

APPENDIX 4

EAST AYRSHIRE COUNCIL

REPORT OF HANDLING

Application Number : 14/0851/PP

Applicant Name: Mr Jim Barr

Development : Erection of 1 x ENERCON E48 800kW wind turbine measuring 74m to tip, plus temporary access track and crane pad

Location : East Whitelee Farm
Old Glasgow Road
Stewarton
Kilmarnock
East Ayrshire
KA3 5JU

Type : Planning Permission

1. Development Description

Erection of 1 x ENERCON E48 800kW wind turbine measuring 74m to tip, plus temporary access track and crane pad

Note; abbreviations etc:

Reference is made throughout to landscape character area (LCA) or landscape character type (LCT).

AOD: Above Ordnance Datum

EAWLCS: East Ayrshire Wind Landscape Capacity Study

ETSU R-97: Report ETSU-R-97 on the Assessment and Rating of Noise from Wind Farms, was written by a Noise Working Group (NWG) of developers, noise consultants, environmental health officers and others set up in 1995 by the Department of Trade and Industry through ETSU (the Energy Technology Support Unit). Final Report published Sept 1996.

2. Site Description

The application site is located in a rural area within 300 metres of the B769 near to the settlement of Kingsford which is located to the north east of Stewarton. The landscape is a mixture of rough grazing fields which slopes upwards from the B769. A crag type feature rising to 215 AOD is located to the north east of the proposed turbine location and forms a localised high point and landmark. An existing access from the B769 leads to West Whitelee, Easterhouse of Whitelee and Easter Cottage of Whitelee residences, and thereafter an access track runs in a north eastwards direction towards the proposed location of the turbine. East Whitelee Farm is across the B769 on the south side of the road.

The application site is located in the Plateau Moorlands (Forestry and Wind) Landscape Character Type as categorised in the East Ayrshire Landscape Wind Capacity Study 2013 assessment (EALWCS). Whilst the site lies within the Plateau Moorlands (with Forestry and Wind farms) Landscape Character Type (LCT), it is also situated immediately adjacent to the East Ayrshire Lowlands LCT and as such the application site lies close to the boundary of two different LCTs in a transitional area of landscape. The landscape of the application site area can generally be described as gently rolling hills with agricultural activity and an

agricultural field pattern with occasional belts of trees. Larger blocks of commercial forestry are apparent to the east of the application site at Glenouther Moor, and also to the north west of the application site.

The turbine is proposed at 74m, on a location of 200m AOD. There are a number of hills in the vicinity of the turbine location, to the west, height AOD are around 200m - 205 generally, and there will be views of the turbine from the west and south west as a result. Some views may be less significant from the east, where local hills are:

245m OD [Black Law];
 240m OD [WindyYett];
 240m OD Craignaught Quarry area;
 265m OD Dareduff Hill;
 273m OD Cairn Hill.

There are a number of commercial wind farms in the area, including Middleton (6 turbines) and Neilston (4 turbines), whilst these wind farms are situated within the boundary of the neighbouring East Renfrewshire Council, they are situated within 4 km and 6 km respectively of the proposed turbine at East Whitelee.

Turbines approved in the 5km area [>20m]

| Approved | Turbines in 5km <20m | Hub | Rotor dia | Total height [m] |
|------------|---|-----|-----------|------------------|
| 09/0372/FL | 1no. @ Mid Grange Dunlop | 15 | 9.6 | 25 |
| 09/0831/PP | 1no. @ Millbrae, Dunlop | 15 | 9 | 20 |
| 10/0216/PP | 1no. @ High Clunch, Clunch Rd Stewarton | 18 | 13 | 24.8 |
| 10/0702/PP | 1no. @ Whitelee Poultry Farm, Stewarton | 15 | 9.6 | 25 |
| 11/0425/PP | 1no. @ East Pokelly Farm, Stewarton | 37 | 15 | 48 |
| 11/0462/PP | 1no. @ Glenouther Farm Fenwick | 15 | 9 | 19.5 |
| 12/0508/PP | 1no. @ Corsehouse Farm, Stewarton | 20 | 13.1 | 27 |
| 12/0519/PP | 1no. @ Clonherb Farm Stewarton | 44 | 33.4 | 61 |
| | | | | |
| Pending | | | | |
| 14/0585/PP | 1no. @ Craighead Farm, Lugton | 18 | 18 | 27 |
| 15/0173/PP | 6no. @ Blair Wind Farm | 59 | 59 | 100 |

3. Representations Summary

One representation has been received in connection with the application.

The effects of Infrasound and Low Frequency Noise (ILFN) are cumulative, and individuals are affected by ILFN in different timescales, but the bottom line is that if you have a life threatening ailment, or are susceptible to one, and live near a wind turbine, then your chances of recovery are greatly diminished, whether you have signed a 'non disclosure' agreement or not. Your pets and livestock could also be seriously affected. Should this application be allowed, in the interests of public health, please ensure that ILFN monitoring before and after turbine erection is a required condition.

The current Solar Radiation Management (SRM) techniques are creating up to 8% less surface wind. This means that the expensive, harmful, intermittent and variable wind energy is even more futile. Should this application be allowed, in the interests of public health, please ensure that ILFN monitoring before and after turbine erection is a required condition *[summary of comments on ILFN]*.

General Summary:

1. Wind turbines emit ILFN, and can do so even when the blades are not turning.
2. ILFN is harmful to humans and other life forms, and can kill.

3. In the interests of Public Health, the Scottish Government and local Councils should impose a condition on turbine applications that ILFN is measured before and after turbine erection (for a period of a few weeks/months).
4. ILFN measurement should be a mandatory tool that is used to assess any reported health effects from turbines. This could show a direct time correlation between symptom and ILFN peaks.

In respect of point 1, the objector's views regarding Infrasound and Low Frequency Noise (ILFN) is based on the opinion of the objector rather than recognised or established fact and reflects their own assessment. Neither central Scottish /UK Government nor any UK Statutory Agency has raised the issue of Infrasound and Low Frequency Noise (ILFN) as an issue for consideration when a Planning Authority assesses a wind turbine planning application. A report by Hayes McKenzie for DECC in 2006 concluded that there is no evidence of health effects arising from infrasound or low frequency noise generated by the wind turbines that were tested. Notwithstanding this, whilst the Haynes McKenzie Report stated that there is no evidence of health effects arising from ILFN, there have since been other contradictory pieces of evidence that post-date the Hayes Mackenzie Report. In August 2006, the UK Noise Association reviewed both medical and acoustic evidence and concluded that the larger turbines should not be located within 1 mile of human dwellings. Similarly, there are views expressed that contradict this and suggest that the strength of reaction to noise is brought about by non-acoustic factors moderating the perception of noise (Dick Bowdler 2012). Nonetheless, with the range of arguments surrounding IFLN and possible associated effects, the criteria with which to assess such applications has not been updated to include the assessment of IFLN in wind turbine development.

4. Consultations Summary

Stewarton And District Community Council

No response.

Environmental Health [23.12.2014]

I can advise that the supporting statement indicates that cumulative noise impacts will be within ETSU R-97 guidelines and therefore have no objections to grant of the application.

Scotland Gas Networks [18.12.2014]

There is High Pressure apparatus in the vicinity; accordingly a copy of your correspondence has been sent to our local engineer, who will be in contact shortly. It is essential that no work or crossings of this high pressure pipeline is carried out until a detailed consultation has taken place.

