

EAST AYRSHIRE COUNCIL

PLANNING COMMITTEE: 28 NOVEMBER 2014

07/0809/FL – ERECTION OF 39 WIND TURBINES AND ASSOCIATED INFRASTRUCTURE

**AT HARE HILL
SOUTH EAST OF NEW CUMNOCK, EAST AYRSHIRE**

APPLICATION BY SCOTTISH POWER RENEWABLES (UK) LIMITED

Report by Acting Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/applicationDetails.do?activeTab=summary&keyVal=ZZZZTMGFXC026>

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 current scheme of delegation as it constitutes a Major Development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

RECOMMENDATION

- 2 **It is recommended that the application be approved subject to the conditions on the attached sheet and that consent be withheld until the successful conclusion of a legal agreement.**

CONTRARY DECISION NOTE

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

**David McDowall
Acting Head of Planning and Economic Development**

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

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APPLICATION DETAILS

3. **Site Description:** The application site is located approximately 4.5km to the south east of New Cumnock. It encompasses an area of approximately 567ha and currently accommodates farmland, forestry and the existing Hare Hill windfarm and associated works. The site ranges from a low point of approximately 230m AOD in the north at the A76(Trunk) to 525m AOD at the highest point located centrally at the southern part of the site.
4. The site is bounded to the north and north west by the existing Hare Hill windfarm site, to the west and south upland farmland and to the east and north east by commercial forestry plantation. The application site is split between the Council areas of East Ayrshire and Dumfries and Galloway. The eastern portion of the application site is located within Dumfries and Galloway with the majority of the application site area within East Ayrshire.
5. Within the East Ayrshire part of the development the site is fully located within the Southern Uplands Sensitive Landscape Character Area. The main body of the application site is located within the Afton Uplands Provisional Wildlife Site which extends to the north, south and west of the site. A section of a public right of way crosses the application site at its southern tip.
6. **Proposed Development:** The development proposes the following:
 - 39 wind turbines between the heights of 70 and 91 metres to tip height, (44-65 metres to hub height all with 52 metre rotor diameter) with a hardstanding area and transformer within the turbine tower or at each turbine base;
 - approximately 10.5 of new on site access tracks with passing places and three associated watercourse crossings;
 - upgrade existing windfarm access track by widening;
 - control building and compound;
 - one 65m high meteorological mast;

- seven potential borrow pits;
- on site underground cabling

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

- a temporary construction compound
- one temporary contractors compound
- four temporary anemometry mast
- a microsite tolerance of up to 50m

The application also promotes:

- a 18 month construction period
- a 25 year operational period
- a 12 month decommissioning period

7. The windfarm proposal comprises the erection of 39 three bladed turbines with an individual rating of up to 0.85 megawatts (providing a maximum total capacity of approximately 33 megawatts). This would involve up to five different turbine heights as follows:
 - 2 turbines of 70m to tip
 - 9 turbines of 75m to tip
 - 2 turbines of 81m to tip
 - 5 turbines of 86m to tip and
 - 21 turbines of 91m to tip
8. As noted above the application site straddles two local authority areas. Dumfries and Galloway Council have already granted consent for their part of the development which comprises a section of existing access track which would be upgraded in places and four of the seven borrow pit locations.
9. The principal access for the turbine components will be from the Port of Ayr or Troon and utilising the A77 and the A76 to reach the site access which is located east of New Cumnock and near the Council boundary with Dumfries and Galloway. The applicant proposes to utilise the existing windfarm access location off the A76 as well as the existing access track leading to the Hare Hill windfarm. This would be subject to some minor improvements and alterations to take account of the larger turbines. New access tracks would be formed which extend out from the existing track. The applicant envisages approximately 10.5km of new track which would have a minimum running width of 5m excluding track shoulders although could be wider at bends etc. Passing places will be required and a trench adjacent to the track will accommodate cabling.
10. Seven borrow pits are proposed within the site, located adjacent, or in close proximity to, the site access track. Four of these pits are located within Dumfries and Galloway and already have consent. The applicant expects these pits to address the entire stone requirement of the development. Concrete will be delivered to the site ready mixed which is then used in combination with steel reinforcement to form the foundations for the turbines. The excavated area for the turbine and the foundations are then capped with peat or soil.
11. The applicant has noted it may be necessary to microsite turbines and infrastructure up to 50 metres from the locations indicated within the submission. This is to account for any poor localised ground conditions or sensitivities encountered during construction. The

applicant proposes that for movements of up to 25m it would consult with the on site ecologist and between 25m and 50m the approval of the Council would be sought in addition to that of the on site ecologist.

12. A permanent on site control building and electrical compound is required and would be set within a compound of approximately 60m by 25m. The building would measure 22m by 10m and would be 5m high and would be located adjacent to the access track west of turbine 19. A temporary construction compound will also be required, providing site accommodation, welfare facilities, parking and storage provision and would measure 50 metres by 100 metres. An additional temporary contractor's compound of similar measurements is proposed in the southern section of the site, primarily for use as a laydown and storage area.
13. One permanent meteorological mast up to 65m in height is proposed and is of lattice type construction. The mast would be located adjacent to the control building. Four temporary anemometry masts of guyed construction and between 44m and 65m in height would be erected at the start of the construction period.
14. The proposed development will require a connection to the main electricity grid however this requires a separate application under Section 37 of the Electricity Act.

CONSULTATIONS AND ISSUES RAISED

15. East Ayrshire Council Environmental Health Service raised no objections to the development based on proposed conditions suggested by the applicant in relation to working times and construction noise control.

Conditions to ensure that these matters are accommodated can be attached to a grant of consent.

16. East Ayrshire Council Roads and Transportation Division (Ayrshire Roads Alliance) has no objections subject to a condition requiring the submission of a Traffic Management Plan (TMP) within which details of any changes to abnormal load routing and information on source of construction materials should be included for non trunk roads.

A planning condition can ensure the provision of a TMP that addresses these matters should the Council be minded to grant consent.

16. East Ayrshire Council Roads and Transportation Division (Ayrshire Roads Alliance) Roads Flooding section has no objection to the development.
17. Glasgow Prestwick International Airport (GPA) has no objection to the proposal.
18. NATS (En Route) has no objection to the development subject to a planning condition.

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

19. The Defence Infrastructure Organisation (Ministry of Defence) has raised no objection to the development but has requested that all turbines be fitted with 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. Additionally, if the turbines are erected pre April 2015 the cardinal turbines (those at the

furthest north, south, west and east etc.) must be lit with combi lighting (visible and infrared). Furthermore, if consent is granted they wish to be informed of the date construction will start and end, the maximum height of construction equipment and the latitude and longitude of every turbine.

Planning conditions to address these matters could be attached to any grant of planning consent. The requirement to combi light four turbines is of particular note. To date East Ayrshire Council has sought the use of infrared lighting on all turbines when aviation warning lighting is required. The MoD do not require this lighting specification if development is commenced post April 2015 (when Search and Rescue passes from the MoD to civilian contractors). The MoD's position regarding visible turbine lighting should be secured through planning condition which should restrict the erection of the turbines themselves until post April 2015. This secures the protection of aircraft which is the MoD's concern whilst ensuring that intrusive visible turbine lighting will not be utilised.

20. Dumfries and Galloway Council has no objection to the development.
21. Scottish Natural Heritage (SNH) has no objection to the development. They do however recommend that pre construction otter surveys be carried out, a Mitigation Habitat Management Plan (HMP) and Construction Method Statement in relation to peat be provided. SNH considers that Hare Hill Extension is not likely to result in further significant (landscape) effects. Black grouse mitigation and management measures should be agreed prior to construction as part of the HMP or as a stand alone black grouse management plan. They consider that an Ecological Clerk of Works should be appointed prior to construction starting and ground works should take place outwith the main bird breeding and black grouse lekking season. Finally SNH advise that the Clerk of Works should ensure that the relevant protected species checks are undertaken prior to construction and the full suite of mitigation measures outlined in the 2007 ES be implemented as described.

Such matters can be addressed through planning conditions should the Council be minded to grant consent.

22. JMP Consultants Limited on behalf of Transport Scotland has no objection to the development subject to conditions including site access details, wheel washing provision, abnormal load routing and signage.

Planning conditions can be attached to a grant of consent to address the comments of Transport Scotland.

23. Historic Scotland has no objection to the development.
24. Scottish Environment Protection Agency (SEPA) has no objection to the development subject to conditions regarding water course crossings and that information included within the Addendum submission regarding Ground Water Dependent Terrestrial Ecosystems be developed and incorporated in a habitat management plan for the site.

Planning conditions can be attached to a grant of consent to address the comments of SEPA.

25. Scottish Water has no objection to the development.

26. The Royal Society for the Protection of Birds has no objection to the development subject to appropriate monitoring and mitigation measures being secured through planning condition or legal agreement. Should the Council not attach these conditions or legal agreements the RSPB position should be seen as one of objection.

The conditions requested by the RSPB are in part in direct conflict with the most recent position presented by SNH, the statutory natural heritage advisor. Specifically this relates to golden plover collision and mitigation where SNH has accepted that such work is no longer necessary. Additionally, RSPB wish to see a monitoring and management group formed which includes representatives from the Council, SNH and RSPB Scotland. SNH has not suggested that this be provided and given the provision of an on site Ecological Clerk of Works secured through planning condition and the use of an independent planning monitoring officer secured through legal agreement it is considered that sufficient monitoring of the site would occur. The RSPB requests in relation to habitat restoration, black grouse management and blanket bog habitat matters can be incorporated into planning conditions that also serve the request of the SNH comments on these matters. As the full requests of RSPB would not be incorporated as conditions or legal agreements their position is one of objection to this development.

27. West of Scotland Archaeology Service has no objection to the development.
28. The Coal Authority has no objection subject to their standing advice.
29. Nith District Salmon Fishery Board has no objection subject to conditions securing pre and post construction electrofishing surveys.

Planning conditions can be attached to a grant of consent to address the comments of the District Salmon Fishery Board.

30. New Cumnock Community Council support the application and have agreed that the additional community benefit (being offered by the applicant) should remain within the community.
31. Muirkirk Community Council has advised that at their 12th of May 2014 meeting it was "agreed not to support on the grounds of over provision of windfarms in former Cumnock and Doon Valley area".
32. Scotland Gas Networks has no objection to the development.
33. Health and Safety Executive has no objection to the development
34. Civil Aviation Authority has no objection to the development.
35. The East Ayrshire Council Outdoor Amenities section, Lugar and Logan Community Council, Cumnock Landward Community Council, Scottish Power Transmissions, British Telecom, Scottish Wildlife Trust and Ayrshire Rivers Trust have not returned a consultation response.

REPRESENTATIONS

36. Seven letters of support from eight individuals have been submitted in connection with this application. The points raised have been summarised as follows:

37. The proposal will help produce and sustain local employment during the construction phases and over the lifetime of the project.
38. The renewable wind industry leaves very minimal impact on our ground, creates better access to our countryside for walkers and cyclists which in turn creates tourism and income and more importantly creates much needed jobs and income for our small communities.
39. The extension of Hare Hill windfarm would reduce harmful greenhouse gas emissions and contribute to national and international renewable energy targets designed to tackle climate change.
40. As well as the potential to provide revenue and employment opportunities for local businesses, the developer has committed to community benefit payment of £5000 per installed MW every year which would bring much needed funding for community led projects and local regeneration.
41. I feel that the extension of this existing windfarm as opposed to new developments in other areas will limit the extent of visual impacts throughout the wider landscape.

The points raised in the letters of support are noted and are explored further within this report. Other than the community benefit offering, all of the matters raised are material planning considerations do highlight many of the benefits that renewable energy projects can bring to the local and wider area.

ASSESSMENT AGAINST DEVELOPMENT PLAN

42. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of assessing the proposed development, the development plan comprises the Approved Ayrshire Joint Structure Plan (AJSP) (2007) and the East Ayrshire Local Plan (EALP) 2010.

Approved Ayrshire Joint Structure Plan

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

Through ECON6, all renewable energy proposals shall be supported where they are deemed appropriate in terms of a number of key considerations. These considerations are dealt with in substantial detail under ECON 7 below, which deals specifically with large scale wind farm developments. In summary this proposal presents relatively few adverse impacts or cumulative impacts and is generally considered to be sensitive to landscape character, biodiversity and cultural heritage.

44. Policy ECON 7 (Wind Farms) states that:

(a) In Areas of Search proposals for large and small scale wind farm development will be supported subject to specific proposals satisfactorily addressing all other material considerations.

