA Report notes that no forest felling will be required to develop the proposed wind farm. This would appear to be a reasonable statement. Figure 3.1 (of EIA Report Volume 3a: Figures) shows the proposed wind farm infrastructure and the only development which would be close to a wooded area is the access track which, at the area of woodland, this is an existing length of track which will be used (and extended to its north and south) for the proposed wind farm.

131. Whilst the existing access track within this small area of woodland may require some upgrading which could potentially impact some of the trees in this area, possibly resulting in some loss, this is not an expansive area of commercial forestry and any loss is likely to be negligible. Nevertheless, despite no forestry felling being proposed, part of the mitigation and enhancement proposals set out within the EIA Report for the proposed development include woodland creation.

132. Figure 8.4 (EIA Report Volume 3a: Figures) shows the two proposed areas of woodland creation, the larger are (0.9ha) of tree planting will be located

towards the northern site boundary, along the eastern bank of a section of the Connel Burn. The second area of woodland creation (0.7ha) would be located along a stretch of the south-eastern site boundary, along the edge of Carcow Burn, and would provide a corridor, connecting existing woodland to the south and north of this corridor. These areas would be designed to represent new native woodland creation, comprising native species (such as grey willow, birch, alder and aspen, for example) which could be used by red squirrels but which are less suitable for grey squirrels as habitat/foraging areas.

133. The proposed creation of a total area of 1.6ha of new native woodland would be beneficial and a condition can be attached to any consent to ensure that where works to the existing track could potentially impact on a small area of existing woodland, works would have to adhere to British Standard “BS 5837 2012 – Trees in Relation to Design, Demolition and Construction” to ensure appropriate measures are taken to limit the potential damage to root systems of the trees along this access track.

Effect on greenhouse gas emissions:

134. The proposed wind farm would directly help tackle climate change by producing an amount of electricity from a renewable source, albeit not a significant amount, helping to reduce greenhouse gas emissions to a degree, and thus the effects of climate change. Some loss of peat will result in carbon stores being impacted however the limited impact on peat (alongside enhancement proposals to improve peatland towards the south-west of the site) is considered not to be such that it would tip the balance against the proposed wind farm.

Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker:

135. With regards to impacts on communities and individual dwellings, the nearest of these to the application site are listed below. The approximate separation distances between each property and the nearest turbine is also provided along with the corresponding representative viewpoint from the Residential Visual Amenity Study (RVAS) (Technical Appendix 7.7 from EIA Report Volume 4a – Technical Appendices) where available:

Meadow View	1.5km from turbine 1	Figure 7.7.3aii (RVAS)
Glenshee	1.2km from turbine 1	Figure 7.7.3bii (RVAS)
Carcow House	1.2km from turbine 1	Figure 7.7.3cii (RVAS)
Ashmark Bungalow	1.1km from turbine 1	Figure 7.7.3dii (RVAS)
Ashmark Farm & Cottage	1.1km from turbine 1	Figure 7.7.3eii (RVAS)
Over Dalhanna Farm	1.5km from turbine 1	Figure 7.7.3fii (RVAS)
Glenafton Caravan Park E	1km from turbine 1	Figure 1 (RVAS)
Afton Country Home	0.9km from turbine 1	Figure 2 (RVAS)
Doctor’s House B&B	0.9km from turbine 1	Figure 3 (RVAS)
Burnfoot	1.1km from turbine 1	Figure 7.7.3jii (RVAS)
Pencloe	0.9km from turbine 1	Figure 4 (RVAS)

Lochbrowan	1.3km from turbine 1	Figure 7.7.3lii (RVAS)
Lochingerroch	1.3km from turbine 1	Figure 7.7.3mii (RVAS)
Brockloch	1.6km from turbine 1	Figure 7.7.3nii (RVAS)
Laglaff	1km from turbine 1	Figure 7.7.3oii (RVAS)

136. The above are the fifteen properties, all within 2km of a turbine. There are no settlements within 2km of a turbine. When assessing residential amenity, likely noise, shadow flicker and visual impact resultant from the proposed development must be considered. All properties listed above, amongst others, were visited and the visual and residential impacts likely to be faced based on these site visits and the various photomontages submitted by the Applicant inform the following assessment.

Visual Amenity – Individual Properties:

137. A Residential Visual Amenity Study (RVAS) was undertaken by the Applicant which looked at properties up to a distance of 2km from the nearest respective turbines. This resulted in the 15 properties in the table above being assessed.

138. Site visits were undertaken to assess the viewpoints represented within the RVAS and whether or not those properties assessed would experience unacceptable levels of visual impact as a result of the proposed wind farm. There are a number of properties which would be located approximately 0.9 - 1km from the nearest proposed turbine. Three of these, Glen Afton Caravan Park East, Afton Country Home and Doctor's House are all located in a small grouping which comprise the general Glen Afton Leisure Park area, immediately to the east of the application site boundary, and in a north-easterly direction from the proposed turbines. Pencloe Farm is located to the south of Glen Afton Leisure Park and is situated in a more directly easterly direction from the nearest turbine, turbine 1, than the leisure park. These properties are the closest to the proposed turbines and therefore the initial assessment will look at the impacts likely to be faced from these properties.

139. The RVAS undertaken by the Applicant has assessed the impacts on each of these properties and has found that, for the Glen Afton Leisure Park properties, theoretical visibility is possible for up to 2 turbines (ZTV Figure 7.7.3 of EIA Report Volume 4a – Technical Appendices). The detailed assessment concluded that due to topographical and vegetative screening (the hillslope and woodland) visibility of the proposed turbines would be minimal, resulting in limited (a blade tip visible above woodland from a second floor window at Afton Country Home) or no visibility from these properties.

140. The land immediately to the west of the Glen Afton Leisure Park (and respective properties) rises quite steeply, before sloping more gradually, closer to the peak of Ashmark Hill. The grounds of the leisure park have wooded areas encircling the site and these two factors combine to limit the visibility of the proposed turbines from this site and the properties assessed in the RVAS. Figure 7.40b(ii) (from EIA Report Volume 3b: LVIA Visualisations) provides a photomontage from Glen Afton Caravan Park and does indicate the natural screening effects would limit visibility to the blade tip of a turbine

(although should the trees be removed for any reason, screening would be reduced). It is considered that the conclusions reached within the RVAS, that the restricted views are such that impacts on Glen Afton Caravan Park East, Afton Country Home and Doctor's House would not constitute an overbearing impact on these properties, are reasonable and the proposed wind farm would consequently not unacceptably impact on the residential amenity of those properties.

141. Pencloe Farm would face greater theoretical visibility than the properties in the Glen Afton Leisure Park, with the possibility of up to five turbines being visible. Similarly to the properties of Glen Afton Leisure Park, discussed above, Pencloe Farm has an area of woodland along its western edge which the RVAS has concluded provides sufficient screening such that, "the proposed development would not be clearly visible, even from the upper floor of the dwelling." Site visits were undertaken by the case officer at all properties assessed in the RVAS and it is considered that the trees are likely to provide screening although even without this, the level of visibility possible, which equates to three turbines visible from hub height and lower and a separate single blade tip, is not of a magnitude that it would unacceptably impact on the residential visual amenity of Pencloe.
142. No wireframes or visualisations were provided by the Applicant for a number of properties deemed to face little visual impact (Glen Afton Caravan Park East, Afton Country Home, Doctor's House B&B and Pencloe). Whilst the visual impacts were considered by the Applicant so insignificant as to require visualisations, the Planning Authority requested wirelines as a minimum in order to assess the validity of the conclusions reached within the RVAS. These were supplied (Figures 1 to 4 representing the four properties mentioned above respectively) and this aided the case officer in concluding that the likely impacts would not unacceptably impact on residential visual amenity from these properties.
143. Whilst these properties are the closest to their nearest respective turbine, there are a number of other properties which, although generally a greater distance from the proposed turbines, do have clearer views of them. Laglaff (approximately 1km north-west of the nearest turbine, turbine 1) is considered to represent the property most at risk of significant visual impacts given that all seven turbines, each 135m in height to blade tip, would theoretically be visible at a relatively close proximity.
144. Laglaff is positioned in a north-east to south-west orientation, with the main façade of the property facing an east, north-easterly direction, into the farm courtyard, whilst the rear face of the property and rear garden ground faces west, south-west. Views of the proposed turbines from the main frontage, into the farm courtyard, are screened to an extent by south and south-easterly located farm buildings however views from the rear and in particular rear garden ground, when viewing southwards will be more extensive and uninhibited. Figure 7.7.3oii (from EIA Report Volume 4a – Technical Appendices) provides a photomontage showing the likely visibility of the proposed turbines from Laglaff.

145. Of all the properties assessed within the RVAS, Laglaff is faced with the most significant visual impacts. All seven turbines would be visible along the southern skyline from this property, although the more distant, south-westerly located turbines would appear as smaller elements due to their increased separation distance from the property (proposed turbine 7, for instance, would be located approximately 3km south-west of Laglaff). Whilst the increase in elevation across the intervening land to the south of the property does provide a degree of screening of the lowest sections of the turbines, it does mean that the proposed turbines would be located at a more elevated position (approximately 358m AOD at turbine 1, increasing to 425m AOD at turbine 7) relative to Laglaff (280m AOD). This increased elevation could cause the turbines to appear more prominent on the southern skyline, especially given their height of 135m to blade tip, something the photomontage would appear to show, although, the more distant turbines which are proposed on the higher elevations don't display the same level of prominence as closer turbines (proposed on lower elevations) due to their increased separation distance from Laglaff.
146. The RVAS states, with regards to Laglaff, "the proposed development turbines would constitute a prominent series of new features on the skyline to the south of this property, they would be partially screened by intervening topography and farm buildings...Given the oblique angle the proposed development occupies, and its partially screened position, the impact on the amenity of this property is not predicted to be overwhelming or overbearing." Whilst some views would be oblique, it would be possible to have relatively clear views of the turbines from the rear garden and the photomontage does demonstrate these likely views. Nevertheless, as a result of separation distances in combination with a degree of built and topographical screening, the visual impacts, whilst significant, are not deemed to result in an overbearing impact such that they would make Laglaff an unattractive place to live.
147. Laglaff was deemed to be the property most sensitive to the possible visual impacts as a result of the proposed wind turbines. The other properties assessed (as listed in the table above) face varying degrees of visual impact as a result of their distance from the proposed turbines and the degree of built and natural screening afforded across the intervening land. Given the perceived reduction in the relative scale of the turbines as a result of separation distances and the subsequent screening available, the impacts on visual amenity on these properties, whilst quite significant in some instances, overall are not deemed to be overbearing or overwhelming such that they would make any of these assessed properties unattractive places to live.
148. In terms of the cumulative impacts faced by these assessed properties, the RVAS document has summarised the other wind farms which may contribute to cumulative impacts. The most significant cumulative impacts from wind energy development would involve the operational Afton and Hare Hill schemes and the proposed Pencloe wind farm for which a decision has yet to be issued.

149. Whilst some of the properties listed in the table above would face cumulative impacts, some factors reduce the significance of these impacts. For some properties, more commonly those located within the Afton Glen, views of Afton, Pencloe and Ashmark would be possible, although these would tend to be concentrated in south / south-westerly views. Oftentimes the proposed Ashmark turbines would appear only as partial elements, with only limited turbines visible, therefore lessening the contribution to cumulative impacts Ashmark would have with Afton and Pencloe.
150. Having visited the properties assessed as part of the RVAS, it would appear that the extent of cumulative impacts would likely be more limited than might have been expected. Many of the properties, especially those within the Afton Glen have very limited views of only a small number of the Hare Hill turbines and their scale coupled with the perceived reduction in their scale due to separation distance means they are not dominant or overbearing on the properties, even when the varying but often somewhat limited likely views of Ashmark are taken into account. Afton is also limited in its contribution to this cumulative visual impact on the residential amenity of these select properties. Afton generally appears in southerly views as generally 2 – 3 turbines, with only the hub and blades visible. The valley walls tend to shield views of Afton wind farm from the properties in the RVAS. It is ultimately considered that despite varying degrees of visibility of the various operational and application schemes, Ashmark's contribution to cumulative residential visual impact would not be of a magnitude deemed to be unacceptably adverse.

Shadow Flicker:

151. With regards to shadow flicker, the Scottish Government's May 2014 Guidance on Onshore Wind Turbines comments that, "in most cases however, where separation is provided between wind turbines and nearby dwellings (as a general rule 10 rotor diameters), "shadow flicker" should not be a problem." Whilst this guidance indicates that beyond a distance of ten rotor diameters, the impacts of shadow flicker should not be felt, this is not a guarantee and in fact, the Planning Authority has experience of shadow flicker impacting on a property beyond the ten rotor diameters distance from an existing turbine at another site.
152. On the basis of the candidate turbine having a 100m rotor diameter (as indicated in Figure 3.3 (EIA Report Volume 3a: Figures)), ten rotor diameters' distance would be 1km. During pre-application discussions, the Planning Authority recommended that the Applicant undertake a shadow flicker study based on a study area of 1.5km from any turbines, given the Council's experience of shadow flicker impacting properties beyond the guideline ten rotor diameters' distance. The Applicant undertook an assessment of shadow flicker with a study area of 1.5km and it was found that 11 properties could be affected by shadow flicker, to varying degrees.
153. The Assessment has concluded that of the properties closest to the nearest turbines (which are also closest to the 10 rotor diameters' distance guideline)

which are Afton Country Home, Pencloe Farm, Doctor's House, Glenafton Caravan Park East and Laglaff (ranging in distance from 975m to 1083m from the respective nearest turbine), these properties would potentially face shadow flicker in the range of 0 to 6.6 hours annually, although in general this is likely to be approximately 3.5 hours per year. Properties located at a greater distance (ranging from 1206m to 1400m from the nearest respective turbine) include Ashmark Bungalow, Ashmark Farm, Glenshee, Carcow House, Lochbrowan Farm and Lochingerroch Farm. These properties would potentially face shadow flicker in the range of 1.8 to 5.5 hours annually.

154. The Applicant has concluded that given the relatively low annual rate of shadow flicker hours, and the fact that cumulative shadow flicker is unlikely to be an issue given the greater distance between other schemes (nearest of which would be the proposed Enoch Hill and Pencloe wind farms) and the properties falling within the assessment study area, that the impacts would be considered not significant and no mitigation would be required to address the limited impacts.
155. Whilst the potential impact of shadow flicker affecting any of the 11 properties would appear to be of limited duration, and the likelihood of the more distant of these properties being affected is relatively limited, there is no UK statutory limit determining the level of shadow flicker deemed to be acceptable. Therefore, whilst a conservative assessment was carried out, the Planning Authority consider that mitigation may be necessary as no level of shadow flicker should be considered as acceptable when assessing residential amenity. Given this, the Planning Authority would attach an appropriately worded condition to any consent, if granted, which would require a mitigation protocol be submitted by the Applicant to demonstrate how any instance of shadow flicker could be mitigated should the need arise. Such mitigation is likely to be in the form of a shutdown protocol whereby during the specific time of year and in the circumstances which give rise to shadow flicker, the turbines responsible for causing the flicker effect would be shut down for the duration of the period during which shadow flicker occurs. Once this duration has passed, those turbines could then be programmed to operate again.

Noise:

156. With regards to potential noise impacts on residential amenity, the Council's noise consultant, ACCON, has reviewed the relevant information within the EIA Report and has made a number of observations. ACCON have noted there are some inconsistencies and errors in the noise assessment presented within the EIA Report though is of the view that correction of these errors would be unlikely to change the overall findings of the noise assessment. ACCON did request that further information be provided by the Applicant in respect of some of the observations made, which will be discussed below.
157. It is noted that predicted construction noise at nearby assessed residential receptors would be below the significance threshold of 65dB LAEQ,12h except for at one property, Meadow View which is the property closest to the proposed new access into the application site. Noise levels at this property are

expected to exceed the significance threshold by 1dB. Given the short term duration of construction activities at the entrance to the site (before works progress deeper into the site, and further away from Meadow View), in combination with the restricted construction hours which would be conditioned if consent is granted, and the small exceedance of the threshold, it is considered that this would not amount to a significant adverse impact.

158. There are a number of existing, consented and application stage wind farms throughout this area and cumulative impacts would have to be considered for any impacts and the implications for any possible cumulative noise limits / condition.
159. ACCON concluded in its review of the noise assessment provided in the EIA Report that there were a number of points which required further clarity although ultimately, subject to the adoption of appropriate noise limits, which would be part of appropriate conditions attached to any consent, if granted, ACCON considered there would be no overriding reason for refusal in respect of noise.
160. The Applicant instructed their own noise consultant, TNEI, to provide a further submission in response to the comments made in ACCON's report. This further information was also reviewed by ACCON which advised the issues raised within their first response had been satisfactorily addressed and tables 1 and 2 of the new information provided corrected site specific noise levels.
161. Suitable planning conditions would be attached to any consent, if granted, to ensure acceptable noise limits, as agreed by ACCON, are complied with in the interests of residential amenity, taking into account the cumulative wind farm situation around this area.

*Impacts on tourism and recreation;*

162. In terms of potential tourism and recreational interest impacts which could arise from the development of the proposed wind farm, the application site specifically is part of an active farm so has agricultural use but no specific tourist value. Given the farmed nature of the red line site boundary, the recreational value at present is limited. The addition of a wind farm within this site is therefore not likely to impact on the tourism potential of this site particularly although such a development does have the potential to alter the perception of the wider landscape value, with knock on effects possibly affecting the wider area. There are a number of core paths and rights of way as well as landmark hills within relatively close proximity to the proposed turbines and the tourism and recreational qualities of these have the potential to be impacted as a result of the proposed wind farm. Other tourism and recreational offerings such as Hotels and Gardens and Designed Landscapes, amongst others, will also be discussed in this section.
163. There is a section of (claimed) right of way which runs through the north-eastern area of the application site and runs from the Afton Road to the B741. Views of the proposed turbines from this path, whilst within the application

site will be limited to between one to four turbines, as users journey north-westwards towards the access track leading to Laglaff, all seven turbines are likely to be visible. The Applicant, sets out in the Outline Construction Environmental Management Plan (Technical Appendix 3.1 of Volume 4a: Technical Appendices) plans to have the crossing point of this (claimed) right of way and the proposed access track signposted during construction with a safe passage point marked out to allow members of the public to still use the path. The Council would require that the impacts on the path are mitigated either through rerouting of the path or other mitigation. As the path will remain open for use, this would be acceptable, subject to the specific details of any public access management plan which would be required through conditions, if consented. There are no core paths within the application site although there is one immediately adjacent to the north-easterly limits of the application site (where the site edges the Afton Road) which is the C10 – Coalfield Cycle Route, which runs the full length of the Afton Valley (extending from the west of the Afton Reservoir, near Windy Standard wind farm, northwards to New Cumnock – extending further still to Cumnock where it terminates). The length of this route which falls within the Afton Valley, despite being in close proximity to the application site, is actually unlikely to see significant views of the turbines in the south. From approximately the site of Burns Cairn southwards along this route, visibility is limited to some or no turbines (as shown in the Blade tip ZTV, Figure 7.5 of Volume 3A: Figures). This is largely due to natural topography and vegetative screening although impacts further north will increase with increasing visibility and such sites / views are discussed in later paragraphs, below.