Ministry Of Defence 14.01.2015

The MOD has no objection to the proposal. If planning permission is granted we would like to be advised of the following prior to commencement of construction;

- [a] the date construction starts and ends;
- [b] the maximum height of construction equipment;
- [c] the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

Glasgow Prestwick Airport [19.12.2014]

Glasgow Prestwick Airport safeguarding team has reviewed the documentation for the above application for a wind turbine at East Whitelee. We can confirm that the proposal will not conflict with our safeguarding criteria as such Glasgow Prestwick Airport does not object to the application.

BAA Aerodrome Safeguarding [23.12.2014]

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria. Accordingly, a more detailed

assessment requires to be undertaken regarding the potential impact on Glasgow Airport

BAA Aerodrome Safeguarding 08.01.2015

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

Ayrshire Roads Alliance [07.01.2015] defer decision -

1. Prior to starting any work on site the applicant must contact The Ayrshire Roads Alliance, East Ayrshire Council Section, Roads Network Management, Keith Stewart on 01563 503168 to agree a traffic management plan and any road improvements required to accommodate movements of construction plant and materials and carry out a joint inspection of the proposed delivery route.

2. The applicant will be responsible for gaining permission from The Ayrshire Roads Alliance, East Ayrshire Council Section for removing and reinstating any street furniture to allow materials and construction plant to be delivered to the site and any associated costs incurred by East Ayrshire Council.

3. The applicant will be responsible for any costs associated with repairing or replacing any street furniture, street lighting, verges, carriageway surfaces/reflectors/markings, ditches, drainage, ironwork, cattle grids or structures damaged during deliveries to the site. East Ayrshire Council reserves the right to recover any such costs under Section 96 of the Roads (Scotland) Act 1984.

4. Weight restrictions on the delivery route must be complied with.

5. A Road Opening Permit will be required to form a new access across the public verge, details of the temporary access track are required to be submitted where the first 10m from the edge of carriageway will be hard paved, with any gates also located 10m back only opening inwards away from the public carriageway.

Visibility sightline splay areas of 2.5 metres by 215 metres will require to be formed and maintained at the access point, with no obstruction greater in height than 1m allowed within the splay areas formed, a plan should be submitted demonstrating the visibility splay. The applicant should be in control of the land the visibility splay passes over.

Any existing ditches will require to be piped under the new access location.

6. The applicant must notify Roads Network Management in advance on 01563 503168 of any deliveries of major turbine components, sub stations, and cranes.

Ayrshire Roads Alliance 04.02.2015 No objections subject to conditions:

Prior to starting any work on site the applicant must contact The Ayrshire Roads Alliance, East Ayrshire Council Section, Roads Network Management, Keith Stewart on 01563 503168 to agree a traffic management plan and any road improvements required to accommodate movements of construction plant and materials and carry out a joint inspection of the proposed delivery route.

2. The applicant will be responsible for gaining permission from The Ayrshire Roads Alliance, East Ayrshire Council Section for removing and reinstating any street furniture to allow materials and construction plant to be delivered to the site and any associated costs incurred by East Ayrshire Council.

3. The applicant will be responsible for any costs associated with repairing or replacing any street furniture, street lighting, verges, carriageway surfaces/reflectors/markings, ditches, drainage, ironwork, cattle grids or structures damaged during deliveries to the site. East Ayrshire Council reserves the right to recover any such costs under Section 96 of the Roads (Scotland) Act 1984.

4. Weight restrictions on the delivery route must be complied with.

5. A Road Opening Permit will be required to form a new access across the public verge, details of the temporary access track are required to be submitted where the first 10m from

the edge of carriageway will be hard paved, with any gates also located 10m back only opening inwards away from the public carriageway.

Visibility sightline splay areas of 2.5 metres by 215 metres will require to be formed and maintained at the access point, with no obstruction greater in height than 1m allowed within the splay areas formed, The applicant should be in control of the land the visibility splay passes over. Any existing ditches will require to be piped under the new access location.

6. The applicant must notify Roads Network Management in advance on 01563 503168 of any deliveries of major turbine components, sub stations, and cranes.

National Air Traffic Services [15.12.2014]

The proposed development has been examined by our technical safeguarding teams and conflicts with our safeguarding criteria - accordingly, NATS (En Route) plc objects to the proposal.

National Air Traffic Services [09.02.2015]

The previous application for 2 turbines was refused and as such only 1 turbine is now being proposed at this site (74m). As such, I can confirm that as agreed for the previous application at this site, NATS would be willing to withdraw its objection subject to the imposition of the standard aviation conditions reproduced below that were applied to the earlier application.

1. No turbine shall be erected until the Developer has agreed a Primary Radar Mitigation Scheme (PRMS) with the Operator which has been submitted to and agreed in writing by the East Ayrshire Council in order to mitigate the impact of the development on the Primary Radar Installation at Lowther Hill.

2. No turbine shall be erected unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

All the above issues are capable for being resolved through planning conditions and/or advisory notes as appropriate.

5. Development Plan Summary

Ayrshire Joint Structure Plan:

ECON 6:Renewable Energy:

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

Policy ECON 6 sets out that the principles of renewable energy are acceptable, and should be supported in general, subject to an assessment of impacts. Renewable energy developments require to demonstrate that they offer no significant and/or unacceptable impacts in themselves, and cumulatively with other wind energy developments, or where there are infrastructure constraints. Furthermore, the development must be sensitive to landscape, natural and cultural heritage.

Whilst the area comes under the East Ayrshire Plateau Moorlands (with Forestry and Wind Farms) LCT, the turbine is sited less than 500 metres from the East Ayrshire Lowlands LCT. The local landscape is defined at the local level in this area by low rolling hills, knolls etc and small, intermittent broadleaf plantations and vegetation, with more heavily settled farm complexes, and pastures on these margin/transitional areas. The area has tracts of commercial forestry; however these are not significant until almost 1km to the east at Glenouther Moor. The landform becomes more

moorland in nature as it progresses towards the core of the LCT to the east and north east, and the area becomes less settled also in these areas.

Therefore, whilst the turbine is located in the Plateau Moorland (Forestry and Wind) LCT it would also be located immediately adjacent to the East Ayrshire Lowlands LCT and it is this close proximity to this sensitive landscape character that exacerbates any visually dominant impacts the turbine might have, both on the landscape and on the visual impact to receptors, especially given that this area is more heavily settled than other parts of the Plateau Moorland (Forestry and Wind) LCT. The turbine is located at the edge of the Plateau Moorland (Forestry and Wind) LCT, where it is accepted that a turbine of this height can sometimes be accommodated – however the caveat is that sensitivity will increase as locations are nearer the periphery of the Plateau Moorland (Forestry and Wind) Ayrshire Lowlands LCT.