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

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

The proposed windfarm is not located in an area with any national or international designations or green belt. There are two Sites of Special Scientific Interest (SSSI's) within 5km of the site boundary. Fountainhead SSSI is located immediately north of the existing Harehill windfarm and is notified for its mineralogy interest. On this basis the windfarm will offer no adverse impact. The Muirkirk Uplands Special Protection Area (SPA) and SSSI, which support a range of important breeding bird species, is approximately 5.3km from the nearest turbine however the Environmental Statement (ES) and the views of statutory consultees is that this proposal offers no adverse impact.

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

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

(d) Cumulative impact will be assessed in all relevant cases, taking into account existing wind farms, those which have permission and those that are the subject of valid but undetermined applications. The weight to be accorded to undetermined applications will reflect their position in the application process. Where the limit of acceptable cumulative impact has been reached the area will be afforded significant protection.

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

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

- ***Hare Hill (20 turbines, 63.5m to tip) immediately adjacent to north***
- ***Sanquhar (12 turbines, 130m to tip) 1.5km east***
- ***Afton (27 turbines 100 and 120m to tip) 4km south west***
- ***Whiteside Hill (11 turbines, 121m to tip) 5.1km south east***
- ***Windy Standard & Ext. (36 & 30 turbines, 57.5 and 100m to tip) 6.5km south west***

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

- ***Sandy Knowe (30 turbines, 125m to tip) 1.6km north east***

- **Ulzieside (12 turbines, 125m to tip) 6km south east**
- **Garleffan (6 turbines, 135m to tip) 7.2km north**
- **High Cumnock (8 turbines, 132m to tip) 8.3km north west**
- **South Kyle (50 turbines, 149.5m to tip) 8.8km west**

One windfarm has recently been refused by the Council. That proposal has recently been appealed to the Department of Planning and Environmental Appeals (DPEA) of the Scottish Government and therefore continues to be of relevance and would be considered in a similar manner to the application stage proposals:

- **Ashmark (7 turbines, 116m to tip) 4.6km west**

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

The development forms an extension to the existing Hare Hill windfarm and has a similar visual envelope with the exception of the area around Cumnock and New Cumnock where it is the existing windfarm rather than the extension that it visible. Where the windfarms are seen together they increase the number of turbines visible and extend the field of view in which turbines are seen. The main cumulative impacts will be felt in the Nith Valley within Dumfries and Galloway where Hare Hill Extension would narrow the gap between Hare Hill and the consented Sanquhar and Whiteside Hill developments. This has a visual effect, from certain locations, of creating one large windfarm development.

When application stage developments are taken into account, the development offers a contribution towards a potential windfarm landscape. From the Nith Valley the Sandy Knowe development would be very prominent with Hare Hill Extension seen as a more distant, smaller scale development within the upland areas beyond Sandy Knowe. From higher viewing locations on hilltops etc., the Afton Valley area would be surrounded by windfarm development. The landscape of the southern uplands and southern uplands with forest would be dominated by windfarm development and suffer significant adverse impacts.

On balance, it is considered that the significant cumulative impacts of this development are relatively limited. Although this proposal leads to a degree of windfarm visual coalescence when viewed from Kirkconnel and Sanquhar areas and from some higher hilltop locations, it does not lead to an unacceptable impact given its upland location and the relatively small visual presence that this windfarm presents. If the Sandy Knowe scheme were consented it would present a much more significant visual impact on these areas than this proposal. Within East Ayrshire including the Afton Valley this proposal offers minimal impacts beyond what is already experienced from Hare Hill windfarm with the exception of higher hilltop locations where Hare Hill Extension would be seen to narrow the gap to the consented Afton scheme on the opposite valley side. Cumulative impacts would however be much more significant should the South Kyle and Ashmark proposals be

consented as this would lead to a further encirclement of the Afton Valley and southern upland area beyond. Hare Hill Extension contributes to this scenario although it is not the main contributor.

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

Historic Environment

There are relatively few historic environment features within 5km's of the site. This includes a number of B and C listed buildings within New Cumnock and Kirkcunneil and a number of non designated archaeological and historic sites within the surrounding landscape. The ES finds that impacts on the historic environment, both direct effects from construction and effects on setting, are not significant. The Planning Authority is in agreement with the findings of the ES on this matter and the comments of Historic Scotland and West of Scotland Archaeology Service are noted in this respect.

Areas designated for their regional and local natural heritage value

The site is located within the Afton Uplands Provisional Wildlife Site. Such sites were designated for their contribution to local biodiversity and in this case as it contains a number of botanically rich areas. The applicant has not taken account of this local designation in the ES. However, the applicant has undertaken ecological surveys as part of the ES and no particularly special or significant botanical areas were encountered.

Tourism and recreational interests

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

The windfarm zone of theoretical visibility maps (ZTV) indicates that the proposal will not be seen from many tourism destinations, accommodation providers and sites of cultural/social interest. Where such views do occur they tend to be at distance and seen in combination with existing or consented windfarms with impacts considered to be minimal. Walking and recreational routes will however experience a more significant visual impact. Popular local walking routes and a section of the Southern Upland Way would experience significant visual impacts and significant cumulative visual impacts.

Additionally, part of an existing public right of way would require to be restricted during the construction period of the windfarm as it passes through the site. The applicant notes in the ES that temporary rerouting of the RoW can be undertaken as mitigation and this is considered to be acceptable.

Communities

The relevant local settlements are listed below. There is one rural property within 2km of a turbine. The approximate separation distance from the edge of each

settlement to the nearest turbine is as follows with a representative viewpoint number from the ES where that exists:

New Cumnock:	4.5 km's	none provided
Connel Park/Leggate	5.9 km's	none provided
Kirkconnel/Kelloholm	6.3 km's	VP 1
Sanquhar	10.2 km's	VP 2
Cumnock	11.8 km's	none provided
Hillend rural dwelling	0.75 km's	none provided
(VP-Viewpoint)		

Wind farm developments pose a number of different impacts on communities. These include shadow flicker, noise and visual impact amongst others. Through the 'Addendum to the Ayrshire Joint Structure Plan Technical Report TR03/2006: Guidance on the Location of Windfarms within Ayrshire.', a 2km separation distance to towns is required and a distance of 10 times the turbine rotor blade diameter (whichever is the greater) (in this case approx. 520m) from an individual dwelling, work place or community facility should be observed.

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

The closest settlement to the application site is New Cumnock which is located more than 2km from the nearest turbine. There are no residential properties within 520m of a turbine therefore shadow flicker is not predicted to have an impact on any property.

The Council's noise consultants have considered the submitted information and have advised that there will be no adverse noise or cumulative noise impacts from the operation of the development. The nearest property to the turbines is Hillend, a financially involved property and which is located within Dumfries and Galloway. The Council's noise consultant has confirmed that this property meets acceptable noise standards.

The main visual impacts experienced by communities will be focused on the Dumfries and Galloway towns of Kirkconnel/Kelloholm and Sanquhar. There would be some potentially significant visual impacts from parts of these settlements however it is not so extensive as to result in significant impacts on the settlements as a whole. The development is not particularly intrusive and would be visually read with the existing Hare Hill windfarm. Some quite localised visual impacts may be experienced from the higher locations in Cumnock and Auchinleck however these are often seen through the existing windfarm and at considerable distance. On balance it is considered that this proposal does not offer unacceptable impacts on settlements.

Turning now to individual and groups of properties that are in closer proximity to the windfarm, there is only one property of particular interest, Hillend in Dumfries and Galloway. The ES does not incorporate an assessment of this property however there is an ownership interest in this property from one of the owners of the windfarm site. Notwithstanding this the property is in relatively close proximity to the windfarm. The topography of the intervening land and commercial forestry in addition to the property characteristics ensure that the impact on this property is not overbearing or unacceptable.

Buffer zones

The Structure Plan guidance requests a 30km buffer around the Areas of Search unless detailed analysis can show that development proposals of more limited scale are acceptable in terms of visual and cumulative impact. The proposed site is located within the 30km buffer from the northern search area but the applicant has provided detailed analysis through the ES to demonstrate the impacts that this development has.

Aviation and defence interests

The consultations undertaken by the Council indicate that:

- ***Glasgow Prestwick Airport has no objection to the development.***
- ***NATS has no objection subject to planning conditions.***
- ***The MoD has no objections subject to conditions which include the infrared and/or visible lighting of the turbines.***

No aviation consultee has advised that this proposal is unacceptable, subject to conditions. The response from the MoD which requests visible lighting on the cardinal turbines if they are erected pre April 2015 presents potential visual amenity concerns and is not an approach that has been acceptable to this Council. A planning condition which restricts the erection of any turbine until post April 2015 would protect aviation safety and avoid the requirement for visible lighting with its associated visual amenity impacts.

Broadcasting issues

The ES advises that no properties will receive adverse impacts on their television reception. Microwave and telemetry communication are not expected to be impacted upon.

(f) Proposals affecting Sensitive Landscape Character Areas shall satisfactorily address any impacts on the particular interest that the designation is intended to protect but the designation shall not unreasonably restrict the overall ability of the plan area to contribute to national targets.

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

The full application site is within the SLCA. This Area incorporates the whole of the Afton Valley and part of the Kyle forest to the west and extends to the Council boundary with Dumfries and Galloway in the east and south. It passes east of New Cumnock and stretches beyond the A76 to the north and into the area of the Muirkirk Uplands.

The Hare Hill Extension windfarm would be located wholly within the SLCA however effects are considered to be limited with significant effect to landscape restricted to those landscapes of the site and the immediate surrounds. Additionally, there are no visual impacts over large parts of the SLCA and where these do occur, often from

higher elevations, the windfarm is clearly seen in conjunction with and of a similar scale to the existing Hare Hill windfarm.

Cumulatively, this development does not have unacceptable impacts on the SLCA with existing and consented windfarms. Should the windfarms at South Kyle and Ashmark be approved in addition to this proposal it is considered that the SLCA around the Afton Valley area would be heavily compromised.

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

Connection to the grid is outwith the scope of this application. As noted above, there will be an adverse impact on the landscape however this would be very localised in nature and is not unacceptable. Impacts on the historic environment will be minimal.

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

Whilst the development offers some significant adverse visual impacts to communities these are limited and do not extend to the whole settlement.

There are no outstanding concerns regarding aviation given the comments of the consultees and adverse impact on telecommunications is not expected. The Council's noise consultant has advised that noise impacts are acceptable. Additionally, no impacts are expected from shadow flicker.

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

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

The erection of the wind turbines themselves, as well as the associated access tracks and infrastructure, will result in significant additional road traffic in the local area. The applicant has advised that turbines will be delivered via Port of Ayr Docks or Troon and travel to the site via the A76 to the existing windfarm access point near the Council boundary with Dumfries and Galloway. This minimises the distance that the turbine components require to travel and represents best practice. Additionally, the applicant expects to win all stone on site therefore road traffic movements are minimised.

The Roads Division has raised no objection to the development but has requested that a traffic management plan (TMP) is provided which provides details of any changes to abnormal load routes and information regarding the source of construction materials should that include the use of any non-trunk roads. Transport Scotland has no concerns regarding the trunk road network.

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

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

Given the separation distances to the local communities and the nature of the development it is considered that there is no adverse effect on the setting of any local community although it is recognised that there will be some more localised visual effects within some settlements. The development is seen on the skyline when viewed from some directions however this is not uncommon for windfarm developments. Where it is seen on the skyline this often corresponds to where the built and consented windfarms are also located on the skyline. This proposal does not unacceptably adversely affect skylines or hill features, nor does it intrude into prominent views to the extent that it would be contrary to this policy.

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

As stated in relation to ECON7(f), the proposed development will have a relatively limited impact on the SLCA.

48. Through Policy ENV6, development proposals considered to have an adverse effect on specified heritage resources shall not conform to the structure plan:

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

As stated above, it is considered that this development offers relatively minimal impacts on built heritage. There is not expected to be any significant archaeological resource which is evidenced by the WoSAS consultation position and the settings of local built heritage features will not be compromised.

Adopted East Ayrshire Local Plan

49. 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.

The character and appearance of the location is influenced by the existing Hare Hill windfarm. Whilst this proposal extends the influence of the existing windfarm it is considered that the design and location of the windfarm ensures that adverse impacts on the character and appearance of the area are minimal.

- (ii) The environment and amenity of local communities and residents of the area;

As noted above, this proposal does not offer unacceptable impacts on the environment and amenity of local communities and residents. It is recognised that there is some significant visual impact however this is often localised and given mitigating factors such as distance and the relationship to the existing windfarm it is considered that such impacts are not unacceptable.