164. The EIA Report (Figure 7.4b of Volume 3A: Figures) provides a plan showing other recreational routes within 10km of the wind farm and those within East Ayrshire include:

*Core Paths:* C12: New Cumnock Circular – 2.2km north-west of the nearest turbine, turbine 1;

C14: Glen Afton – 1.6km north-east of the nearest turbine, turbine 1;

C11: Knockshinnoch Lagoons – 3.3km north of the nearest turbine, turbine 1;

C13: Castle Path – 3.8km north-east of the nearest turbine, turbine 1.

Additionally C4: Glaisnock Water Path, D18 Carmlarg and D17: Scottish Coal Cycle Route from Loch Doon are located just beyond this 10km buffer.

165. As well as the core paths listed above, there are a number of rights of way / claimed rights of way, generally at similar distances as the core paths from the proposed wind farm. These (claimed) rights of way include:

- A (claimed) right of way approximately 940m south-east of turbine 1 (running past Pencloe Farm);
- A (claimed) right of way approximately 2.4km south of turbine 7 (south of Milray Hill);
- A (claimed) right of way approximately 3.4km south-east of turbine 2 (next to Craigdarroch Farm);

- A (claimed) right of way approximately 2.6km south-east of turbine 1 (near Quintin Knowe);
- Two (claimed) rights of way approximately 1.4km and 2.9km north-east of turbine 1 (southern edge of New Cumnock);
- A (claimed) right of way approximately 3.1km north-west of turbine 1 (at Bankglen);
- A (claimed) right of way approximately 3.9km north-east of turbine 1 (north of A76 in New Cumnock);
- A (claimed) right of way approximately 4.7km north-east of turbine 1 (near Burnton);
- Two (claimed) rights of way approximately 7.3km and 8.1km north-east of turbine 1 (around Craigdullyear Hill);
- A (claimed) right of way approximately 9.7km north-west of turbine 1 (at Netherthird);
- Two (claimed) rights of way approximately 5km and 6.1km north-west of turbine 7 (north of the B741, near Maneight and Nith Lodge);
- Two (claimed) rights of way approximately 9.4km west of turbine 7 (north-eastern edge of Dalmellington), and
- A right of way approximately 1.8km north-west of turbine 7 (leading up to Chang Hill and Benty Cowan Hill).

166. **Opencast coal operations and commercial forestry plantations have resulted in a partially degraded and commercialised area however these tend to be situated to the north of the B741 and A76 (in terms of opencast operations) and to the south and west of the application site in the case of forestry. Wind farm development has been developed (and consented) within reasonably close proximity to the application site. Despite these elements which have lessened the recreational potential of wider areas, the area south of the B741 and around the Afton Glen area still provide good recreational opportunities, despite wind energy development increasingly encroaching on the Afton Glen area towards the southern end of the valley.**

167. **Users of the core paths and (claimed) rights of way in more westerly directions from the proposed wind farm are less likely to have views of the proposed turbines due to the intervening topography providing a good degree of screening, as shown in the ZTV (Figure 7.5 of Volume 3a: Figures). The southerly section of the core path running the length of Afton Glen does not have clear views of the proposed development either, due to the increasing elevation towards the site. This is a similar scenario for the right of way leading off the B741 south to the land between Chang Hill and Benty Cowan Hill where, despite being 1.8km from the nearest turbine, the majority of this way would not have views of the proposed turbines due to it running through the valley between the two hills. Focus of the assessment will therefore be on core paths and (claimed) rights of way in more northerly and easterly directions from the proposed wind farm.**

168. Considering the core paths and (claimed) rights of way in and around the vicinity of New Cumnock, the ZTV indicates these paths are likely to have fairly clear visibility of the seven proposed turbines. Whilst the built structures within the settlement of New Cumnock may provide a degree of screening from certain points along certain paths and rights of way, considerable views remain likely. It is considered that viewpoints 3, 14, 2 and 21 (from Volume 3b: LVIA Visualisations) provide visualisations which could be representative of the sorts of views users of the core paths and rights of way around the vicinity of New Cumnock may experience.
169. What these viewpoint visualisations demonstrate are the very prominent views of the turbines which would be possible throughout this area. Depending on specific distances from the proposed turbines, their prominence varies to an extent, although they remain conspicuous. Viewpoint 3 is near to where the C14 Core Path is located and demonstrates the significant prominence of the turbines. Core Path C14 is at a lower elevation than Viewpoint 3 and views may be more limited as a result, especially when considering natural, built or topographical screening though the likelihood of the turbines being prominent in views remains high.
170. Viewpoint 21 lies on the route of a (claimed) right of way and the visualisation (figure 7.56b(ii)) demonstrates a cluttered clustering effect of the proposed Ashmark turbines, however the separation distance limits the significance of the effects to an extent such that they are not judged to unacceptably impact on the recreational qualities of this (claimed) right of way. When considering the other core paths and (claimed) rights of way in and around the vicinity of New Cumnock, despite the partial natural and built screening of varying extent, the uplands provide a backdrop to this lower lying landscape and given the prominence of the proposed turbines on this backdrop, the impacts are considered to be significant and the enjoyment of users of the paths is likely to be diminished (Core Paths C11: Knockshinnoch Lagoons and C12: New Cumnock Circular are considered to face particularly significant impacts given their open views towards the Southern Uplands).
171. A (claimed) right of way is located towards the east of the application site, leading from the Afton Road up to Quintin Knowe and beyond. Viewpoint 6 (visualisations 7.41) shows the likely view from Quintin Knowe and demonstrates how prominent the proposed turbines would be, particularly extending across a wide expanse of this view and drawing wind energy development closer to the settled lowlands and into the northern part of the sensitive Glen Afton. Such visual impacts are considered to affect the recreational value of this route. Whilst the Hare Hill wind farms are highly visible from this route, this further influence of wind farm development by Ashmark into views which are more likely to be the main, scenic direction of view, across Ayrshire and towards the coastline, would exacerbate the influence of wind turbines on the recreational value of the route and would degrade the most scenic views.

172. Photomontage visualisations 15 and 19 (Figures 7.50b(ii) and 7.54b(ii) respectively from Volume 3b: LVIA Visualisations) provide an indicative representation of the sorts of views possible from more distant path routes from approximately 5km and farther from the application site. Whilst these visualisations demonstrate the very prominent nature of the proposed turbines, at these distances, the landscape south of the turbines provides a degree of backcloth, albeit not significant in extent, which slightly reduces their visual impact from such distances. Whilst the turbines remain very prominent the resultant impacts on the recreational value of the paths at these distances and further is not considered to be of an extent that their recreational value would be deemed to be unacceptably impacted by the proposed turbines, despite their value being negatively impacted. The Southern Uplands Way and River Ayr Way are long distance walking routes located to the south and north of the application site respectively. The ZTV (Figure 7.5 of Volume 3a: Figures) shows the Southern Uplands Way would receive no views of the proposed turbines whilst only limited sections of the River Ayr Way would potentially have views of the turbines. Given the separation distance of 16km north of turbine 1 at its closest point, in addition to natural and built screening across the intervening landscape, it is not considered that the visual impacts, where possible, would be of a magnitude such that they would detract significantly from the recreational qualities of the River Ayr Way.
173. The Lochside House Hotel and associated lodges are located just off the A76, approximately 1.3km west of Pathhead and 5.2km north of the nearest proposed Ashmark turbine, turbine 1. Viewpoint 19 (photomontage visualisation 7.54b(ii)), whilst not taken from Lochside House Hotel, is in close proximity to it and does provide a representative view of the proposed wind farm, similar to the views likely from the hotel. This shows the wide spread across the landscape which the proposed turbines would introduce and their increased presence closer to the lowland landscape in comparison to more set-back wind farms such as Afton. Given that the largely glazed dining room elevation and detached lodges, face in a generally southerly direction, towards the Afton valley and dramatic hillside skyline, it is clear that views in this direction have been considered to form part of the appeal of guests using these facilities. The Moffat Report (The Economic Impacts of wind farms on Scottish Tourism, March 2008) found that the value of scenery had an impact on the prices people are willing to pay for hotel rooms, with a reduction in price where wind farms are visible in views. Such an issue, if the Moffat Report's findings can be attributed to this case, would suggest that there could be a negative impact on the appeal of this tourist destination and its resultant profitability as a business given the significant negative landscape and visual impacts (discussed previously in this report) which would result from the proposed wind farm.
174. The EIA Report suggest the magnitude of impact from the Lochside Hotel would be variable, stating (page 7-53, paragraph 7.246), "It is apparent from this analysis that effects experienced at the hotel would be highly variable and complex, significant effects affecting a relatively small proportion of receptors within hotel buildings except for locations such as the main restaurant which

has picture windows oriented to the south, and the grounds.” As noted in the previous paragraph, the lodges are also oriented to make the most of views towards the Afton Glen and southern skyline. This hotel is in part promoted as an ‘event venue’ with weddings particularly advertised on its website. Further, the homepage for the hotel actively promotes the landscape and its views of the Ayrshire countryside as one of its key selling points. It is considered that the significant visual impacts posed by the proposed development may be likely to have an impact on the experience of guests at the hotel and reduce its ability to attract events such as weddings which could harm the success of the business in the long term. Whilst it is recognised that if the Pencloe wind farm is consented, the impact of Ashmark would reduce to a degree, the cumulative impacts resulting from Ashmark’s more prominent and northerly position and larger scale turbines would mean Ashmark still contributes significantly to this adverse cumulative scenario.

175. Other tourist accommodation close to the proposed development include the Glen Afton Caravan Park and Doctors’ House, Afton Water B&B. Despite their close proximity to the proposed turbines, due to the intervening topography and partial screening from vegetation, these sites will face limited views of the turbines (generally one hub and the blade tip of a second turbine) and these are of such a magnitude that they would not be considered unacceptable. Wireframes provided in support of the RVAS (Technical Appendix 7.7) from properties 7 (Glenafton Caravan Park East), 8 (Afton Country Home, Glenafton Caravan Park) and 9 (Doctors’ House, Afton Water B&B) demonstrate the limited views from these properties.
176. Other tourism offerings in the area include New Cumnock Golf course. This would likely face similar visual impacts to that of the Lochside House Hotel, given the two are immediately adjacent to one another. Whilst the visual impacts of the proposed turbines would be significant, it is considered that the main focus for golfers would be on the course itself and the views would be a secondary consideration for users of the golf club, which would reduce the significance of impacts on this asset. The proposed wind farm is located within the transitional area of the Galloway and Southern Ayrshire Biosphere. Biospheres are intended to value and protect biological and cultural diversity while promoting environmentally sustainable economic development. Given this is the transitional area of the biosphere rather than its core or buffer area, and given the nature of the development, it is not considered to detract significantly from the designation of the biosphere. The Galloway Forest Dark Sky Park has a core area approximately 20km south-west of turbine 7 and a buffer area approximately 13km south-west of turbine 7. This is substantial distance and given that the height of the proposed turbines will not require visible aviation lighting, this site should not face unacceptable impacts as a result of the proposed wind farm.
177. Other tourist offerings in the wider area include Craigenkillan Gardens and Designed Landscape (approximately 10km south-west of turbine 7) and Dumfries House Gardens and Designed Landscape (approximately 11km north-west of turbine 1). The only part of Craigenkillan estate which would receive partial views of the turbines would be Aucheny Hill. This hill is

approximately 14km from the nearest turbine and given this separation distance and the theoretical visibility of up to 4 turbines, impacts are not considered likely to be significant. Similarly with regards to Dumfries House, the separation distance to the proposed turbines will reduce the perceived scale of the turbines, along with natural and built screening across the intervening landscape, this will result in no unacceptable impacts on the tourist value of this site. Viewpoint 16, taken from the northern edge of the estate, is intended to demonstrate the likely views of the proposed turbines from Dumfries House (as shown in visualisation 7.51b(ii)). Despite the Ashmark scheme extending across an expansive lateral area of the southern skyline, the views are not considered unacceptable from this viewpoint. Historic Environment Scotland (HES) did not raise any concerns regarding the proposed scheme's impacts on Dumfries House in their consultation response.

178. The closest landmark hills in the wider area to the proposed wind farm are Blackcraig Hill (approximately 4.7km south-east) from the nearest turbine, turbine 1), Corsencon Hill (approximately 8km north-east from the nearest turbine, turbine 1) and Benquhat Hill (approximately 12km west of the nearest turbine, turbine 7). Both Blackcraig Hill and Benquhat Hill were agreed as viewpoints for the LVIA assessment and their likely impacts are represented by visualisations 7.42b(ii) and 7.45b(ii) respectively (with 7.41b(ii) representing Quintin Knowe which, whilst not a landmark hill, is located on the route up to Blackcraig Hill).
179. Views from Benquhat Hill, given the separation distance of approximately 12km, results in the perceived scale of the turbines appearing reduced and the distant landscapes provide a backdrop which reduces the visual impact of the turbines to such an extent that they are not considered to unacceptably impact on the recreation value of this landmark Hill. Similarly Corsencon Hill, given the separation distance of approximately 8km from the proposed turbines, it is considered views from this hill are likely to be similar to those from viewpoint 21 (Figure 7.56b(ii) of Volume 3b: LVIA Visualisations) and ultimately not unacceptably significant. More distant landmark hills such as Cairn Table are considered to benefit from the reduction in the perceived scale of the turbines as a result of their respective separation distances and partial landscape backdrop reducing visual impacts. Figure 7.39b(ii) provides a photomontage visualisation to represent the likely views of the proposed turbines from Cairn Table Hill. Whilst the scale of the Ashmark turbines contrasts with the actual or perceived scale of their most comparative neighbouring turbines, and they appear to descend from the upland landscape bringing wind farm development closer to the lower basin landscape, from this viewpoint, the proposed turbines could not be judged to have an unacceptable impact on the recreational value of Cairn Table.
180. Turning to Blackcraig Hill, viewpoints 6 and 7 provide representative viewpoints from Quintin Knowe and the top of Blackcraig Hill respectively (7.41b(ii) and 7.42b(ii) respectively). These viewpoints visualisations demonstrate the significant visual intrusion the proposed Ashmark turbines would represent on views from Blackcraig Hill. These visual impacts,

combined with the visual impacts likely from many of the core paths and (claimed) rights of way in the vicinity of New Cumnock, including the path up to Quintin Knowe, are considered to represent unacceptable impacts on the tourism and recreational value of these features.

Public access, including impact on long distance walking and cycling routes and scenic routes identified in National Planning Framework 3;

181. No long distance walking, cycling or scenic routes identified within NPF3 will be affected by the proposed development. The Darvel to Muirkirk route will be located at varying distance from turbine 1, ranging from approximately 18km north-east, where Muirkirk is located, extending to approximately 26km north to Darvel. At these distances views, where possible, are unlikely to be of a magnitude which would unacceptably detract from the recreational value of the route. In terms of public access, the land at present is used for agriculture although there is a (claimed) right of way towards the north-eastern area of the site (as discussed previously). The site may be used for informal recreation as people may walk over the hills (Ashmark Hill, Lamb Hill and Ewe Hill) or for access to the other hills around Enoch Hill. The Applicant proposes a Public Access Management Plan (PAMP) which would be required through an appropriate planning condition, if consent is granted, which would identify measures to safeguard and maximise continued public access during the construction period of the proposed wind farm. Once the construction is complete it is expected that no restriction on access will remain.

Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;

182. Chapter 14 of the EIA Report provides estimates as to the economic benefit of the proposed wind farm although these figures are based on average employment patterns and gross value multipliers from the Scottish Government and experience of other similarly sized wind farm projects elsewhere in Scotland. The average figures/multipliers are then applied to the expected expenditure of the Ashmark proposal to estimate the potential benefits to the local area. Specifics are therefore difficult to quantify with any confidence.
183. Chapter 14 states, “The peak workforce requirement is expected to be 41 Full Time Equivalent (FTE) workers.” (p.14-20 paragraph 14.99) It should be noted that the peak of workforce requirement would be during the construction period which will be a temporary period of approximately 16 months in duration. Thereafter the staff requirements would reduce significantly. Not all jobs associated with the construction of the wind farm will be filled locally (East Ayrshire) so the figure of 41 FTE workers would be reduced at the local level to 28 as noted within the EIA Report. In terms of the operational period, employment would be in the form of infrequent servicing / maintenance and general support operations for the turbines, with the EIA Report stating, “The operational team would be based in innogy’s offices in Perth or Inverness and would visit as and when required. innogy estimates that the maintenance visits

would be for up to seven weeks per year with four technicians onsite during these periods.” (p.14-26 paragraph 14.128)

184. Therefore, it is clear that operational period jobs will not provide local employment opportunities, though will nevertheless provide opportunities at the Scottish level. There are likely to be indirect employment opportunities on the local area throughout the construction period through supply chain opportunities such as plant hire, fencing, drainage, material supplies and accommodation, amongst others. The Applicant states within paragraph 14 of the EIA Report, “innogy is committed to employing good practice measures with regard to maximising local procurement. For the proposed development, innogy would actively invite local businesses to register as local suppliers and this information would be shared with Tier 1 contractors.” (p.14-24 paragraph 14.118) It is not clear from this what effect this would have on local businesses other than them being identified for consideration as possible (local) suppliers. There is no mention as to local businesses being considered more favourably or whether there exists a contract or policy whereby local businesses are considered against more preferential rates to enable these businesses to compete against larger, national companies.
185. Other indirect employment opportunities during the operational phase could be in the form of waste management services, fuel supplies, crane hire, snow clearing or local shops / cafes and accommodation, amongst others. The EIA Report states, “Based on experience of wind farm projects of a similar scale located elsewhere, it is likely that 3-4 full time equivalent (FTE) indirect jobs would be created in Scotland as a whole throughout the operational phase. Of these, it is possible that at least 1-2 indirect FTE jobs would be located within East Ayrshire.....The addition of 1-2 jobs to this total would be positive but negligible. The effect on the local employment base is therefore considered to be negligible and so not significant.” (p.14-27 paragraphs 14.131 and 14.132)
186. Chapter 14 summarises the employment opportunities by stating, “With regard to employment, therefore, overall the effect on the local economy from the additional construction and operational phase jobs would be negligible.” (p.14-34 paragraph 14.174) This summary along with the estimated direct and indirect employment figures represent a fair assessment and demonstrate that whilst economic benefits will exist, they are not considered to be significant and there is limited certainty as to just how much benefit will be generated within the local area, nevertheless negative economic impacts are not expected.
187. The Applicant proposes, within the EIA Report, a commitment to a Community Benefit Fund of £5,000 per megawatt of installed capacity annually to the New Cumnock area for the operational lifetime of the project. This fund is not a material consideration, as clarified within SPP and the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments.
188. The Applicant has submitted the Ashmark Hill Community Wind Farm as a shared ownership project, offering the community of New Cumnock the

chance to invest in the proposed wind farm. Such an offer reflects the Scottish Government's wish to see the offer of shared ownership being made as standard after the publication, in 2015, of its Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments.