Dwellings within a 1km radius of the proposed turbine:

- *Blacklawhill*
- *Low Blacklaw/Lowtoun of Blacklaw*
- *Blacklaw Cottage*
- *Blacklaw Cottage 2*
- *Easter Cottage of Whitelee*
- *Easter house of Whitelee*
- *Barrfield Steading*
- *Windmill Cottage*
- *Glen-a-moor*
- *Kelvedon Cottage*
- *Pebblebank*
- *Downne Law Cottage*
- *Laverockhall*
- *Fallowfield*
- *East Whitelee*
- *West Whitelee*
- *Over Auchentiber*

Dwellings within a 2km radius of the proposed turbine:

- *Greensland*
- *Townhead of Blacklaw*
- *Easter Blacklaw*
- *Midtown of Blacklaw*
- *Glenouther*
- *Upper Hairshaw*
- *Townhead of Hairshaw*
- *Mid Hairshaw*
- *East Spittal*
- *Kingsford Hamlet*
- *West Spittal*
- *Auchentiber*
- *Nether Auchentiber*
- *Over Auchentiber cottage*
- *Fullwood*
- *Townend of Fullwood*
- *Gabroc Hill*
- *Midhouse of Gabrochill*

Taking into account the turbine as a stand-alone element in the first instance, it is considered that the height and scale in relation to the surrounding environment is unacceptable. At 74 metres to blade tip, the development is a prominent feature, will dominate the landscape at this location and would be readily visible from a number of locations, some which bear prominent views:

Viewpoint 1 near Whiteleeburn Bridge gives some indication of this effect. It is considered that, the turbine is a significantly prominent feature, being located on a skyline type location at the edge of the rolling, more agricultural contained character type of the immediate landscape, when viewed from the Ayrshire Lowlands LCT. In this viewpoint, the turbine can be seen breaking the skyline as viewers' journey along the B769. There are a number of farms and dwellings in the area that will have direct view of the turbine proposed, and some views will be significant.

Viewpoint 2 also breaks the skyline from the Blacklaw Bridge area, however in that case, the turbine may appear to have a more direct relationship with farm buildings, however that may be subject to change when viewed from nearby that location but with a different angle of view, for example, when the turbine would not appear to have a direct relationship with any farm buildings and therefore appear out of scale.

Viewpoint 3 is taken at approx. 945m north from the proposed turbine, from Greensland, and whilst not from the public road, this does also illustrate that the visual effects on the more settled area and small farmsteads in the vicinity, may be significant.

Viewpoint 4 near Gabroc Hill also breaks the skyline from a longer viewpoint, at 1.6km distant on the C108 road. Effects on residential units in the area will be experienced, however may be only within a particular line of sight, however given the land form in this area, the structure will still appear as a dominant single feature.

In terms of cumulative visual impacts, the applicant notes that over a 10 km study area, the turbine hub will theoretically be visible over 30.35% of 10km study area, with turbine blades only theoretically visible over 12.82%, noting this is a theoretical exercise and does not take account of intervening screening vegetation or buildings. In practice, therefore, a degree of screening will occur due to vegetation coverage and tree planting etc, localised landscape features, however it is likely that this turbine would be a readily visible feature in the local area as one moves around, particularly so within 5km but also up to 10km.

From settlements, and the surrounding road network, the turbine will be visible, albeit, this will vary according to distances and angles of view experienced from each property or viewpoint. Intervening built form and vegetation will often filter or obscure some views from within settlements, but from some settlement edges and particularly from more elevated locations in the east, the turbine would be an obvious visual intrusion, although there are other similar structures nearby (powerlines) and as such, from some views, the turbine would be read in context with similar vertical elements.

There are single turbines to take account of in the vicinity, per application 12/0895/PP Blacklaw Hill, off the B769, Stewarton, for the Erection of a single wind turbine; 67m to tip etc, which was refused under delegated powers on 02/04/2013, and then appealed at Local Review Body and Approved with conditions on 06/03/2014. This turbine is approved at a location approx. 600m to the north-east of the proposed East Whitelee turbine. Also, currently pending is application 14/0786/PP at Meadowlands, for a wind turbine with a maximum tip height of 30m, etc, at 1.4km to the north-east of the proposed East Whitelee turbine.

Account has also to be taken of:

- the operational Whitelee wind farm, 215 turbines at 6 km;
- the operational 4 turbines at Neilston approx. 4km;
- the operational 6 turbines at Middleton within 6km;
- the consented 15 turbines at Sneddon Law, within 9km;
- the proposed 5 turbine extension to Whitelee wind farm, within 5.5km; and
- Blair Wind Farm 15/0173/PP [pending].

The operational and consented wind farms have been designed to appear as legible 'blocks' of development to minimise their impact. The proposed East Whitelee turbine, whilst of a significant size, remains some distance from these sites, but it is a valid consideration that its impacts are visible from many surrounding residential properties. Further wind turbine development of the scale proposed merely seeks to intensify cumulative visual impacts such that there is little relief to receptors of a 'wind famed' view at some of the more affected properties.

Whilst Middleton & Neilson Pad in East Renfrewshire sites are closer, they are located behind the intervening landscape and Gabroc Hill, further into the plateau moorland, when viewed from the edge of the East Ayrshire Lowlands LCT/start of the Plateau Moorland LCT in the vicinity of the proposed turbine. However, the Neilston and Middleton wind farms are visible from many parts of the landscape in this area and from the B769 and from residential properties along this route. The proposed turbine may give the impression of being read or connected with these developments and will bring them closer, within the view, from some properties, especially towards the settlements of Stewarton and Dunlop. This could be read cumulatively as turbine clutter. Therefore, the effects from the Ayrshire Lowlands LCT looking towards the Plateau Moorland landscape type could be exacerbated compared with the opposite view, i.e. effects from the rest of the Plateau Moorland LCT, looking towards the Ayrshire Lowlands LCT.

The cumulative impact at some rural properties might therefore be adverse, especially those in closer proximity to the proposed turbine. The development brings a large vertical structure into the close field of view from many properties, some of which would have minimal fields of view without turbines, albeit at different distances. By locating the turbine at East Whitelee, the properties in close proximity could be perceived as being increasingly surrounded by turbines, with little respite for residential amenity from significant views of turbines, when considering both consented and pending applications. Intervening landscape and extensive forestry will help screen some properties from these visual effects, but the presence of tree plantations cannot be relied upon for the lifetime of the turbine.

Based on the significant and unacceptable adverse landscape and visual impacts that this development creates, by itself and in particular, the adverse cumulative landscape and visual impact, it is considered that it fails to meet with the terms of this policy and is therefore contrary to ECON 6.

ENV1 Landscape Quality

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

- A) settings of communities and buildings within the landscape

The settlement of Stewarton and the smaller settlement at nearby Kingsford (1.7km from the site) are likely to receive a degree of visual impact from the development. However, the northern part of Stewarton around the C108 road are on much higher ground with less obstructed views out across the rural area to the north east of Stewarton in which the turbine is located. These views may also be cumulative in nature with Whitelee, and the East Renfrewshire turbines. The proposed East Whitelee turbine, by its location and height, will bring these developments closer to the hinterland of the settlement with the wind farm landscape becoming more prominent.

Also, other individual rural properties, such as the grouping at Blacklaw that form a small community, Fullwood and Gabroc Hill will experience impacts by way of cumulative visual impact particularly in relation to Whitelee wind farm and the East Renfrewshire turbines.

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

The proposal does not offer any significant effects on these features.

C) special qualities of rivers, estuaries and coasts;

The proposal does not offer any significant effects on these features.

D) historic landscapes; and

There is no impact on historic landscapes.

E) skylines and hill features, including prominent views.

As mentioned at Policy ECON 6, the application site is located at the edge of the Plateau Moorlands (Forestry and Wind) LCT and adjacent to the East Ayrshire Lowlands LCT. The height and the ground level of the proposal at 200 AOD is such that it will appear frequently from the more contained landscape of the East Ayrshire Lowlands LCT and in particular as part of the skyline from a number of directions of view. The proposed turbine would overall, be sited in a prominent location in the landscape and would also detract from the crag landmark feature just to the east of the turbine, in terms of scale.