- (iii) Landscape character and quality;

Significant landscape impacts are relatively restricted for this development and it avoids significant landscape impacts on the more sensitive Afton and Nith Valleys.

- (iv) Natural or built heritage resources.

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

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

- (i) on any recognised statutory or non statutory sites of nature conservation interest;
- (ii) on the amenity of nearby communities or sensitive establishments, including individual or small groups of houses in the countryside that may be adversely affected by reason of noise emission, visual dominance and other nuisance;
- (iii) on any recognised built heritage resources, including Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, archaeological sites and landscapes and Historic Gardens and Designed Landscapes and their individual settings;
- (iv) on the visual amenity of the area and the natural landscape setting for the development, particularly within the Sensitive Landscape Character areas as identified on the local plan rural area map; and
- (v) on existing infrastructure

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

Policy CS12 provides a general support for renewable energy proposals provided that it does not have significant adverse impact on a number of different criteria. This reflects the position set out within SPP. As noted in response to the Structure Plan policies above, this development is considered to offer minimal impacts on nature conservation interests, cultural heritage, landscape character and existing infrastructure.

The main impacts are visual impacts on parts of the Nith Valley including Kirkconnel and Sanquhar. Again as previously noted, these impacts are localised in nature and do not represent the impact on the full settlement. Given mitigating factors such as the distance between the windfarm and these settlements, screening from natural and built form and the visual link to the existing windfarm, the proposal does not represent an unacceptable impact on these communities.

51. Policy CS14 advises that the Council will assess all applications for wind farm developments, including extensions to existing, consented and/or operational wind farms, against the provisions of Policy ECON 7 of the approved Ayrshire Joint Structure Plan: Growing a Sustainable Ayrshire and any future supplementary planning guidance to be prepared relating to cumulative impact. Policy ECON7 states:

(a) In the Areas of Search, proposals for large and small wind farm developments will be supported subject to specific proposals satisfactorily addressing all other material considerations.

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

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

(d) Cumulative impact will be assessed in all relevant cases, taking into account existing wind farms, those which have permission and those that are the subject of valid but undetermined applications. The weight to be afforded to undetermined applications will reflect their position in the application process. Where the limit of acceptable cumulative impact has been reached, the area will be afforded significant protection.

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

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

(f) Proposals affecting Sensitive Landscape Character Areas shall satisfactorily address any impacts on the particular interests that the designation is intended to protect but the designation shall not unreasonably restrict the overall ability of the plan area to contribute to national targets;

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

Note (i):

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

Note (ii):

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

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

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

The applicant has indicated through correspondence submitted to the Planning Authority that they will contribute to the Renewable Energy Fund. The applicant advises that it will match this payment with funds direct to the local community through a community benefit fund although such payment is not a material planning consideration.

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

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

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

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

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

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

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

The application site is wholly within the Sensitive Landscape Character Area however its impacts on the SLCA are limited. Detailed comments are provided above.

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

The development will be theoretically visible from parts of the Dumfries House Garden and Designed Landscape however impacts are considered to be negligible.

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

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

As noted above, the proposal has some significant localised impacts on parts of settlements however the overall setting of the settlements within the landscape is not adversely affected in any significant way.

- (v) existing Public Rights of Way, footpaths and bridleways;

The development will have direct and indirect effects on such routes, as explained above. Direct impacts can be addressed through temporary rerouting of the right of way and secured through planning condition. The visual impact on local and national routes is significant on parts of these routes. Local routes in East Ayrshire have either restricted visibility or would often be seen in conjunction with the existing Hare Hill development. Within the path network of Dumfries and Galloway,

some significant visual impacts occur. Such impacts are however often at a distance of a number of kilometres with the windfarm associated with the more upland and distant landscapes associated with that area where windfarm development has been a feature for many years. The Southern Upland Way, a long distance route promoted as one of Scotland's Great Trails, experiences some significant visual impacts although once again this would be at some distance, would be seen in association with the existing Hare Hill windfarm and would be maximised only on clearer visibility days.

On balance, whilst it is accepted that the windfarm will offer some significant visual impacts on local and national routes and popular hilltop locations, this is not considered to be unacceptable due to the nature of the site, the design of the development, the relationship of the development to the existing windfarm and the often considerable separation distances. In cumulative terms these same reasons are considered to be of sufficient merit to ensure that cumulative visual impacts are also, on balance, acceptable.

(vi) existing skylines, landform and contours.

Comments on skylines etc. have been provided above in relation to the Structure Plan.

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

As noted previously, the proposal is considered to offer limited adverse landscape character impact and visual intrusion largely as a result of the site characteristics and the design of the development.

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

Detailed responses on these matters have been provided above.

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

The site takes access from the A76 and turbines are some 3km south of the road. The A76 is a strategic access location to East Ayrshire and is a trunk road but is not an identified tourist route. Visual influence on the A76 from the Extension windfarm will be much less than the existing Hare Hill windfarm currently exerts. As Transport Scotland has raised no concerns subject to planning conditions and the visual

influence of this windfarm on the A76 is not excessive it is considered that this strategic access route is not unacceptably impacted upon.

ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

62. The principal material considerations relevant to the appraisal of the application are the consultation responses, letters of support, impact on amenity, Scottish Government National Energy Policy, National Planning Framework 3, Scottish Planning Policy, Scottish Government online Guidance for Onshore Wind Turbines, Scottish Historic Environment Policy, Ayrshire Joint Planning Steering Group Wind Farms: Addendum to the Ayrshire Joint Structure Plan Technical Report TR03/2006, PAN1/2011 on Noise, the Planning Authority's Noise Consultant Report (Accon Ltd), the Planning Authority's Landscape Architect Consultant Report (Ironside Farrar) and the East Ayrshire Landscape Wind Capacity Study 2013. Additionally, the Council's approach to decommissioning and restoration as set out in Reports to Council dated 24 May 2013, 19 September 2013 and 28 January 2014, the Report to Cabinet on 21 May 2014 on decommissioning, restoration, aftercare and mitigation financial guarantees, the applicants financial information and the Planning Authority's decommissioning and restoration consultant's report (Ironside Farrar).

Scottish Government National Energy Policy

63. 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.
64. The Scottish Government's Renewable Electricity Generation Policy Statement (REGPS) June, 2013 sets out the Scottish Government's plans for renewable energy and fossil fuel thermal generation in future energy mixes. The EGPS indicates the Scottish Government's amended target of delivering the equivalent of at least 100% of gross electricity consumption from renewable by 2020. It is confirmed that this target does not mean that Scotland will be 100% dependent on renewable generation; renewable will form part of a wider, balanced electricity mix, with thermal generation continuing to play an important role.
65. 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, it is considered that the development offers relatively minimal adverse impact on the environment and communities. The development offers 33MW or approximately 0.21% of the national 16GW target. As such this proposal could make a useful contribution towards meeting national energy targets whilst offering relatively few adverse impacts.

National Planning Framework 3 (NPF3)

66. 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.

67. 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.
68. 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 considered to be an appropriate location as it largely reflects the scale and character of the landscape and results in fairly limited and not unacceptable significant adverse landscape and visual impacts, including cumulative impacts.
69. Consequently the proposal is largely consistent with the provisions of NPF 3.

Scottish Planning Policy (SPP)

70. 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.
71. Part 161 regarding onshore wind advises that Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. The SPP includes a spatial framework made up of three 'groups' of areas.
72. Group 1 relates to National Parks and National Scenic Areas where wind farms will not be acceptable. Group 2 relates to areas of significant protection and includes designations and interests where wind farms may be appropriate in some circumstances and consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. Such designations include, amongst others, SSSI's, Gardens and Designed Landscapes, areas of wild land and separation of up to 2km from cities, towns and villages with the extent of the separation determined by the planning authority based on landform and other features which restrict views out of the settlement. In group 3 areas wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.
73. Part 163 advises that the spatial framework approach should be followed in order to deliver consistency nationally and additional constraints should not be applied at this stage. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community, and cumulative impacts. It notes that individual properties and settlements not identified in development plans will be protected through local development plan policy (part 164).
74. Part 169 sets out the likely considerations that should be taken into account in the determination of wind farm proposals. These include a large number of issues but

particularly relevant to this proposal are net economic impact, the scale of contribution to renewable energy generation targets, effect on greenhouse gas emissions, cumulative impacts, impacts on long distance routes, impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker, landscape and visual impacts, impacts on the historic environment, impacts on tourism and recreation, impacts on aviation, impacts on road traffic and trunk roads, 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.

75. Finally, paragraph 173 on community benefit advises that where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the *Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments* document.
76. The provision of a spatial framework for wind farm development provides clearer guidance on areas where windfarm development may or may not be acceptable. The group 1 areas are not applicable to East Ayrshire however the areas of significant protection set out within group 2 will be relevant in many cases. Group 2 highlights the sensitivity of the designations and interests contained within it and requires that significant effects on the qualities of these areas can be substantially overcome therefore providing a stricter test for wind farm acceptability than group 3 areas where assessment will take place against identified policy criteria. Notwithstanding this however, the considerations laid out at part 169 of SPP would be relevant to groups 2 and 3.
77. The development plan for East Ayrshire preceded the updated SPP. Despite this it complies with the key requirements of SPP in that it has identified areas of search where large and small scale windfarms will be suitable in principle and also sets out the criteria against which windfarm proposals, including extensions, will be assessed, as noted at section 6.
78. This development falls within group 3, areas with potential for windfarm development. The proposal offers some adverse impacts when considering the criteria of the SPP. It is recognised that there will be some significant landscape and visual impacts and cumulative impacts associated with the development. These matters are set out through the development plan policies above however it is considered that the significant adverse effects of this development are relatively limited and not unacceptable. The development offers a useful contribution to renewable energy targets, has a positive effect on greenhouse gas emissions and would result in some socio economic benefits which potentially includes the local area. Such considerations carry strong weighting and in the absence of unacceptable adverse impacts as noted, they indicate that the proposal is consistent with the terms of SPP.

Scottish Government Guidance – On Shore Wind Turbines

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

80. Amongst others, this Government guidance lists criteria to be considered in the determination of planning applications for on shore turbines. In the case of this proposal the significant criteria to be assessed are; landscape and visual impact and cumulative landscape and visual impacts.
81. In terms of landscape and visual impact and cumulative impacts it has been noted at section 6 that the development is considered to offer some significant impacts. However, these impacts have been found to be largely localised to parts of settlements, walking routes or elevated locations and the immediate surrounding area. These impacts do not extend over whole settlements or locations and the mitigating factors such as distance from receptors, the site characteristics and the design of the Extension windfarm ensures that these impacts are not unacceptable. This assessment remains applicable to the cumulative impacts in relation to existing and consented sites although the recent consenting of Afton wind farm has increased significant cumulative landscape and visual impact. In relation to proposed developments, it is considered that impacts will be more extensive should other proposed schemes be consented such as Sandy Knowe, Ashmark and South Kyle. Whilst Hare Hill Extension would play a part in these more significant affects it would not play the biggest part in comparison.
82. The relevance of On Shore Wind Turbine Guidance is considered in the context of the Ayrshire Joint Structure Plan 2007 and the East Ayrshire Local Plan 2010. The proposal, on balance, it considered to be largely compliant with the development plan and as such is largely compliant with this Guidance.

Scottish Historic Environment Policy (SHEP)

83. The SHEP sets out Scottish Ministers' policies for the historic environment, provides policy direction to Historic Scotland and provides a framework that informs the day to day work of a range of organisations that have a role and interest in the historic environment. SHEP advises that the historic environment gives us a sense of place, well being and cultural identity and advises that the historic environment requires careful and active management to ensure its survival. The context or setting in which specific historic features sit and the patterns of past use are part of our historic environment. The historical, artistic, literary, linguistic, and scenic associations of places and landscapes are some of the less tangible elements of the historic environment. These elements make a fundamental contribution to our sense of place and cultural identity.
84. As set out above, the development is considered to have a minimal impact on the historic environment. There are few features on sites and those offsite suffer little or indeed no impacts to their setting. The position set out above taken by WoSAS with respect to on site archaeology and Historic Scotland with respect to their own remit highlight the almost negligible effects of this proposal on the historic environment. The Planning Authority in assessing the ES and all relevant information comes to the conclusion that impacts on the historic environment is near negligible and not of concern.