189. The Applicant has identified the New Cumnock Development Trust (or their successors) as the partner group with which the offer of shared ownership has been made. The opportunity to invest is through a revenue sharing model which means the Applicant (or Developer) owns the development with the community buying the right to a percentage of the revenues or net revenues after costs are paid. The Community will not own shares in the company and is not able to vote on its activities. Innogy is offering the community the chance to invest up to 15% of the capital costs of the project (which are estimated to be approximately £25.7 million as noted in Volume 2: Chapter 14, page 14-20 of the EIA Report). The community would then receive the same percentage of net revenue as that invested (up to 15%). On this percentage basis, the Applicant estimates that the community could be in line to receive a net income somewhere in the region of £40,000 to £110,000 each year for the proposed 30 year operational lifetime of the development, depending on electricity output and performance each year of the wind farm, minus any costs (although these figures are not based on the Net Present Value – commented on in the following paragraphs).
190. The Applicant has set out within Technical Appendix 14.2 of the EIA Report, a report on the potential socio-economic benefits of the funding options proposed as part of this application, which includes the community shared ownership element. This report is not intended to detail specific projects which have been agreed but merely identifies potential ways in which the revenue generated from the shared ownership scheme could be utilised and targeted towards achieving some of the goals of the New Cumnock Action Plan 2017, although it would ultimately be for the community to decide how to use any revenue gained. The appendix report sets out three scenarios where the revenue generated could be used to progress projects for the benefit of the scenarios set out. These scenarios are Labour Market Participation (projects focussed on long term support for the unemployed to become employment ready), Business and Skills Focus (projects focussed on business and workspace support to help develop the creative sector locally) and Visitor Economy Focus (a single, transformative project to attract visitors to the New Cumnock area which would have knock-on benefits for local businesses).
191. It is reported within the EIA Report that, depending on how the revenues from the wind farm community shared ownership model are invested, there is the estimated potential to result in a net economic benefit of between £60,000 and £300,000 GVA (gross value added) per year. With the projects the money is being put towards, this is estimated to create (when including the annual community benefit fund which is not a material planning consideration) somewhere between 2 and 10 full time equivalent jobs annually, based on the 15% investment and the low or high level of estimated annual returns.

192. The Applicant reports, within Technical Appendix 14.2, that costs reported are estimates as it is difficult to estimate what the returns from the investment would be due to the variable energy output of the wind farm, electricity prices and inflation variability, however based on the assumption that New Cumnock Development Trust (or successor) invests the maximum 15% on offer, the net income the Trust could receive from the shared ownership element (after debt repayments and other expenses) is estimated to range between £1 Million - £3.3 Million in total over the 30 year operational lifetime of the proposed development. The submitted documentation did not take into account Net Present Value (NPV) which represents the time value of money – effectively future cash flows are less valuable over time. The Planning Authority asked the Applicant to provide a NPV calculation of the returns of the shared ownership scheme. The estimated value of the returns on the investment, when taking into account NPV, ranged from £106,000 to £1.8 Million over the 30 year operational lifetime of the development. Given that the capital costs of the wind farm development construction are reported to be £25.7 Million, then a 15% investment would require approximately £3.8 Million to be provided by the New Cumnock Development Trust. This is a significant amount of money to source in order to invest, and it could prove difficult for a community group to source such a level of external funding from a bank for instance given the potential risk level. It is possibly something for the relevant Trust to consider, whether any borrowing would require security and whether the Trust can provide such security. Furthermore, depending on the difference between loan repayments and returns, there could be some years, more likely in the early years of the development lifetime, when outgoings exceed returns. Nevertheless there would appear to be a positive net gain from revenues of the shared ownership component, albeit at a lower value than the figures suggested within the EIA Report.
193. Whilst the net economic benefit of the community shared ownership investment (including the community benefit fund) (reported to range from £90,000 to £45,000 per year – not considering Net Present Value) towards achieving the goals of the New Cumnock Action Plan is estimated to be proportionally higher than the net return of the community shared ownership investment (minus loan repayments, interest and tax) (reported to range from £40,000 to £110,000 – not considering NPV) this is based on a 15% investment. Should the community consider that it is only possible to invest a much smaller percentage than that on which the report is based on, the net economic benefit could also be proportionally smaller and might not lead to the same level of success of the project outcomes if the revenue used to fund the projects isn't as high as estimated throughout the EIA Report.
194. The Applicant has identified a number of specific projects within the New Cumnock Action Plan 2017 towards which the revenue from the shared ownership model can contribute in order to achieve. The net economic benefits have been quantified both through income and job creation estimates. A potential partner has been identified to invest in the community shared ownership scheme by way of the New Cumnock Development Trust. The Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments states on page 12, “the intention

for shared ownership can be outlined in a planning application but will not be considered to be as strong as those with an identified and committed partner.” Furthermore, page 18 states, “if the community intends to invest post-planning, an agreement of intent should be signed in advance of submission of a planning application where appropriate. Clear and transparent public meeting minutes may suffice where both parties are content.”

195. With regards to those points highlighted from the Good Practice Principles, the Applicant has identified a possible partner, in the shape of the New Cumnock Development Trust. To date however, no agreement has been signed and it is therefore not possible to confirm whether the Development Trust is fully committed to investing in the shared ownership scheme. As such investment would be post-planning, the Applicant has been unable to provide a signed agreement of intent from the Development Trust. Minutes of public meetings have been provided with the application in the Pre-application Consultation Report however these merely summarise the topics of meetings and don't provide detailed minutes to suggest the Development Trust are in a position to reach an imminent agreement in terms of its intent to invest or at what level. The Applicant has provided a Unilateral Undertaking for consideration which they suggest can be taken into account by the Members when determining the application. This document merely commits the Applicant to make the offer of shared ownership to the relevant community group, should the application receive consent. This does not represent agreement or confirmation by the local community group that they will accept the offer and partake in the community shared ownership of the proposed development. The Unilateral Undertaking was passed to the Council's Legal Service for comment. They noted that the Unilateral Undertaking deals with matters which the Council would not be involved with and there are no direct implications for the Council.
196. There are likely to be net economic benefits as a result of the proposed development however the extent of these would be, in part, dependent on the level of initial investment and the corresponding return. The net economic benefits would also be dependent on the success or otherwise of the projects into which the returns are invested. Given these uncertainties and risks associated with investment, particularly given the potential substantial upfront contribution required by the Development Trust (or successor), in addition to the current lack of agreement to invest in the shared ownership wind farm by the New Cumnock Development Trust, it is considered that the community shared ownership element should not be attached significant weight in the decision making process.
197. A recent decision (April 2018) by the Scottish Ministers for a Section 36 application for a 39 turbine wind farm (Strathy South, DPEA case reference: WIN-270-2) involved a scheme which was similarly offering a shared ownership element. In this case the Applicant had signed a memorandum of understanding with the identified partner, Melness and Tongue Community Development Trust, agreeing to offer up to 10% of the development for community investment and subsequent share in revenue for the lifetime of the project. Given the scale of that scheme, the potential revenues would be

comparatively more significant than those likely in the case of the proposed Ashmark Hill Community Wind Farm.

198. The Scottish Ministers in that case stated in their decision report, “while Ministers accept the Reporter’s analysis of the opportunities for socio-economic benefits detailed above, Ministers have not attached weight to this when reaching their decision as the community benefit of £5000 per annum is not a material consideration, and the net economic benefit associated with shared ownership the Development might bring to the economic position of the area is insufficiently certain to attach weight to it.” Given the Ashmark proposal is at a similar stage, in that an offer to a partner group has been made (up to 15% investment by the New Cumnock Development Trust for 15% of revenues) but no agreement has been signed, it is considered the uncertainty associated with the likely net economic benefits of the Ashmark scheme are similar to that considered by the Ministers when determining the Strathy South application. Therefore the judgement within this report, not to attach significant weight to the shared ownership offer in the decision making process is reasonable.

Impacts on aviation and defence interests and seismological recording:

199. With regards to aviation and defence interests, the Ministry of Defence (MOD), National Air Traffic Services (NATS) and Glasgow Prestwick Airport (GPA) were consulted and their comments have been considered as part of the assessment process. The MOD raised no objections to the proposals, subject to being notified of certain aspects of the development such as the start and end date of construction, maximum height of construction equipment and the latitude and longitude of each turbine, prior to the commencement of any development. In addition to this, MOD requests that the turbines are fitted with 25 candela omni-directional infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. Such aspects can be secured through appropriate conditions, if consent is granted.
200. NATS had objected to the proposed development in their consultation response, citing the lack of terrain screening to attenuate the signal, some of the proposed turbines are likely to cause false primary plots to be generated on the radar which would impact on aviation safeguarding. Chapter 15 of the EIA Report suggests that the impacts posed by the proposed development can be mitigated by means of Single Cell Blanking (SCB). Paragraph 15.24 of Chapter 15 notes that Innogy is negotiating the NATS (NERL) to enter into a commercial agreement for implementation of the SCB once the planning application was submitted. The Planning Authority received further written response from NATS dated 5 September 2018, where they confirmed an agreement had been entered into between NATS and the Applicant for the design and implementation of an identified and defined mitigation solution in relation to the development which would be completed under agreement. NATS confirmed it was now prepared to withdraw its objection.

201. Glasgow Prestwick Airport had objected to the proposed development in their consultation response due to the potential impacts on the protected safeguarding areas that Instrument Flight Procedures are based upon which would need to be checked against both the current and proposed RNAV (satellite based) procedures that GPA are currently applying for as part of a wider UK programme of Airspace Change Proposals. Impacts on the integrity of the Instrument Landing System (ILS) which electronically helps to guide the aircraft in to land on Runway 30 may occur although GPA are content that this does not significantly affect the likelihood of maintaining a signal integrity that is fit for purpose. The proposed turbines may also be visible on GPA's Primary Radar and therefore would display as "clutter" on the radar consoles. Due to the critical nature of airspace, any clutter visible on this area of the radar display is not acceptable to GPA.
202. The Planning Authority received a further written response dated 13 September 2018, where GPA confirmed that they have entered an agreement with the Applicant/Developer on the basis of which the Applicant/Developer has agreed to abide by the terms of the proposed conditions (as noted previously within this report from GPA's consultation response) in order to enable GPA to implement the Mitigation Scheme for the development. In light of the agreement being concluded and the reasonable likelihood the mitigation can be delivered within a reasonable timeframe, GPA confirmed it was now willing to withdraw its objection.
203. No issues regarding seismological recording have been raised with regards to the proposed development.

Impacts on road traffic including during construction and decommissioning;

204. Road traffic generated as a result of the proposed wind farm will include delivery of the turbine components and related construction materials, construction vehicles and associated staff travel. The EIA Report (Figure 13.3 in Volume 3a: Figures) indicates that turbine parts will arrive at the port of Ayr and will travel in a north-eastwards direction on the A77 towards Kilmarnock where the route then travels in a south-easterly direction on the A76 towards New Cumnock. From here the route then joins the C90 Afton Road south towards the proposed site access off the Afton Road.
205. Whilst the construction period will see a significant increase in traffic on the road network with both abnormal loads and HGV's making regular journeys to and from the site (although abnormal loads can reduce in scale to HGV's upon delivery of turbine components), the abnormal load delivery times will be restricted, subject to Police Scotland approval, to evenings, out with busy periods so this will limit the traffic burden to an extent. Furthermore delivery times for HGV's will be restricted between the hours of 7am – 8:30am and 5:30pm – 6:30pm, to reduce the impact on rush-hour traffic. There may be occasions when deliveries could be required outside these hours however this would only be done with prior agreement of the Council. The proposed delivery route generally avoids minor roads with the route towards the site an established heavy vehicle route for traffic associated with the opencast coal

sites, forestry works and more recent wind farm construction vehicles, so the principle of this route for delivery traffic associated with this site is considered acceptable.

206. A length of the C90 Afton Road will be the final stretch of road required for the delivery route to the application site. This equates to a distance of approximately 2.1km from the junction where the C90 leaves the B741, travelling south towards Meadow View, where the site access is proposed, just north of this property. This road is a single track, narrow partially winding stretch of road which runs the length of Afton Glen. Particular concern is noted with regards to the nature of the road and its capacity to accommodate significant volumes of traffic, notably abnormal loads and HGV's. This road is also under increasing cumulative pressure as it will potentially be used for vehicle traffic for the proposed Pencloe wind farm and the recently consented Lorg wind farm. Afton wind farm is nearing completion and the period of highest traffic volume associated with its construction has now passed.
207. As a result of the construction of the Afton wind farm, the C90 Afton Road has undergone a number of improvements such as the formation of a number of passing places along this road, to aid the passage of vehicles on this single track road. These elements may provide some benefit to the ability of the road to accommodate the traffic associated with the proposed Ashmark Hill wind farm, although it is noted that as access would be taken from a more northerly stretch of the Afton Road, the risks associated with the construction traffic will be slightly less given the reduced length of track and journey time vehicles would be on the Afton Road before either re-joining the B741 or entering onto the proposed site access. ARA confirmed within their consultation response that any Construction Traffic Management Plan (which would be required through conditioning if consent is granted) shall include arrangements for the establishment of a community liaison group to be led by the Applicant/Developer, in collaboration with ARA and New Cumnock Community Council, local residents and interest groups to discuss the arrangements for the delivery of all road and construction traffic mitigation measures required for the development along Afton Road.
208. A full Construction Traffic Management Plan (CTMP) which would include full details of, amongst other things, delivery routes, restrictions, condition surveys, informative signage and speed limits must be submitted to and approved in writing by the Planning Authority in consultation with ARA prior to the commencement of works on site, if consented. An Outline CTMP has been submitted as Technical Appendix 13.4 with this application. Given the experience of the Afton Road being used for wind farm traffic and the risks of cumulative traffic impact with other schemes potentially using this road, it will be necessary for the use of the road to be subject to phasing. ARA would require such a condition regulating the overlap of wind farm construction traffic on the C90 Afton Road be attached to any consent, if granted. The construction period is estimated to last approximately 15 months however it is worth noting that traffic volumes will fluctuate between those months depending on the activity on site, so the most significant impacts associated

with the highest volume of traffic will not be felt for the full 15 months, but only during a limited number of months.

209. Impacts associated with any decommissioning period will be similar to those of the construction period although at a reduced level. Construction materials will not require to be imported and, depending on the levels of track / other infrastructure removal, such transportation requirements will also be reduced for the exportation of waste material from the site. Abnormal load vehicles would be required to transport the turbines off site, however similar mitigation restrictions as those employed during the construction period could be applied to the decommissioning period to limit the impact of such vehicles on the road network during these periods.

Impacts on adjacent trunk roads:

210. Transport Scotland has not raised any concerns or objections through its consultation response although does point out the need for notification and consent to be sought for some aspects associated with the delivery route. This can be achieved through their own legislative remit with advisory notes highlighting any such requirements attached to any consent, if granted.

Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised:

211. In terms of the potential impacts on broadcasting installations, consultation was undertaken by the Applicant with OFCOM to ascertain potential impacts. Chapter 6 of the EIA Report has identified that impacts on broadcasting installations were scoped out of detailed assessment for this application. This decision has largely been based on the work undertaken by the Applicant when considering their original wind farm proposal on the Ashmark Hill site (11/0983/PP). The work undertaken for the 2011 Environmental Statement found no significant effects were predicted on broadcasting installations. Given the potential impacts associated with the new 2018 proposed wind farm were unchanged from that of the 2011 study, this issue was scoped out. Despite being scoped out, the EIA Report does note that the topics did influence the constraints mapping to inform the design of the proposed development, effectively in-built mechanism to overcome the issues through design.
212. An example of this is highlighted in Chapter 2 of the EIA Report where consultation with BT had identified a link operated by BT crossing the south-western part of the site. At the request of BT, the Applicant has ensured that there is a minimum separation of 100m from blade tip to the link path operated by BT to ensure the proposed turbines would not cause any interference to the electromagnetic link.
213. Whilst the effects have been scoped out of the EIA Report, the Council, taking a precautionary approach, would attach appropriate planning conditions to any consent, if granted, to ensure that if broadcasting or telecommunication

signals are negatively impacted by the proposed development, steps are taken to rectify the situation for which technical solutions exist.

*The appropriate siting and design of turbines and ancillary works:*

214. As discussed in the previous sections, the landscape and visual impacts resulting from the proposed development are unacceptably adverse and therefore are not considered appropriate. The scale of the turbines (135m high) positioned along an extensive ridgeline forming the skyline to the Upland Basin would make these turbines the closest to, and most prominent in views from, the settled Upland Basin. Their contrasting design and scale compared to other wind farms around the Afton Glen area results in increased cumulative impacts over and above those already existing / possible when other schemes are considered. The full discussion of landscape and visual impacts can be found elsewhere within this report so this summary herein is considered merely that, a summary.
215. With regards to other infrastructure, the access tracks tend to appear to be located just along the southern edge of the ridgeline which means visibility is likely to be limited to more elevated, southerly views, such as those possible from Quintin Knowe or Blackcraig Hill. Whilst this would be a clearly visible line across the ridgeline, it is not considered to unacceptably impact on the hillside and would be removed upon decommissioning. The site compound and battery storage units would represent built structures on the slopes around Ashmark Hill. Whilst there are no buildings in this area at present, the wider area is characterised by sporadic farm buildings and steadings, therefore the scale and form of these proposed structures could be likened to a farm steading and would be unlikely to cause unacceptable visual impacts on the area. The permanent anemometer mast would be a tall structure however its prominence would be far less than that of a wind turbine, given its reduced scale and less visible design, so this is also not considered to detrimentally impact on the site.
216. In summary, the ancillary infrastructure is generally considered to be appropriately sited however as summarised in this section and discussed at length elsewhere within this report, the proposed wind turbines themselves are considered to cause unacceptable landscape and visual impacts, including cumulative impacts and therefore cannot be considered to be appropriately sited and designed.

*The need for conditions relating to decommissioning of developments, including ancillary infrastructure, and site restoration:*

217. The Council has an established method of ensuring that appropriate conditions are attached to wind farm / turbine consents ensuring that a suitable level of financial guarantee has been agreed, ensuring that upon expiration of the consent (in this case, proposed to be a 30 year period), the Developer will implement their Decommissioning Scheme (also conditioned to be approved by the Planning Authority) resulting in the acceptable decommissioning, restoration and aftercare of the site.

The need for a robust planning obligation to ensure that operators achieve site restoration;

218. Similar to the previous paragraph, the Council's consultants, Ironside Farrar Ltd (IFL), have assessed the documents related to the proposed wind farm development and have provided their expected decommissioning, restoration and aftercare costs to carry out these works. The Council requires a level of compound interest applied to this figure to cover inflation over the review period for financial guarantees.
219. The Applicant has reviewed these figures by IFL and has agreed with the costs associated with decommissioning, restoration and aftercare which stand at £1,715,847 (which includes 3% compound interest over the 5 year bond period) and has agreed to secure this via a bond. The Council's Heads of Legal and Finance and the Depute Chief Executive have reviewed the Applicant's proposals to cover the decommissioning, restoration and aftercare and have agreed these proposals are acceptable to the Council.