In summary, on the basis of the above, the proposal is considered to constitute a significantly adverse and unacceptable cumulative impact in particular on communities and properties in the surrounding rural area by way of visual impacts as well as having an adverse impact on the setting of the adjacent landmark hill feature and on skylines in particular from the East Ayrshire Lowlands LCT. The proposal is therefore contrary to ENV 1, particular, ENV1 [A] and ENV 1 [E] above.

Policy ENV 11 advises that the three Ayrshire councils shall not be supportive of new development that would expose large numbers of people to unacceptable levels of air, noise and light pollution.

The Structure Plan does not define 'large numbers' of people however this area is more settled than the rest of the Plateau Moorland (Forestry and Wind) LCT, and there are a substantial number of rural properties located within this part of the LCT (17 in a 1 km radius), the periphery area being more heavily settled and pastoral, compared with the core of the Plateau Moorland (Wind and Forestry) LCT. In relation to noise, the applicant advises that the turbine would not cause any unacceptable adverse impacts as the supporting statement indicates that cumulative noise impacts will be within ETSU R-97 guidelines.

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

(c) promote road freight movement in a manner that minimises disruption to local communities and use of inappropriate public roads.

The Council's Roads Division has advised through its consultation response that it has no objection subject to appropriate planning conditions although a number of these 'conditions' would not meet the tests set out within planning circular 4/1998. As such a number of them require to be reworded or attached solely as guidance notes.

East Ayrshire Local Plan 2010:

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

- (i) the character and appearance of the particular location in which it is proposed;
- (ii) the environment and amenity of local communities and residents of the area;

- (iii) landscape character and quality; and
- (iv) natural or built heritage resources.

As noted at policies ECON 6 and ENV 1 of the Structure Plan set out above, the proposal is considered to have an adverse impact on the landscape character of the area and the visual amenity of the area at a number of rural properties. It is therefore contrary to Policy SD1.

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

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

There is no such impact.

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

As noted above in more detail, it is considered that this proposal represents both as a standalone development and in particular in a cumulative manner, adverse impacts on:

• The high points of the settlement of Stewarton by way of cumulative visual impact;

• Surrounding rural groups and individual properties by way of cumulative visual impact

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

There is no such impact.

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

The site is not located within a Sensitive Landscape Character Area. However, the turbine is located in a prominent position and will therefore result in a significant adverse impact on a substantial part of the adjacent East Ayrshire Lowlands LCT, bringing the perception of wind farm developments situated beyond the site, closer to the sensitive East Ayrshire Lowlands LCT. The turbine will also dominate the Blacklaw crag landmark feature which itself is prominent in local views. Whilst the turbines of the East Renfrewshire developments are nearby they are not an overbearing feature, instead having the appearance of being set behind and generally lower than the crag when viewed from the Ayrshire Lowlands LCT.

- (v) on existing infrastructure

There is no such impact.

Overall, on the basis of parts (ii) and (iv) the proposal is contrary to Policy CS12.

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

Any planning permission granted would include a condition to address this issue.

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

Details of the proposed access and transport arrangements and the comments and position of the Roads Division have been set out above. Subject to appropriate planning conditions the proposal meets the requisite standards of the Roads Division and is not considered to have an unacceptable impact on the local road network or communities located adjacent to that network.

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

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

Policy ENV15: The Council will not be supportive of development which would cause unacceptable and irreparable damage to important landscape features within rural areas. In this regard, developers will be expected to conserve and enhance, (and reinstate or replace where appropriate) those features which contribute to the intrinsic landscape value and quality of the area concerned and which are likely to be adversely affected by the particular development proposed, including:

- (i) existing setting of settlements and buildings within the landscape;
- (ii) existing woodlands shelter belts, and trees;
- (iii) existing burns, rivers, lochs etc.
- (iv) existing field patterns and means of enclosure;
- (v) existing rights of way and footpaths and bridleways; and
- (vi) existing skylines, landforms and contours.

As noted at policies ENV 1 of the Structure Plan and SD1 and CS12 of the Local Plan, the proposal is contrary to Policy ENV15 parts (i) and (vi).

Policy ENV16 notes the Council will not be supportive of development which would create unacceptable visual intrusion or irreparable damage to the landscape character of rural areas. In this regard, the Council will ensure, through the development process, that:

- (i) any authorised development is in keeping with, has minimal visual impact and reflects the nature and landscape character of the rural area in which it is located, in terms of layout, materials used, design, size, scale, finish and colour. The design and material finish of any ancillary features will also be required to be sympathetic to the character and appearance of the area;
- (ii) any authorised development is sensitively sited, landscaped and screened so as to blend into, respect and complement the landscape characteristics of the particular area in which it is to be located; and
- (iii) the landscape setting of a particular area affected by a proposed development is safeguarded from adverse or irreversible change by the use of appropriate planning conditions, management agreements, preparation and promotion of environmental improvement schemes, development and design briefs etc.

By its very nature a wind turbine cannot be described as being fully in keeping with the area in which it is proposed. However, sensitive siting and scale of development

can, in some circumstances, allow for a development to be largely contained by the landscape in which it is located. However, in this case, the development, as noted above, will be out of scale with the surrounding environment. Furthermore, the presence of a large number of other operational, consented and application stage turbines could exacerbate the perception of a wind farmed landscape. This perception can have the effect of bringing the developed area of wind farms towards more sensitive landscape types, or in this case, towards that periphery area where two LCTs meet, and sensitivity is increased to large scale structures, that might otherwise be more acceptable in the central part of the Plateau Moorland [Forestry and Wind] LCT. The proposal also has the potential to overwhelm some receptors in the immediate vicinity in particular, where turbines of different sizes and diverse locations essentially form a substantial part of the main view from some properties and private spaces. This can have a significant impact on the landscape and the perception of the landscape by a variety of receptors. On this basis the proposal is contrary to Policy ENV 16 (i) and (ii).

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

(i) cause the permanent and irreversible loss of prime quality agricultural land (i.e. Classes 1, 2 and 3.1 in the Macaulay Land Classification System) (see Appendix 3);

There is no such loss.

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

There is no such impact.

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

There is no such impact.

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

As noted above, the proposal is considered to represent a significant and unacceptable adverse visual impact on the landscape character of the area in which it is sited, especially in regard to this particular area being on the edge of the landscape type, and in particular, on the adjacent Ayrshire Lowlands LCT.

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

There is no such impact.

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

There is no such impact.

The proposal is contrary to Policy ENV 17 part (iv).

Policy ENV25 advises that the Council will require all developers to ensure that their proposals have minimal adverse impact on air quality and will require air quality assessments to be undertaken in respect of any proposed developments which it considers may significantly impact on air quality, as considered appropriate. The Council will also ensure that any new development will have minimum adverse effects on the physical

environment and the amenity of an area as a result of light and noise pollution. Appropriate conditions and Section 75 Agreements will be attached to individual planning consents to ensure that environmental impacts caused by air, light and noise pollution are minimised wherever possible.

There is not expected to be any effect on air quality given the nature of the development proposed.