Ayrshire Joint Planning Steering Group Wind Farms: Addendum to Ayrshire Joint Structure Plan Technical Report TR03/2006

85. All three Ayrshire Councils have agreed that this Addendum will be used in the assessment of wind farm applications. The purpose of the Addendum is to support the implementation of wind energy policy as set out in the Ayrshire Joint Structure Plan. The addendum provides developers with greater clarity regarding those areas where the principle of wind farm

development is likely to be acceptable or unacceptable and to provide further explanation of the criteria against which new development will be assessed.

86. In terms of the Addendum the proposed site is partially located in an area afforded significant protection from the effects of large scale wind farms. This relates to the 30km buffer from the wind farm search areas. The Addendum requires that an assessment be undertaken against relevant development plan policies to protect the interests of designated sites. This assessment has been undertaken at part 6 of this report.
87. 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. 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. In this case there are issues of cumulative landscape and visual impact. Impacts from existing and consented windfarms in combination with Hare Hill Extension largely affect the communities within the Nith Valley. This proposal does extend windfarm presence across the upland landscape and in some views would appear to visually link these upland windfarms (Sanquhar, Whiteside Hill and Hare Hill) to a greater degree than existing. Given the Extensions close visual relationship to the existing site and its upland location it is considered that any such impacts in this respect are not unacceptable.
88. When proposed windfarms are taken into account, significant impacts are more widespread. The Extension would be seen as part of a much larger windfarm with Sandy Knowe likely to be the most prominent when viewed from the Nith Valley. The Afton Valley would in effect be surrounded by windfarm development. Whilst Hare Hill Extension would play a role in these effects including linking windfarm development between the Nith and Afton Valley's, it plays a smaller part in the appearance of this large windfarm effect.
89. Part 21 of the Addendum provides some clarification of policies ECON 6 and ECON 7. This development is located in a potential area of constraint but notes that this does not necessarily preclude development. At part 24 the Addendum notes that heritage resources and their settings shall be protected. As noted above, the proposal is considered to be acceptable in relation to impacts on the historic environment.
90. Part 25 of the Addendum notes that landscape character (amongst others) is a valuable resource and a key part of Ayrshire's attractive and high quality environment, contributing to sense of place and local distinctiveness and important to future well being and economic development. The planning system has to ensure that wind farm development needs are met in ways which do not erode this environmental capital. Where development compromises the objectives or overall integrity of the regional and local natural heritage and biodiversity designations, such as Sensitive Landscape Character Areas, they will not be supported. As noted above it is considered that the development offers limited adverse landscape effects and does not erode to any significant extent the objectives and integrity of the Southern Uplands SLCA.
91. The importance of the SLCA to tourism and recreational interests is noted through Part 26 and 27 as is the connection with Robert Burns. The Addendum advises that tourism makes a significant contribution to the economy of Ayrshire and has the potential for significant growth and at the heart of this growth is environmental quality, increasingly seen as a key economic driver, and which requires to be protected and enhanced. Again as noted above, the development is considered to have a minimal effect on the SLCA and the restricted visibility from the Afton Valley ensures that the Robert Burns heritage suffers no

adverse impacts. Given the separation distances and effects of screening, such features within Dumfries and Galloway district are subject to minimal or indeed no impacts.

92. Part 28 of the Addendum highlights that amenity and quality of life are key assets contributing to the attractiveness and economic potential of an area. Wind farms have the potential to create significant long term adverse impacts on the amenity of an area or health, well-being and quality of life of people living or working nearby. Visually, within 2km, wind farms are a prominent feature in the landscape. In this case the applicant has located the turbines more than 2km from settlements and more than 10 times the rotor diameter from properties. This ensures that the settlements are not dominated by the turbines, albeit there are some significant localised effects, and shadow flicker should not be experienced at all. In relation to noise the Council's consultant has advised that there will be no adverse impacts subject to the adoption of the noise limits specified.
93. Finally the Addendum notes at Part 30 that Glasgow Prestwick Airport offers significant international connectivity and competitive advantage for economic development. Developers will be required to show that their development does not impinge on the current operation of the airport and would not threaten the requirements for growth sought by Government. As GPA has no objection to the development it complies with this part of the Guidance.

Noise PAN 1/2011

94. PAN 1/2011 provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. Site selection and the design of the development and any conditions that may be attached to any consent can all play a part in preventing, controlling and mitigating the effects of noise.
95. Paragraph 29 of the PAN refers to wind turbines and indicates that "good acoustical design and siting of turbines is essential to minimise the potential to generate noise."
96. In this case the Planning Authority consulted with Accon Ltd to assess the submitted environmental statement noise chapter and to provide a report. This report forms a background paper and the findings are referred to below.

Accon Ltd

97. Accon Ltd assessed the applicant's environmental statement noise section and the October 2014 Addendum to the ES and concluded that subject to the adoption of the noise limits proposed by Accon Ltd there should be no over-riding reason for refusal in respect of noise. It should be noted that the property located within Dumfries and Galloway is a financially involved property which allows for an increase in noise limits but that it would remain within acceptable limits and does not adversely affect the amenity of that property.

Landscape Consultants – Ironside Farrar

98. As referred to in the Cabinet report of 21 May 2014 the above consultants have been procured by the Council to undertake an assessment of the landscape and visual impact section of the applicant's submitted environmental statement.
99. In its conclusions Ironside Farrar advise that 'We have reviewed the LVIA and have some significant reservation regarding the methodology used, in particular for the assessment of visual effects. We broadly agree with the assessed limited extent of significant landscape

effects, but conclude that significant visual effects would extend beyond those identified in the LVIA.’

100. They further advise that ‘The windfarm would be located in a landscape which, at a strategic level, has been assessed as having capacity for a wind energy development of a similar scale to that proposed, in addition to the existing Hare Hill windfarm. While located in an area of potential constraint arising from the presence of nearby population centres, recreation and natural heritage interests, effects on these interests are relatively limited.’
101. Additionally Ironside Farrar found that ‘The windfarm appears well sited within the landscape. While mostly sharing the same visual envelope at the existing Hare Hill development, unlike the existing turbines the extension would not have a visual effect across the settled lowlands around New Cumnock, therefore avoiding visual effects/ cumulative visual effects to receptors in this well populated area. The design of the windfarm is such that the turbines of the proposed extension, while larger than those of the existing windfarm, would not be perceived to be of a greatly different scale.’
102. They go to state that ‘We agree with the LVIA that significant landscape/cumulative landscape effects would be experienced primarily in the Southern Uplands/ Southern Uplands with Forest in the immediate vicinity of the site, including a part of the East Ayrshire Sensitive Landscape Character Area.
103. Following on they advise that ‘Visual effects of the proposal would be relatively limited; most visual receptors to the proposal would be in the Nith Valley and we identify significant visual/ cumulative visual effects in some location to residents in and around Sanquhar and Kirkconnel. Effects in this area would not be so pervasive/ severe as to result in significant effects to whole settlements however. Other receptors experiencing significant adverse visual/ cumulative visual effects would be quite localised to users of hill tracks and at hill top summits, although this would include a section of the Southern Upland Way north of Sanquhar’.
104. The penultimate paragraph of their conclusion advises that ‘The close proximity of the proposals to Hare Hill, and a similar visual envelope, results in significant cumulative visual effects to receptors also experiencing significant primary effects. The presence of several nearby existing, consented and proposed windfarms also contributes to cumulative impacts. Hare Hill Extension adds to the sheer numbers of turbines seen in the Southern Uplands, and also through its consolidating effect of linking together the Hare Hill/ Sanquhar/ Whiteside Hill developments, and potentially several proposed windfarm, into a single, continuous, area of wind energy development when viewed from the north’.
105. In summary Ironside Farrar advise that ‘While we have some disagreement with the methodology and the assessment of the LVIA, we agree with the conclusion of the LVIA that the effects on the landscape and visual resource are relatively limited’.

The East Ayrshire Landscape Wind Capacity Study 2013 (EALWCS)

106. According to the EALWCS the landscape character type of the majority of the application site and turbines is southern uplands. This character type “form steep sided, rugged open hills strongly containing the Upland Glen of Glen Afton and providing a dramatic backdrop to the low lying Upland Basin”. It notes that “higher and particularly steep sided and well defined hills on the eastern edge of Glen Afton form landmarks features” and “Lower and relatively narrow ridges occur west of Glen Afton”. The EALWCS goes on to note that “this

landscape is not settled although it is highly visible from settlement and roads within the Upland Basin to the north”.

107. “There would be a high-medium sensitivity to the large typology (turbines >70m) and a medium sensitivity to the medium typology (50-70m)”. The EALWCS lists potential cumulative issues including intervisibility with larger turbines in this LCT and smaller turbines in adjacent settled LCT’s and the potential for encirclement of the upland basin LCT should turbines be consented in foothills with forestry and opencast mining LCT and plateau moorland LCT. It also notes a number of potential constraints including the landmark hills, potential exacerbation of intrusion from Harehill turbines on the small scale and settled Upland Glen of Glen Afton and on views from the upland basin, cumulative effects with Harehill where different turbine sizes will be apparent in close views from Glen Afton and cumulative effects with existing and consented windfarms seen from the upland basin limiting scope for new windfarms being accommodated in this LCT due to differences in turbine size and layout given variations in landform either side of Glen Afton. It does however note that there is an opportunity to extend the existing Hare Hill windfarm whilst minimising intrusion on the adjacent Glen Afton and on views from the Upland Basin.
108. It concludes that there is no scope for large typology (>70m) and some limited scope for medium typology (50-70m) to be located in this landscape as an extension to Hare Hill windfarm.
109. In this case the proposal is for turbines ranging from 70 to 91 metres in height which although greater than the recommended typology is not excessively so. The proposal offers minimal additional visual intrusion in the upland basin LCT and additionally offers almost no impacts on the upland glen area. The difference in turbine heights between the existing and proposed windfarms is largely imperceptible and particularly so when viewed from distance largely due to the topography of the site. Despite the slightly larger than recommended typology, it is considered that the opportunity noted within the EALWCS has been realised by this development given the minimal intrusion on Glen Afton and on views from the upland basin LCT it achieves, as required by this Guidance.

Impact on Amenity

110. As previously stated in this report the proposal results in some significant adverse visual impacts on parts of the settlements within the Nith Valley. However, these impacts are not representative of the whole settlements, the Extension would be seen in conjunction with existing windfarm development and the distance between the receptor and the Extension windfarm is extensive to the extent that the windfarm is not a dominant feature. There is not considered to be an overbearing visual impact on any particular property in the rural area or within the settlements.
111. In terms of cumulative impacts the proposal taken in conjunction with the other existing and consented windfarm sites in the area will close the visual gap between sites in some views. Whilst this may result in the appearance of one large windfarm in these views, given the location of the windfarm within the upland landscape and the distance between the receptors and the sites, such an effect is on balance acceptable. Additionally, the proposal would contribute to a partial encirclement of Glen Afton although this is not noticeable from the valley floor but would be more readily perceived from higher ground.
112. No property is expected to experience shadow flicker effects due to the separation distance maintained from residential property. Additionally, the Council’s noise consultant has advised that noise and cumulative windfarm noise would not be unacceptable. Visual

impact from turbine lighting at night is addressed below at the consultation responses section.

Consultation Responses

113. No consultee has raised an objection to the proposal subject to the imposition of appropriate planning conditions. As it would not be the Council's intention to meet the full requests of the RSPB for conditions their position would revert to one of objection. As stated above it is considered that the RSPB position in this respect is unreasonable. The support of New Cumnock Community Council who are closest to the development is noted. The lack of support from Muirkirk Community Council does not translate to an objection however their concern over cumulative impact is not shared by the Planning Authority in this case.
114. The MoD requirement for visible lighting on four turbines for air safety reasons if turbines are erected pre April 2015 would be a concern due to its adverse visual impact in an otherwise dark area. However it is considered to be appropriate to restrict the erection of turbines until post April 2015 thereby ensuring that no visible lighting will be required on turbines. Given the time taken to construct a wind farm such a restriction is highly unlikely to have any actual effect on the construction of the wind farm.

Letters of support

115. The points raised by the supporters of the wind farm reiterate the positive aspects that the development could bring if it was consented. It is agreed that the proposal has a positive impact on greenhouse gas emissions and has the potential to support and/or create local jobs, primarily during the construction phase.

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.