The scale of contribution to renewable energy generation targets;

220. The proposed wind farm is not particularly large in scale, with only 7 turbines proposed and a total installed capacity of not less than 21MW. Therefore the energy generated will go some way to contributing towards the Scottish Government's renewable energy generation targets however this could not be considered a significant contribution.

Opportunities for energy storage;

221. Energy storage on a temporary basis does form part of the proposed development with the inclusion of up to three batteries (each battery storage unit measuring approximately 12m in length x 2.5m in width x 3.3m high) within the application site (proposed to the west of turbine 1). These batteries would store excess energy generated by the turbines and export this to the grid when output from the wind farm falls due to reduced wind speeds. This aspect is considered to be beneficial.
222. In summary, the assessment of the proposed wind farm against the renewable energy criteria set out in Schedule 1 indicates the proposal would have unacceptable negative impacts on a number of these criteria, largely due to the significant landscape, visual and cumulative impacts caused by the development. The proposed development is not considered to comply with Policy RE3.

**Policy RE5: Financial Guarantees**

223. Where necessary in terms of the scale and complexity of the proposal, and the consequences of any failure to restore the site, the Council will require an appropriate financial guarantee in respect of wind energy, waste management,

landfill and electrical infrastructure proposals, to ensure that all decommissioning, restoration, aftercare and mitigation requirements attached to planning consents can be met in full.

- 224.** Any planning permission granted for such developments will be appropriately conditioned and/or subject to a Section 75 obligation to ensure that an appropriate financial guarantee is put in place to the satisfaction of the Council. No development will be permitted on site until any legal obligation and planning conditions have been discharged by the Council.
- 225.** The financial guarantee mechanism and the amount covered will be reviewed at regular intervals by an independent party. The developer will be required to demonstrate to the satisfaction of the Council that the guarantees continue to be of a sufficient level to cover all potential restoration, aftercare, decommissioning and mitigation costs.
- 226.** **Such a financial guarantee, secured via a Section 75 legal agreement and planning conditions, would be put in place prior to any consent being granted to ensure sufficient funds will be provided to safeguard the costs associated with decommissioning, restoration and aftercare of the site.**

#### **Policy ENV6: Nature Conservation**

- 227.** The importance of nature conservation and biodiversity will be fully recognised in the assessment of development proposals. This will be achieved by ensuring that:
- (i) Any development likely to have a significant effect on a Natura 2000 site which is not directly connected with or necessary to its conservation management must be subject to a "Habitats Regulations Appraisal". Such development will only be approved if the appraisal shows that there will be no adverse effect on the integrity of the site;
  - (ii) Any development affecting a SSSI will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated or where any significant adverse effects on the qualities for which it is designated are clearly outweighed by social, environmental or economic benefits of national importance.
  - (iii) Any development that may adversely impact on areas of local importance for nature conservation, including provisional wildlife sites, local geodiversity sites and local nature reserves, will be expected to demonstrate how any impact can be avoided or mitigated.
  - (iv) If there is evidence that protected species may be affected by a development, steps must be taken to establish their presence. The planning and design of any development which has the potential to impact on a protected species will require to take into account the level of protection afforded by legislation and any impacts must be fully considered prior to the submission of any planning application.

(v) Any new development must protect, and where appropriate incorporate and/or extend, existing habitat networks, helping to further develop the Central Scotland Green Network in Ayrshire.

**228.** The Council will apply 'the precautionary principle' where the impacts of a proposed development on nationally or internationally significant natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur.

**229.** The criterion above, applicable to this application is point (iv) as there is a nationally scarce (and near threatened classification) plant species, Hairy Stonecrop, present within the application site. The Hairy Stonecrop is located in an area near an existing sheep fold to the south-west of Ashmark Hill. Mitigation to safeguard this nationally important plant species has been embedded in the design of the proposed wind farm by ensuring that the infrastructure avoids it. The nearest proposed infrastructure comprises a length of access track and the proposed construction compound and control building / substation and these features are located a minimum distance of approximately 25m from the recorded Hairy Stonecrop. This avoidance will allow the Hairy Stonecrop to remain in situ without disturbance. Further mitigation measures proposed to alleviate any impacts on this species during the construction of the proposed wind farm would be by fencing off the area around the species and talks would also be given by the Ecological Clerk of Works (ECoW) to brief all members of the construction team about the presence of this species. It is considered the steps proposed, in particular, the avoidance of the Hairy Stonecrop, would ensure this species will remain in situ and is unlikely to face significant damage and therefore would be in accordance with the aims of Policy ENV6.

#### **Policy ENV7: Wild Land and Sensitive Landscape Areas**

**230.** Areas of wild land, as identified on the 2014 SNH map of wild land areas, have little or no scope to accommodate new development and are safeguarded on the LDP maps. Any development proposed must be able to demonstrate that any adverse effects on the qualities of wild land can be substantially overcome by siting, design or other mitigation.

**231.** The Council will give priority and prime consideration to the protection and enhancement of the landscape in its consideration of development proposals within the Sensitive Landscape Areas identified on the LDP maps.

**232.** Any development deemed to have unacceptable impacts on wild land and SLAs will not be supported by the Council. All development proposals within these areas will also require to be assessed against policy ENV 8: Protecting and Enhancing the Landscape.

**233.** Non-statutory guidance on Sensitive Landscape Areas supports policy ENV 7 by providing further detail on which particular qualities make the SLA valuable and important on a local and regional scale.

234. The proposed development application site is located wholly within the Sensitive Landscape Area (SLA). This SLA, with regards to the area in which the application is located, is part of a wider upland area which extends into Dumfries and Galloway. Proposed infrastructure is located within both the Upland Glen and East Ayrshire Southern Uplands landscape character types which form part of the SLA. The SLA Background Paper states, "The Southern Upland landscape type effectively straddles the Glen Afton Upland Glen, with the area to the east of Glen Afton forming the defined landmark hills, and the area to the west comprising lower hills with more complex interlocking ridges." With regards to the Upland Glen, the paper states, "Glen Afton, to the south of New Cumnock is classed as an Upland Glen. It is a narrow and strongly enclosed glen, with steep sides that rise to form prominent, encircling ridgelines." The background paper highlights why each section of the SLA is sensitive and notes with regards to the East Ayrshire Southern Uplands that, "the steep sided, rugged open hills of the Southern Uplands form a dramatic backdrop to the adjacent low-lying upland basin, and form an important part of East Ayrshire's southern skyline. The well defined, steep-sided hills on the eastern edge of Glen Afton, Blackcraig Hill and Craigbraneoch, are important landmark features and provide for some spectacular views." With regards to the Upland Glen, the sensitivities are highlighted as, "Glen Afton is the only Upland Glen within East Ayrshire, making it an important landscape feature for the area. The high ridgelines are visually prominent and the rugged upland landscape has a high scenic value, attractive to walkers. With only a single track road through the Glen, it provides a relatively remote and tranquil landscape."
235. Looking first at the impacts on the landmark hills, it has previously been discussed the negative impacts the proposed turbines would have on views from Blackcraig Hill. Although there are existing turbines already clearly visible from this hill summit (western views particularly degraded with the Afton and Windy Standard wind farms), the view north-westwards is the only view left with little influence of wind farm development, albeit the consented (but as yet unbuilt) South Kyle turbines could start to encroach towards the west of such views, if ultimately constructed. This direction of view looks out across the entrance to the Afton Glen, northwards across the more settled Upland Basin and beyond across much of East Ayrshire and even out towards the coastline of South Ayrshire. The proposed turbines would introduce significant features which, due to their scale, location and lateral expanse would appear as highly prominent turbines, extending across the landscape, descending into a transitional area between the higher uplands and the lower lying upland basin and upland glen and would effectively complete the encirclement of Blackcraig Hill.
236. Further sensitivity is recognised due to the open hills of the Southern Uplands forming an important part of East Ayrshire's southern skyline and a dramatic backdrop to the adjacent low-lying Upland Basin. As has also been discussed previously within this report, the very large scale of the proposed turbines in combination with their position closer to the lower lying Upland Basin and due to the linear design creating a significant intrusion across a wide expanse of the skyline (visible face-on from the more settled Upland Basin), means the

**proposed turbines are considered to detract significantly from the qualities which makes this part of the SLA sensitive. The visual impacts and encroachment into the Upland Glen, resulting from the proposed turbines, will detract from the scenic value of Glen Afton from northern sections and would introduce further prominent built structures into an area currently free from wind energy, detracting from the sense of remoteness and attraction for recreational users of the glen and surrounding hills.**

- 237. On the basis of these issues, and the extensive visibility of the proposed turbines over large parts of the SLA, including the highest landmark hill, it is considered the proposed turbines would have some of the greatest impacts on the SLA of all the windfarms in this area. The adverse impacts are considered unacceptable and therefore the proposed development would be contrary to Policy ENV 7.**

### **Policy ENV8: Protecting and Enhancing the Landscape**

- 238.** The protection and enhancement of East Ayrshire's landscape character as identified in the Ayrshire Landscape Character Assessment will be a key consideration in assessing the appropriateness of development proposals in the rural area. The Council will require that:

- (i) Development proposals are sited and designed to respect the nature and landscape character of the area and to minimise visual impact. Particular attention will be paid to size, scale, layout, materials, design, finish and colour.
- (ii) Where visual impacts are unavoidable, development proposals should include adequate mitigation measures to minimise such impacts on the landscape.
- (iii) Particular features that contribute to the value, quality and character of the landscape are conserved and enhanced. Development that would result in the loss of valuable landscape features, to such an extent that character and value of the landscape are unacceptably diminished, will not be supported. Such landscape features include:
  - a. Settings of settlements and buildings within the landscape;
  - b. Skylines, distinctive landform features, landmark hills and prominent views;
  - c. Woodlands, hedgerows and trees;
  - d. Field patterns and means of enclosure, including dry stone dykes; and
  - e. Rights of way and footpaths

- 239.** Development that would create unacceptable visual intrusion or irreparable damage to landscape character will not be supported by the Council.

- 240.** The criteria above have been considered within the relevant sections of the Schedule 1 assessment under Policy RE3 in detail so will not be discussed

fully here but rather the key issues summarised. It is worth noting that the Applicant has sought to overcome some of the constraints of the interlocking ridges and valleys of the hills west of Glen Afton through the linear design along a ridgeline. Whilst this does go some way to overcoming some landscape issues, the resultant visual impacts, a result of the scale of the proposed turbines but also their lateral expanse due to the linear design, means that their visibility is extensive and unavoidable, particularly from the Upland Basin and the impacts cannot be mitigated further as they are a feature of the design.

241. With regards to part (iii) b. this aspect is particularly sensitive to and negatively impacted as a result of the proposed development. The simple, open land cover of the hills in the East Ayrshire Southern Uplands is dominated by grass moorland which accentuates the ruggedness of this landscape. Given the lower elevation of the hills on the western side of the Afton Glen, very large turbines such as those proposed would overwhelm the relief of these lower hills (notwithstanding the linear design alleviating some of the landscape impacts when trying to overcome the complex, interlocking pattern of hills and valleys) and would introduce large scale features across a wide lateral expanse of the skyline highly visible from large parts of the neighbouring Upland Basin. The proposed turbines would unacceptably diminish the landscape value of Blackcraig Hill due to the encirclement they would cause and damaging influence of views both from Blackcraig Hill outwards and, in particular, views towards the southern uplands from the north, in the more settled Upland Basin. Given the matters summarised herein and in more detail in other sections of this report, it is considered the proposed development would create unacceptable visual intrusion and damage to the landscape character and would not be in accordance with Policy ENV8.

#### **Policy T4: Development and Protection of Core Paths and Natural Routes**

242. The Council will not be supportive of development which disrupts or adversely impacts on any existing or potential core path, right of way, bridle path, or footpath used by the general public for recreational or other purposes, particularly where the route concerned forms, or has the potential to form, part of the network of circular routes or footpath links between settlements, actively promoted by the Council.
243. Where such disruption or adverse impact is demonstrated to be unavoidable, the Council will require developers, as an integral part of the proposed development, to provide for the appropriate diversion of the route in question elsewhere within the development site or to put into place appropriate measures to mitigate and overcome the adverse impact expected.
244. As has been discussed previously within this report, the proposed development is considered to have significant adverse impacts on a number of core paths and (provisional) rights of way not generally as a result of direct impacts from the construction of the wind farm, but from the resultant visual impacts.

245. **Core Path C12: New Cumnock Circular** is located to the north of the application site, extending westwards in a loop from the Connel Park / Bankglen settlements. This path has predominantly open views, including those south to the Southern Uplands skyline where the proposed development would be highly visible on this containing skyline. **Core Path C11: Knockshinnoch Lagoons** is also located to the north of the application site, linking Connel Park and New Cumnock across an area to the north and west of these settlements respectively. Many parts of this path would also have extensive views of the proposed development on the southern skyline, particularly the southern half of the loop and more so when walking in the direction From New Cumnock towards Connel Park (although the northern half of the loop largely benefits from woodland screening).
246. Parts of Core Paths C14 and C10 would face clear views of the proposed turbines, particularly in northern sections of these routes, particularly the C10 which travels north-eastwards parallel to the A76 and would have clear views towards the southern upland skyline. There are a number of (Claimed) Rights of Way in similar areas as the Core Paths, including a path leading up to Quintin Knowe (which will face views of the proposed development as demonstrated in the visualisations for Viewpoint 6) and also a path which cuts across the north-eastern area of the application site. This right of way within the site would face direct impacts as a result of the proposed development. Mitigation of the impacts on this route have been indicated within Technical Appendix 3.1 as a Public Access Management Plan is proposed to identify a safe passage point so that the public could still use this path even if construction of the proposed development was taking place.
247. Policy T4 requires that where disruption or adverse impact is demonstrated to be unavoidable, either those paths / routes affected are diverted or mitigation put in place to overcome the adverse impacts. Whilst a public access management plan would go some way to overcoming the direct impacts on the onsite right of way, the main adverse impacts facing the recreational routes throughout this area are from significant adverse visual impacts and these are a direct result of the scale, design, layout and location of the proposed turbines and therefore cannot be mitigated further, so the adverse impacts remain. The proposed development, due to the significant adverse visual impacts and their resultant impacts on the recreational value and perceptual enjoyment of these paths / routes, is considered not to accord with Policy T4.
248. The following policies are relevant to the proposed development to varying extents however, detailed consideration of the aspects relevant to each of these policies has been undertaken within various sections of the Schedule 1 assessment under Policy RE3. Given that the outcome of the assessment of Schedule 1, of those characteristics relevant to the policies listed below, indicates the proposed development does not impact negatively on those elements, then it can be considered that the proposed development also complies with the following policies:
- **Policy RES 11: Residential Amenity;**
  - **Policy ENV1: Listed Buildings;**

- **Policy ENV2: Scheduled Monuments and Archaeological Resources;**
- **Policy ENV9: Trees, Woodland and Forestry;**
- **Policy ENV12: Water, air and light and noise pollution, and**
- **Policy T1: Transportation requirements for new development**

## **ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

**249.** The following are relevant material considerations in the determination of this application:

### **National and Scottish Government Energy Policy**

- 250.** The White Paper on Energy 2007 committed the UK Government to the delivery of a low carbon economy. Subsequent legislation and policies have sought to increase the proportion of energy that is derived from renewable sources and to reduce greenhouse gas emissions. These measures are in response to legally binding European targets that require 15% of the UK's energy to be derived from renewable sources by 2020 and for there to be a 16% reduction in greenhouse gas emissions by the same deadline. In June 2015 the UK Energy Secretary announced an end to public subsidy for onshore wind farms and noted that the UK has made significant progress towards meeting its climate change targets.
- 251.** The Climate Change (Scotland) Act 2009 sets out the Scottish Government's key commitments in terms of environmental legislation promoting reductions in greenhouse gas emissions. Part 1 of this Act forms the statutory framework for reducing greenhouse gas emissions in Scotland by setting interim targets of a 42% reduction in greenhouse gas emissions by 2020 and an 80% reduction in greenhouse gas emissions by 2050 from baseline (1990) levels.
- 252.** The Scottish Government's Renewable Electricity Generation Policy Statement (REGPS) June 2013, sets out the Scottish Government's plans for renewable energy generation and fossil fuel thermal generation in future electricity mixes. The EGPS highlighted the Scottish Government's revised target for delivering the equivalent of at least 100% of gross electricity consumption from renewables by 2020. The EGPS confirms that target does not mean Scotland will be 100% dependant on renewables generation, rather that renewables will form part of a wider, balanced electricity mix, with thermal generation continuing to play an important role.
- 253.** In response to the UK Energy Secretary, the Scottish Government Chief Planner wrote to Scottish Heads of Planning to, "re-emphasise that the Scottish Government's Scottish Planning Policy (2014) and Electricity Generation Policy Statement (2013) set out the Scottish Government's current position on onshore wind farms and that this remains the case," and that the target of 100% gross electricity consumption from renewables is not a cap on supporting such developments, including on shore wind, once the target has been reached. They

advise that decisions should be informed by relevant development plan policies, themselves informed by Scottish Planning Policy.

- 254.** In December 2017, the Scottish Government published the Scottish Energy Strategy and Onshore Wind Policy Statement. The Scottish Energy Strategy (SES) sets out a 2050 vision for energy in Scotland. The strategy is intended to support the achievement of long term climate change targets and address the impact of poor energy provision. It sets out six energy priorities in supporting the 2050 vision which includes continuing support for renewable and low carbon solutions to meet local and national heat, transport and electricity needs, helping to achieve emissions reduction targets. The Strategy promotes a 'whole system view' which intends to broaden the Scottish Government's focus to include heat, transport, electricity and energy efficiency to create an integrated approach.
- 255.** The SES does not provide certainty about how a future energy system might evolve, however it is clear, that in order to achieve climate change goals, Scotland needs to build on the progress made to date in decarbonising electricity production and to see associated progress in the decarbonisation of heat and transport whilst maintaining affordable, secure and reliable supplies.
- 256.** Although the SES does not give any certainty over the future energy systems, it does set out two targets for the Scottish energy system by 2030: The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources, and an increase by 30% in the productivity of energy use across the Scottish economy. The SES is a high level document, intended to set out the potential scenarios in relation to the 2050 vision. Nevertheless, it clearly offers continued support for a range of forms of renewable energy generation in order to meet climate change targets.
- 257.** The Onshore Wind Policy Statement (OWPS) accompanies the SES and reaffirms the Scottish Government's continued support for onshore wind energy development in aiding the achievement of goals within the SES and in growing the economy. It is clear that there is a continuing need to ensure a balance is struck between securing the benefits of onshore wind and consideration of any environmental and other impacts. As is enshrined in previous energy policy documents – onshore wind is supported in the right places and achieving appropriate environmental protection means that the relevant planning and consenting processes must remain aligned with the policy context and desired outcomes.
- 258.** Appropriately sited onshore wind farms will continue to receive Scottish Government support to achieve the targets set by the Climate Change (Scotland) Act and the SES at the lowest cost but it is noted that the Scottish Government does not support such development at any cost. Additionally the Scottish Government has highlighted that it wants to see a significant increase in shared ownership and has indicated an ambition with a commitment to ensure that by 2020 at least half of newly consented renewable energy projects will have an element of shared ownership.
- 259.** 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.