6. Material Considerations

The principal material considerations relevant to the appraisal of the application are,

- Scottish Government National Energy Policy;
- National Planning Framework 3 (NPF3);
- Scottish Planning Policy Renewable Energy (SPP);
- The Onshore wind turbines advice sheet (May 2014)
- Addendum to Ayrshire Joint Structure Plan Technical Report TR03/2006;
- the East Ayrshire Landscape Wind Capacity Study 2013;
- the consultation responses;
- the representations received;
- any impact on residential and general amenity; and
- the relevant planning history.
- Review by Independent Assessor (Ironside Farrar) on behalf of the Council
- Applicant's Proposals for Financial Guarantee

Scottish Government National Energy Policy

The Climate Change (Scotland) Act 2009 sets out the Scottish Government's key commitments in terms of environmental legislation which promotes reductions in greenhouse gas emissions. Part 1 of this Act creates the statutory framework for reduction of greenhouse gas emissions in Scotland by setting an interim 42% reduction target for 2020 and an 80% reduction by 2050. The Act also requires Scottish Ministers to set annual targets for Scottish emissions from 2010 to 2050.

The Scottish Government's Renewable Electricity Generation Policy Statement (REGPS) (March 2012) sets out the Scottish Government's plans for renewable energy and fossil fuel thermal generation in future energy mixes. The EGPS indicates the Scottish Government's amended target of delivering the equivalent of at least 100% of gross electricity consumption from renewable by 2020. It is confirmed that this target does not mean that Scotland will be 100% dependent on renewable generation; renewable will form part of a wider, balanced electricity mix, with thermal generation continuing to play an important role.

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

National Planning Framework 3 (NPF3)

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

Section 3.23 of NPF3 advises that onshore wind will continue to make a significant contribution to diversification of energy supplies. It notes that windfarms should not be located in national parks or national scenic areas. It advises that the required spatial

framework will be set out in SPP to guide new energy developments to appropriate locations, taking into account important features.

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

NPF3 offers general support for renewable energy and as such the development takes some from this however such support remains caveated and as noted the adverse visual and cumulative landscape and visual impacts weigh against this support.

Consequently the proposal is inconsistent with the provisions of NPF 3.

Scottish Planning Policy (SPP) (June 2014)

(SPP) is a statement of Scottish Government Policy on land use planning and should inform the content of development plans, should be a consideration in decisions on planning applications and should be used to inform development proposals from initial concept to implementation. SPP supports the Scottish Governments commitment to increasing renewable energy generation and requires planning authorities to support a diverse range of renewable energy technologies.

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

Part 169 sets out the likely considerations that should be taken into account in the determination of energy infrastructure development proposals. These include a large number of issues but particularly relevant to this proposal are the scale of contribution to renewable energy generation targets, effect on greenhouse gas emissions, cumulative impacts, impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker, landscape and visual impacts, effects on natural heritage, impacts on the historic environment, impacts on tourism and recreation, impacts on aviation, 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.

Whilst the current proposal would contribute towards national energy targets, on balance, the proposal raises clear conflicts with the approach to renewable energy development set out within SPP, with particular regard to the significant and unacceptable visual and cumulative landscape and visual impacts. This results from the failure in the siting and height of the turbine such that locally the turbine is visually prominent and the proposal adds to a cumulative scenario bringing additional visual clutter and complexity and extending and exacerbating the effect on the landscape of this area such that it is increasingly dominated by wind turbine development.

The Onshore wind turbines advice sheet (May 2014)

The Onshore wind turbines advice sheet gives greater guidance to local authorities on planning for wind farms and wind turbines. In relation to factors to be considered in determining planning applications, the guidance broadly reflects SPP, by setting out the issues that should be considered, comprising of:

- Landscape impact

- Landscape assessment
- Impacts on wildlife and habitat, ecosystems and biodiversity
- Buffer zones
- Impact on communities
- Separation distances
- Aviation matters
- Military aviation and other defence matters
- Historic environment impacts
- Road traffic impacts
- Cumulative impacts
- Good practice during construction
- Decommissioning

These are in line with largely the criteria outlined in SPP and are taken forward into the development plan policies.

The proposal by itself results in significant and unacceptable adverse impacts on landscape character and visual impacts and taken in conjunction with the East Renfrewshire turbines (Middleton, Neilston) and the existing Whitelee and proposed Blair wind farm, cumulative effects would also be significantly adverse regarding visual and landscape impacts. Given the substantial amount of wind turbines in this vicinity, in some circumstances parts of the landscape may have reached capacity to absorb further wind farm development of the large typologies. As per the Council's advice given in the EAWLCS, this location being on the fringe/periphery of the Ayrshire Lowlands LCT, is more sensitive to large scale typologies in contrast to the less settled, core of the Plateau Moorland [Forestry and Wind] LCT.

Addendum to the Ayrshire Joint Structure Plan

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

Part 14 of the Addendum refers to cumulative impacts and clarifies that these will frequently involve landscape and visual impacts but may also affect natural heritage designations. Parts 47-54 provide further detail on visual and landscape considerations including making reference to its value and assessments of the landscape that have been undertaken to inform recommendations on capacity for wind power development.

In this case there are no natural heritage designations within the application site but issues of landscape and visual impact are fundamental to the proposal. In terms of cumulative impacts, the effect of the proposal on the landscape has to be considered against the nearby East Renfrewshire wind farms, and the slightly more distant, albeit significantly larger, Whitelee wind farm. The pending application for Blair also has to be taken into consideration in any assessment. Given the proliferation of wind farms and individual wind turbines in the surrounding area, the proposal results in significant unacceptable adverse effects on the character of the landscape and on the visual amenity of the area.

Part 18 of the Addendum indicates that establishing and maintaining visual separation from other wind farms will allow for a clear distinction to be perceived between the wind farmed landscape and the landscape beyond. It is therefore appropriate to provide significant protection to the areas in the immediate vicinity of these newly created wind farm landscapes on visual grounds, notwithstanding this is a generality and should also be informed by the landscape's capacity for ability of absorption of various sizes of turbine in each case.

In this instance, the proposed turbine would 'read' from some locations as part of the East Renfrewshire turbines which results in less distinction between the large wind farm (consented) landscape and the current proposal. The area to the north east of Stewarton around the C108 road will have direct views of the turbine against the East Renfrewshire turbines, and some areas will also experience both the East Renfrewshire turbines and

Whitelee en masse, with the proposed East Whitelee turbine bringing the perceived effects of these turbines closer to the viewer. Parts of these sites are within an area of search (East Ayrshire and/or East Renfrewshire) where wind farms would be acceptable in principle, subject to meeting all other material considerations. However, the current proposal is located outwith areas identified as potentially suitable to wind turbine development. The landscape at this location cannot satisfactorily absorb further wind turbine development of the size proposed and should therefore be afforded significant protection.

As previously noted, this proposal would, in summary, extend the perceived influence of the wind farmed landscape and due to the location of the turbine at the juncture of the Ayrshire Lowlands LCT, it would add to the existing visual influence of turbines.

Part 25 refers to regional and local natural heritage and biodiversity and notes that national and international natural heritage designations are afforded significant protection from wind farm development and that development which compromises the objectives or overall integrity of the regional and local natural heritage and biodiversity designations will not be supported. The proposal is not expected to offer any unacceptable impacts on such features.

The Communities section at part 28 of the Addendum relates to issues of amenity and quality of life being key assets contributing significantly to the attractiveness and economic potential of an area. Wind farms have the potential to create significant long term adverse impacts on the amenity of an area or health, well-being and quality of life of people living or working nearby. Visually within 2km wind turbines are a prominent feature in an open landscape. Furthermore, there are a considerable number of dwellings in the immediate 1 km vicinity that will be visually affected by the proposal.