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

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

117. In compliance with paragraph 24 of the Cabinet Report on Decommissioning, Restoration, Aftercare and Mitigation Financial Guarantees dated 21 May 2014 and in terms of financial security for decommissioning and restoration of the site the Planning Authority's Planning Monitoring Officer (Ironside Farrar) has carried out an assessment of the value of the decommissioning and restoration guarantee for the Hare Hill Extension development.
118. This assessment has concluded that the total decommissioning and restoration costs for the development would amount to £3,565,117 including a provisional sum to cater for a 5 year aftercare of the site.

Applicant's Proposals for Financial Guarantee

119. In terms of securing the site decommissioning and restoration the applicant intends the following arrangements:
- Based on its own calculations and verified by an independent consultant (Mott MacDonald), SPR would put in place a decommissioning bond to the value of £3,237,516.
 - SPR consider that this would adequately cover the decommissioning costs throughout the 5 year duration of the bond should it be called upon.
 - This figure allows for the use of scrap value recovery but also includes a 19.55% uplift as explained below.
 - SPR would put in place a bond with a reputable European financial institution prior to the commencement of development with the Council and the land owner the beneficiaries. The bond would have a 5 year fixed term with a succession of bonds put in place to cover the operational life of the wind farm. A new bond would be put in place before the previous bond expires.
 - The bond value would be reassessed every 5 years to provide the Council with the comfort of this periodic review.
 - SPR has committed to uplifting the decommissioning cost by 19.55% to arrive at a bond value for the initial bond. This uplift is to ensure that the bond value towards the end of the 5 year life of the bond will still be appropriate should the bond be called upon. The percentage uplift is based on the increase in the Retail Price Index over the previous 5 years. This would dispense with the requirement to consider an annual indexation of the bond which has proved impractical on other bonds.
 - SPR are in broad agreement with the Ironside Farrar methodology and would be willing to meet the Council and its advisors to discuss matters further.

FINANCIAL AND LEGAL IMPLICATIONS

120. There are potential financial implications for the Council in coming to a view on this application as, should the Planning Committee be minded to refuse the proposed Hare Hill Extension development, this could lead to an appeal by the applicant. Furthermore, if the Council is considered to have acted unreasonably in refusing the proposed development, a claim for an award of expenses could be made by the applicant.
121. As stated above, should the Planning Committee choose to refuse this proposed development then it could result in an appeal by the applicant to the Scottish Government Department for Planning and Environmental Appeals (DPEA). The Council would require to participate in whatever procedure is considered appropriate by the DPEA in order to put forward its case. This could be via further written representation, hearing or inquiry sessions or a combination of these methods. This therefore may also lead to further costs being incurred to the extent it may be necessary to either engage expert external advice, support or representation and/or to engage professional expert witnesses to give evidence on the Council's behalf as necessary.
122. Also as stated elsewhere within the report, if the Planning Committee is minded to approve planning consent for this development certain matters should be addressed by Section 75

Legal Agreement under the 1997 Act, or through conditions or other means as appropriate, (as referred to throughout the report).

123. In this regard Heads of Agreement under Section 75 of the 1997 Act, to be concluded prior to the issue of consent, should comprise the following:
- Appropriate developer contributions towards the Renewable Energy Fund for the purpose of enabling mitigation measures and environmental improvements within East Ayrshire consistent with Council policy CS15.
 - The developer shall provide an independent Planning Monitoring Officer for the development as appointed by the council, the cost of providing this position being met by the developer.
 - No section of development hereby authorised shall be commenced until a decommissioning, restoration and aftercare guarantee is provided by the developer and agreed with the Planning Authority that will secure the decommissioning of the turbines and the restoration and aftercare of the site.
124. Additionally, should the Planning Committee disagree with the recommendation that the Council approve this proposed development and the applicant appeals that decision, the matters noted above should be put forward by the Council within the appeal process to ensure that these matters are secured in the event of a successful appeal.
125. In accordance with Council's revised arrangements for consideration of Financial Guarantees relative to certain types of development, prior to sign off in this case by the Depute Chief Executive that Planning, Finance and Legal Services have all been involved in the process of assessing the applicant's proposed arrangements for securing their decommissioning and restoration obligations (as set out above). In this case, no agreed position in terms of what would comprise the financial guarantee for the decommissioning and restoration of the proposed development has been reached between the developer and the Council. However, in compliance with the Council's Cabinet Report on Decommissioning, Restoration, Aftercare and Mitigation of Financial Guarantees dated 21 May 2014 any 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.
126. Should the Planning Committee decide to grant consent, there is no requirement to refer this application to the Scottish Government under Circular 3:2009 - 'Notification of Planning Applications'. Additionally no notification would be required through the Town and Country Planning (Neighbouring Planning Authorities and Historic Environment) (Scotland) Direction 2014 as the neighbouring authority, Dumfries and Galloway Council, has not objected to this development.

COMMUNITY PLAN

127. 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.

CONCLUSIONS

128. As indicated in section 5 of the report, this application is considered to be largely in accordance with the development plan. As indicated at Section 6 of the report, there are a number of material considerations relevant to this application. It is considered that the material considerations are, on balance, supportive of the application particularly in terms of national policy, national planning advice, the Structure Plan Addendum, the EALWCS 2013, the consultation responses, letters of support and the findings of the planning authority's landscape consultant.
129. In relation to the development plan it is considered that the proposal:
- Is well sited in the landscape and has a minimal significant adverse impact on the landscape character of the surrounding area and such impacts are very localised.
 - Offers relatively limited significant visual impacts and avoids visual impacts on the settled lowlands around New Cumnock.
 - Contributes towards landscape and visual cumulative impacts and closes the gap visually between existing and consented windfarms when seen from the Nith Valley. Additionally it would contribute to the partial encirclement of the Afton Valley in conjunction with the existing Hare Hill development and the recently consented Afton wind farm in particular.
 - Is located within, yet has limited adverse impacts on, the setting and appearance of the Sensitive Landscape Character Area.
 - Has very limited visibility within the Afton Valley.
 - The turbine layout and heights are visually consistent with the existing Hare Hill windfarm and existing site infrastructure such as the site access and access track are utilised by this proposal.
 - Reduces road vehicle movements by sourcing the entire stone requirement within the site.
 - The development has minimal impact on natural and cultural heritage features, and tourism related impacts.
130. Turning now to the material considerations, it is considered that the majority of these offer support for the proposal although it is noted others do not offer full support. The findings of the Council's landscape consultants and the East Ayrshire Landscape Wind Capacity Study highlight that this development offers relatively limited adverse landscape and visual impacts. This is largely as a result of careful design of the windfarm which takes account of the site characteristics and the nature of the surrounding landscape which includes the existing Hare Hill windfarm. It is noted however that cumulative impacts are more significant although not unacceptable.
131. It is noted that no consultee has objected to the development, subject to planning conditions with the exception of the RSPB and that the local community council has expressed its support for the proposal. In relation to national energy and planning policy and guidance, the benefits of the scheme and in particular the benefits of renewable electricity generation are given particular importance although it is made clear that this must still be balanced

against impacts on various other matters which include landscape and visual impacts and the impacts on communities. In this case the balance weighs in favour of the benefits of the development as its adverse impacts, as noted throughout the report, are relatively limited particularly for a development of this scale.

132. Some of the key benefits of the scheme include:
133. The contribution that the development makes towards the Scottish Governments renewable energy 2020 target by the generating capacity of up to 33MW of renewable electricity and would result in a reduction in greenhouse gas emissions;
134. Providing a better degree of public access to the application site, once constructed;
135. Benefits accruing from the significant investment that potentially would generate economic benefits and temporary and longer term employment opportunities in the East Ayrshire economy;
136. Taking all matters into account the potential benefits to be accrued from the proposed development outweigh the significant adverse impacts of the proposal particularly given that these impacts are relatively limited for a development of this scale.

RECOMMENDATIONS

137. **It is recommended that the application be approved subject to the conditions on the attached sheet and that consent be withheld until the successful conclusion of a legal agreement.**

CONTRARY DECISION NOTE

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

David McDowall
Acting Head of Planning and Economic Development

Implementation Officer: Craig Iles, Acting Operations Manager

LIST OF BACKGROUND PAPERS

1. Scottish Government National Energy Policy
2. National Planning Framework 3.
3. Scottish Planning Policy
4. Scottish Government online advice sheet May 2014
5. Approved Ayrshire Joint Structure Plan (2007).
6. Adopted East Ayrshire Local Plan (2010).
7. Addendum to the Ayrshire Joint Structure Plan
8. The EALWCS 2013
9. Scottish Historic Environment Policy
10. Historic Scotland 'Managing Change in the Historic Environment' Setting
11. The Hare Hill Extension windfarm Environmental Statement and technical appendices.
12. Hare Hill Extension windfarm Additional Environmental Information of April 2014
13. Hare Hill Extension windfarm Additional Environmental Information of July 2014
14. Hare Hill Extension windfarm Additional Environmental Information of October 2014
14. The Hare Hill Extension windfarm Planning Statement.
15. The Hare Hill Extension windfarm Non-Technical Summary
16. Accon Ltd noise report dated November 2014
17. PAN 1/2011 Planning and Noise
18. Ironside Farrar Audit of Landscape and Visual Impact Assessment dated November 2014.
19. Ironside Farrar Wind farm bond assessment report dated August 2014
20. Applicant financial details dated 3 July 2014 (letter and associated assessments) and e-mail of 26 August 2014.
21. Consultation responses
22. Reports to Council and Cabinet regarding decommissioning and restoration.
23. Letters of representation.

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

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 07/0809/FL

Location	Hare Hill, south east of New Cumnock
Nature of Proposal:	Erection of 39 wind turbines and associated infrastructure
Name and Address of Applicant:	Scottish Power Renewables Ltd Cathcart Business Park Spean Street Glasgow G44 4BE
Name and Address of Agent	Montagu Evans LLP 302 St Vincent Street Glasgow G2 5RU

Officer's Ref: David Wilson
01563 576779

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

Duration of permission

1. The permission hereby granted will last for 25 years from the date from the first export date. The permission will expire at the end of that period unless the Planning Authority has expressly approved an extension in writing. Upon expiry, all wind turbines, buildings, masts and other ancillary equipment and infrastructure shall be dismantled to at least ground level and removed from the site, and the site restored in accordance with the decommissioning, restoration and aftercare scheme to be submitted in line with conditions 8 and 9.

Reason: In recognition of the expected temporary lifespan of the development and to ensure that the site is restored to an agreed acceptable condition at the end of its operational life, all in the interests of the amenity of the site and wider environment.

Aviation

2. No turbine blade shall be installed unless and until:

(a) A Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by East Ayrshire Council in order to mitigate the impact of the Development on the Lowther Hill Primary Radar and associated air traffic management operations of the Operator; and

(b) The approved Primary Radar Mitigation Scheme has been implemented and thereafter the Development shall be operated in accordance with that Primary Radar Mitigation Scheme.

For the purposes of this condition:

“Primary Radar Mitigation Scheme” means the detailed scheme as revised and agreed with the Operator setting out the measures to be taken to mitigate at all relevant times the impact of the Development on the Lowther Hill Primary Radar Installation and the associated air traffic management operations of the Operator by ensuring that, by appropriate measures, including where necessary the provision of additional radar coverage, any adverse impacts of the Development on the Lowther Hill Primary Radar and the Operator’s operations is avoided; and

“Operator” means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act)

Reason: To ensure that appropriate mitigation is provided timeously to avoid impacts on air safety.

Notification to Ministry of Defence

3. (a) At least two months prior to the proposed date of commencement of construction of the development the Developer shall provide the Planning Authority and the Ministry of Defence (the MoD) with a written statement containing the following information:

- (i) the proposed date of commencement of construction;
- (ii) the proposed date of completion of construction; and
- (iii) the proposed maximum extension height of any construction equipment on site.

and no work shall commence on site until the MoD has confirmed to the Planning Authority that the above information has been provided;

(b) The Developer shall, as soon as reasonably practicable and in any event a minimum of 7 days prior to the event, provide to the Planning Authority and the MoD written notice of any proposed changes to the information provided under (a);

(c) The Developer shall provide written confirmation to the Planning Authority and the MoD of the actual date on which construction is commenced and the actual maximum extension height of any construction equipment on site within 7 days of that commencement date; and

(d) The Developer shall provide written confirmation to the Planning Authority and the MoD of the actual date on which construction of turbines is completed within 7 days of that date.