**260. The proposed wind farm would go some way towards meeting Scotland's renewable energy generation targets whilst reducing greenhouse gases and therefore, if it is found that the proposed development is acceptable when assessed against all other relevant policies, it would be supported through the Scottish Government's National Energy Policy. In this case however, the proposed development has not been found to be acceptable when assessed against other relevant policies.**

### **National Planning Framework 3 (NPF3)**

**261. NPF3 is the spatial expression of the Scottish Government Economic Strategy and its plans for infrastructure investment. With the transition to a low carbon economy, it advises 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 there will be a continued need for an energy generation mix.**

**262. Section 3.23 of NPF3 states that, "onshore wind will continue to make a significant contribution to diversification of energy supplies." Further highlighting that wind farms shall not be located in National Parks or National Scenic Areas. The required approach to spatial frameworks to guide new wind energy developments to appropriate locations, whilst taking account of important features, is set out in Scottish Planning Policy (SPP).**

**263. Whilst NPF3 is generally supportive of onshore wind in contributing towards Scotland's energy mix, it does highlight that there are some areas where such development is unacceptable and, through the SPP spatial strategy, areas where they may be appropriate whilst 'taking into account important features'. Therefore NPF3 does not offer unequivocal support to onshore wind energy proposals but rather, requires the full consideration of all developments against appropriate criteria take place.**

**264. The proposed development would contribute to the reduction in greenhouse gas emissions and will generate renewable electricity given the installed capacity of the proposed development, though this would come at a price of significant adverse landscape, visual and cumulative impacts, including tourism and recreation impacts. NPF3 highlights that SPP sets out the required approach to spatial frameworks, guiding new development to appropriate locations and taking into account important features. Therefore detailed consideration for site specific compliance will take place against these two documents.**

**265. Given the strategic scope of NPF3 and its general support for a low carbon economy, including renewable energy developments, the proposed development draws support in principle from NPF3.**

## **Scottish Planning Policy (SPP)**

- 266.** SPP sets out national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. It is a statement of Scottish Government policy on how national land use planning matters should be addressed across the country.
- 267.** SPP indicates at paragraph 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.
- 268.** In respect of onshore wind, paragraph 161 of SPP requires planning authorities to 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. SPP includes a spatial framework made up of three area 'groups'. Group 1 areas are places where wind farms will not be acceptable and includes National Parks and National Scenic Areas.
- 269.** Group 2 areas require significant protection although wind farms may be appropriate in these areas in some circumstances with a need to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. Group 3 areas are where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.
- 270.** 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 (paragraph 169). Paragraph 164 notes that individual properties and settlements not identified within the development plan will be protected by safeguards set out in the local development plan policy criteria for determining wind farms.
- 271.** Paragraph 169 sets out the likely considerations which should be taken into account in the determination of energy infrastructure proposals, noting that considerations will vary relative to the scale of the proposal and area characteristics.
- 272.** These include a considerable number of issues but of particular relevance to this proposal are net economic impact; 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 carbon rich soils, using the carbon calculator; impacts on tourism and recreation; impacts on hydrology, the water environment and flood risk; impacts on aviation and defence interests; 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.

273. Paragraph 170 observes that areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities. Paragraph 173 also 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.
274. The Council's Development Plan is in part more than 5 years old due to the continued status of the Coal Subject Plan, Structure Plan and Local Plan in respect of coal and minerals. Paragraph 33 of SPP states that, "where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP."
275. The Local Development Plan is, however, less than five years old and it contains policies relevant to onshore wind development that are not out of date. The presumption in favour of sustainable development is therefore considered to be a material consideration rather than a significant material consideration.
276. Paragraph 32 asserts that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. There are thirteen guiding principles set out in paragraph 29 of SPP which must be examined to determine whether or not the development contributes to sustainable development. These criteria will be examined further below.
277. **Looking at the thirteen guiding principles from paragraph 29 of SPP in turn:**
- i) giving due weight to net economic benefit;*
278. **The Applicant has not provided any specifics as to the economic benefit of the proposed development although the EIA Report does note within Chapter 14 some estimations of the economic benefit based on average employment patterns and gross value multipliers from Scottish Government guidance and experience of similarly scaled wind farm projects elsewhere in Scotland. Chapter 14 also estimates the potential creation of a temporary work force equivalent to approximately 41 Full Time Equivalent workers, reducing to 28 if considered in the local East Ayrshire context. There could be the creation of indirect jobs (such as shops, cafes, crane hire, etc.) totalling 3-4 FTE posts (Scotland-wide) reducing to 1-2 FTE posts at the local East Ayrshire area.**
279. **The Applicant acknowledges that not all investment in the development's construction will benefit the East Ayrshire Council area, never mind the local area specifically around the application site and does state, "With regards to**

employment, therefore, overall the effect on the local economy from the additional construction and operational phase jobs would be negligible.” (Chapter 14, p. 14-34, paragraph 14.174)

280. The Applicant intends to take forward the proposed Ashmark Hill Community Wind Farm as a shared ownership project, offering the community of New Cumnock the chance to invest in the scheme, up to 15% of the capital construction costs, through a revenue sharing model. The community would then receive the equivalent percentage share of net revenue. The EIA Report estimates the net economic impact of the outcome of community schemes, in which the returns from the investment could be used to progress, (in addition to the annual Community Benefit Fund of £5,000 per MW of installed capacity – which is not a material consideration) could lead to 2 and 10 full time equivalent jobs annually based on the maximum 15% investment by the community.
281. As discussed previously within this report, there are significant uncertainties as to just how much revenue might be made from any investment by the community and the estimates within this report assume the maximum 15% investment and successful outcomes of any initiatives the returns are used to progress. If a much smaller percentage is invested, the returns will be proportionately smaller and there remain uncertainties regarding the success or otherwise of community initiatives in achieving their objectives.
282. The Planning Authority received a copy, on 14 September 2018, of a letter sent by New Cumnock Development Trust (NCDT) to a local councillor in which NCDT highlights its support for this proposed community wind farm. There were three points highlighted which NCDT suggests should be borne in mind when considering the application, these are:
  1. The community investment proposal is significant and substantial
  2. The scale of the wind farm is appropriate and suitable for the site
3. NCDT believes the proposed development closely complies with the Scottish Government guidelines on community investment and represents an excellent opportunity to enter into a partnership agreement.

In response to the points above: 1. Community Shared Ownership is not a material consideration in the assessment of a planning application. The potential net socio-economic benefits through job creation for instance may be, however shared ownership in itself is not material; 2. The Planning Authority has undertaken an assessment and has found significant adverse landscape, visual and cumulative impacts and impacts on tourism and recreational resources on a local and regional scale, and 3. Page 18 of the Scottish Government’s Shared Ownership Good Practice Principles states, “If the community intends to invest post-planning, an agreement of intent should be signed in advance of submission of a planning application where appropriate.” No signed agreement by NCDT has been submitted with the application and the chair of NCDT was contacted on 17 September 2018, after

the Planning Authority received a copy of their letter on 14 September and they confirmed that NCDT has not entered into an agreement for the community shared ownership. Therefore despite in-principle support for the proposed development, NCDT has not yet agreed to enter into the shared ownership element and invest in the proposed development. Given the level of uncertainty surrounding net economic benefit, it is difficult to say just how much benefit will ultimately be realised, nevertheless negative economic impacts are not expected.

*ii) responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*

**283. The East Ayrshire Council Economic Development Strategy 2014-2025 sets out six strategic priorities which are: to integrate East Ayrshire with the regional economy; to facilitate economic restructuring; to improve the vibrancy of our town centres; to improve the quality of the tourism on offer; to increase economic participation in our communities, and to accelerate the pace of infrastructure improvements. The proposed wind farm offers the potential for local employment in construction and residual economic benefit for local services so it could help support economic restructuring as well as increasing economic participation in the local communities. It would be questionable whether the proposal would improve the quality of the tourism offer though, given the significant visual impacts which may deter some from visiting the area, particularly walkers, though this is difficult to quantify.**

*iii) supporting good design and the six qualities of successful places;*

**284. The six qualities of successful places include two which could be particularly relevant to this assessment and these are 'distinctive' and 'resource efficient'. In this case it is considered that the proposed wind turbines represent development which does not complement the local landscape or skyline and causes unacceptable landscape and visual impacts. In terms of resource efficiency, the proposal would employ renewable sources for electricity generation, preventing future resource depletion of fossil fuels.**

*iv) making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*

**285. The proposed wind farm requires limited land take and areas of the application site could remain in use for agriculture as at present, therefore it represents a reasonably efficient use of the land.**

*v) supporting delivery of accessible housing, business, retailing and leisure development;*

**286. The proposed development does not fall within any of the above listed categories.**

*vi) supporting delivery of infrastructure, for example transport, education, energy, digital and water;*

**287. The proposal would deliver infrastructure to generate renewable energy with a total installed capacity of approximately 21MW (exact turbine models selected will determine the installed capacity though it is unlikely to be significantly different to 21MW).**

*vii) supporting climate change mitigation and adaptation including taking account of flood risk;*

**288. The proposed wind farm would directly help tackle climate change by producing electricity from a renewable source, helping to reduce greenhouse gas emissions, and thus the effects of climate change. Through appropriate measures, included in any CEMP which would be required through appropriate conditions, if consent is granted, the flood risk will be minimised such that it is not considered to be of a level likely to risk settlements or residences.**

*viii) improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*

**289. The nature of the proposed development means such opportunities are not available.**

*ix) having regard to the principles for sustainable land use set out in the Land Use Strategy;*

**290. The Land Use Strategy for Scotland document sets out ten principles of sustainable development, reflecting Scottish Government policies on the priorities which should inform land use choices and should be used when taking significant decisions affecting the use of land. The principles include:**

**e) Landscape change should be managed positively and sympathetically, considering the implications of change at a scale appropriate to the landscape in question, given that all Scotland's landscapes are important to our sense of identity and to our individual and social wellbeing, and**

**f) Land use decisions should be informed by an understanding of the opportunities and threats brought about by the changing climate. Greenhouse gas emissions associated with land use should be reduced and land should contribute to delivering climate change adaptation and mitigation objectives.**

**291. The proposed development would constitute a use of the land to provide a source of renewable energy, contributing to reducing greenhouse gas emissions. As discussed within previous paragraphs of this report, it is considered that the proposed development would cause unacceptable landscape impacts, both individually and cumulatively with other proposed and existing wind farm development and could not be considered a positive or sympathetic change in the landscape.**

*x) protecting, enhancing and promoting access to cultural heritage, including the historic environment;*

**292. The proposed development will not protect, enhance or promote access to cultural heritage, including the historic environment, however the potential impacts on such aspects are not considered to be significant or unacceptable.**

*xi) protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;*

**293. As discussed previously within this report, the proposed development is considered to have unacceptable impacts on the landscape character of this area. Whilst the development itself would not restrict access to the natural heritage (including landscape), impacts on the tourism value of existing recreational routes, deemed to be impacted by the proposed development, mean it may not be possible to argue the proposed development would enhance or promote access to the landscape when it would negatively impact on its character which could deter people from visiting / accessing the landscape in this area.**

*xii) reducing waste, facilitating its management and promoting resource recovery, and*

**294. This principle is not particularly relevant to this proposal. There is no significant removal of features, such as woodland, required to make way for the proposed development therefore there is little significant waste requiring management.**

*xiii) avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.*

**295. The scale of the proposed 7 turbines, at 135m high, is considered to impact on the landscape. The proposed development would result in considerable landscape and visual impacts which individually and cumulatively could be argued to represent over-development, especially in views from the settled Upland Basin, including its main settlement of New Cumnock.**

**296. Residential amenity will be free from light pollution (mainly from shadow flicker) as it has been ascertained that worst case scenarios indicate only limited duration potential for this to be experienced and appropriate conditioning could be attached, if consented, which would require this to be mitigated (most likely through shut-down periods at times when shadow flicker is expected to be experienced). No visible aviation lighting is required, only infra-red which will also limit light pollution. Noise impacts, provided conditioned noise levels are complied with would also not impact residential amenity. If consent is issued, conditions will require the submission of a CEMP which will ensure works associated with the construction of the development are environmentally sound and do not impact on water, air and soil quality.**

- 297. Summarising these principles, it would appear that the proposed development does not positively reflect the aims of those principles which are relevant to this proposal due to the significant adverse landscape and visual impacts and as such this proposal may not be described as contributing to sustainable development.**
- 298. SPP provides in Table 1: Spatial Frameworks, groupings to direct wind energy developments to suitable areas. The following is documented:**
- 299. Group 2: Areas of significant protection: Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. Community separation for consideration of visual impact: an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.**
- 300. The proposed development falls within the Group 2 Areas associated with the 2km buffer areas around the settlements along the B741 (Bank Glen, Burnside and Dallegles) and New Cumnock. Despite such 2km buffers falling within the limits of the application red line site boundary, this tends to be limited to the northern edges of the application site with the only infrastructure likely to fall within any part of this buffer being the proposed access track. As no turbines or other considerable infrastructure falls within this buffer, in strictly assessing the proposal against the Group 2 Areas, it is not considered that the proposed development would result in unacceptable residential visual or other impacts. This does not change the fact that when assessing all site infrastructure which falls out with this 2km buffer from settlements, the proposed turbines are considered to have unacceptable visual impacts, significantly impacting on some of these settlements in the Upland Basin.**
- 301. In summary, whilst many of the provisions of SPP largely apply favourably to the proposed development, the considerations raised in paragraph 169 which include cumulative impacts, landscape and visual impacts, impacts on communities (including visual impact) and impacts on tourism and recreation, are ultimately not complied with as there remain unacceptable impacts on such aspects, therefore the proposed wind farm is not considered to comply with the provisions of SPP.**

**East Ayrshire Council Supplementary Guidance: Planning for Wind Energy**

- 302. On the basis of the level of demand for wind energy developments in East Ayrshire, the need for a robust and clear policy approach for wind energy is a fundamental element of the East Ayrshire Local Development Plan (2017). In line with the requirements of SPP, the Supplementary Guidance: Planning for Wind Energy (SG:PWE) sets out the Council's approach to wind energy development and provides further details on the criteria which all medium and**

large-scale wind energy proposals will be assessed, underpinning Policy RE3 of the Local Development Plan.

303. Given the context of the Scottish Energy Strategy and its 2030 target of 50% of Scotland's energy consumption being met by renewable energy, the Council's SG:PWE notes the expectation, at paragraph 3.3.7, "that all local authorities adopt a positive approach to renewable energy and support proposals that can help contribute to the national targets without resulting in unacceptable adverse impacts." This Supplementary Guidance sets out the Council's position, in section 1.3 that, "Further wind energy developments will be supported where they can be accommodated in appropriate locations, assessed as acceptable against the Local Development Plan and material considerations."
304. The topics covered by the Supplementary Guidance provide further information or clarity on those policies within the LDP, relevant to wind energy proposals, namely Policy RE3. Given the detailed assessment of the proposed development against the LDP policies already detailed previously in this report, this will not be repeated here with respect of the Supplementary Guidance.
305. Paragraph 3.1.1 Landscape and Visual Impacts (within SG:PWE) highlights the need for the Applicant to be able to demonstrate how they have responded to the key sensitivities of the landscape area in which their development is proposed in their site selection and design process. The Supplementary Guidance also confirms the status of the East Ayrshire Landscape Wind Capacity Study (now updated in 2018) as a material consideration to help assess applications for all wind energy development. For the reasons set out in full, previously in this report, the proposal has been judged not to be in accordance with
306. Related to landscape and visual impacts are cumulative impacts which are discussed in section 3.1.2 of SG:PWE. The Supplementary Guidance identifies cumulative impacts as the additional changes caused by a proposed development in conjunction with other developments (or combined impacts of more than one development). Cumulative impacts can be in the form of landscape and visual impacts, noise impacts, lighting impacts and others such as natural and cultural assets, aviation interests and traffic impacts. Whilst many of these issues have been found to be acceptable (or acceptable subject to mitigation), issues relating to landscape and visual impacts, including tourism impacts, have been found to be unacceptably impacted which is a function of the proposed turbines' siting, design and scale.
307. SG:PWE notes that the safety of air travel is considered to be of paramount importance in the assessment of applications for wind energy developments. With regards to aviation, both NATS and Glasgow Prestwick Airport had originally objected to the proposed development due to the resultant impacts on aviation safeguarding. The Applicant has entered into agreements with both aviation bodies to implement mitigation prior to the erection of any

turbines and both NATS and Glasgow Prestwick Airport have now withdrawn their objections, subject to conditions.

308. Whilst aviation impacts have now been addressed, the other negative impacts highlighted here mean the proposed development is not deemed to be in accordance with Policy RE3 and consequently is not considered to reflect the provisions of the SG:PWE which supplements Policy RE3, amongst others.

**East Ayrshire Council Minerals Local Development Plan Proposed Plan (July 2018)**

309. The Council published its Minerals Local Development Plan Proposed Plan in July 2018. This document may be a material consideration in the assessment of the proposed development, however given the proposed plan is at such an early stage, having just been out for consultation, it is not considered that it requires any further discussion or to have any weight attached to it in the decision making process at this time.

**Scottish Government Guidance – Onshore Wind Turbines**

310. This guidance is periodically updated by the Scottish Ministers and is an online resource which provides Planning Authorities with guidance in the consideration of proposals. It 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.
311. Amongst others, this Government guidance lists criteria to be considered in the determination of planning applications for onshore turbines. In the case of this proposal the significant criteria to be assessed are: landscape and visual impacts; wildlife, ecosystem and biodiversity impacts; impacts on communities; aviation matters; historic environment impacts; road traffic impacts, and cumulative impacts.
312. With regards to landscape and visual impacts, these have been assessed and judged to result in unacceptable impacts, both individually and cumulatively, in combination with other wind energy development which is a function of the wind farm's design, scale (135m high) and siting which cannot be mitigated further. Although impacts are deemed to be most significant within approximately 10km of the proposed turbines, the prominent skyline position, lateral expanse of the turbines and proximity to the more settled Upland Basin means the proposed development would result in a disproportionate visual and landscape impact given the relatively limited number (7) of turbines proposed.
313. In terms of impacts on wildlife, ecosystems and biodiversity, there were a number of species assessed in the EIA Report based on their recorded or likely presence in, and use of, the site and suitability of habitats within the site to support populations of such species. It is considered that the design of the proposed wind farm and siting of infrastructure has taken into account certain buffer zones to avoid species, including the protected Hairy Stonecrop vegetation which is now avoided (unlike in the previous 2011 application). Full fish monitoring surveys will require to be undertaken although the Nith District Salmon Fisheries Board has agreed that these can be done

prior to the commencement of construction, which can be conditioned if consent is granted. Any suitable habitat management plan or species protection plan can be required through conditioning, if consented, to ensure up to date surveys are carried out prior to any development taking place so that any changes between the surveys informing the EIA Report being undertaken and any commencement of development are taken into account and mitigated if necessary.