The proposed wind turbine is of a large size and scale, situated in an elevated position, and would appear dominant to a number of rural properties visually on its own merits and through cumulative visual impact with current wind infrastructure.

Consequently in terms of landscape and visual impacts the proposal fails to accord with the Addendum to the Structure Plan.

The East Ayrshire Landscape Wind Capacity Study (EAWLCS)

The EAWLCS aims to inform strategic planning for wind energy development in line with Scottish Planning Policy and to provide guidance on the appraisal of individual wind farm and wind turbine proposals in East Ayrshire. It provides detail on 12 different LCT within East Ayrshire in relation to their sensitivity to wind turbine developments. Guidance on constraints and opportunities for wind energy development within each LCT is set out.

In terms of the EAWLCS, the proposed site is located within a landscape characterised as plateau moorland with Forestry and Wind farms (18b classification). However it should be noted that the application site is close to the boundary of the adjacent landscape classified as the East Ayrshire Lowlands LCT, which the EAWLCS indicates is sensitive to the proposed turbine typology. The Study makes it clear at section 1.6 that the boundaries of LCT's are fluid where gradual transitions occur and characteristics of each can occur. Furthermore, as wind turbines are tall structures that are likely to affect adjacent LCT's.

The EAWLCS indicates that large typology turbines (+70m), such as the type proposed, would be likely to have significant cumulative effects with inter-visibility with much larger operational and consented turbines in this landscape, especially in periphery locations, as noted above. The EAWLCS indicates that very small extensions to existing wind farm developments may be able to be accommodated provided they were sited within the simpler core of the upland plateau and set well back from smaller scale settled outer fringes, which would exacerbate visual intrusion.

In this case the turbine proposed, would reach a height of 74 metres to blade tip and is proposed to be located on the edge of the plateau moorland with Forestry and Wind LCT and importantly, is situated on the periphery with the more sensitive East Ayrshire Lowland LCT. The result would exacerbate the adverse impacts of the turbine on both the character

of the landscape and the visual impacts to surrounding residents on a standalone basis to an unacceptable level. In addition, the inter-visibility between larger turbines located in the plateau moorland [Forestry and Wind] LCT and smaller turbines located within more settled lower slopes and valleys, in the Ayrshire Lowlands LCT is likely to result in visual confusion in some views, resulting in adverse cumulative impacts. Consequently the proposed turbine does not accord with the guidance provided in the EAWLCS as the proposal, through its size, scale and setting results in unacceptable adverse landscape and visual impacts generally, and unacceptable adverse impacts on the more settled parts of this and the adjacent LCT. It not been sufficiently demonstrated that the effects on dwellings in the vicinity will not be significant.

The EALWCS is a recent publication and agreed for use as a material consideration in the determination of planning applications by the Council. It has also been agreed by SNH. As such it is considered to carry significant weight in the planning balance. The proposal, from a landscape perspective, would appear out of scale with the immediate surrounding landscape and, by itself, creates unacceptable impacts on the landscape in this area. It is noted that the proposal also has a degree of adverse impact on the adjacent, more intimate landscape of the Ayrshire Lowlands, appearing as a prominent feature above that lower lying landscape. As a standalone structure, its impacts will be significant and unacceptable, however cumulatively, it could further exacerbate the perceived visual effects of the existing wind farmed landscape further into the Plateau Moorland (Forestry and Wind) LCT, and bring this effect closer in visual terms.

Applicants supporting information:

The applicant has submitted a planning statement in support of the application, which notes that on the previous assessment of 12/0430/PP, the impacts on landscape and visual amenity had been assessed by their consultants as landscape architects who assessed the impacts on this landscape type as negligible. The LVIA noted that *'The landscape character area [LCA] has also been affected by views of the operational wind turbine development at Whitelee wind farm. The consented wind farm development at Sneddon's Law as well as the consented extension to Whitelee wind farm within the LCA mean that the proposed turbines at East Whitelee Farm will not introduce a new land use into the LCA. As the LCA does not contain any landscape designations and is extensively covered in forestry, it is considered to be of low sensitivity to the type of change proposed.'*

However, whilst some generalities may be accepted, the client's assumption that the area is considered to be of low sensitivity to the type of change proposed, is in direct contrast to the advice provided by the Council's landscape consultants, per the EACLWCS, which also contains generalities on the differ landscape types and their character and sensitivity to wind development, but importantly, also specifies that in the Plateau Moorland with Forestry and Wind LCT, a key constraint is the need to limit the exacerbation of existing visual intrusion of existing wind farm development on smaller scale lower hill slopes and valleys within this character type and in the adjacent East Ayrshire Lowlands LCT, and that this would incur a *High-medium* sensitivity to the large typology (+70m).

East Ayrshire Lowlands: The proposed site lies within a transitional area, close to this Lowlands LCT. The applicant's landscape consultants assessed the impacts on this landscape type as 'negligible' and the LVIA noted that *'due to urban expansion, the Lowlands LCA has been substantially altered and contains prominent existing road and rail infrastructure, including the M77 and A77, and the A735 and A736 road corridors, which cross the landscape'*. However it could equally be argued that such transport development is linear in nature and in some form has been in existence for hundreds of years, and does not have the impacts in terms of scale. Turbines, on the other hand, are not flat/linear but are industrial sized vertical structures in the landscape. Furthermore, the assertion by the applicant's landscape consultants that *'LCA character has been further altered by the operational wind turbine developments at Whitelee wind farm and at Wardhead Park, which is a testing facility for Proven Engineering Products.....[and] as a result of these existing elements, the LCA is considered to be of low sensitivity to the type of change proposed'* would suggest, their view is that due to the existence of the former Provan test bed facility near Stewarton (which has consent for three turbines of 20m, one of 15m and one of 9m, grouped around a former farmstead), this one-off domestic scale project and the road and rail network has thereby de-sensitised the entire Ayrshire Lowlands character to the extent

that... 'the effect upon the landscape character of the Ayrshire Lowlands LCA is considered to be indirect, locally moderate to minor, adverse and significant and generally negligible and not significant across the wider context of the LCA.' This opinion is in direct contrast to the advice provided to the Council through the EAC Landscape Wind Capacity Study of July 2013. The EALWCS notes that inter-visibility between larger turbines located in this landscape character type and smaller turbines which may be proposed within more settled lower hill slopes and valleys may give rise to cumulative issues (pg 56), and for this micro area in particular, with the more settled valleys and lower hill slopes within this character type where small farms and houses, woodlands and enclosed pastures provide ready scale references larger typologies could also impact on the adjacent well-settled smaller scale East Ayrshire Lowlands (pg 56).

The planning statement also notes that the two consented developments at Blacklaw Hill and Clonherb have been granted planning permission, however it should be noted this was not the view of the Planning Service and both applications were refused under delegated powers and subsequently appealed to the Local Review Body, being granted thereafter.

Consultation responses

The consultees have raised a number of pertinent factors, however none which cannot be dealt with by planning condition and/or advisory note.

Representations

One representation has been received and considered. The objection from the third party is noted however guidance and information from Government does not suggest that the objectors concerns are supported by empirical evidence and as such they would carry limited weighting.