4. At least 14 days in advance of the proposed date of erection of the first turbine and noting the content of condition 5, the Developer shall provide the Planning Authority and the MoD with a written statement containing the following information:

- (a) the proposed location of each turbine in latitude and longitude and having taken into account any micro-siting adjustments agreed in terms of condition 23 (in degrees, minutes and seconds);

- (b) the proposed height above ground level of each turbine (in metres to blade tip); and
- (c) that omni directional infrared aviation warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms will be fitted at the highest practicable point of each perimeter turbine or alternate perimeter turbine where the gap between turbines does not exceed 500m

and no turbine shall be erected on site until the MoD has confirmed to the Planning Authority that the above information has been provided.

Reason for conditions 3 and 4: To ensure that the MoD is informed of any activities that may potentially affect its interests in respect of overflying of the site and to ensure that appropriate aviation warning lighting is provided.

5. No turbine shall be erected on site before April 2015.

Reason: To ensure that the turbine lighting requirement stipulated by the MoD and referenced at condition 4(c) is applicable which therefore negates the need for visible aviation warning lights, in the interest of visual amenity and air safety.

6. One month after the completion of construction of all the turbines on the site the developer shall provide the Planning Authority and the MoD with a written statement containing the following information:

- (a) the actual location of each turbine in latitude and longitude (in degrees, minutes and seconds);
- (b) the actual height above ground level of each turbine (in metres to blade tip); and
- (c) confirmation that appropriate aviation warning lighting has been installed.

Reason: To ensure the MoD is provided with accurate information that can be utilised to protect air safety.

Decommissioning

7. No development shall take place until a decommissioning, site restoration and aftercare scheme (the Decommissioning Scheme) for the wind farm has been submitted to and approved in writing by the planning authority. The Decommissioning Scheme shall include details of:

- (a) Works for the decommissioning and removal of all turbines (together with their foundations to a depth of 1 metre) and all above ground ancillary buildings and equipment;
- (b) The treatment of ground surfaces and the restoration of the site to its former condition, or other such condition as is agreed by the Planning Authority;
- (c) Environmental management provisions;
- (d) A traffic management plan;
- (e) A decommissioning timetable; and

- (f) Appropriate aftercare following site restoration.

The Decommissioning Scheme shall be submitted to the Planning Authority no later than 3 months prior to the commencement of development.

8. No later than 24 months before the expiry of this permission an updated Decommissioning Scheme that takes account of the Scheme approved under condition 7 and incorporating the current best environmental practice shall be submitted to the Planning Authority for its written approval.

9. The Decommissioning Scheme approved under condition 8 shall be implemented (with the exception of aftercare works) within such period as may be provided in the Scheme, which period shall not exceed 12 months after the expiry of this permission.

Reason for conditions 7-9: To ensure the satisfactory decommissioning of the wind farm and reinstatement of the site in a suitable and environmentally acceptable manner.

10. (a) At least two months prior to the commencement of the Decommissioning Scheme the Developer shall appoint a full time independent and suitably qualified Environmental Clerk of Works (ECoW) that is acceptable to and has been approved in writing by the Planning Authority.

(b) The ECoW shall be paid for by the Developer and shall be retained following appointment under (a) for the duration of the Decommissioning Scheme (with the exception of aftercare works) to oversee the implementation of the approved Decommissioning Scheme.

Reason: To ensure that the Decommissioning Scheme is properly implemented and followed during the decommissioning and restoration works in the interest of environmental protection.

11. (a) If any turbine installed and commissioned fails to supply electricity to the electricity grid network for a continuous period of 6 months the developer shall notify this to the Planning Authority within seven days following that continuous period;

(b) Unless the turbine is in the process of being repaired or replaced and evidenced to be so by the Developer, or unless otherwise agreed in writing by the Planning Authority, the turbine shall be deemed to have ceased to be required and:

(i) the turbine (including its foundations to a depth of 1 metre and any ancillary surface equipment solely related to that turbine) shall be dismantled and removed from the site; and

(ii) the land shall be restored to such condition as is agreed by the Planning Authority

all in accordance with a scheme to be submitted by the developer within one month of the date of notification under part (a), for the written approval of the Planning Authority; and

(c) The scheme approved under part (b) shall be implemented within three months of notification of its approval by the Planning Authority.

Reason: To ensure that any non-operational turbine is removed from site in the interests of safety, amenity and environmental protection and as required by policy CS16 of the East Ayrshire Local Plan 2010.

12. On an annual basis following the first export date of electricity from the site, the developer shall provide the planning authority with a report detailing the operations of each turbine on the

site. Said report shall be submitted within 14 days of the due date of the annual report and shall include details of the turbine operation including, but not exclusively: dates operational, total number of days non-operational, consecutive number of days non-operational, electrical output of the turbine and reasons for nonoperation of turbine.

Reason: To allow the planning authority to assess if the turbine has been operational in the preceding twelve months.

Financial bond

13. (a) At least three months prior to Commencement of Development, the Developer shall provide to the Planning Authority written details of the bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs.
- (b) No work shall commence on site until the Developer has provided documentary evidence to the Planning Authority that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory.
- (c) The Developer shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent.
- (d) The adequacy of the approved bond or other financial provision will be subject to review at yearly intervals, or such other intervals as agreed by the Planning Authority, from Commencement of Development, to be paid for by the Developer and conducted by a competent independent professional who has relevant experience in such matters. The findings of such reviews will be provided to the Developer and the Planning Authority. Any revisions to the bond or other financial provision recommended by the review shall be made by the Developer within 28 days of that review and documentary evidence provided to the Planning Authority by the Developer to that effect.

Reason: To ensure that there are sufficient funds available for the full costs of site restoration.

Implementation

14. The development shall be implemented in full and strict accordance with the approved plans and the details included within the Environmental Statement, the April 2014, July and October 2014 Addendums and supplementary documents, unless otherwise agreed in writing by the planning authority or unless otherwise required by conditions attached to this permission.

Reason: In order to define the terms of this planning permission.

Wind turbine details

15. (a) No wind turbine or meteorological mast shall be erected or installed on site until details of the structures, including: design, colour and finish, height, rotor diameter and operational sound power levels have been submitted for the written approval of the planning authority. The design details of the wind turbines should relate closely to those shown indicatively within the approved plans and the Environmental Statement.

The blade tip height of each turbine shall not exceed a total height calculated from the hub height of each specific turbine as contained in the table in Figure 1.2 of the Environmental

Statement plus the rotor diameter of 52 metres. No name, sign or logo shall be displayed on any external surface of the wind turbines, save those required by law.

(b) The wind turbines and meteorological mast shall be erected or installed in accordance with the details approved by part (a).

Reason: In the interests of visual amenity.

Ancillary buildings and structures

16. (a) Prior to the erection or installation of any ancillary building or structure, the Developer shall submit details of the design, colour and finish of the building or structure for the written approval of the Planning Authority.

(b) The building or structure approved under (a) shall be erected or installed in accordance with the approved details.

Reason: In the interests of the amenity of the area.

Rotation of turbines

17. All turbine blades shall rotate in the same direction and will correspond to the direction of rotation of the existing Hare Hill windfarm.

Reason: To prevent a discordant image, in the interests of the amenity of the area.

Construction and Environmental Management Plan

18. (a) No works shall commence on site unless a Construction and Environmental Management Plan (CEMP) is submitted to and approved in writing by the Planning Authority in consultation with SEPA and SNH. The CEMP shall be submitted to the Planning Authority no later than 3 months prior to the proposed date of commencement. The CEMP shall incorporate detailed pollution prevention and mitigation measures for all construction elements capable of giving rise to pollution during all phases of construction, reinstatement after construction and final site decommissioning. The CEMP shall also include any site specific construction method statements provided by the operator as required by the planning authority and statutory consultees. The CEMP shall comprise the following details:

(i) Details of all on site construction and construction of access tracks, including drainage, mitigation, post-construction restoration and reinstatement work, and the timetables for such work;

(ii) A scaled plan and details to include the anticipated layout and width of temporary and permanent tracks, cable routing, turbine bases, crane standings, site compounds, control building, areas designated for parking and any ancillary buildings;

(iii) Environmental policy statement, to include responsibility for all environmental features, safeguards and mitigation;

(iv) Details of any tree felling operations,

(v) Details of wheel washing facilities and their siting;

- (vi) details of the cleaning of the site entrances, site tracks and the adjacent public roads and the sheeting of all HGVs taking spoil or construction materials to and from the site to prevent spillage or deposit of any materials on roads;
- (vii) Details of methods for working cable trenches and foundation works and their timing;
- (viii) Details of the construction of the substation, control buildings and anemometry masts and their timing;
- (ix) Details of bridges and culverts for any new or upgraded water crossings;
- (x) Details of proposals to protect private water supplies on site during construction
- (xi) Details of how micro siting will be implemented and controlled during the construction process and which shall have reference to the terms of conditions 20 and 23;
- (xii) Details of dust management arrangements;
- (xiii) Details of borrow pits which shall include the location, extent and means of working, demarcation of the sites, the volume of material to be extracted, the storage of overburden, drainage measures, air over pressure and ground vibration caused by blasting, landscape and visual impacts, details of blasting (including times for blasting) and restoration scheme with landscaping and timescale information.
- (xiv) Pollution prevention and control arrangements, including protection of water courses and ground water and soils, bunding of fuel storage areas and sewage disposal;
- (xv) Plans showing the details of peat/soil stripping at the site and the storage and proposed use and replacement of peat, topsoil and subsoil. The scheme shall incorporate a method statement setting out the measures to protect and store peat and details of the disposal of surplus materials including peat;
- (xvi) Pre-construction surveys for otters together with any mitigation measures.
- (xvii) Proposals to ensure that at the end of each daily working period, all excavations are made safe to facilitate escape routes for animals.
- (xviii) Details for site waste management.
- (xix) Post construction restoration/reinstatement of the temporary working areas and borrow pits;
- (xx) A construction noise management plan. The plan shall take account of conditions 24 and 25 of this consent;
- (xxi) The arrangements for all on site storage of fuels and oil;
- (xxii) All other pollution prevention issues and related mitigation measures identified in the Environmental Statement submitted with the application.
- (xxiii) The CEMP shall include a finalised Site Environmental Management Plan, Site Waste Management Plan and Soil and Peat Management Plan.

- (b) Construction methods on site shall be in accordance with the CEMP approved under part (a), unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the development is undertaken in a manner that minimises pollution risk from construction activities.

Habitat Management Plan

19. (a) At least three months prior to commencement of development the Developer shall submit a Habitat Management Plan (HMP), which shall incorporate a Mammal Protection Plan and Black Grouse mitigation management plan, for the written approval of the Planning Authority in consultation with SNH and SEPA. The HMP shall take account of the mitigation measures outlined in the ES and Addendums and the SPR letter to the Planning Authority dated 2 July 2008. The HMP shall include measures for, but not be limited to:

- (i) Protection and restoration of peat land habitat;
- (ii) Protection, restoration and enhancement of wetlands and blanket bog;
- (iii) Mitigation and management for black grouse;
- (iv) Monitoring and mitigation protocols for protected species;
- (v) Management and mitigation of habitats and species present on site for the duration of the consent;
- (vi) Habitat and species enhancement opportunities;

- (b) The HMP shall be implemented in accordance with the details approved by part (a), unless otherwise agreed in writing by the Planning Authority.

Reason: To protect and enhance local nature conservation interests in the longer term.

Ecological Clerk of Works

20. (a) Prior to the commencement of development the Developer shall appoint an independent Ecological Clerk of Works (ECoW). Details of the proposed ECoW and the terms of appointment shall be submitted to and approved in writing by the Planning Authority and will include, but is not limited to:

- (i) Monitoring compliance with the ecological mitigation works that have been approved in this consent;
- (ii) Advising the operator on adequate protection of nature conservation interests on the site;
- (iii) Directing the micro-siting and placement of turbines and tracks in line with condition 23;
- (iv) Monitoring the compliance with the Habitat Management Plan, Construction and Environmental Management Plan and all relevant method statements approved under the conditions of this consent;

- (v) Ensuring that good practice measures with regards to the protection of breeding birds are implemented;
- (vi) Supervise bird survey work before, during and immediately after construction; and
- (vii) Ensure that the full range of relevant protected species checks are undertaken prior to construction.

(b) The ECoW shall be paid for by the Developer and will remain in post until post-construction restoration is complete. The Ecological Clerk of Works shall have a duty to report promptly, or in any case within two days, to the Planning Authority and the Developer's nominated construction project manager any non-compliance with the hydrological or ecological aspects of the CEMP and any other relevant approved plans approved under planning condition.

Reason: In the interests of environmental protection.