- 314.** Some proposed mitigation such as peat enhancement, bird habitat creation and tree belt improvements proposed within the EIA Report will go some way to offset any potential wildlife and ecosystem impacts and would help improve the biodiversity of areas of the site. Impacts on wildlife are considered to be limited and are deemed to be acceptable, subject to the mitigation measures detailed in the EIA Report and any subsequent CEMP, required through appropriate planning conditions.
- 315.** The impacts on nearby communities have been assessed elsewhere within this report. This guidance also makes reference to paragraph 190 of SPP (now superseded with the 2014 SPP which still makes reference to the 2km maximum guideline separation zone – Table 1: Spatial Frameworks, p.39) with regards to the guideline separation distance of up to 2km between areas of search for groups of wind turbines and the edges of towns, cities and villages, to reduce visual impact, and notes that individual development should take account of specific local circumstances and geography.
- 316.** There are no communities located within 2km of any turbines (although the buffer does impinge on the application site boundary along its northern edge). Whilst the proposed turbines do not impact on communities specifically due to this 2km buffer, the development nevertheless results in significant visual impacts which will be evident from the nearby settlements, especially Burnside and New Cumnock which will see the turbines forming laterally expansive skyline features whose scale and proximity to these settlements make them prominent in views from the settled Upland Basin, especially when considering their position on the interlocking hills and ridges which form the western side of the entrance into the Afton Glen (with Hare Hill forming the eastern side). With regards to individual dwellinghouses considered under the RVAS, the impacts on these 15 properties, many of which lie within the Afton Glen, have been assessed as varying in their degree of significance although ultimately, due to a combination of separation distance or built and natural screening across the intervening topography, these visual impacts are not deemed to be unacceptably adverse such that they would overwhelm any property or make them an unattractive place in which to live. There are not expected to be any noise or light pollution effects impacting on residential amenity and appropriate conditions can be attached to any consent, if granted, to mitigate for any shadow flicker if this should occur.
- 317.** With regards to aviation matters, this Scottish Government Guidance – Onshore Wind Turbines (2014, page 7) states, “it is essential that the safety of UK aerodromes, aircraft and airspace is not adversely affected by new wind power infrastructure.” There are now no aviation objections from either NATS or Glasgow Prestwick Airport, subject to conditions and on the basis of agreements entered into between the Applicant and these aviation bodies. Finally, there are no historic

gardens and designed landscapes or other built heritage designations directly affected by the proposals.

### **Accon Ltd – Noise Assessment**

318. Accon Ltd assessed the noise chapter within the EIA Report submitted by the Applicant and reached the conclusion that subject to the adoption of the proposed limits, which were revised within the submission by TNEI on behalf of the Applicant in August 2018, which could be attached as a planning condition should consent be granted, there would be no over-riding reason to refuse the proposed development in respect of noise issues.

### **Ironside Farrar Ltd (IFL) – Landscape Assessment**

319. The Council has secured the services of Ironside Farrar Ltd to assess the landscape and visual impact section (chapter 7) of the submitted EIA Report and also the residential visual amenity study (RVAS). The purpose of the report submitted by IFL was to determine the overall adequacy of the assessments undertaken on behalf of the Applicant, whether the conclusions reached within those assessments are reasonable and any potential issues relating to the development from a landscape and visual point of view.
320. IFL concluded that the LVIA and Cumulative LVIA methodology was comprehensive, in compliance with GLVIA 3 although IFL does note that the threshold of significance adopted for the assessment was 'major/moderate' which IFL consider to be relatively high and lesser effects can also have the potential to be significant.
321. IFL have made a number of observations in relation to comments made within the EIA Report. Paragraph 7.122 of Chapter 7 considers the proposed development has been sited, "...to correspond with one of the main concentrations of wind farms in the area and to avoid the most sensitive parts of the region's landscape." IFL point out however, that: wind energy development is generally concentrated within the Southern Uplands with Forestry LCT, south of the East Ayrshire Southern Uplands LCT within which 6 of the 7 turbines are proposed; turbine 1 and some other infrastructure would be located within the Upland Glen LCT which represents Glen Afton, one of the most sensitive landscapes in East Ayrshire, and the proposed wind farm would be located within the East Ayrshire Sensitive Landscape Area.
322. IFL generally find the assessment of impacts on the different landscape character types assessed within the EIA Report reasonable although identify some ambiguity in the results and in places, some understatement of the likely impacts. With regards to settlements, IFL agree that Ayr, Mauchline and Kilmarnock, at distances of over 20km from the proposed wind farm would not face significant effects. Closer settlements, particularly Burnside, Connel Park / Bankglen and Mansfield and New Cumnock are recognised as having significant visual impacts.
323. IFL reviewed the RVAS and were generally in agreement with the conclusions reached, that no individual property is likely to face unacceptable impacts on residential visual amenity although there are significant cumulative impacts from some of the properties. Assessment of some of the nearby road network (such as

the C90 Afton Road, B741) and recreational paths such as Core Paths C10 and C11 have identified significant adverse visual impacts. With regards to the Lochside House Hotel, IFL note that the hotel development is purposefully oriented towards the south, benefitting from views to the Southern Uplands, upon parts of which the proposed wind farm would be prominently sited. IFL also consider the assessment of impacts on New Cumnock Golf Course as higher than those presented in the EIA Report due to landscape and scenery being part of the golfing experience, therefore significant impacts on the landscape would translate to significant adverse visual and cumulative impacts expected on the medium sensitivity receptors golfers represent.

- 324.** IFL conclude that the proposed development would be located in an area assessed within the EALWCS as having no scope for wind farm development of this scale, with the sensitivity of the landscape deriving from its position on the northern fringe on the Southern Uplands, in close proximity to the settled lowland landscape and adjacent to the sensitive Upland Glen landscape of Glen Afton. Therefore the proposed wind farm is contrary to strategic guidance and could not be accommodated within this landscape without significant adverse landscape and visual effects, including cumulatively. This part of the East Ayrshire Sensitive Landscape Area would also be significantly adversely affected. IFL acknowledge that a 'windfarm landscape' has been consented on the Carsphairn Plateau south of the application site, though the effects of this are limited towards the more settled north. The proposed development however would not be perceived as an extension to any existing, consented or application wind farm and would further advance the 'windfarm landscape' northwards towards the lowland landscape, creating significant landscape and visual impacts. The contrasting design of the proposed wind farm in comparison to the other schemes would add to the complexity of the pattern of wind farm development visible to the south.

### **East Ayrshire Landscape Wind Capacity Study 2018 (EALWCS)**

- 325.** The application site is located across four different landscape character types (LCT's) although the majority of the turbines and infrastructure are located in only one, LCT 20a: East Ayrshire Southern Uplands. Therefore the assessment will focus primarily on that LCT before considering the other LCT's (14 Upland Glen, 15: Upland Basin and 20c: Southern Uplands with Forestry). The EALWCS states (p.110), "The hills to the west of Glen Afton are generally lower but still prominent because of their complex landform. Land cover is simple, dominated by grass moorland although this accentuates the ruggedness of the landform. This landscape is not settled although it is highly visible from settlement and roads within the Upland Basin (15) to the north."
- 326.** Despite this landscape being a large scale landscape, the scenic backdrop it provides to the Upland Basin (and presence of landmark hills) limits the scope for new development, with turbines greater than 130m in height being considered as more likely to overwhelm the relief of the lower western uplands and significantly affect the adjoining Upland Basin to the north. The EALWCS deems this LCT as having a high sensitivity to turbines greater than 130m in height. The EALWCS identifies a number of cumulative issues and constraints which include:-

- 327.** Cumulative effects between operational / consented wind farms sited in this character type together with any new wind farm developments sited in the Foothills with Forest and Opencast Mining (17a) and the Plateau Moorlands (18a) which could affect views from the Upland Basin (15) where turbines may extend over the skylines of these upland character types, potentially leading to a sense of 'encirclement' and dominance.
- 328.** Complex interlocking ridges and deeply cut narrow valleys of the lower western hills of this character type where it may be difficult to achieve an integrated layout of turbines and to minimise cut and fill of access road construction.
- 329.** Cumulative effects with the operational and consented wind farms of Hare Hill, Afton and South Kyle seen from the Upland Basin (15) which may limit scope for additional new wind farms because of differences in turbine size and layout given variations in landform west of Glen Afton.
- 330.** The scenic backdrop these predominantly open and rugged uplands provide to the Upland Basin (15), seen in views from settlement and roads including the A76.
- 331.** All the issues and constraints listed above are directly relevant and applicable to this proposed wind farm. Whilst the linear design of the wind farm along the ridgeline between the Connel Burn and Carcow Burn valleys has gone some way to reducing the impacts on the landscape by achieving an integrated layout, this linear design is part of the reason the cumulative effects are unacceptable, due to this differing significantly from the more clustered, compact, designs of nearby existing / consented / application stage wind farms. As has been discussed in detail previously within this report, the contrasting wind farm designs and differing turbine scales all combine to create a cluttered picture, with Ashmark appearing as the most prominent of all the wind farms visible from the Upland Basin, particularly considering its close proximity to the Upland Basin.
- 332.** When considering the cumulative impacts, looking at proposals in the nearby LCT's of the Plateau Moorlands (Penbreck and Lethans); Forestry and Opencast Mining (Over Hill), Southern Uplands with Forestry (Pencloe and South Kyle) and other existing or application schemes in the East Ayrshire Southern Uplands (Hare Hill and Extension, Afton and Enoch Hill), not to mention nearby schemes in neighbouring local authorities (particularly the Windy Standard schemes across the southerly border in Dumfries and Galloway Council) it is clear there is an increasing sense that the Upland Basin and the settlement of New Cumnock in particular is becoming increasingly encircled by wind farm development, to the point where in all but two points on the compass (north and north-west) windfarm development would / could be visible to some degree or another, with the most prominent visual impacts concentrated to the southern skyline where a number of existing, consented and application windfarms are located, along with this proposed Ashmark Hill application.
- 333.** The large scale of the proposed turbines and their prominent nature, along an extensive lateral expanse of the southern skyline along prominent western ridges of Glen Afton, in close proximity to the settled Upland Basin and settlements of New Cumnock and those along the B741, in particular, conspire to make this proposal a dominant feature which detracts from the landscape character of the area. The

EALWCS concludes there is no scope for very large typology (>130m high) turbines to be accommodated within this landscape and only very limited scope for large turbines (turbines 70-130m high) to be accommodated if forming a small extension to operational / consented wind farms sited within this LCT.

- 334.** As noted, the proposed development straddles a number of different LCT's. The southern boundary of the application site falls within LCT 20c: Southern Uplands with Forestry whilst the north-easterly tip of the application site falls within LCT 15: Upland Basin. No development is proposed within the LCT 20c whilst only a short section of access track would be developed within LCT 15. As only limited development would take place in either of these LCT's it is considered the impacts they face, directly from proposed infrastructure would be negligible. This does not alter the impacts faced from the Upland Basin which are discussed elsewhere in this report in terms of the prominence of the proposed turbines in views from the settled Upland Basin.
- 335.** With regards to LCT 14: Upland Glen, there would be a permanent anemometer mast proposed within this LCT along with the proposed main borrow pit and also turbine 1, which would be located close to the boundary with the East Ayrshire Southern Uplands. This LCT has high sensitivity to turbines of 70m or more and this is largely down to the narrow nature of the valley with steep valley sides, although the western side slopes of the northern area of Glen Afton, where the proposed turbines would be located are more gently graded when compared to the steeper eastern slopes of Hare Hill or Blackcraig Hill. Whilst the small scale features such as farm buildings or small pockets of woodland can make the landscape more sensitive to very large turbines such as those proposed at Ashmark, the more open, simpler vegetative cover edge of the LCT 14 where it joins the East Ayrshire Southern Uplands at Ashmark Hill reduce the sensitivity of LCT 14 to a degree at this point, although the turbines would nevertheless appear as visually prominent features at the entrance to this valley.
- 336.** The EALWCS notes that turbines greater than 70m in height would form visually dominant features within these glens, with the irregular ridges containing these glens also being highly sensitive to development along the skyline within this or the adjacent East Ayrshire Southern Uplands. Given the position of turbine 1 on the transition between the Upland Glen and East Ayrshire Southern Uplands, the skyline position does make the proposed turbines highly visible and prominent and would detract from the areas looking towards this prominent skyline. The turbines of Hare Hill and Afton wind farms are already visible features within the Upland Glen LCT and the inclusion of the proposed Ashmark turbines (as well as the possibility of Pencloe also being included) would increase cumulative impacts, increasing the intrusion of large (or in this case very large, as the proposed turbines are 135m in height) turbines visible on the containing skyline of this LCT.
- 337.** Similarly to the adjoining East Ayrshire Southern Uplands, the EALWCS concludes that there is no scope for turbines greater than 30m in height to be accommodated within the Upland Glen landscape. It states (p.63), "Turbines should avoid intrusion on key views to the often dramatic heads of glens and should not interrupt the irregular ridges which contain these glens and form prominent skylines.....The Upland Glens are highly sensitive to intrusion from large wind turbines sited in the

adjacent Southern Uplands....” The EALWCS therefore considers there to be no scope in either the Upland Glen or East Ayrshire Southern Uplands, where the proposed turbines would be located (with only turbine 1 being located within the Upland Glen at the boundary between it and the East Ayrshire Southern Uplands) as this area forms an irregular, complex containing skyline upon which the proposed turbines would form prominent features, detracting from the Upland Glen and East Ayrshire Southern Uplands whilst also causing significant unacceptable visual impacts from the neighbouring Upland Basin LCT.

### **Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments**

- 338.** This document sets out the Scottish Government’s view that shared ownership should become the standard, believing shared ownership projects offer the opportunity for improved community empowerment, a leading and respected renewable energy industry and increased local economic and social benefits.
- 339.** The document states (page 12), “Net economic benefit (SPP paragraph 29) is a material planning consideration. Where a community group is involved in the project from an early stage, and will receive long term socio-economic benefits over the lifetime of the project, the developer may wish to include the expected net economic benefits in a planning application.....Where resulting benefit to a local community is quantifiable, this can be presented in a planning application. This benefit is often focused on income and/or jobs and may be set out in material supporting a planning application. Where developers are exploring a shared ownership opportunity but have not identified an appropriate partner group, the intention of shared ownership can be outlined in a planning application but will not be considered to be as strong as those with an identified and committed partner.”
- 340.** The proposed development would reflect the principles of this good practice document as an offer of shared ownership has been made to an identified community group (New Cumnock Development Trust) on a shared revenue basis and Technical Appendix 14.2 of the EIA Report sets out to quantify the likely revenues and benefits over the 30 year lifetime of the proposed development.
- 341.** The good practice document notes that where a community intends to invest post-planning, an agreement of intent should be signed in advance of submission of a planning application. No such agreement has been signed by the community group as yet so has not been before the Planning Authority to assess. Given the uncertainty as to whether the community group will ultimately invest, this aspect cannot be given as much weight in the decision making process as it otherwise might, though the principle of shared ownership would nevertheless reflect the aims of this Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments document.

### **Planning History**

- 342.** There are a limited number of applications within the planning application red line boundary. These applications are listed below:

**343.** The following are more general applications which fall either fully or partly within the current application red line site boundary:

- 04/1209/OL Proposed outline planning permission for erection of a farmworker's cottage – approved with conditions on 20/09/2005;
- 06/0693/RM Erection of farmworker's cottage – approved with conditions on 12/10/2006;
- 07/1020/FL To erect a proposed conservatory to the rear of the dwelling house – approved with conditions on 20/12/2007;
- 10/0264/PP Agricultural building to house farm implements and winter fodder – approved on 03/06/2010;
- 12/0768/EB New 33kv overhead line New Cumnock to Harehill Wind Farm Extension – approved on 16/05/2013;
- 10/0678/PP Erection of 2 x 80m temporary anemometer masts on land at Ashmark Hill, approximately 2km south west of New Cumnock – approved with conditions on 09/11/2010;
- 13/0453/PP Renewal of temporary planning permission (10/0678/PP) for a further three year period – application was returned.

The above noted applications have no discernible impact on the current wind farm application and any dwellings consented are present on site and have been taken into account during the assessment of the current wind farm application. Of more particular relevance to this case is the previous application for a wind farm on this site:

**344.** Of more particular relevance to this current case is the previous application for a wind farm on this same site:

- 11/0983/PP The erection of 7 wind turbines with a maximum tip height of 116 metres and associated development – refused on 03/09/2014.

The Applicant of that application was the same as the Applicant for the current application and the original refusal was appealed to the Scottish Government's Planning and Environmental Appeals Division (DPEA) although at that time this was termed the Directorate for Planning and Environmental Appeals:

- PPA-190-2042 Appeal by RWE Innogy UK Ltd against the decision by East Ayrshire Council – this appeal was dismissed by the Scottish Ministers on 11/05/2015.

**345.** The above application was very similar to this current 2018 application. Whilst slight modifications to the infrastructure layout have been made, including the reduction of the number of borrow pits from 5 down to 2 (a main borrow pit and reserve borrow pit) the turbines themselves have undergone slight micrositing adjustments but generally follow the same design as the 2011 application. The main difference between the 2011 application and 2018 one, is that the turbines were originally

proposed to be 116m high whilst the 2018 application is seeking consent for 135m high turbines.

- 346.** The 2011 application (11/0983/PP) was refused for a number of reasons which include its significant adverse impacts on the landscape character, including on Glen Afton, the landscape north of the site and upland landscapes above Glen Afton; its visual intrusion and extensive visibility across the skyline on the more populated area to the north, including large parts of New Cumnock and the settlements along the B741; contribution to significant cumulative landscape and visual impacts which is partly a result of its contrasting design; adverse impacts on the setting and appearance of the Sensitive Landscape Area, including cumulatively, and the proposal would have an adverse visual effect on local recreational routes including hilltops, rights of way and core paths.
- 347.** The appeal of this refusal (PPA-190-2042) was dismissed by the Reporter who found the proposed development would be contrary to various development plan policies due to the likely significant adverse visual effects on settlements in the Upland Basin and recreational interests including northern sections of Glen Afton and core paths near New Cumnock and views from some high level walking routes, visual impacts on parts of the Sensitive Landscape Area and due to cumulative impacts.

### **Impacts on Amenity**

- 348.** As discussed in detail in previous paragraphs within this report, the proposed development is considered to have significant adverse impacts on many parts of New Cumnock and particularly on the settlements along the B741 where the proposed development would form a prominent, intrusive development across a wide expanse of the southern skyline. Some significant effects could be felt at the southernmost sections of more distant settlements such as Cumnock though the magnitude of these impacts would be less than those faced in closer proximities within the Upland Basin LCT, including the sporadic rural dwellings / farms within the area. Whilst there are considered to be significant adverse impacts faced from private and public spaces around the settlements, in terms of any individual properties facing an overbearing or dominant effect such that it would make that property an unattractive place to live, this has not been found when assessing the RVAS.
- 349.** Cumulative visual impacts are apparent when considering the number of different wind farms which are currently operational and those consented or at application stage. The contrasting design, in addition to the scale and prominent location in a transitional area between the upland landscape and the lower lying Upland Basin means the proposed development would be a key contributor to cumulative impacts.
- 350.** No properties are considered likely to face shadow flicker impacts or unacceptable noise impacts although appropriate planning conditions can ensure that, in terms of shadow flicker, mitigation measures such as shutdown protocols can be put in place where any complaint of shadow flicker is received. Similarly, with regards to noise impacts, noise limits can be set which will protect residential amenity, including cumulatively when considering other wind farms. Although the property nearest the proposed access track may face a greater risk of noise impacts, it is considered that

mitigation measures coupled with the short term duration of the worst impacts likely to be faced there (during the works on the access track closest, which will diminish as development progresses deeper into the application site) mean the impacts would not be unacceptable.