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

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

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

In compliance with para 24 of the Cabinet Report on Decommissioning, Restoration, Aftercare and Mitigation Financial Guarantees dated 21 May 2014 and in terms of financial security for decommissioning and restoration of the site the Planning Authority's Planning Monitoring Officer (Ironsides Farrar) would be asked to carry out an assessment of the value of the decommissioning and restoration guarantee for the development. The applicant has been asked but has not provided any information in this regard.

Applicant's Proposals for Financial Guarantee

The applicants agents was asked for information on the above 9th March but has not responded.

Planning history

Wind turbines within a 5km radius of the site but excluding East Renfrewshire are included in the list below. A short section is provided noting the key turbines/wind farms of interest within the East Renfrewshire area.

| Reference | address | hub ht | rotor dia | tip ht | status |
|------------|-------------------------|--------|-----------|--------|--------|
| 02/0395/FL | S DRUMBOY FARM, FENWICK | 0 | | | |

| | | | | | |
|----------------|-------------------------------------|----|------|------|-----------|
| 09/0322/FL | East Grange, Lugton | 7 | 6.8 | 11 | Approved |
| 09/0372/FL | Mid Grange Farm, Dunlop | 15 | 9.6 | 25 | Approved |
| 09/0831/PP | Millbrae, Dunlop | 15 | 9 | 20 | Approved |
| 10/0216/PP | High Clunch, Clunch Road, Stew.n | 18 | 13 | 24.8 | Approved |
| 10/0702/PP | Whytelee Poultry Farm, Stew.n | 15 | 9.6 | 25 | Approved |
| 11/0425/PP | East Pokelly Farm, Stew.n | 37 | 15 | 48 | Approved |
| 11/0462/PP | Glenouther Farm, Clunch Road, Fen.k | 15 | 9 | 19.5 | Approved |
| 12/0508/PP | Corsehouse Farm, Stew. | 20 | 13.1 | 27 | Approved |
| 12/0519/PP | Land At Clonherb Farm Stew. | 44 | 33.4 | 61 | Approved |
| 14/0585/PP | Craighead Farm, Lugton | 18 | 18 | 27 | Approved |
| 14/0720/PP | Dareduff Hill, by Dunlop | 44 | 56 | 68 | Pending |
| 14/0786/PP | Meadowland Farm, Stew.n | 22 | 16 | 30 | Pending |
| 14/0851/PP | East Whytelee, Stew.n | 50 | | 74 | Pending |
| 11/0933/PP | Fingart Farm, Lugton | 50 | 33.4 | 66.7 | Pending |
| 12/0430/PP | East Whitelee, | 37 | 23.6 | 48.5 | Refused |
| 12/0430/PP | East Whitelee, | 37 | 23.5 | 48.5 | Refused |
| 12/0502/PP | Cottage 1 Craighead, Lugton | 18 | 22 | 24 | Refused |
| 12/0664/PP | Land Near Dareduff Hill | 51 | 47 | 74.5 | Refused |
| 12/0735/PP | Fingart Farm, Lugton | 40 | 33.4 | 55 | Refused |
| 12/0895/PP | Blacklaw Hill Wind Turbine | 50 | 20 | 67 | Refused |
| 13/0166/PP | Dareduff Hill, Dunlop | 65 | 47 | 88.5 | Refused |
| 13/0608/PP | Fingart Farm Lugton | 32 | 25 | 47 | Refused |
| | | | | | Refused |
| 12/0002/EIASC | Blacklawhill, Near Stew.n | 60 | 25 | 84 | Scoping |
| 13/0008/EIASC | East Whitelee Farm, Stew.n | 40 | 54 | 67 | Scoping |
| 11/0012/EIASCR | Thorn Hill, Stewarton, KA3 6AR | 34 | 34 | 51 | Screening |
| 11/0013/EIASCR | Burnfoot Farm, Stew.n, | 34 | 34 | 51 | Screening |
| 11/0019/EIASCR | Fingart Farm, Lugton | 60 | 28 | 87 | Screening |
| 11/0020/EIASCR | Clonherb, Nr Fen.k | 0 | | 57 | Screening |
| 11/0022/EIASCR | Blacklawhill, Stew.n | 60 | 25 | 84 | Screening |
| 12/0002/EIASCR | Dareduff Hill, Dunlop | 0 | | 80 | Screening |
| 12/0019/EIASCR | Benbeoch Site B, Waterside | 37 | 21 | 48.7 | Screening |
| 12/0026/EIASCR | South Glassock, Waterside | 37 | 24 | 48.7 | Screening |
| 12/0030/EIASCR | West Clerkland Farm, Dunlop | 40 | 47 | 60.4 | Screening |
| 12/0033/EIASCR | East Moneyacres, Dunlop | 50 | 56 | 78 | Screening |
| 12/0034/EIASCR | Meadowlands Farm, Stew.n | 0 | | 50 | Screening |
| 12/0035/EIASCR | North Glassock, Waterside | 32 | 27 | 45.4 | Screening |
| 13/0007/EIASCR | Auchentiber Farm, Dunlop | 31 | 21 | 42 | Screening |
| 13/0009/EIASCR | Midhouse of Garbrochill, Stew.n | 31 | 21 | 42 | Screening |
| 13/0024/EIASCR | Warnockland Farm, Fen.k | 0 | | 79 | Screening |
| 13/0034/EIASCR | Warnockland Farm, Fen.k | 50 | 54 | 77 | Screening |
| 13/0053/EIASCR | West Clerkland Farm Dunlop | 55 | 52 | 81 | Screening |
| 13/0054/EIASCR | Fingart Farm Dunlop | 0 | | 70 | Screening |
| 13/0058/EIASCR | East Whitelee Stew.n | 50 | 28 | 78 | Screening |
| 13/0069/EIASCR | Lochridgehills, Lugton | 32 | 27 | 45.5 | Screening |
| 14/0001/EIASCR | Kingswell, Stew.n | 50 | 54 | 77 | Screening |
| 14/0001/EIASCR | Kingswell, Stewa.n | 50 | 54 | 77 | Screening |

| | | | | | |
|---------------|--|----|------|------|-----------|
| 14/0025/EIASC | East Whytelee Farm, Stew.n | 50 | 48 | 74 | Screening |
| 14/0030/EIASC | East Broadmoss, Stew.n | 25 | 19.2 | 34.5 | Screening |
| 10/0260/PP | Whytelee Poultry Farm, Stew.n | 15 | 9 | 20 | Withdraw |
| 12/0349/PP | Dareduff Hill, Dunlop | 51 | 47 | 74.5 | Withdraw |
| 12/0810/PP | Lochridgehills Lugton | 31 | 27 | 45.7 | Withdraw |
| 13/0382/PP | Warnockland Farm, Waterside Benbeoch Farm Main Road | 50 | | 77 | Withdraw |
| 13/0486/PP | Waterside | 23 | 21 | 36 | Withdraw |
| 13/0528/PP | Warnockland Farm, Waterside | 31 | | 48 | Withdraw |
| 13/0618/PP | Meadowlands Farm, Stew.n | 30 | 40 | 50 | Withdraw |
| T1 | Blair Farm, Fenwick | 59 | 82 | 100 | pending |
| T2 | Blair Farm, Fenwick | 59 | 82 | 100 | pending |
| T3 | Blair Farm, Fenwick | 59 | 82 | 100 | pending |
| T4 | Blair Farm, Fenwick | 59 | 82 | 100 | pending |
| T5 | Blair Farm, Fenwick | 59 | 82 | 100 | pending |
| T6 | Blair Farm, Fenwick | 59 | 82 | 100 | pending |

East Renfrewshire wind turbines

Middleton wind farm 6 turbines at 105 metres to blade tip
 Neilston Community Wind Farm 4 turbines at 110 metres to blade tip
 Nether Carswell wind turbine at 77 metres to tip
 South Uplaw turbine at 65 metres to tip
 (all operational)

As can be seen from the above list, a significant number of turbines have been approved or indeed are operational within a short distance of this application site. The East Renfrewshire list is not definitive and is based on the information available at the time of writing and also does not include smaller turbine approvals. It is clear that the surrounding landscape supports a significant number of large scale wind turbines, with further major scale operational wind farms situated within 6km of the current site, resulting in significant impacts on both the landscape character and the visual amenity of the area.