Ecological Issues

21. (a) Prior to the commencement of construction works the Developer shall undertake electrofishing surveys within the River Nith catchment in the vicinity of the windfarm and shall provide written confirmation and the findings of the surveys to the Planning Authority and the local fisheries board. The findings of these surveys shall be used to inform the detail and mitigation measures included within the CEMP and HMP required under conditions 18 and 19 respectively.

(b) Electrofishing surveys shall be repeated within an appropriate timescale following the construction period has ended, which in any case will be no later than 12 months, and the findings submitted to the Planning Authority and the local fisheries board within 1 month of the completion of the surveys.

Reason: To enhance protection measures designed to protect the aquatic environment and assist in avoiding adverse impacts and to enable an assessment of impacts from the construction activities on local fish communities.

22. Other than as authorised by the ECoW appointed in terms of condition 20, all vegetation clearance and ground works shall be undertaken out with the main bird breeding and black grouse lekking season, which is effective on an annual basis beginning in late March and concluding in early July.

Reason: To ensure protection of the environment of breeding birds and lekking grouse.

Micrositing

23. (a) Following the completion of ground investigation studies and prior to the construction or installation of the turbines, buildings, equipment and site tracks the Developer shall submit details of the precise micro-siting of each turbine and of all ancillary buildings, equipment and site tracks which takes account of the terms of part (b) for the written approval of the Planning Authority.

(b) The micro-sitting shall be no more than 25 metres in any direction with the agreement of the ECoW appointed under condition 20 and between 25 metres and 50 metres with the agreement of the ECoW and the Planning Authority from the position of each turbine, building, equipment or site track (with the exception of (i) and (ii) below) as it is shown on Figures 1.2 and 4.13 - 4.15 of the

Environmental Statement, or subsequent detailed plans submitted under condition 18 or otherwise as agreed in writing with the Planning Authority.

- (i) No turbine or other feature approved by this consent shall be micrositied to a revised location if that location is outwith the application site boundary; and
- (ii) No turbine or other feature approved by this consent shall be micrositied to a revised location if that location is outwith the administrative boundary of East Ayrshire Council.

(c) Within one month of the completion of all construction works the Developer shall submit finalised details to the Planning Authority of the actual position of each turbine and of all ancillary buildings, equipment and site tracks.

Reason: In the interests of environmental protection, to ensure micrositing of turbines does not extend beyond the scope of this application site to which this consent relates, East Ayrshire Council has no power to consent the siting of a part of the development within the Dumfries and Galloway Council administrative area and to ensure that the as constructed development details are available to the planning authority.

Working times and Noise

24. Construction work (including the delivery of construction materials and equipment) shall only take place between the hours of 07.30 and 19.30 on Mondays to Saturdays, and no such construction work shall take place on Sundays or public holidays. Outside these hours works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the Planning Authority. Any exceptional requirement for the delivery of construction materials and equipment outside the above hours shall only take place if approved in writing by the Planning Authority having been given a minimum of two working days' notice of the proposed delivery. The Planning Authority shall also be informed in writing of any emergency works within 24 hours of their occurrence.

Reason: To minimise the impact of construction operations on the amenity of local residents.

25. All activities associated with the construction of the development shall be carried out in accordance with British Standard BS5228:2009: Code of Practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration

Reason: To protect the amenity of the area

Roads and Access

26. (a) At least three months prior to Commencement of Development the Developer shall submit a traffic management plan (the Traffic Management Plan) for the written approval of the Planning Authority in consultation with Transport Scotland and the Ayrshire Roads Alliance. The Traffic Management Plan shall include, but not be limited to, the following:

- (i) The proposed route for abnormal load deliveries
- (ii) The source of construction material should this include the use of non trunk roads
- (iii) Removal/replacement of street furniture, junction widening and traffic management measures during abnormal load deliveries

(iv) Any additional signing or temporary traffic control measures deemed necessary due to the size or length of the loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, and with confirmation that Transport Scotland and/or its Operating Company has approved such measures.

(v) The means of access to the trunk road (A76) which shall be constructed to a layout and type and method of construction acceptable to Transport Scotland.

(vi) Road maintenance and cleaning/wheel wash facilities.

No construction work shall take place until the Traffic Management Plan has been approved in writing by the Planning Authority.

(b) The Traffic Management Plan approved under part (a) shall be implemented by the Developer and adhered to during all construction works unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety and to enable safe and suitable access for vehicles to and from the site.

Boundary treatments and public access

27. The application site boundary shall not be delineated in any way with the exception of temporary treatments associated with appropriate health and safety or such other pertinent legislation during on going construction works or unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise visual intrusion and to allow for better site access during operation.

28. (a) Prior to the commencement of development, the Developer shall submit a method statement to the Planning Authority for its written approval detailing how public access will be maintained to the public right of way (RoW) identified as route SCD 112 and shown on Figure 13.1 of the Environmental Statement during construction works. Should construction activities require that the RoW be temporarily closed, the method statement shall set out a suitable temporary revised route in proximity to the existing route, appropriate on site signage to advise walkers of the revised route and the length of time that the diversion will be required.

(b) The method statement approved under part (a) shall be implemented on site as approved during construction works. Upon cessation of the construction works affecting the RoW, the diversion shall be removed and full reinstatement of the RoW undertaken.

Reason: To maintain safe public access to the Right of Way during construction works.

Television interference

29. (a) No wind turbine shall be erected until a scheme to secure the investigation and alleviation of any interference to TV reception at residential properties lawfully existing at the date of this permission and caused by the operation of the turbines has been submitted to and approved in writing by the planning authority. The scheme shall set out an appropriate time period during which it will be operational, that period being no less than 1 year following the erection and operation of the final turbine.

- Reason:** For the protection of television reception for local residents.

30. (a) Beginning with operation of any wind turbine on the development the operator shall record, on a continuous and contiguous 10 minute basis, average wind speed and average wind direction data at hub height on the meteorological mast, in metres per second and in degrees from north, and average nacelle wind speed (corrected for the presence of the rotating blades), average nacelle orientation and the minimum electrical power output in kilowatts from each Individual turbine and retain the data for a period of at least 12 months (“the operational data”).

(b) The rating level of noise immissions during operation from the combined effects of the wind turbines (including the application of any tonal penalty) hereby permitted together with the noise immissions of the Hare Hill Wind Turbines (including the application of any tonal penalty) at any residential property lawfully existing at 28 November 2014 shall not exceed the values for the relevant integer wind speeds set out in or derived from Tables 1 and 2 in this condition when determined in accordance with the approved compliance assessment protocol. Relevant wind speeds shall be standardised to ten metres height using a ground reference length of 0.05 metres as set out in ETSU-R-97 at page 120. In this condition:-

- (i) 'Hare Hill Turbines' shall mean all wind turbines on Hare Hill Windfarm which have been consented or are operational on or before 28 November 2014; and
- (ii) The 'rating level of noise immissions' shall mean noise levels rated for any tonal content according to the methodology described in ETSU-R-97, The Assessment and Rating of Noise from Wind Turbines.

(c) For any properties not listed in Tables 1 and 2 the noise limits shall be those from the geographically nearest property which is listed.

[illegible][illegible]

(d) On receipt of any complaint in relation to noise at a residential property which qualify under condition 30 (b), the Planning Authority shall require the operator to provide to it the operational data, which shall be provided within seven days of that request. At the request of the Planning Authority, the operator shall forthwith engage an independent qualified acoustic consultant ("the independent consultant") to carry out noise monitoring at the property to which the complaint relates for such period and in such conditions as the planning authority shall require. The operator will also provide to the independent consultant: (1) all operational data for the times complained of; and (2) all operational data collected at the wind farm during the periods when monitoring was being carried out at the property to which the complaint relates. The independent consultant shall, within two months of his/her appointment (unless some other period has been agreed with the planning authority) thereafter forward to the planning authority the operational data received for the purposes of his/her investigation, all relevant noise and rainfall data gathered by the independent consultant, together with a report setting out his/her conclusions as to whether or not the noise limits are likely to have been exceeded. Assessment of compliance with the noise limits shall be undertaken in accordance with the compliance assessment protocol approved under condition 30(h).

(e) The appointment of the independent consultant shall be approved by the planning authority, and he/she will thereafter be appointed by the operator. The costs of the independent consultant shall be borne by the operator.

(f) In the event of the consultant's report submitted under the terms of condition 30 (d) demonstrating that the noise limits defined in this condition are likely to have been exceeded, the operator shall forthwith take all steps necessary to ensure that noise emissions from the Hare Hill Extension wind farm are reduced to a level such that the noise limits set out in Tables 1 & 2 are met. Within 14 days from the submission of the above-mentioned report the operator shall submit and explain the mitigation measures to be employed to the Planning Authority. The mitigation measures shall be implemented in full by the operator within 28 days from their approval by the planning authority (unless otherwise agreed in writing by the planning authority). During the period between the submission of the consultant's report and the implementation of the mitigation measures, the operator shall, in accordance with the protocol agreed under the terms of condition 30 (h) below, shut down as many turbines as are necessary to ensure that the noise limits are not exceeded, taking into account wind speeds and direction, apart from such operation as is needed to test the effectiveness of the mitigation measures.

(g) No generation of electricity to the grid shall commence until details of a scheme to ensure compliance with the cumulative noise limits has been submitted to and approved in writing by the planning authority. The mitigation scheme shall include details of:

- (i) The assumptions made about the operational regime of the Hare Hill Wind Turbines;
- (ii) The warranted sound power levels of the wind turbines at integer wind speeds of up to 12 metres/second;
- (iii) Octave band sound power levels;
- (iv) Details of any tones which may be subject to a tonal penalty under these conditions;
- (v) Available noise mitigation options; and
- (vi) The proposed management of noise mitigation options

The turbines shall be operated in the approved manner unless otherwise approved in writing by the planning authority.

(h) No generation of electricity to the grid shall commence until a compliance assessment protocol for the demonstration of compliance with the noise limits set out in condition 30(b), including noise monitoring at one location for a duration not less than one year (the costs of which shall be met by the operator), has been submitted to and approved in writing by the planning authority. The compliance assessment protocol shall include details of:-

(i) Noise measurements;

(ii) Wind speed measurements;

(iii) Filtering of data for wind direction and other factors;

(iv) A requirement for shutting down of the development, either during the agreed measurement programme in order that the contribution of such turbines to overall noise levels can be established and used to evaluate compliance with the noise limits and any refinement to the approved mitigation scheme;

(v) and a methodology for assessing compliance in circumstances where background noise readings cannot be obtained.

(i) No generation of electricity to the grid shall commence until, the operator has appointed a noise consultant, approved in advance in writing by the planning authority, to assess the combined level of noise from the development and the Hare Hill Wind Turbines and to evaluate compliance with the noise limits in accordance with the protocol approved under condition 30(h). The results of this assessment shall be provided to the planning authority within 3 months of generation of electricity to the grid, or such extended period as may be approved by the planning authority in writing, with the results of the noise monitoring supplied to the Council within a period to be defined in the agreed protocol.

Reason: To ensure that noise immissions from the wind turbines do not result in cumulative noise levels from Hare Hill Extension and Hare Hill Wind Farms exceeding the limits recommended in ETSU-R-97, and that the operator of the Hare Hill Extension Wind Farm takes the necessary mitigation measures in the event of those noise limits being exceeded; all in the interests of the amenity of residents living in the vicinity of both wind farms.

Definitions

Unless otherwise stipulated within any particular condition:

"Commencement of Development" means commencement of the development through a material operation as defined section 27 of in the Town and Country Planning (Scotland) Act 1997.

"Developer" means Scottish Power Renewables Ltd (SPR) or any subsequent operator of the wind farm.

"First Export Date" means the date on which any first turbine forming part of the development first supplies electricity to the electricity grid network on a commercial basis.

"**Planning Authority**" means East Ayrshire Council.

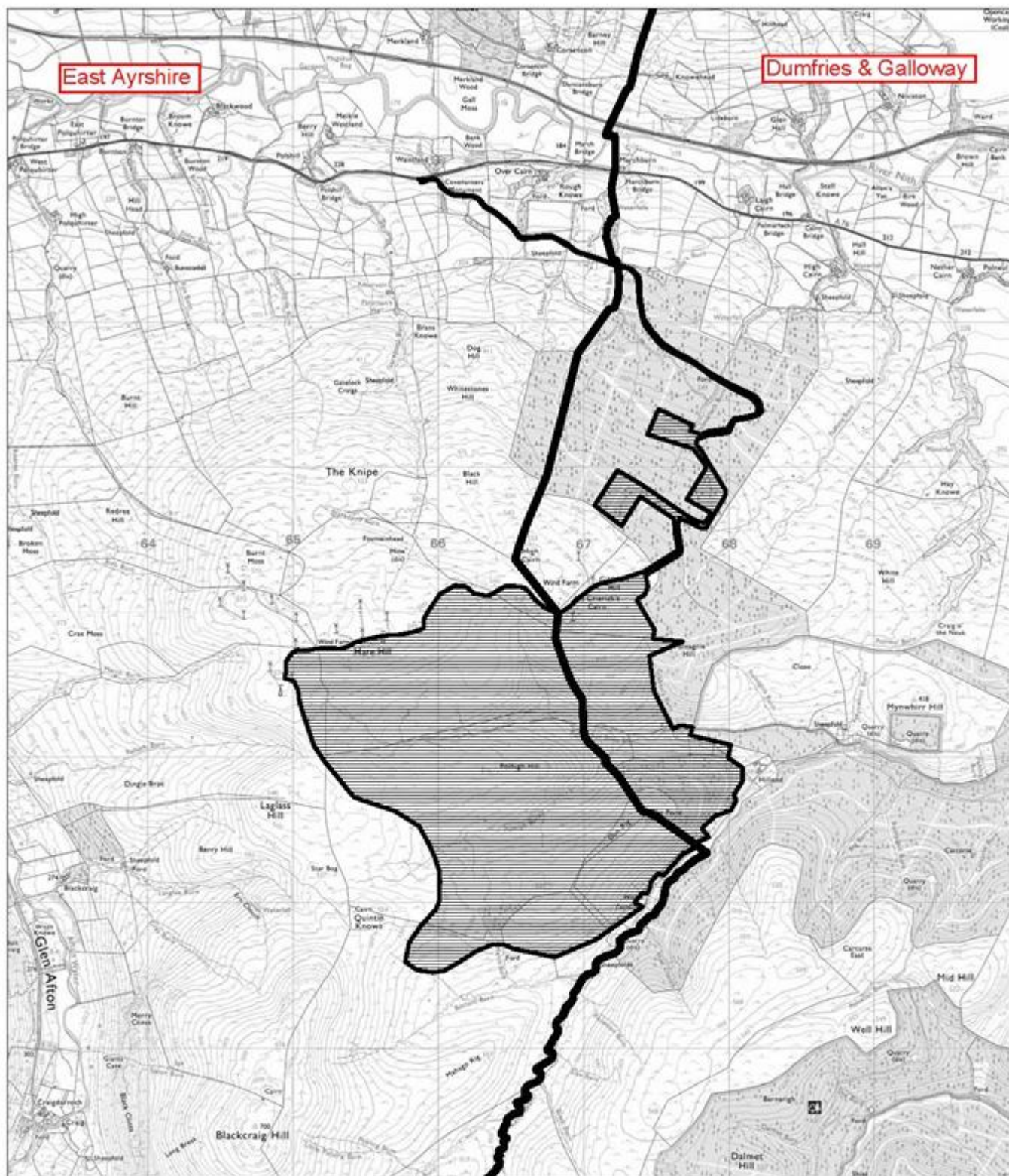
"**SEPA**" means Scottish Environment Protection Agency.



"**SNH**" means Scottish Natural Heritage.

"**Written approval**" means an approval granted by a letter or email.

Reason for the Decision

The principle of renewable energy generation is given significant support within the national policy context although this support is conditional. Additionally, the development brings other benefits and has minimal impacts on cultural and natural heritage, tourism and residential amenity. The development does result in some significant adverse landscape and visual impacts and contributes to cumulative landscape and visual impacts. However, such impacts are relatively limited and where they do occur they are not of such an impact as to be considered unacceptable. On this basis, and recognising that there are some adverse impacts, it is considered that the proposal is compliant with the Development Plan. The material considerations do not, on balance, indicate that the proposal should be refused, contrary to the development plan and indeed a number of material considerations offer support for this proposal.



<p>Title/Location</p> <p>Harehill Windfarm</p> <p>New Cumnock</p> <p>Application No. 07/0809/FL</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services</p> <p>Planning & Economic Development Service</p> <p>The Johnnie Walker Bond</p> <p>15 Strand Street</p> <p>Kilmarnock KA1 1HU</p> <p>Tel: (01563) 576790 Fax: (01563) 554592</p> <p>E-Mail : Planning@east-ayrshire.gov.uk</p> <p>Com Date: 28/01/2014</p>
<p>Key</p> <p> Application Site</p>	

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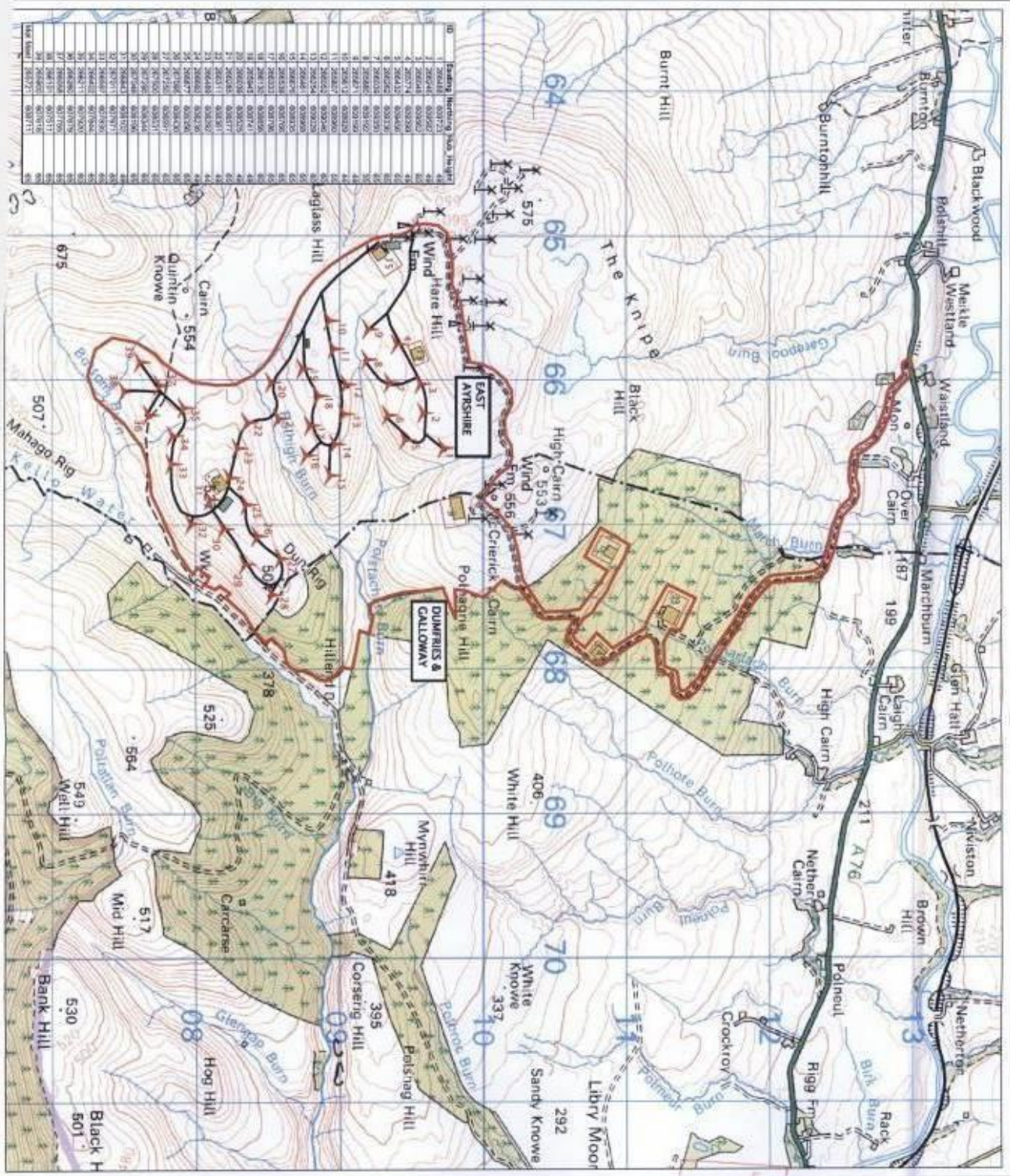
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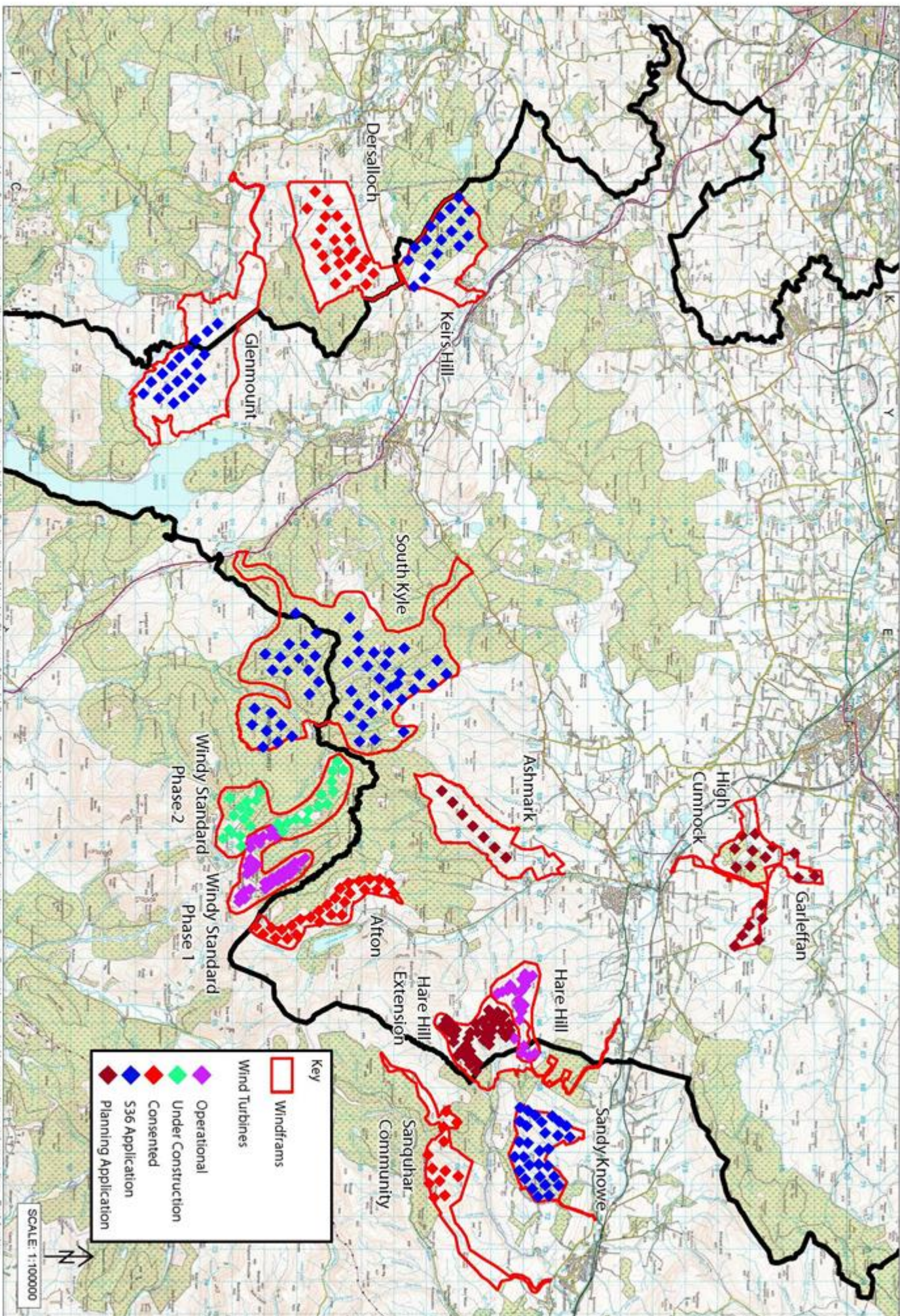
- Proposed Turbine Location
- Proposed Permanent Met Mast
- Proposed Track
- Existing Access Track
- Proposed Construction Compound/Laydown Area
- Existing Turbine Location
- Local Authority Boundary
- Planning Boundary
- Proposed Borrow Pit
- Proposed Control Building Compound
- Security & Parking Area



SITE LAYOUT AND APPLICATION BOUNDARY
EAC/PA/002

Hare Hill Windfarm Extension





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