### **Consultation Responses**

- 351.** There have been a number of consultee responses, all of which raise no objections, or no objections subject to appropriate conditions.
- 352.** New Cumnock Community Council provides its support for the proposal. No reasons for support were provided, merely that a vote was held and the development received one vote in support with six abstentions. A late letter was received by the Planning Authority on 5 September 2018 from New Cumnock Community Council. In this letter, NCCC advised that in voting to support the application, NCCC had considered the Applicant's offer for community shared ownership and also NCCC believe the scale of the proposal is appropriate in the context of the surrounding area. The Planning Authority would point out that at this point in time, the shared ownership element is only an offer and has not been accepted by the local community organisation (New Cumnock Development Trust in this case). Furthermore, in terms of the scale of the proposal being appropriate to the area, the full assessment of the proposed development undertaken by the Planning Service, as discussed throughout this report, would indicate the proposed development would not be able to be accommodated within this site without significant adverse local and regional scale landscape, visual and cumulative impacts, including associated impacts on tourism and recreational resources.

### **Representations**

- 353.** The application has received a limited number of representations, both in support and in objection to the proposed development. All the representations have been summarised and discussed within the earlier 'Representations' section of this report, with the points of representation discussed fully in the various paragraphs throughout this report.
- 354.** Some of the main points of concern, raised within objections, are associated with traffic impacts and landscape and visual impacts, including cumulative impacts.
- 355.** Having assessed the proposal against the various relevant policies and material consideration documents, the objections raised have identified some issues which could warrant refusal of the application given the impacts of the proposed development on landscape and visual impact grounds, including cumulatively, particularly when viewed from the low lying, more settled Upland Basin.
- 356.** The main points raised in representations in support of the proposed development are associated with the potential economic benefits possible through the returns from any investment in the scheme under the shared ownership model.
- 357.** As discussed in previous paragraphs within this report, whilst there is a possibility of returns from the shared ownership scheme, these will depend on the level of

investment made by the local partner body and the performance of the windfarm and other costs which must be factored in. The EIA Report presents possible scenarios based on a 15% investment of capital construction costs which suggest returns over the 30 year lifetime of the proposed development could vary significantly from approximately £1 million to £3.3 million (although this would reduce to £106,000 to £1.8 million when factoring in the net present value). The success or otherwise of schemes which these returns are invested are unknown but estimates have been provided, though all benefits are based on a 15% share. If less is invested then it is likely any returns and possible positive outcomes of strategies into which the money is invested may be proportionately less than reported in the EIA Report. It is worth bearing in mind that there is no signed agreement between the Applicant and the community partner to agree to progress this further at this point in time and provide investment.

358. The Planning Authority accepts that whilst there are uncertainties regarding the ultimate scale of economic benefit likely to be realised, negative economic outcomes are not considered likely as a result of the proposed development.

**Reports to Council dated 24th May 2013, 19th September 2013 and 28th January 2014 and the Report to Cabinet on 21st May 2014 on decommissioning, restoration, aftercare and mitigation financial guarantees**

359. The reports mentioned above 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 (also including single wind turbines).

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

360. In compliance with Paragraph 24 of the Cabinet Report on Decommissioning, Restoration, Aftercare and Mitigation Financial Guarantees dated 21<sup>st</sup> May 2014 and in terms of financial security for decommissioning and restoration of the site, the Planning Authority's Independent Assessor (Ironside Farrar) has carried out an assessment of the value of the decommissioning and restoration guarantee for the proposed Ashmark Hill Community Wind Farm. The assessment by Ironside Farrar (revised on 6 September 2018) has concluded that the expected costs for the decommissioning, restoration and aftercare of the site would be **£1,715,847** (which includes a 3% inflationary compound uplift over the 5 year bond period).

**Applicant's Decommissioning Costs**

361. The Applicant had their consultant, Natural Power, assess the likely costs of decommissioning, restoration and aftercare and they proposed to the Council a figure of £1,295,735 (however this included only a 2.4% inflationary compound uplift over the 5 year bond period) which they anticipate would cover the costs of such works.
362. The Applicant has agreed to accept the Council's quantum costs of decommissioning and restoration (as assessed by Ironside Farrar Ltd), and has

advised this payment shall be by way of a bank issued bond. This will require to be reflected in conditions and as a Planning Obligation, secured through a Section 75 agreement, should approval be granted.

## **FINANCIAL AND LEGAL IMPLICATIONS**

- 363.** Should the Planning Committee support the recommendation that the Council refuse the application then it could result in an appeal by the Applicant to the Scottish Government Planning and Environmental Appeals Division (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.
- 364.** In recent appeals of a similar nature further procedure has been via further written representation or hearing session. This therefore may also lead to further costs being incurred to the extent it may be necessary to either engage professional expert witnesses to give evidence on behalf of the Council as necessary.
- 365.** Furthermore, if the Council is considered to have acted unreasonably in refusing the application or in its handling of the appeal, a claim for an award of expenses could be made by the Applicant.
- 366.** In relation to the above paragraphs, if the Planning Committee is minded to approve planning consent, financial matters require to be addressed by Planning Obligations under Section 75 of the 1997 Act, or through conditions or other means as appropriate. The Heads of Agreement for the Planning Obligation (Section 75 of the 1997 Act) to be concluded prior to consent shall include:
- Costs for the Planning Monitoring Officer (PMO);
  - No part of the development hereby authorised shall be commenced until a decommissioning, restoration and aftercare guarantee is provided by the Developer and agreed with the Planning Authority which will secure the decommissioning of the turbines and restoration and aftercare of the site, and
  - Community Liaison Group for Afton Road residents and other local interested groups. To be implemented and paid for by the Applicant.
- 367.** In accordance with the Council's revised arrangements for the consideration of Financial Guarantees relative to certain types of development prior to sign off, in this case by the Depute Chief Executive, the Planning, Finance and Legal Services, these services have all been involved in the process of assessing the Applicant's proposed arrangements for securing their decommissioning and obligations (as set out above). These Sections have been consulted with responses received confirming the proposed arrangements are acceptable.
- 368.** With regards to the Council's Cabinet Report on Decommissioning, Restoration, Aftercare and Mitigation of Financial Guarantees dated 21<sup>st</sup> May 2014, any wind farm or wind turbine proposal will require to comply with the terms of this report in relation to the submission, agreement, implementation and monitoring of financial guarantees.

- 369.** The Applicant has confirmed that the preferred payment mechanism would be via a bank issued bond as the basis of the financial guarantee for the decommissioning and restoration of the proposed wind farm. Appendix 1 of the Cabinet Report of 21<sup>st</sup> May 2014 states that the risk level for such a guarantee is “Medium Risk” and the proposed payment method is therefore in accordance with the agreed Cabinet Report and has been agreed by the Heads of Finance, Legal and the Depute Chief Executive.

## **COMMUNITY PLAN**

- 370.** Section 2: Vision and Spatial Strategy of the East Ayrshire Local Development Plan 2017, referred to above, states that it takes account of and embeds the main themes and vision of the Community Plan.

## **CONCLUSIONS**

- 371.** Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises four separate plans.
- 372.** These are the Opencast Coal Subject Plan 2003, the Ayrshire Joint Structure Plan 2007, the East Ayrshire Local Plan 2010 and the East Ayrshire Local Development Plan (adopted by the Council on 3 April 2017). The topics contained in the Structure and Local Plans are superseded by the EALDP with the exception of those policies relating to minerals. On the basis the policies relevant to wind energy development are contained solely within the EALDP which is up to date.
- 373.** The most significant policy within the EALDP with regards to onshore wind farms is Policy RE3. The application site falls partly within Group 2 and Group 3 areas on account of nearby settlements. Wind farms may be appropriate in Group 2 areas where it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.
- 374.** The relevant sections of the above assessment have shown that the potential impacts on residential properties, specifically those within 2km of the proposed development are faced with some significant impacts, both individually and cumulatively when other wind farms are taken into account, though ultimately no individual property is judged to have unacceptable visual impacts such that that property would face an overwhelming impact that would make it an unattractive place to live. Other impacts could be through light and noise pollution, though neither are likely to cause unacceptable impacts, certainly subject to appropriate conditions. Some properties may face a degree of impact from noise, especially during the construction of the access track, however it is considered that conditioning, in combination with the short terms duration of these impacts, would mean these would not be reasons for refusal in themselves. Impacts on settlements (including residential impacts at a settlement level) will be considered further below.

- 375.** The main body of assessment of Policy RE3 is through the criteria listed in Schedule 1. The schedule is comprehensive and covers a range of issues against which the proposed development has been assessed. The detailed assessment discussed previously within this report has shown that there are a number of environmental, cultural, historical and biodiversity issues which have been assessed.
- 376.** The EIA Report and any subsequent supplementary information has been assessed and would indicate that many of these issues can be considered as not being unacceptably impacted as a result of the proposed development. Avoidance of sensitive designations such as the S.S.S.I. and SPA and Gardens and Designed Landscapes, alongside avoidance of protected species such as the Hairy Stonecrop which will be left in situ, have demonstrated in-built mitigation, with any proposed mitigation or mitigation through appropriate planning conditions, further ensuring such considerations have been assessed as not being faced with unacceptable impacts as a result of the proposed wind farm.
- 377.** Comments from the various consultees, including Historic Environment Scotland, SEPA and SNH amongst others have been generally been positive about the proposed development, although SNH has advised that from a landscape and visual perspective, whilst it does not object to the proposals, it does hold the view that the proposed wind farm “will give rise to significantly adverse landscape and visual impacts of a local and regional significance – including cumulatively with other build [sic] development.” The matter of landscape and visual impacts will be discussed further in this summary below.
- 378.** The Council’s noise consultants, ACCON Ltd, have assessed the relevant sections of the submitted EIA Report and supplementary information provided upon receipt of ACCON’s initial consultation response. ACCON have not raised any concerns over the noise impacts, subject to compliance with noise limits for nearby properties which could form the basis of appropriate planning conditions to be attached to any consent, if granted.
- 379.** The proposed access from the C90 Afton Road is likely to result in a significant, localised impact on this road which has already been the subject of considerable disturbance from current developments such as Afton Wind Farm. There are a number of other wind farm applications which propose to use the Afton Road and Ayrshire Roads Alliance have considered it appropriate to require a phased approach to access on this road for different developers / wind farm developments. This can be conditioned alongside participation via a Section 75 agreement in a Community Liaison Group for Afton Road. No other traffic impacts have been identified which would lead to unacceptable impacts either on the road network or on residential amenity, subject to suitable conditioning and timing of abnormal load deliveries.
- 380.** There are a number of other policies within the LDP which are often reflective of the criteria requiring assessment under Schedule 1 of Policy RE3, such as ENV 9, ENV 12 and RES 11 amongst others. The proposed development has shown compliance with such policies although there are a number of others such as ENV 7 and ENV 8 which have not been accorded with.

- 381.** As noted above, there are a number of impacts resulting from the proposed development and the most significant of these are in terms of landscape and visual impacts, including cumulative impacts. The linear design of the proposed wind farm, along the ridgeline between Ashmark Hill and Ewe Hill is an attempt to overcome some of the constraints of the site which falls within the East Ayrshire Southern Uplands LCT, to the west of Glen Afton, where the lower hills are part of a complex network of narrow ridges and incised river / stream valleys. Whilst the linear design avoids the difficulties associated with trying to design an integrated scheme in such a complex landscape, the linear design creates problems in itself.
- 382.** Due to the linear design proposed, the Ashmark turbines would appear as a contrast to the other wind farms within this area around Glen Afton / in the Southern Upland LCT's. The linear design would contrast from the more clustered design of the other schemes which would increase the potential cluttered appearance of these wind farm developments, even more so if the Pencloe and Enoch Hill schemes were to be consented. The scale of the turbines, at 135m high, would also form large intrusions which would overwhelm the lower relief of these western hills of the Afton Glen.
- 383.** The linear design of the wind farm and its position on the ridgeline means that the turbines form a wide, lateral expanse of development along this ridgeline which only exacerbates its visual impact. The Southern Uplands from a scenic backdrop to the neighbouring, more settled Upland Basin. The design and layout of the proposed wind farm would result in the turbines forming prominent structures stretching across a wide lateral expanse of the southern skyline, highly visible, face-on from large parts of the Upland Basin, including a number of settlements such as New Cumnock and the smaller settlements along the B741. The visual impacts on the settlements as a result of the proposed wind farm are judged to be significant and adverse.
- 384.** As a result of the large scale, prominent and expansive intrusion the proposed development would represent, a number of recreational receptors are also considered to be unacceptably impacted. Walking routes within this general area will face varying impacts although some of those located in the Upland Basin, Upland Glen and eastern sides of the Afton Glen, where the landmark Blackcraig Hill is located are considered to face unacceptable impacts and their value and experience diminished due to the proposed development and resultant impact on views to and from these routes / the landmark hill. The Afton Glen itself is a highly scenic, sensitive part of East Ayrshire and the proposed development would introduce large scale turbines descending into the Upland Glen landscape, and would dominate the western hills of the Afton Glen, impacting on what is effectively the gateway (or western edge of this) into the Afton Glen. The application site falls within the designated Sensitive Landscape Area and it is for the landscape and visual impacts discussed in detail in this report, and summarised within this conclusion, that the development has been judged as having a significant adverse and unacceptable impact on the qualities and characteristics for which this area has been designated as sensitive.
- 385.** Cumulative impacts, as noted, are partly a result of the contrasting design of this proposed wind farm with other existing / consented and application wind farms around the Afton Glen area. Furthermore, the scale of the turbines along with their location and layout means that the proposed wind farm does not appear to relate to

any existing wind farms. It is entirely separate, located closer to the lower lying, settled Upland Basin (and associated settlements) and introduces wind farm development into an area of the Southern Uplands as yet free from wind energy development. Whilst Enoch Hill is also partly located in the East Ayrshire Southern Uplands LCT, those turbines are not proposed as close to the Upland Basin as those of Ashmark Hill. The Ashmark Hill proposal reads as entirely separate from other wind farms and its contrasting design / layout and scale only emphasises its divergence from other schemes ensuring it does not read as an extension to any other existing / consented or application stage wind farm.

- 386.** There are no objections from NATS and Glasgow Prestwick Airport who have now removed their original objections on the basis of the Applicant entering into agreements with both aviation bodies to ensure appropriate mitigation is in place prior to the erection of any turbines. Appropriate planning conditions can be attached to any consent, if granted, to ensure mitigation is successfully implemented prior to the erection of any turbines.
- 387.** Many of the material considerations are considered to be supportive of the proposed development, although there are exceptions. The proposed contribution of approximately 21MW of renewable energy towards the renewable energy generation targets would be supported in principle by National and Scottish Government Energy Policy and also NPF3 which supports the transition to a low carbon economy. Whilst SPP is supportive in principle of development contributing to sustainable development, it has been established previously within this report that due to the significant adverse landscape and cumulative impacts, the proposed development cannot be considered to be development contributing to sustainable development. SPP also sets out a number of criteria for consideration in assessing applications, these considerations effectively form the basis of Schedule 1 in LDP Policy RE3. Due to the negative impacts reported within the assessment of the development against RE3, the proposed development is contrary to SPP.
- 388.** The proposed development does not accord with the East Ayrshire Landscape Wind Capacity Study (2018). This document highlights the characteristics of this landscape and its sensitivities and constraints and concludes there is no scope for turbines >130m in height to be located within the East Ayrshire Southern Uplands LCT. There may also only be very limited scope for turbines between 70m – 130m high where these form small extensions to existing wind farms in this LCT. As has been discussed in detail in earlier sections of this report, the proposed development is clearly distinct from any existing wind farm and could not be argued to represent a small extension, certainly when the scale and design is so different to those existing wind farms of Hare Hill (and Extension) and Afton.
- 389.** Given the character of the landscape and the resultant significant adverse landscape, visual and cumulative impacts resulting from the proposed development, it is considered that a number of material considerations, including SPP are not supportive of the proposals.
- 390.** As noted in the opening sections of this report, this application forms a revision of a previous wind farm proposal on the same site for a 7 turbine wind farm of 116m high turbines (11/0983/PP) which was refused by the Council and the subsequent appeal

to the DPEA also dismissed (PPA-190-2042), both the refusal and appeal dismissal centred on the unacceptable landscape and visual impacts the proposed development would cause.

- 391.** Given the similarity between the previous scheme and the current 2018 application (7 turbines are proposed, located in almost the same location as the previous ones and having the same linear design along a prominent ridgeline), the Applicant has chosen to submit this current application as they believe there has been sufficient change in the cumulative wind farm context in the area that, despite now proposing even higher turbines (135m high), this in combination with their intention to progress this scheme as a Community Shared Ownership scheme is sufficient to overcome the impacts already identified as sufficient to refuse the 2011 proposal for a very similar wind farm on this site.
- 392.** As has been discussed in detail throughout this report, whilst the cumulative situation, especially where Pencloe and Enoch Hill are considered (although both are still currently at awaiting determination by the Scottish Ministers and no decision on either scheme has been made), is more influenced by wind farm development, the location of the proposed Ashmark Hill Community Wind Farm would be located further north into the transitional area between the more elevated Southern Uplands and the lower lying, more settled Upland Basin. This contrasts with other schemes which have sought to comply with regional landscape guidance which identifies areas further south (Southern Uplands with Forestry) as having more capacity for wind farms and the set-back helps to reduce the visual impacts from the settled Upland Basin to the north. The proposed turbines are a very large scale and would be located along a prominent ridgeline which forms the containing skyline of the lower lying landscape to the north and the linear design creates a prominent, laterally expansive intrusion which would be highly visible across much of the Upland Basin to the north, with significant impacts extending to a distance of approximately 10km.
- 393.** The linear design of the proposed wind farm is a contrast to more clustered, compact designs of other wind farms around the Southern Uplands area which results in the creation of a more confused clutter of development from a scheme which does not relate well to any of these other wind farms and would be perceived as entirely separate and more prominent from the Upland Basin of any of the other schemes on a cumulative basis, with its visual impacts extending across a wide expanse of the southern skyline. Therefore, despite the potential cumulative context possibly providing for a more wind farm influenced landscape context, the scale, layout, design and location of the proposed development would not relate well to these other schemes and would merely contribute significantly to the adverse landscape and visual impacts, rather than benefitting from existing, consented and application wind farms. This cumulative visual impact is highlighted by the Council's consultants, IFL, who note, "Cumulative visual effects are undoubtedly exacerbated by the introduction of a new typology of wind farm development into the landscape, the linear turbine arrangement contrasting strongly with the more clustered / 'organic' turbine arrangements of the existing and consented development. This contrast in design would add confusion to the existing / consented pattern of wind energy."
- 394.** This means the only difference which would require assessment as to whether it could overcome the resultant significant adverse impacts of the proposed

development would be the community shared ownership element. This has been discussed in detail previously in this report. As it currently stands, a possible community partner has been identified, New Cumnock Development Trust, and an offer for the community partner to invest up to 15% of the capital construction costs is being made by the Applicant. The community partner group would then receive the equivalent percentage of net revenue from the project. Appendix 14.2 (of EIA Report Volume 4b) identifies potential ways in which the revenue generated from the shared ownership scheme could be utilised and targeted towards achieving some of the goals of the New Cumnock Action Plan 2017. Community Shared Ownership is not a material consideration (as highlighted in the Pine Burns wind farm appeal decision (PPA-140-2069) at paragraph 66, which states, “A shared ownership scheme and a community benefit fund are proposed, but these are not material considerations in the planning process.”) however the possible socio-economic benefits may be. The success or otherwise of such schemes is difficult to estimate at this time, although the full net economic benefit will ultimately only be achieved if the projects into which any revenues are invested are successful. It is worth noting that the estimated benefits reported within the EIA Report are based on a 15% investment. Should the community partner group decide to invest but only a smaller percentage, then the resultant economic benefits may be proportionately reduced.

- 395.** The Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments states on page 12, “the intention for shared ownership can be outlined in a planning application but will not be considered to be as strong as those with an identified and committed partner.” Furthermore, page 18 states, “if the community intends to invest post-planning, an agreement of intent should be signed in advance of submission of a planning application where appropriate.” Whilst the Applicant is in discussion with the New Cumnock Development Trust regarding the offer of shared ownership, the Planning Authority is not aware of any signed agreement between the two, certainly none has been submitted in support of the application, in line with the Scottish Government guidance, and the strength of consideration of the shared ownership element cannot be considered particularly strong where there remains uncertainties over whether or not the community partner is committed to invest in the scheme, or to what level. Correspondence with the chair of New Cumnock Development Trust on 17 September 2018 confirmed that they have not entered into an agreement for the community shared ownership, despite being supportive of the principle.
- 396.** The proposed wind farm is a relatively small scheme with only 7 turbines proposed and an installed capacity of approximately 21MW, yet would result in a disproportionate level of impact given its scale; this a function of its design, layout, location and scale. A judgement has to be made as to whether the benefits of the proposed wind farm, notably its delivery of renewable energy and degree of economic benefits (which includes a component of shared ownership, though as yet there remain uncertainties as to whether or not this will actually be realised), would be sufficient to outweigh the significant adverse landscape, visual and cumulative impacts as well as impacts on tourism and recreation in the area.
- 397.** The encirclement of the Afton Glen, one of East Ayrshire’s most sensitive scenic areas, as a result of the proposed turbines and impact on the Sensitive Landscape Area, in combination with the further encroachment and significant adverse

landscape and visual impact on settlements in the Upland Basin (including New Cumnock and settlements on the B741), which represent local and regionally significant impacts are such that it would seem unjustified to overlook such significant impacts. There could be a risk that the negative impacts resulting from the proposed development, which would be experienced at a local and regional level from within and around this area, could deter investment in New Cumnock and other settlements in the Upland Basin, reducing the likelihood of bringing about positive, lasting change. The tourism and outdoor recreation sector could be at particular risk given the impacts on this sensitive location marking the entrance to a very attractive and popular part of the East Ayrshire landscape (Glen Afton).

**398.** It is difficult to conceive how it could be possible to ignore the significant adverse and unacceptable landscape, visual and cumulative impacts, impacts on the Sensitive Landscape Area and impacts on tourism and recreational offerings in the area on the basis of an offer, which is all it is at the moment, an offer, of shared ownership which is not judged would warrant disregarding the significant and unacceptable impacts which would be caused by the proposed development. An offer of shared ownership is not a material consideration. The resultant socio-economic impacts of shared ownership however may be, though as has been noted, there remains a great deal of uncertainty as to the success or otherwise of any schemes into which the investment returns could be channelled or even the level of returns (which would be significantly less than reported in the EIA Report when taking into account net present value) to invest. Furthermore the identified community group (New Cumnock Development Trust) have not signed an agreement with the Applicant, and are under no obligation to do so. Therefore, even if an offer is made, if this is not agreed by the local community, the potential socio-economic benefits which might have been achieved by the shared ownership element would not be realised. It is questionable even if an agreement had been signed and there was a guarantee of a known level of percentage of shared ownership and investment being before the Council (bearing in mind this is not a material consideration and there remain significant uncertainties as to the potential socio-economic benefits), whether that would offer sufficient weight to overcome and disregard such prominent, local and regional scale significant unacceptable adverse impacts.

**399.** To conclude, the proposed Ashmark Hill Community Wind Farm is not considered to comply with Policies OP1 (i), (ii), (iii), (ix) and (x), and RE3, ENV 7, ENV8 and T4 of the adopted East Ayrshire Local Development Plan (2017) due to the unacceptable negative landscape, visual and cumulative impacts as well as adverse impacts on tourism and recreation resources resulting from the proposed development.

**400.** The proposal also fails to comply with the following guidance / material considerations:

(i) SPP

On the basis of the landscape, visual and cumulative impacts.

## **RECOMMENDATION**

**401.** It is recommended that the Planning Application be refused for the reasons listed on the attached sheet at Appendix 1 of this report.

## **CONTRARY DECISION NOTICE**

**402.** Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development, the application:

- (i) will not require to be referred to Council as it would not represent a significant departure from Council policy. The proposal does not represent a significant departure from the Development Plan as the general principle of renewable energy generation is supported, subject to detailed assessment against various criteria. The proposal, however, has been found to be unacceptable following this detailed assessment.

**Michael Keane**  
**Head of Planning and Economic Development**

**MK/FV**

**Date: 18 September 2018**

***Implementation Officer: David McDowall, Operations Manager, Building Standards and Development Management***

### **LIST OF BACKGROUND PAPERS**

- Application documentation including Environmental Impact Assessment Report and supplementary information
- East Ayrshire Local Development Plan (2017)
- East Ayrshire Local Development Plan Supplementary Guidance: Planning for Wind Energy
- East Ayrshire Local Development Plan Supplementary Guidance: Financial Guarantees
- East Ayrshire Local Development Plan Non-statutory Planning Guidance: East Ayrshire Landscape Wind Capacity Study (2018)
- East Ayrshire Local Development Plan Background Paper: Sensitive Landscape Areas (March 2015)
- National Planning Framework 3
- Scottish Planning Policy
- Scottish Government Guidance – Onshore Wind Turbines, May 2014
- Circular 2:2003 ‘Safeguarding of Aerodromes, Technical Sites, Meteorological Technical Sites, and Military Explosives Storage Areas: The Town and Country Planning (Safeguarded Aerodromes, Technical Sites, Meteorological Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2016
- Scottish Natural Heritage Guidance: Assessing the Cumulative Impact of Onshore Wind Energy Developments, March 2012

- Scottish Natural Heritage Guidance: Siting and Designing Wind Farms in the Landscape Version 3, February 2017
- PAN 1/2011: Planning and Noise
- ACCON Ltd Noise Assessment
- Ironside Farrar Ltd Ashmark Hill Community Windfarm Audit of Landscape and Visual Impact Assessment, August 2018
- Ironside Farrar Ltd 'East Ayrshire Council Windfarm Bond Assessment'
- The Climate Change (Scotland) Act 2009
- Scottish Energy Strategy: The future of energy in Scotland (December 2017)
- Onshore Wind Policy Statement (December 2017)
- The Energy White Paper 2007
- The Scottish Government's Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments
- Scottish Government Guidance on Dealing with Aviation Objections and Associated Negative Conditions in Wind Turbine Consents
- <http://www.gsabiosphere.org.uk>
- Moffat Report – The Economic Impacts of Wind Farms on Scottish Tourism (March 2008)
- WIN-270-2 Minister's Decision on Strathy South Wind Farm
- PPA-140-2069 Minister's Decision on Pine Burns Wind Farm appeal
- Unilateral Undertaking by Eversheds Sutherland on behalf of Innogy
- Consultation responses
- Statutory Notices and Certificates.

Anyone wishing to inspect the above background papers should contact Graham Mitchell on 01563 578213



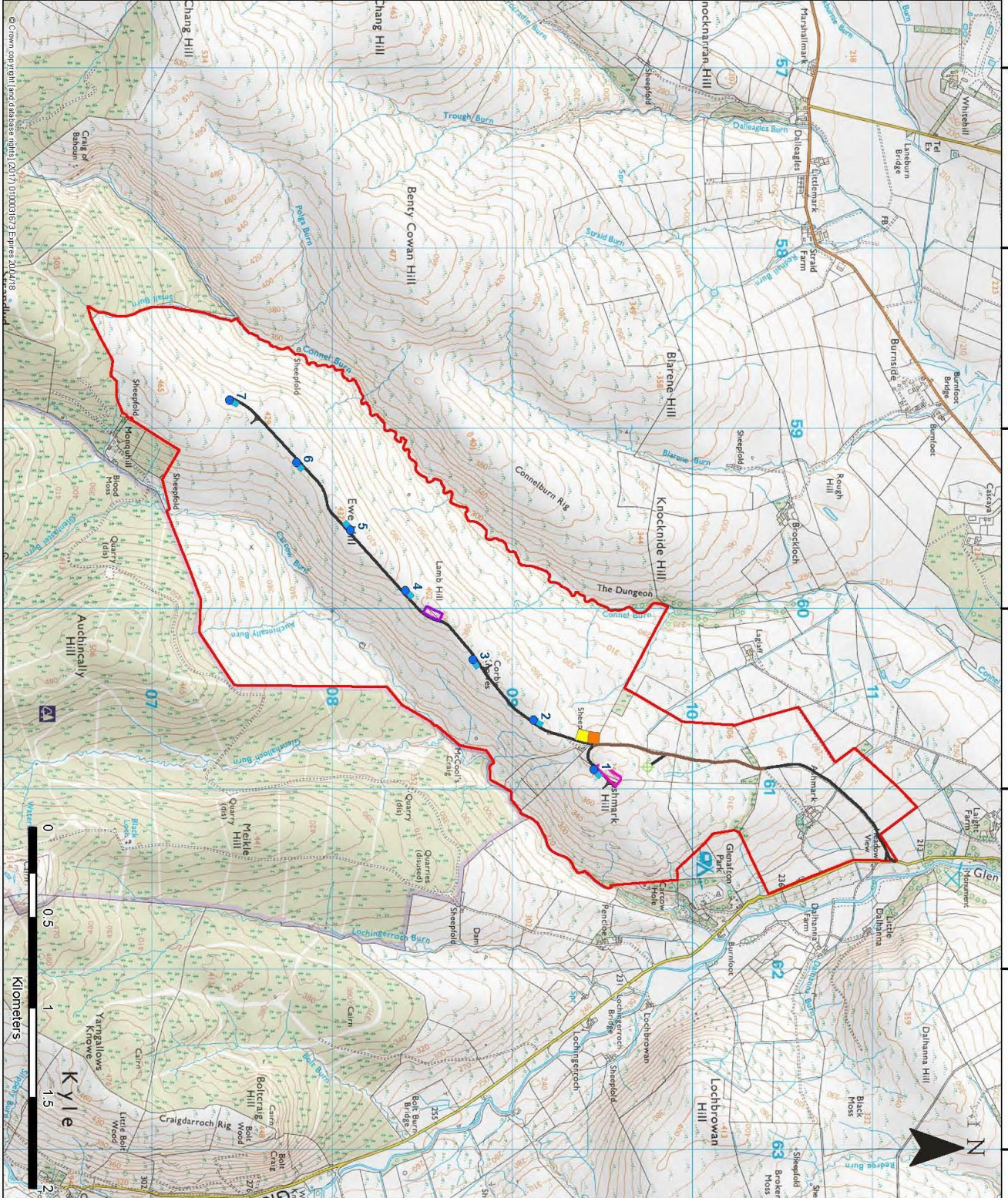
**East Ayrshire Sensitive Landscape Area, detracting from the qualities which make this landscape sensitive, including impacts on Glen Afton and the hills to the west of the glen, upon which the proposed development would be sited.**

**4. The proposed development fails to accord with Policy ENV8 of the East Ayrshire Local Development Plan 2017 due to the significant adverse landscape and visual impacts, including cumulative landscape and visual impacts, adversely impacting on skylines, distinctive landform features and prominent views which contribute to the value, quality and character of the landscape and resultant impacts on rights of way and footpaths.**

**5. The proposed development fails to accord with Policy T4 of the East Ayrshire Local Development Plan 2017 due to the significant adverse landscape and visual impacts, including cumulative landscape and visual impacts and their resultant impacts on the recreational value of a number of core paths and (claimed) rights of way within the local area.**

#### Reason for decision

National policy gives significant weight to renewable energy generation although this support is conditional. The proposed development would bring a degree of economic benefit in the local area, through jobs creation and the offer of shared ownership although there remain uncertainties as to the commitment of the local community partner to invest or at what level, in addition to uncertainties over the expected returns and potential net economic benefits. The proposed development would result in significant adverse landscape and visual impacts, including cumulative landscape and visual impacts of a local and regional scale, bringing wind farm development closer to more settled, sensitive landscapes and impacting on the qualities of the sensitive landscape area, with this area in and around Glen Afton recognised as one of the most scenic and sensitive in East Ayrshire. On balance it is considered that the significant adverse impacts appear disproportionate for the modest scale of the wind farm, with only 7 turbines proposed, so the modest contribution to the renewable energy generation targets along with the uncertainties surrounding the net economic benefits, would not outweigh the negative landscape and visual impacts, including cumulative impacts, on nearby local settlements, recreational and tourist resources and sensitive landscape area. The material considerations, including SPP which the proposed development would not gain support from, do not indicate the proposed development should be approved contrary to the development plan.



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LEGEND

- SITE BOUNDARY
- PROPOSED TURBINE LOCATION
- ⊕ PERMANENT ANEMOMETER MAST
- EXISTING ACCESS TRACK
- PROPOSED ACCESS TRACK
- PROPOSED CONSTRUCTION COMPOUND
- PROPOSED CONTROL BUILDING / SUBSTATION
- PROPOSED TURBINE HARDSTANDING
- PROPOSED BORROW PIT
- RESERVE BORROW PIT

TURBINE	EASTING	NORTHING
1	260892	609456
2	260616	609121
3	260280	608794
4	259898	609409
5	259562	608104
6	259188	607875
7	258940	607432



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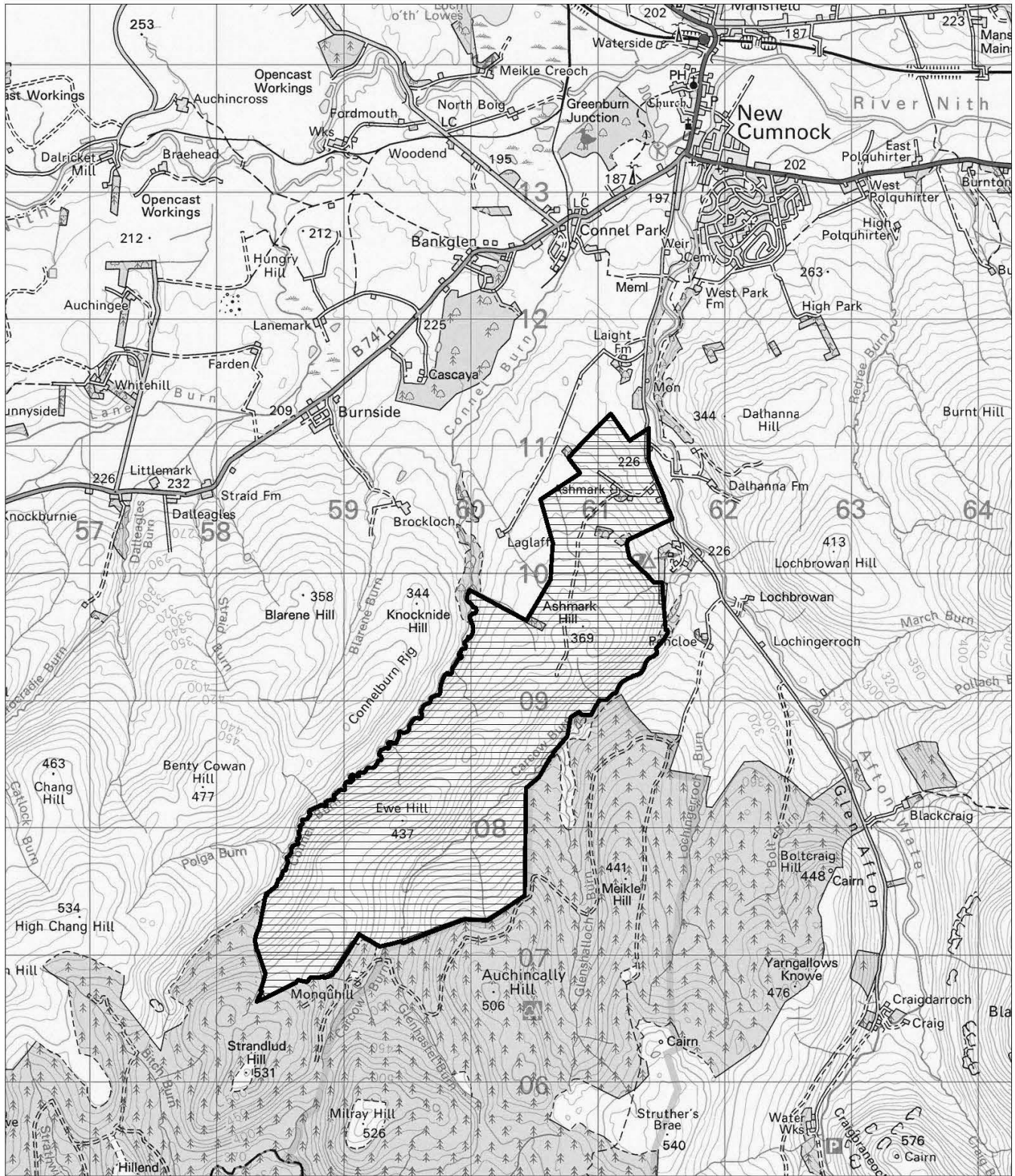


Global environmental solutions

**ASHMARK HILL COMMUNITY WIND FARM**  
EIA REPORT  
PROPOSED SITE INFRASTRUCTURE

**FIGURE 3.1**

Scale 1:20,000 @ A3 Date MARCH 2018



Title/Location	<p><b>Ashmark Hill</b></p> <p><b>New Cumnock</b></p> <p><b>Application No. 18/0354/PP</b></p>	<p><b>East Ayrshire Council</b></p> <p>Economy and Skills          Planning &amp; Economic Development          The Johnnie Walker Bond          15 Strand Street          Kilmarnock KA1 1HU          Tel: (01563) 576790 Fax: (01563) 554592          e-mail : <a href="mailto:submittoPlanning@east-ayrshire.gov.uk">submittoPlanning@east-ayrshire.gov.uk</a>          Com Date: <b>28/09/2018</b></p>	
Key	<p><b>Application Site</b></p>		

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