Of note in the vicinity, supplementary to the list provided above: within 2km radius of the proposed site:

12/0895/PP Blacklaw Hill, Off B769, Stewarton: Erection of a single wind turbine; 67m to tip etc. Refused under delegated powers 02.04.2013. Application then appealed at Local Review Body and Approved with conditions 06.03.2014.

12/0430/PP East Whitelee, Old Glasgow Road: Erection of 2no turbines (48.5m to blade tip and 36.8m to hub in height), Refused under delegated powers 02.09.2013. Application then appealed at Local Review Body and officer's decision upheld/appeal refused 06.03.2014.

14/0786/PP Meadowlands, wind turbine with a maximum tip height of 30m, etc. pending.

13/0618/PP, Meadowlands, wind turbine generator with a maximum tip height of 50m: withdrawn 30.07.2014.

11/0462/PP, Glenouther Farm, Clunch Road, Fenwick: Erection of 19.5m high wind turbine. Approved with Conditions 25.07.2011.

Proposed East Ayrshire Local Development Plan (EALDP), draft stage

The current East Ayrshire Local Plan was adopted on the 10 October 2010 and has a nominal lifespan of 5 years. Until it is formally replaced by the Proposed Plan when it is

adopted in 2016 it will remain, along with the Ayrshire Structure Plan (approved November 2007), the development plan for East Ayrshire against which all planning applications will be determined. The draft proposed EALDP, and associated documents comprising a Draft Action Programme, an Environmental Report and Supplementary Guidance on Affordable Housing, Planning for Wind Energy and Financial Guarantees were formally published for consultation on Friday 13th March for a 6 week period ending on Friday 24th April. The Proposed Plan is the second key stage in the production of the East Ayrshire Local Development Plan. It represents the Council's settled view on all planning policy matters with the exception of coal and minerals extraction which will be the subject of a future separate local development plan.

As the period for representation is currently underway and no view has been reached as yet on any such representations received, whilst the EALDP remains a material consideration, it has little weight attributed it, given the initial stage reached so far in the development plan process.

7. Financial and Legal Implications

A) Should the Planning Authority be minded to consent the development the following should be secured through Section 75 Legal Agreement under the 1997 Act, (and/or through conditions or other means as appropriate):

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

B) In accordance with Council's revised arrangements for consideration of Financial Guarantees relative to certain types of development, prior to sign off in this case by the Depute Chief Executive, Planning, Finance and Legal Services have all been involved in the process of assessing the applicant's proposed arrangements for securing their decommissioning and restoration obligations (as set out above).

In this case, no agreed position in terms of what would comprise the financial guarantee for the decommissioning and restoration of the proposed development has been reached between the developer and the Council. However, in compliance with the Council's Cabinet Report on Decommissioning, Restoration, Aftercare and Mitigation of Financial Guarantees dated 21 May 2014, any wind farm proposal will require to comply with the terms of this report in relation to the submission, agreement, implementation and monitoring of financial guarantees and will also be expected to be in accordance with the assessment of costs from Ironside Farrar, subject to any agreed modifications which might be justified on cause shown by the applicant during further negotiation at the appropriate stage. At the date of writing, the applicants submission has not included this information.

C) Should the Planning Authority decide to grant consent, there is no requirement to refer this application to the Scottish Government under Circular 3:2009 - 'Notification of Planning Applications'. Additionally no notification would be required through the Town and Country Planning (Neighbouring Planning Authorities and Historic Environment) (Scotland) Direction 2014.

East Ayrshire Community Plan:

The assessment of the proposal has regard to the main themes of the Community Plan with regard to the environment and economy. The East Ayrshire Local Plan 2010, referred to above, takes account of the main themes of the Community Plan at Appendix 1 in Volume 1 of the EALP 2010.

8. Application Assessment

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2010).

Section 5 above sets of the position of the Development Plan and the appropriate policies associated with this development and section 6 sets out the relevant material considerations.

The key issues facing this proposal are considered to be the landscape and visual impacts of the turbine and, the cumulative landscape and visual impacts. The key element that comes from the development plan is the general presumption in favour of renewable energy development subject to successfully addressing a number of key matters. The Development Plan policies seek to avoid significant, unacceptable adverse impacts. Given the height of the proposed turbine and the characteristics of this part of the receiving landscape, visual and landscape impacts are considered to be of significance. The turbine is located in the rural area within a transitional landscape area but one which shows more characteristics of the Ayrshire Lowlands LCT, being more settled with a rolling landform. The core of the Plateau Moorland [Forestry and Wind) LCT is considered to be of a sufficiently large scale and less densely settled such that large sscape typologies would not unacceptably affect the landscape character or features of that core area, where sensitively sited, however in this case, the landscape at this location is considered to be at capacity to absorb large scale wind turbine development, with significant adverse cumulative visual impact on a number of receptors including rural properties where the predominant view to receptors of these properties is a landscape dominated by large scale wind turbines.

Whilst the principle of renewable energy is given strong weighting by national planning guidance, this is subject to assessment against a number of key criteria, including impacts on communities and the surrounding environment, including individual dwellings. In this case, the applicant has not demonstrated that unacceptable adverse impacts on these matters will not occur.

The EALWCS is a recent document that has the backing of SNH and does highlight that the area that this turbine is located in, has very limited potential to accommodate a turbine of this size. It also highlights that the cumulative relationship with extensive large typology commercial windfarms within these upland areas could be a further constraint.

The Addendum to the Structure Plan largely reflects the various constraints named above and provides more detailed advice. It is considered that the concerns over cumulative landscape and visual impact mean that this document as a material consideration does not offer support for the proposal.

The consultation responses indicate that this proposal would not represent unacceptable technical impacts on roads, noise or aviation matters. The letter of objection from the third party is addressed above but in summary it is not considered that the points raised would be sufficient to justify refusal of the application on those points. The planning history of this area shows the range of turbines approved in this area.

Summary

On the basis of significant and unacceptable adverse cumulative landscape and visual impacts the proposal is contrary to the Development Plan. The material considerations do not fully support the proposal and those that do indicate support such as the generation of electricity from a renewable source do not, in this case, outweigh the terms of the Development Plan

9. Recommendation

Refused

[Redacted]

10. Reasons for the Decision

The proposal fails to accord with the provisions of the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan and in addition there are material considerations of sufficient weight in this instance which would also justify a recommendation of refusal.

Case Officer: Marion Fergusson

Signature: [Redacted]

Date: 8/4/15

Team Leader:

Signature: [Redacted]

Date: 8/4/15

Operations Manager:

Signature:

Date: