



Enoch Hill Wind Farm

Planning Statement

September 2015





Report for

Simon LeJeune
Project Manager
E.ON Climate & Renewables UK Developments Limited
i2 Office,
Exchange Place,
5 Semple Street,
Edinburgh,
EH3 8BL

Main contributors

Duncan Smart
Heidi Thorsdalen
Sarah Sinclair
Neil Marlborough

Issued by

Duncan Smart

Approved by

Neil Marlborough

Amec Foster Wheeler

6/7 Newton Terrace
Glasgow G3 7PJ
United Kingdom
Tel +44 (0) 141 222 1200

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Document revisions

| No. | Details | Date |
|-----|--|------------|
| 1 | 1 st Draft for Client Comment | 23/07/2015 |
| 2 | 2 nd Draft for legal review | 03/08/2015 |
| 3 | Final | 11/09/2015 |



Executive summary

Purpose of this report

This Planning Statement has been produced for the purpose of providing a detailed assessment of the proposed Enoch Hill Wind Farm against applicable national and Development Plan policies.

The Statement details the development context and rationale before setting out the relevant policies and guidance against which the application will be determined. It assesses the compliance of the proposed Enoch Hill Wind Farm with national and Development Plan policies and other considerations. Together with setting out the rationale for the proposed Enoch Hill Wind Farm, the planning assessment contained within this Planning Statement provides the justification for the granting of section 36 consent and deemed planning permission.

The proposed Enoch Hill Wind Farm has been the subject of an Environmental Impact Assessment (EIA), as reported within an Environmental Statement (ES) which accompanies a section 36 application and other associated documents which have been submitted to Scottish Ministers. This Statement addresses the planning implications of the detailed technical assessments presented in the ES.

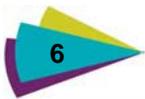
This Statement concludes that, overall, the section 36 application for the proposed Enoch Hill Wind Farm complies with relevant national and Development Plan policies read as a whole, and is supported by other relevant considerations. As a result it is considered that section 36 consent and deemed planning permission should be granted.





Contents

| | | |
|-----------|--|-----------|
| 1. | Introduction | 9 |
| 1.1 | Introduction | 9 |
| 1.2 | Structure of this Report | 9 |
| 1.3 | The Applicant | 9 |
| 1.4 | Section 36 Application Submission | 10 |
| 1.5 | Applicable Statutory Requirements | 10 |
| | The Electricity Act 1989 (as amended) & The Town and Country Planning (Scotland) Act 1997 (as amended) | 10 |
| | Environmental Impact Assessment | 11 |
| 2. | Proposed Development | 13 |
| 2.1 | Introduction | 13 |
| 2.2 | Development Site and the Immediate Surrounding Area | 13 |
| 2.3 | The Proposed Development | 14 |
| 2.4 | Design Process | 16 |
| 2.5 | Consultation | 17 |
| | EIA Scoping Consultations | 17 |
| | ECDU Gate Check Consultations | 17 |
| | Additional Environmental Consultations | 17 |
| | Community Consultation | 17 |
| 3. | Rationale for the Proposed Development | 19 |
| 3.1 | Introduction | 19 |
| 3.2 | The Importance of Renewable Energy | 19 |
| | Climate Change Science | 19 |
| | Impacts of Climate Change | 20 |
| | Scottish Greenhouse Gas Emissions | 21 |
| | Energy Security & Sustainable Economic Growth | 21 |
| 3.3 | Climate Change and Energy Policy Framework | 22 |
| | International Policy Context | 22 |
| | European Policy Context | 22 |
| | UK Legislation and Policy | 23 |
| | Scottish Legislation and Policy | 27 |
| | The Implications of Climate Change & Renewable Energy Policy Frameworks for the Proposed Development | 29 |
| 3.4 | The Contribution of Enoch Hill Wind Farm to Renewable Energy Generation | 30 |
| 3.5 | Summary of Rationale for the Proposed Development | 31 |
| 4. | Planning Policy Framework | 33 |
| 4.1 | Introduction | 33 |
| 4.2 | National Planning Policy, Advice & Guidance | 33 |
| | National Planning Framework 3 (NPF3) | 33 |
| | Scottish Planning Policy | 33 |
| | Scottish Historic Environment Policy (SHEP) | 40 |
| | National Planning Advice and Circulars | 40 |
| 4.3 | Development Plan | 42 |
| | Approved Ayrshire Joint Structure Plan (2007) | 42 |
| | East Ayrshire Local Plan (2010) | 44 |
| 4.4 | Other Material Considerations | 46 |
| | East Ayrshire Local Development Plan | 46 |



| | |
|--|----|
| East Ayrshire LDP Draft Supplementary Guidance | 48 |
| East Ayrshire Landscape Wind Capacity Study (2013) | 50 |
| Dumfries & Galloway Council Development Plan | 50 |
| Dumfries and Galloway Statutory Supplementary Guidance | 51 |

5. Planning Assessment 53

| | | |
|------|---|----|
| 5.1 | Introduction | 53 |
| 5.2 | Landscape & Visual | 53 |
| | Landscape Character and Fabric | 53 |
| | Landscape Designations | 57 |
| | Wild Land | 59 |
| | Visual Receptors | 60 |
| | Summary | 61 |
| 5.3 | Socio-Economics, Tourism & Recreation | 61 |
| | Socio-economics | 62 |
| | Tourism & Recreation | 62 |
| | Public Access | 63 |
| 5.4 | Nature Conservation | 64 |
| 5.5 | Geology & Peat | 65 |
| 5.6 | Hydrology, Hydrogeology & Flood Risk | 67 |
| 5.7 | Cultural Heritage | 69 |
| 5.8 | Traffic and Transport | 70 |
| 5.9 | Aviation, Infrastructure & Telecommunications | 71 |
| | Aviation | 71 |
| | Infrastructure & Telecommunications | 72 |
| | Telecommunications | 72 |
| | Policy Assessment | 72 |
| 5.10 | Residential Amenity | 73 |
| | Residential Visual Impact & Residential Visual Amenity | 73 |
| | Noise | 75 |
| | Television Reception | 76 |
| | Shadow Flicker | 76 |
| | Ice Throw | 76 |
| | Residential Amenity Conclusion | 76 |
| 5.11 | Climate Change and Renewable Energy | 77 |
| | Renewable Energy Generation | 77 |
| | Carbon Balance | 77 |
| | Policy Assessment | 78 |
| | Development Site Relative to Wind Energy Spatial Frameworks | 89 |
| | Summary | 90 |
| 5.12 | Sustainable Development | 90 |
| | Need | 90 |
| | Sustainability | 91 |

6. Conclusion 95

| | | |
|-----|--------------------------------|----|
| 6.1 | Introduction | 95 |
| 6.2 | Statutory Requirements | 95 |
| 6.3 | Planning Policy Considerations | 95 |
| 6.4 | Overall Conclusions | 96 |

7. References 97

| | | |
|-----------|--|----|
| Table 2.1 | Key Development Features | 14 |
| Table 2.2 | Footprint Area By Component | 15 |
| Table 3.1 | UK Government Renewable Energy Policy Documents | 25 |
| Table 3.2 | Scottish Government Climate Change Mitigation and Renewable Energy Documents | 28 |



| | | |
|-----------|---|----|
| Table 3.3 | Potential CO ₂ Savings and Electricity Generation | 30 |
| Table 3.4 | Overview of Decarbonisation & Renewable Energy Targets | 32 |
| Table 4.1 | Relevant Subject Policies within the Scottish Planning Policy (2014) | 37 |
| Table 4.2 | Relevant Policies within the Ayrshire Joint Structure Plan (2007) | 44 |
| Table 4.3 | Relevant Policies within the East Ayrshire Local Plan (2010) | 45 |
| Table 4.4 | Relevant Proposed Policies within the East Ayrshire LDP Proposed Plan | 47 |
| Table 4.5 | Relevant Policies within the Dumfries and Galloway LDP | 51 |
| Table 5.1 | Landscape Character within 10km of the Proposed Development | 55 |
| Table 5.2 | Assessment of the Proposed Development against Structure Plan Policy ECON 7 | 79 |
| Table 5.3 | Assessment of the Proposed Development against criteria from Policy CS12 | 80 |
| Table 5.4 | Assessment of the Proposed Development against Schedule 1 to the East Ayrshire LDP | 82 |
| Table 5.5 | Assessment of the Proposed Development against Dumfries & Galloway LDP Policies IN1 & IN2 | 87 |
| Table 5.6 | Assessment of the Proposed Development against SPP Sustainable Development Principles | 91 |
| Table A.1 | Relevant Policies within the Ayrshire Joint Structure Plan | 2 |
| Table A.2 | Relevant Policies within the East Ayrshire Local Plan (2010) | 5 |
| Table A.3 | Relevant Policies within the Dumfries and Galloway LDP (2014) | 9 |
| Table B.1 | Relevant Proposed Policies within the East Ayrshire LDP Proposed Plan | 2 |

| | | |
|------------|--|--|
| Appendix A | Current Local Planning Policies | |
| Appendix B | Emerging Local Planning Policies | |
| Appendix C | Representations Submitted on Behalf of the Applicant Regarding the East Ayrshire LDP Proposed Plan and the Draft East Ayrshire Planning for Wind Energy Supplementary Guidance | |





1. Introduction

1.1 Introduction

- 1.1.1 This Planning Statement has been prepared by Amec Foster Wheeler Environment & Infrastructure UK Ltd on behalf of E.ON Climate and Renewables UK Developments Ltd (“the Applicant”) in support of an application under section 36 of the Electricity Act 1989 to construct, operate and decommission Enoch Hill Wind Farm (the “Proposed Development”) on land located approximately 5km to the south west of New Cumnock. This Planning Statement also supports the applicant’s request for a Direction from the Scottish Ministers under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission be deemed to be granted for the Proposed Development.
- 1.1.2 The Proposed Development will consist of up to 19 wind turbines (with a maximum height to blade tip of 130 metres and a maximum rated generating capacity of up to 3.3 MW per turbine), one vehicular site access point, on-site access tracks, hardstanding areas, control building, onsite Scottish Power Energy Networks (SPEN) substation, electrical cabling, two anemometry masts and three borrow pit search areas, within which up to three borrow pit(s) would be located. During construction, a temporary compound will also be required to house a site office, welfare facilities and turbine component laydown areas. The proposed operational period would be 25 years from the date of the first commercial export of power to the grid. It has been assumed for the purposes of the Environmental Impact Assessment (EIA) which has been undertaken that the Proposed Development would be decommissioned after this date.
- 1.1.3 The Development Site is located approximately 5km to the south west of New Cumnock and approximately 7km to the north east of Dalmellington, within the jurisdiction of East Ayrshire Council. The Development Site covers an overall area of approximately 1,466 hectares (ha), the majority of which is rough grazing land, but the permanent land take during the operational phase of the Proposed Development is only ~14.23ha (around 1% of the Development Site).

1.2 Structure of this Report

- 1.2.1 The structure of this document is as follows:
- ▶ Section 1 provides an overview of the Applicant and applicable statutory requirements;
 - ▶ Section 2 provides an overview of the Development Site and the Proposed Development;
 - ▶ Section 3 highlights current UK and Scottish policy with regard to renewable energy developments, as well as the expected contribution from the Proposed Development to renewable energy generation;
 - ▶ Section 4 provides an overview of applicable national planning and Development Plan policy frameworks along with other relevant considerations;
 - ▶ Section 5 provides an assessment of the Proposed Development against relevant national, Development plan and other planning policies and other relevant considerations; and
 - ▶ Section 6 sets out the overall conclusions as to why the Proposed Development should be granted section 36 consent and deemed planning permission.

1.3 The Applicant

- 1.3.1 E.ON is one of the world’s largest power and gas companies. In the UK, E.ON supplies energy to more than 5 million customers and generates enough electricity for around 8 million homes. E.ON

Climate & Renewables Developments Limited (EC&R) was set up in 2007 as a global business responsible for developing, constructing and operating all E.ON's renewable energy projects.

- 1.3.2 In the UK, E.ON focuses on developing onshore and offshore wind and biomass technologies. At present, the applicant owns and operates 16 onshore and five offshore wind farms and two dedicated biomass plants.

1.4 Section 36 Application Submission

- 1.4.1 The section 36 application submission consists of the following documents:

- ▶ Covering letter;
- ▶ this Planning Statement;
- ▶ Design & Access Statement (DAS)¹;
- ▶ Pre-Application Consultation Report²;
- ▶ Environment Statement (ES); and
- ▶ ES Non-Technical Summary (NTS).

- 1.4.2 This Planning Statement does not form part of the ES but accompanies it.

1.5 Applicable Statutory Requirements

The Electricity Act 1989 (as amended) & The Town and Country Planning (Scotland) Act 1997 (as amended)

- 1.5.1 Given that the Proposed Development is a generating station expected to have an electricity generation capacity exceeding 50MW, it stands to be determined under the terms of section 36 of the Electricity Act 1989 (as amended).
- 1.5.2 When formulating and considering section 36 applications, applicants and Scottish Ministers must satisfy the requirements of paragraphs 3(1), 3(2) and 3(3) of Schedule 9 of the Electricity Act 1989 (as amended)³. Paragraph 3(1) requires them to consider the “*desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest*”. Under paragraph 3(2) the Scottish Ministers are required to assess the extent to which the developer has fulfilled the requirement to “*do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects*”. Furthermore, paragraph 3(3) requires both applicants and the Scottish Ministers to “*avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any*

¹ A Design & Access Statement has voluntarily been provided by the Applicant, however this Statement is not statutorily required to accompany applications made under section 36 of the Electricity Act 1989 (as amended).

² A Pre-Application Consultation Report has voluntarily been provided by the Applicant, however this Report is not statutorily required to accompany applications made under section 36 of the Electricity Act 1989 (as amended).

³ Whilst Schedule 9 of the Electricity Act 1989 (as amended) refers to proposals for energy infrastructure developments from licence holders, case law (*Trump International Golf Club Scotland Ltd v Scottish Ministers [2014] SLT 406* and Opinion of the Court in the Reclaiming Motion *Sustainable Shetland v The Scottish Ministers and Viking Energy Partnership [2014] CSIH 60*) has clarified that applications made under section 36 of the Act (as amended) do not need to be submitted only by licence holders. Consequently the requirements specified in Schedule 9 of the Act also apply to other applicants.

waters” through the formulation and determination of applications made in Scotland under section 36 of the Electricity Act 1989 (as amended).

- 1.5.3 To fully authorise the Proposed Development, the Scottish Ministers are entitled to make a direction when granting section 36 consent that planning permission for the wind farm generating station and ancillary development (comprising the SPEN substation) is deemed to be granted under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 1.5.4 In assessing the legal framework within which the application for the Proposed Development requires to be considered, it is recognised that the statutory Development Plan is a relevant consideration which should be taken into account alongside all other relevant information; however section 25 of the Town & Country Planning (Scotland) Act 1997 is not specifically engaged. This approach to dealing with the status of the Development Plan in Electricity Act cases has been consistently taken by both Reporters and Ministers and confirmed by the courts, including within the decision of the Scottish Ministers regarding the Dorenell Wind Farm section 36 application and the subsequent judicial review Opinion of the Court (by Lord Malcolm) on 13th June 2012.

Environmental Impact Assessment

- 1.5.5 In addition to meeting the requirements of Schedule 9 of the Electricity Act 1989, section 36 applications made in Scotland must comply with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended) (hereafter the EIA Regulations). Under the EIA Regulations, development is classified as being either Schedule 1, for which EIA is mandatory, or Schedule 2, for which EIA is discretionary, with the Scottish Ministers being the determining body. The characteristics of the Proposed Development are considered to fall within the following criterion for Schedule 2 development:
- 1.5.6 *“(a) a generating station, the construction of which (or the operation of which) will require a section 36 consent but which is not Schedule 1 development...”*
- 1.5.7 Schedule 2 development is not automatically EIA development: only Schedule 2 developments which are likely to have significant environmental effects due to factors such as their nature, size or location constitute EIA developments. Where an EIA is required, the applicant must submit information on the main environmental consequences arising from the development in the form of an Environmental Statement (ES) which is submitted with the section 36 application.
- 1.5.8 Schedule 4 of the EIA Regulations specifies the information that must or may be provided within an ES to allow the determining authority (the Scottish Ministers) to assess the likely environmental effects of the development when determining whether to grant consent. The EIA Regulations prohibit the determining authority from granting consent for an EIA development without taking into account an ES, together with any associated environmental information.
- 1.5.9 The Applicant recognised early in the design process that the Proposed Development could result in some potential significant environmental effects and as such, that an EIA would be required. A scoping request was submitted in November 2012. The Scottish Ministers issued a scoping opinion in March 2013, which confirmed the scope of the EIA. Further information on the Proposed Development and agreed scope of the EIA is detailed in ES **Chapter 2 - Environmental Impact Assessment Process**.
- 1.5.10 The EIA process has played a central role in developing the design of the Proposed Development, in order to minimise the potential for any residual significant adverse environmental effects and maximise the positive environmental effects of the Proposed Development. **Chapter 3 – Site Selection and Design Evolution** of the ES and the Design and Access Statement provide details of the design process.



2. Proposed Development

2.1 Introduction

2.1.1 The following section provides an overview of the Development Site, the surrounding area and the Proposed Development. The information presented herein has been subject to extensive survey work, consultations, design reviews and assessments. For full development, design and consultations details please refer to the following documents:

- ▶ Environmental Statement (Volumes 1 to 4) reporting on the EIA process;
- ▶ Design & Access Statement; and
- ▶ Pre-Application Consultation Report.

2.2 Development Site and the Immediate Surrounding Area

2.2.1 The Development Site boundary is shown on **Figure 1.2** of the ES. Proposed turbines are all located in the southern portion of the Development Site as a result of the iterative design process (detailed in the Design & Access Statement) which has ensured turbines are located in the south, increasing the separation from sensitive landscape and visual receptors (including residential properties and settlements) and utilising topographical features to limit visibility.

2.2.2 The nearest large settlements to the Development Site are New Cumnock located approximately 5km to the north east and Dalmellington located approximately 7km to the south west. The nearest residential property to the Development Site is located at Maneight (approximately 310m from the boundary of the Development Site but approximately 1.75km from the nearest turbine location). The Development Site is located in East Ayrshire directly north of the border with Dumfries and Galloway and the former Stewartry District.

2.2.3 The B741 is located directly to the north and the Carsphairn Forest abuts the west and south of the Development Site boundary, with open cast mining to the north and open moorland to the east. The Carsphairn Forest is largely coniferous.

2.2.4 The elevation of the Development Site ranges from 210m to 569m above ordnance datum (AOD). The Development Site covers an area of approximately 1,466ha, the majority of which is rough grazing moorland, with a number of small water courses crossing it. The terrain is relatively undulating and steep in some places. The landform in the south of the Development Site comprises Enoch Hill, falling eastward to form High Chang Hill. The northern landform comprises Barbeys Hill, Chang Hill, Rigg Hill and Peat Hill. Benty Cowan Hill is located in the eastern part of the Development Site.

2.2.5 The Development Site is located within, but at the southern edge of, the locally designated (East Ayrshire) Afton Sensitive Landscape Area. The closest international designated site is the Muirkirk and North Lowther Uplands Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI), which is located approximately 7km to the north of the Development Site and is designated for the breeding season in terms of short eared owls, hen harrier, merlin, peregrine falcon and golden plover, and during the winter season for hen harrier.

2.2.6 Detailed descriptions of the baseline characteristics of the Development Site and the Immediate Surrounding Area are provided within relevant chapters of the ES. In addition, key baseline characteristics relevant to the assessment of the Proposed Development against planning policy considerations are summarised in relevant paragraphs of **section 5** of this Planning Statement.

2.3 The Proposed Development

- 2.3.1 The Proposed Development comprises the erection, 25 year operation and subsequent decommissioning of a wind farm generating station comprising a maximum of 19 wind turbines (each with a maximum height to blade tip of 130 metres and maximum rated capacity of up to 3.3 MW), one vehicular site access point, on-site access tracks, hardstanding areas, control building, on-site substation⁴, electrical cabling and two anemometry masts. Borrow pit(s) may be developed within three identified search areas, if further geotechnical investigation confirms suitable material exists on site during construction, and would be subsequently restored. A temporary compound to house a site office, welfare facilities, and laydown areas would also be required during the construction phase. See **Figures 4.1 to 4.13** of the ES for details of development components.
- 2.3.2 It is proposed that wind turbines and the two permanent anemometry masts will have a micro-siting allowance of up to 50m, with crane pads and access tracks connecting to these being micro-sited accordingly (i.e. up to 50m). A micro-siting allowance of up to 25m is proposed for access tracks, with the exception of any realignment necessary to connect to micro-sited turbines and crane pads (where the allowance may be up to 50m).
- 2.3.3 A more detailed description of the Proposed Development can be found in **Chapter 4** of the ES. **Table 2.1** provides a summary of the key development features.

Table 2.1 Key Development Features

| Component | Description |
|---|---|
| Wind Turbines | Number: up to 19 (see ES Table 4.2 for grid references) Model: (See ES Section 4.2.8) Maximum Rated Output per turbine: up to 3.3 MW Turbine Height (to tip): up to 130m (Hub height: up to 80m & Blade Length: up to 53m)* |
| Turbine Foundations | Number: up to 19 Footprint per Turbine: ~0.05ha based on 25m diameter foundation Foundation Depth: 2-3m dependent on ground conditions. |
| Turbine Crane Pads | Number: up to 19 Dimensions: 25m by 50m Footprint per Crane Pad: ~ 0.125ha |
| Permanent Anemometer Masts | Maximum number: 2 (located at National Grid Reference (NGR) E 255533, N 607642 and E 256259, N 606618) Description: 80m high permanent wind monitoring mast Crane Pads: 20m x 20m each |
| Wind Farm Control Building and Compound & SPEN Substation and Compound | Location: Approximately centred on NGR E 255430, N 608980, Dimensions: 180m by 110m Control Building Height: up to 5.5m Maximum Compound Footprint: 1.98ha |

⁴ This substation will be operated and built by SPEN and planning consent is sought with this application with the understanding that the final footprint position within this compound and the ground floor plans and elevation plans of the SPEN substation will submitted for approval in accordance with the consents planning conditions should approval be granted.

| Component | Description |
|--|--|
| Access Tracks (including turning heads) | Length: ~12.9km / Running Width: up to 6m (wider on bends, see ES Sections 4.2.13 to 4.2.16 for more details) Footprint: Approximately 8.4ha |
| Watercourse Crossings | Maximum number: 6 culverts |
| Passing Places (25 no.) | Number: estimated 25 Dimensions: 30m in length, up to 6m wide Footprint: Approximately 0.45ha |
| Borrow Pits | Total number: Up to 3 (See ES Table 4.7 for details) |
| Temporary Construction Compound | Location: centred on NGR E 255405, N 609120. Dimensions:~ 100m by 100m Footprint: ~1.0ha |
| Cable Trenches | Depth: 1m / Width: 1.2m Cables will be installed in areas along access tracks where practicable |

- 2.3.4 The proposed turbines will have a maximum rated output power of up to 3.3MW each, depending on the final commercial choice of turbine. On this basis, the Proposed Development will therefore have a maximum installed capacity of up to 62.7MW (i.e. 19 x 3.3). The proposed turbines will have a maximum blade-tip height of up to 130m, with a maximum hub height of 80m. The final choice of turbine will be subject to a detailed tender exercise which will determine the most suitable turbine for the Proposed Development.
- 2.3.5 The total operational land take (development footprint) is shown in **Table 2.2**. This demonstrates that a very limited extent of land (approximately 1%) within the Development Site would be lost to the Proposed Development.

Table 2.2 Footprint Area By Component

| Component | Area (~ha) |
|--|--------------|
| Tracks (including turning heads and passing places) | 8.85 |
| Turbine Crane Pads | 2.38 |
| Control Building, SPEN Substation and Compounds | 1.98 |
| Turbine Bases | 0.93 |
| Met Mast foundations and crane pads | 0.09 |
| TOTAL OPERATIONAL LAND-TAKE | 14.23 |
| Temporary Construction Compound | 1.0 |
| Temporary Borrow Pits (assuming 3 in total) | 5.0 |

- 2.3.6 A total of approximately 12.9km of new on-site access tracks will be constructed as part of the Proposed Development. All on-site access tracks will generally be up to 6m wide, with some additional localised bend widening and passing places to a maximum of approximately 12-14m. Access tracks will be constructed to a depth and quality suitable to bear the load of all envisaged traffic. A typical general arrangement for the new junction is shown on **Figure 4.10** of the ES.

- 2.3.7 There will be one principal point of access to the Development Site. This will be from a new junction that will be created off the B741 that runs along the northern boundary of the Development Site. The new access will be located a short distance to the north east of Polmathburn Bridge, on the north western edge of the Development Site boundary. The new junction will be used for construction, delivery and maintenance access.
- 2.3.8 The Proposed Development would be connected into the national electricity transmission system by Scottish Power Energy Networks (SPEN, the licensed Transmission and Distribution Operator for central and southern Scotland) which propose to establish a new 132kV substation on-site. This substation, which would house a 90MVA 132/33kV transformer unit with associated switchgear, is comprises ancillary development under section 57(2) of the Town and Country Planning (Scotland) Act 1997 and forms part of the Proposed Development for which deemed planning permission is sought as part of this application.
- 2.3.9 The connection of the Proposed Development from the on-site substation into the wider electricity transmission network would be determined separately by SPEN. It is currently expected that this connection would comprise a ~4km underground cable from the on-site substation to the existing New Cumnock 132kV substation (as shown on ES **Figure 4.9**), however the Transmission Operator has the authority to decide the most technically and economically viable connection option. Should the use of overhead lines be required, this would be subject to a separate application by SPEN to Scottish Ministers under section 37 of the Electricity Act 1989 (as amended).

2.4 Design Process

- 2.4.1 In determining the final design of the Proposed Development, consideration was given to a range of environmental and technical factors to enable the Proposed Development to maximise the renewable energy potential of the Proposed Development whilst avoiding unacceptable environmental effects [or unacceptability affecting the amenity of the surrounding area].
- 2.4.2 Through the iterative design process it was recognised that proposed turbines would need to be located in the south of the Development Site, within the interior hills, away from the north-facing hill slopes and the Upland Basin landscape and associated visual receptors including the B741, residential properties and the settlement of New Cumnock. Whilst turbines with a blade tip height of 150m were initially considered for the Proposed Development; this was reduced early in the design evolution process to turbines with a blade tip height of 130m to ensure that the Proposed Development remains visually comparable with nearby wind farm developments and to reduce the Proposed Development's visibility.
- 2.4.3 The outcome of the iterative design process represents the final design layout, comprising a maximum of 19 turbines, each with a height of up to 130m to tip, and associated infrastructure. The design process has resulted in a design solution which is considered to:
- ▶ Balance landscape and visual effects with the need to maximise the production of renewable energy generation at least cost;
 - ▶ Minimise loss of habitats of higher nature conservation value, whilst maximising production of renewable energy generation at least cost;
 - ▶ Respond to feedback obtained from local residents, local communities and members of the public. This includes the feedback received at two public information days and from regular Community Liaison Group meetings;
 - ▶ Respect on-site environmental assets and constraints including watercourses, areas of deep peat and topography, nature conservation interests, archaeological interests and other environmental qualities of the Development Site and its surroundings; and,
 - ▶ Comply with industry best practice in terms of turbine spacing to ensure safety and maximise wind yield.

- 2.4.4 Further Details of the design strategy, identified environmental and technical constraints, the detailed design iterations and access related considerations are provided within the **Design and Access Statement** and **Chapter 3** of the ES which accompany this application. Public access related issues are also addressed within **Chapter 15** (Socio-Economics) of the ES.

2.5 Consultation

- 2.5.1 A number of consultation activities have informed the design of the Proposed Development, the preparation of this section 36 application and the associated Environmental Statement:

EIA Scoping Consultations

- 2.5.2 A scoping request was submitted in November 2012 and the Scottish Government duly issued a formal scoping opinion in 1st March 2013. This is presented in full within Appendix 2.B of the Environmental Statement which accompanies the section 36 application for the Proposed Development. A summary of all the EIA Scoping consultation responses received, together with how these have informed the design and EIA processes, is contained in Chapter 2 of the ES.

ECDU Gate Check Consultations

- 2.5.3 In line with Scottish Government guidance regarding the submission of section 36 Electricity Act applications, a Gate Check Report was submitted to the Energy and Consents Deployment Unit (ECDU) prior to the submission of this application. This report outlines the work undertaken as part of the EIA process for the Proposed Development. In particular, the report explains how comments and feedback received throughout the EIA process have been taken into account in the design of the Proposed Development and in the ES. Summaries of this information are also provided in ES Chapter 2 (**Table 2.3** and **Table 2.4**) of the ES.

Additional Environmental Consultations

- 2.5.4 In addition to the formal EIA Scoping and ECDU Gate Check consultations, multiple subject specific consultations have taken place with relevance stakeholders throughout the EIA and design processes. A summary of these consultation responses received is contained in Chapter 2 of the ES.

Community Consultation

- 2.5.5 The following public consultation activities were undertaken by the Applicant:
- ▶ Four Public Information Days held in November 2012:
 - ▶ Lagwyne Village Hall, Carsphairn on 6th November 2012;
 - ▶ New Cumnock Community Education Centre on 7th November 2012;
 - ▶ Hillview Leisure Centre, Kelloholm on 14th November 2012;
 - ▶ Dalmellington Community Centre on 15th November 2012.
 - ▶ Two Public Exhibitions were held on 7th and 8th October 2014 in Dalmellington Community Centre and New Cumnock Community Centre respectively. These Public Exhibitions were advertised in the New Cumnock Chronicle as well as by newsletters, postcards and letters to residents and businesses within 15km radius of the Development Site. Information was also provided on an online consultation website (www.eonenergy.com/enochhill);
 - ▶ The Public Information Days and the Public Exhibitions were all well attended, with members of the project team present to answer questions and obtain verbal feedback. Questionnaires were also provided at all information days and exhibitions to elicit written feedback. All feedback received was analysed and used to inform the iterative design process;

- ▶ In addition a Community Liaison Group was formed to facilitate regular dialogue with local residents and stakeholders throughout the iterative design process.

2.5.6

A full statement of community consultation has been provided in the non-statutory Pre-Application Consultation Report which accompanies the section 36 application for the Proposed Development.

3. Rationale for the Proposed Development

3.1 Introduction

- 3.1.1 This section explains the rationale or 'need' for the Proposed Development, which is strongly supported by a range of international, national and Scottish Government policies that aim to reduce carbon emissions to tackle climate change, promote security of energy supply and encourage sustainable economic growth through the deployment of low carbon energy generation technologies including renewable energy installations. These policies are very important considerations which should be afforded significant weight in the determination of the section 36 application supported by this Statement.
- 3.1.2 Renewable resources are defined as those which are not based on those finite reserves which are stored within the earth. Renewable energy resources occur naturally and repeatedly in the environment and include sunlight, wind, hydro, waves and tides. One of the other main advantages of renewable energy supplies over conventional fossil fuels is that they create virtually no carbon dioxide (CO₂) or other pollutants during generation and as such, do not contribute to either global climate change or local air pollution.

3.2 The Importance of Renewable Energy

Climate Change Science

- 3.2.1 Since the late 1980s a growing concern emerged that the climate was being influenced beyond normal fluctuations by human activity. Studies into the evidence for, and implications of, climate change have been largely co-ordinated by the Intergovernmental Panel on Climate Change (IPCC), which was established in 1988 by the World Meteorological Organisation and the United Nations Environmental Programme. The organisation's remit is to study historical evidence for climate change up to the present, model climatic processes and future climate change scenarios, identify regional variations in climate change, quantify the risk of potential global and regional effects of climate change and recommend mitigation and adaptation measures for the international community and individual governments.
- 3.2.2 Published by the IPCC and approved by its 195 member governments, the Fifth Assessment Report (referred to as AR5) provides the most up to date view of the current state of scientific knowledge relevant to climate change. It comprises three Working Group (WG) reports and a Synthesis Report, each of which contains a Summary for Policymakers Report and a Full Scientific Report.
- 3.2.3 The summary of the AR5 Synthesis Report ('IPCC Fifth Assessment Report: Climate Change 2015: Synthesis Report - Summary for Policymakers') provides the latest integrated view of climate change science, mitigation and adaptation from the IPCC. In relation to observed changes, the document identifies clear evidence of human influence on the global climate. It notes that recent anthropogenic emissions are the highest in history and that climatic changes have already had "*widespread impacts on human and natural systems*". The document also concludes that unprecedented atmospheric concentrations of carbon dioxide, methane and nitrous oxide, resulting from industrial activities including fossil fuel combustion are "*extremely likely to have been the dominant cause of the observed warming since the mid-20th century*".
- 3.2.4 The summary report, 'Climate Change 2013: The Physical Science Basis - Summary for Policymakers (IPCC, 2013)' outlines additional findings from the IPCC regarding scientific evidence of climate change. It states that "*warming of the climate system is unequivocal, and since the 1950s many of the observed changes are unprecedented over decades to millennia*" (:3). The document further notes that "*human influence has been detected in warming of the atmosphere and the ocean, in changes in the global water cycle, in reductions in snow and ice, in global mean*

sea level rise, and in changes in some climate extremes...It is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century" (:12).

Impacts of Climate Change

- 3.2.5 Likely impacts of expected climate change on human and natural systems are more difficult to predict than temperature, precipitation and sea level changes. The severity of the impacts on human and natural systems depends very much on the adaptability of systems to change.
- 3.2.6 The summary of the AR5 Synthesis Report notes that "*changes in climate have caused impacts on natural and human systems on all continents and across the oceans*". Physical impacts to date include melting snow and ice and precipitation changes, whilst identified human impacts include changes in crop yields and ocean acidification. In addition, at least some extreme weather events experienced since 1950, including warming sea temperatures, increased high sea levels and increased frequency of heavy precipitation events, have been linked to global climate change. The document predicts that climate related risks for human and natural systems will increase throughout the current century. Identified risks for Europe include increased damage from river and coastal flooding, extreme heat events and wildfires, and restrictions in water availability.
- 3.2.7 The second of the IPCC's AR5 summary reports, 'Climate Change 2014: Impacts, Adaptation and Vulnerability - Summary for Policymakers' provides further details regarding the vulnerability and exposure of human and natural systems to risks and potential benefits from climate change. It also considers how impacts and risks related to climate change can be reduced and managed through adaptation and mitigation. The report concludes that "*the overall risks of climate change impacts can be reduced by limiting the rate and magnitude of climate change*" (page 14). Reducing carbon emissions from the energy generation sector through the deployment of renewable energy technologies makes an important contribution to climate change mitigation.
- 3.2.8 The third of the IPCC's AR5 summary reports, 'Climate Change 2014: Working Group III - Summary for Policymakers' confirms that "*total anthropogenic GHG [greenhouse gas] emissions were the highest in human history from 2000 to 2010 and reached 49 (±4.5) GtCO₂eq/yr in 2010*" (page 5). Furthermore, 47% of the GHG emissions increase between 2000 and 2010 was directly attributable to the energy supply sector, which generated 25% of total GHG emissions in 2010. The document confirms that without additional mitigation, global mean surface temperature will increase further and calls for low carbon energy technologies to generate more than 80% of electricity by 2050 and for unabated fossil fuel generation to be virtually phased out by 2100. This necessitates a rapid and substantial increase in the deployment of renewable energy technologies.
- 3.2.9 At the national level, the 2009 UK Climate Change Projections (UKCP09) provide projections of climate change for the UK, in much greater detail than any previous UK climate scenarios. The UKCP09 Briefing Report (Jenkins et al., 2009) describes evidence for global climate change as "*unequivocal*" and consequently envisages changes in the UK climate, including:
- ▶ All areas of the UK to get warmer, with warming greater in summer than in winter;
 - ▶ Little change in overall annual precipitation, but it is likely that more precipitation will fall in the winter, with drier summers, across much of the UK.
- 3.2.10 Under section 56 of the Climate Change Act 2008 the UK Government must publish an updated "*assessment of the risks for the United Kingdom of the current and predicted impact of climate change*" at least every five years. Based on the UKCP09, in 2012 the UK Government duly published a national climate change risk assessment (CCRA), which presents the latest evidence regarding the risks and opportunities of climate change for the UK until 2100. The CCRA evidence report (DEFRA/HR Wallingford, 2012a):
- ▶ Notes that the UK is already vulnerable to extreme weather events and that this risk is likely to increase with climate change;
 - ▶ States that the risk of flooding across the UK is projected to increase significantly;

- ▶ Predicts that climate change will impose new pressures on water resources, sensitive ecosystems and the NHS.

3.2.11

Impacts and risks which are specific to Scotland are addressed in a technical report (DEFRA/HR Wallingford, 2012b) which sits alongside the central CCRA Evidence Report. Identified potentially significant threats for Scotland include:

- ▶ *“Changes in soil conditions, biodiversity and landscape as a result of warmer, drier summers;*
- ▶ *Reductions in river flows and water availability during the summer, affecting water supplies and the natural environment;*
- ▶ *Changes in, or loss of, species with specific threats to native species and migration patterns;*
- ▶ *Changes in coastal evolution affecting people, property, infrastructure, landforms, habitats and species;*
- ▶ *Changes to ocean water temperature and quality, affecting the quality of shellfish and the location of commercial fish stocks;*
- ▶ *Increased risk of pests and diseases affecting agriculture and forestry, and the opportunity for new plants to bring associated new pests and disease causing pathogens;*
- ▶ *Increases in flooding both on the coast and inland, affecting people, property, infrastructure, landforms, habitats and species;*
- ▶ *Increase in insurance losses, ICT disruption and transport network disruption resulting from an increase in the occurrence of extreme weather events;*
- ▶ *An increase in the number of people at risk of death, injury or mental health problems as a result of flooding”.*

Scottish Greenhouse Gas Emissions

3.2.12

The Scottish Greenhouse Gas Emissions 2013: Official Statistics Publication (Scottish Government, 2015) provides the latest available official estimates of greenhouse gas emissions in Scotland for the years 1990 to 2013. The data shows that between 1990 and 2013 there was a 34.3 per cent reduction in estimated emissions, attributed largely to a fall in energy supply emissions (including in the production of electricity) and from the waste management sector. In 2013, Scottish emissions of the basket of six greenhouse gases which are controlled under the Climate Change (Scotland) Act 2009 are estimated to be 53 million tonnes carbon dioxide equivalent (MtCO_{2e}). This is 3.6 per cent lower than the 2012 figure of 54.9 MtCO_{2e}, a 2.0 MtCO_{2e} decrease⁵. Despite this reduction in emissions, Scotland has failed to meet the climate change target set under the Climate Change (Annual Targets) (Scotland) Order 2010 for the fourth year in a row.

Energy Security & Sustainable Economic Growth

3.2.13

In addition to climate change mitigation, renewable energy technologies offer two further benefits. The first benefit relates to enhanced security of supply, as the generation of electricity from renewable resources within the UK provides a source that is not open to interruption by the actions of foreign governments or others. The second benefit relates to increased local and national sustainable economic growth, as the planning, design, manufacture, installation, operation, maintenance and decommissioning of renewable energy developments all requires the use of skilled labour, at least a proportion of which will be sourced from the local area surrounding a renewable energy development.

⁵ Calculated using the 2015 methodology, which incorporates methodological improvements compared within the methodology used in the equivalent 2014 publication.

3.3 Climate Change and Energy Policy Framework

- 3.3.1 The international community, the European Union and national governments, at both UK-wide and devolved levels, are all committed to addressing climate change mitigation and adaptation. These commitments have been formalised through the various pieces of legislation and policy documents outlined below, all of which directly or indirectly promote the generation of electricity from renewable resources. This legislative and policy framework establishes puts the need for the development of renewable energy schemes, such as the Proposed Development, beyond doubt.

International Policy Context

- 3.3.2 The United Nations Framework Convention on Climate Change (UNFCCC) was agreed at the 1992 Rio Earth Summit by more than 150 countries. The UNFCCC aims to stabilise atmospheric greenhouse gas concentrations at a level sufficiently low “*to prevent dangerous anthropogenic interference with the climate system*” (Article 2). The principal protocol arising from the UNFCCC is the Kyoto Protocol as amended by the Doha Conference (November 2012) which requires the UK and European Union to cut overall emissions by 20% by 2020 from 1990 levels. This follows on from the original Kyoto Protocol commitment requiring a 12.5% emissions reduction in the UK by 2012 from 1990 levels. The Doha Conference (November 2012) established a vision for long-term cooperative action between all UNFCCC signatories to adequately mitigate and adapt to global climate change. It affirms that “*parties will urgently work towards the deep reduction in global greenhouse gas emissions required to hold the increase in global average temperature below 2°C above pre-industrial levels and to attain a global peaking of global greenhouse gas emissions as soon as possible*”.
- 3.3.3 A formalised timetable for the adoption of a successor to the Kyoto Protocol by the end of 13th December 2015 was also agreed and for this new protocol or other legal instrument to be implemented by 2020. An agreement has since been reached at the 20th Conference of Parties (2014) which commits all UNFCCC signatory countries to action to cut carbon emissions and emphasises the aim of restricting temperature rises to below 2°C above pre-industrial levels. A comprehensive new global climate treaty is due to be finalised in Paris late 2015 and will include five yearly “*commitment cycles*” of climate change mitigation targets and actions to be introduced by signatory countries.

IPCC's Special Report on Renewable Energy Sources and Climate Change Mitigation

- 3.3.4 The IPCC's Special Report on Renewable Energy Sources and Climate Change Mitigation (IPCC, 2011) provides a comprehensive literature review and assessment of the costs, benefits and potential impacts of deploying various renewable energy technologies. Chapter 7: Wind Energy (page 535-608) discusses a range of issues related to the deployment of onshore and offshore wind farms and states that wind energy “*is a mature renewable energy source that has been successfully deployed in many countries. It is technically and economically capable of significant continued expansion, and its further exploitation may be a crucial aspect of global GHG reduction strategies...*” (page 542).

European Policy Context

- 3.3.5 The EU (EU 2020 Climate & Energy Package, 2007) has introduced ambitious energy and climate change objectives for 2020 including: a commitment to reduce greenhouse gas emissions by at least 20%; to increase the share of renewable energy to 20%; and to make a 20% improvement in energy efficiency. The 20-20-20 targets were agreed by the European Parliament and Council in December 2008 and formally became law in June 2009. In addition to this, the EU has confirmed a long term commitment to the decarbonisation by adopting a target of 80-95% cuts in emissions by 2050.
- 3.3.6 A Europe 2020 Growth Strategy (2010) incorporating the 2020 objectives has been adopted and the energy policy goals include:

- ▶ Security of supply: to minimise the EU's vulnerability concerning imports, shortfalls in supply, possible energy crises and uncertainty regarding future supply;
- ▶ Competitiveness: to ensure the effective implementation of the internal energy market;
- ▶ Sustainability: to ensure that the EU addresses climate change by reducing its emissions to a level that would limit global temperature increases to 2°C above pre-industrial levels. The EU is committed to a 20% reduction in greenhouse gas emissions; a 20% improvement in energy efficiency; and deployment of 20% of energy generation from renewable sources, all by 2020.

3.3.7 These energy policy goals have been implemented through the Renewable Energy Directive 2009/28/EC. The overall renewable energy target is split differentially between Member States, with the target for the UK being that 15% of all energy consumed should come from renewable sources by 2020. The Directive further requires member states to prepare national strategies for the deployment of renewable energy technologies.

3.3.8 A new framework of climate and energy policies covering the period up to 2030 has been agreed (EU 2030 Climate & Energy Policy Framework, October 2014) and these new commitments are intended to dovetail with the Directive. These commitments include:

- ▶ A binding EU target of an at least 40% domestic reduction in greenhouse gas emissions by 2030 compared to 1990 (i.e. without the use of international carbon trading);
- ▶ A binding EU target of at least 27% of all energy consumed to come from renewable energy consumed in 2030;
- ▶ An indicative target at the EU level of at least 27% improvement in energy efficiency.

3.3.9 The latest review of progress towards achieving the renewable energy targets set under Renewable Energy Directive 2009/28/EC, published by the European Commission in June 2015, reveals that 25 EU countries are expected to have met their 2013/2014 interim renewable energy targets and remain on track to achieve binding renewable energy targets (deployment of 20% of energy generation from renewable sources by 2020). In 2014, the projected share of renewable energy in gross final energy consumption across the EU stood at 15.3%. However, the review confirms that the UK has fallen short of its EU renewable energy targets since 2013 and is projected to miss its binding renewable energy target for 2020. It therefore calls for member states including the UK to “assess whether their policies and tools are sufficient and effective in meeting their renewable energy objectives” (European Commission, 2015).

UK Legislation and Policy

3.3.10 The UK is committed to tackling climate change. This commitment has been formalised through various pieces of legislation and policy documents; all of which promote the generation of electricity from renewable sources as a key measure to reduce carbon dioxide emissions from the energy generation sector.

3.3.11 Increased renewable energy production is driven by legally-binding targets and in order to meet these targets, it is necessary to permit the development of the infrastructure required to generate renewable energy. The need for wind farm developments such as the Proposed Development is therefore established within UK legislation and policy on tackling climate change. National law and policy also supports and encourages development proposals such as the Proposed Development; provided that the development in the proposed location does not give rise to unacceptable impacts. The merits of the Proposed Development in relation to planning policy considerations are discussed further in Section 5 of this Statement, which utilises the findings of the EIA process.

3.3.12 The UK Government's energy policy has remained consistent for many years and is outlined in The Energy White Paper (2007). It can be summarised as:

- ▶ “Tackling climate change by reducing carbon dioxide emissions both within the UK and abroad; and

- ▶ *Ensuring secure, clean and affordable energy as we become increasingly dependent on imported fuel.”*

3.3.13 Importantly, this White Paper stated that whilst individual renewable energy projects “*may not always appear to convey any particular local benefit...they provide crucial national benefits...These wider benefits are not always immediately visible to the specific locality in which the project is sited. However, the benefits to society and the wider economy as a whole are significant and this must be reflected in the weight given to these considerations by decision makers in reaching their decisions*” (Box 5.3.3 on pages 157-158).

Climate Change Act 2008

- 3.3.14 The Climate Change Act (2008) requires a legally binding 80% reduction by 2050 in the UK’s net CO₂ account - covering all six Kyoto Protocol GHG - compared with 1990 levels.
- 3.3.15 The Act established a rolling system of statutory five year carbon budgets in order to ensure steady progress towards the 2050 emissions reduction target. The UK’s third and fourth carbon budgets respectively require greenhouse gas emissions in 2020 to be reduced by 34% and a 50% emissions reduction by 2027, both compared with 1990 levels.
- 3.3.16 In advance of a review of the fourth carbon budget by the UK Government, the Committee on Climate Change conducted an analysis of the appropriateness of the fourth carbon budget and published recommendations on 11th December 2013. The overall conclusion of this work was that “*there has been no significant change in circumstances as specified in the Climate Change Act and therefore the budget should not and cannot be changed under the terms of the Act*” (CCC, 2013: 8). Subsequently in July 2014, the UK Government confirmed that the fourth carbon budget, covering the period 2023-2027, would remain unchanged.
- 3.3.17 As required under sections 12 and 14 of the Climate Change Act 2008, The Carbon Plan (DECC, 2011) sets out proposed measures to implement the UK’s first four carbon budgets, and thereby achieve a 50% reduction in the UK’s annual net carbon account by 2027 (from 1990 levels). This document updates and supersedes the Low Carbon Transition Plan (HM Government, 2009) which outlined policies to meet the UK’s first three carbon budgets and in doing so generate approximately 30% of UK electricity from renewables by 2020.
- 3.3.18 Regarding the electricity sector the document states that “*by 2050, electricity supply will need to be almost completely decarbonised. Power will be generated largely from renewables and nuclear and fossil fuel stations fitted with CCS technology*”. In relation to renewable energy paragraph 2.167 declares the UK Government’s strong commitment to increase renewable energy generation, with the intention that renewables will provide over 30% of electricity generation by 2020, potentially rising to over 40% by 2030. The Carbon Plan also notes the UK’s legal obligation under the EU’s Renewable Energy Directive to continue increasing renewable energy generation until 2020 and presents three long term energy generation scenarios to 2050, all of which envisage a significant role for renewable energy.
- 3.3.19 As detailed in **Table 3.1**, a number of UK Government policy documents support the UK’s legally binding 2020 renewable energy target to generate 15% of all electricity consumed from renewable sources. It is acknowledged that the aforementioned Energy Whitepaper (2007), the Carbon Plan (2011) and some of the policy documents outlined in **Table 3.1** pre-date the establishment of the current UK Government administration in May 2015. However, successive governments since the turn of the century, including the current UK Government, have consistently confirmed the need to decarbonise the UK’s electricity supply through developing a diverse energy mix including onshore wind energy, in order to achieve binding renewable energy and climate change mitigation targets. This longstanding policy position confirms the continued relevance of all of the UK Government policy documents outlined in Table 3.1 to the determination of the section 36 application for the Proposed Development.

Table 3.1 UK Government Renewable Energy Policy Documents

| Documents | Summary |
|---|--|
| The UK Renewable Energy Strategy 2009 | <p>The strategy predicts that the UK will need to generate more than 30% of its electricity from renewable sources by 2020 (115 TeraWatt hours), with wind energy expected to provide “more than two-thirds” of this total to achieve the UK’s 2020 renewable target. The strategy is highly supportive of wind energy, stating that “Wind power is currently one of the most developed and cost-effective renewable electricity technologies. The UK has the largest potential wind energy resource in Europe”.</p> <p>In addition to the importance of renewable energy for climate change mitigation, the strategy refers to the substantial predicted socio-economic benefits associated with the deployment of renewable energy, including significant inward investment and enhanced national energy security.</p> |
| National Renewable Energy Action Plan for the United Kingdom 2010 | <p>As required under Article 4 of EU the Renewable Energy Directive (2009/28/EC), this Action Plan (HM Government, 2010) provides details on proposed measures to enable the UK to meet its obligation of generating 15% of all electricity consumed from renewable sources by 2020.</p> |
| UK Energy Road Map (2011, updated 2012, 2013) | <p>This document references advice from the Committee on Climate Change that there is scope for renewable energy to meet 30-45% of the UK’s electricity demand by 2030.</p> <p>In relation to the onshore wind sector, the document states that “onshore wind could contribute up to around 13GW by 2020. Achieving this level of capacity equates to an annual growth rate of 13%” and it is noted in paragraph 3.7 that “the majority of this would be from large scale projects over 5 MW”. The roadmap highlights that onshore wind provides substantial economic benefits, supporting more than 8,600 jobs (2011) and contributing over £500 million to the UK economy. Furthermore, (paragraph 3.13) explicitly states that new proposed developments not already in the planning system will be required in order to meet both the 2020 renewable energy target and longer term decarbonisation objectives.</p> |
| Overarching National Policy Statement for Energy (EN-1) (DECC, July 2011) | <p>Pursuant to Section 5(9) of the Planning Act 2008, this document sets out UK national policy for new energy infrastructure development. The Statement (paragraph 1.5.2) notes that as energy policy is reserved to the UK Government, this Statement may be relevant in the determination of energy infrastructure proposals within Scotland.</p> <p>Overall the Statement outlines the importance of developing new low carbon energy infrastructure to transition the UK towards a low carbon economy (paragraphs 2.2.5-2.2.6):</p> <p><i>“The UK economy is reliant on fossil fuels, and they are likely to play a significant role for some time to come. Most of our power stations are fuelled by coal and gas. The majority of homes have gas central heating, and on our roads, in the air and on the sea, our transport is almost wholly dependent on oil...However, the UK needs to wean itself off such a high carbon energy mix: to reduce greenhouse gas emissions, and to improve the security, availability and affordability of energy through diversification”.</i></p> <p>In addition the Statement confirms the importance of developing new renewable energy installations including onshore wind farms within the UK’s energy mix, as it states (paragraphs 3.3.10-3.3.11):</p> <p><i>“As part of the UK’s need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity...In the short to medium term, much of this new capacity is likely to be onshore and offshore wind...An increase in renewable electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive. It will also help improve our energy security by reducing our dependence on imported fossil fuels, decrease greenhouse gas emissions and provide economic opportunities”.</i></p> <p>Specifically in relation to onshore wind energy, the Statement states unequivocally that “onshore wind is the most well-established and currently the most economically viable source of renewable electricity available for future large-scale deployment in the UK”. Given that the UK Government has consistently sought to achieve its renewable energy and climate change mitigation targets at least cost, it is therefore evident that new onshore wind energy developments are an essential component of implementing the UK Government’s policy objectives.</p> |
| National Policy Statement for Renewable Energy Infrastructure (EN-3) (DECC, July 2011) | <p>Further to EN-1, this National Policy Statement provides further details regarding UK Government policy and the regulatory framework applicable to new onshore wind energy developments with an installed capacity exceeding 50MW, as well as other categories of developments. The Statement (paragraph 2.7.1) reaffirms the maturity of onshore wind energy technologies and the need to deploy new onshore wind energy developments in order to cost effectively achieve binding renewable energy targets.</p> |

| Documents | Summary |
|---|---|
| Annual Energy Statement 2014 (DECC, 2014) | <p>This document provides the most recent comprehensive statement of UK Government energy policy. The document confirms that the objectives of UK energy policy remain consistent with those outlined in the Energy Whitepaper (2007), namely <i>“ensuring light, power, heat and transport are affordable for households and businesses; providing energy security; and reducing carbon emissions in order to mitigate climate change”</i>. In relation to onshore wind energy, the document notes that this is <i>“one of the most established and cost-effective renewable technologies”</i> and therefore the technology has an important role to play in achieving all of the UK Government’s energy policy objectives at least cost.</p> |
| UK Government Written Ministerial Statement: Ending New Subsidies for Onshore Wind (18th June 2015) | <p>This Written Ministerial Statement by the Secretary of State for Energy and Climate Change outlines the current UK Government’s commitment to end subsidies for new onshore wind developments. Whilst ending these subsidies the statement recognises the continued importance of both renewable energy generally and onshore wind energy specifically within the UK’s energy generation mix, as it states:</p> <p><i>“The Government is committed to meeting objectives on cutting carbon emissions and the UK’s 2020 renewable energy targets. Onshore wind has deployed successfully to-date and is an important part of our energy mix”</i>.</p> <p>This Written Ministerial Statement explains that the decision to end new subsidies for onshore wind energy developments is based on the current UK Government’s view that there is now <i>“enough onshore wind in the pipeline... for onshore wind to play a significant part in meeting our renewable energy commitments”</i>. However, given that the UK’s obligations under Renewable Energy Directive 2009/28/EC remain unmet this approach contradicts the National Renewable Energy Action Plan (paragraph 2.21), which states:</p> <p><i>“We cannot be certain that all the projects in the pipeline will be consented or commissioned or that they will progress quickly enough to contribute when needed. This is why the Overarching National Policy Statement for Energy states that there is an urgent need for new large scale renewable energy projects to come forward to ensure that we meet the 2020 target and wider decarbonisation ambitions”</i>.</p> <p>It is considered that the UK government’s decision to end new subsidies for onshore wind is premature, contrary to existing national (UK and Scottish) energy policy and not compatible with efforts to achieve binding and time limited renewable energy and decarbonisation targets. As this UK Government decision relates to the financing of developments it is further considered that this decision is not itself a material consideration in the determination of the section 36 application for the Proposed Development.</p> |

Other Publications

- 3.3.20 In response to the establishment of the current UK Government, in late June 2015 RenewableUK published a report entitled ‘Why Renewables Matter’ which sought to objectively highlight the benefits of renewable energy including onshore wind farms. This report notes that wind, wave and tidal energy currently provides 34,000 related jobs and this is set to rise to over 100,000 jobs by the early 2020’s. Regarding onshore wind energy, the report concludes that this *“is cheaper than all other low-carbon alternatives like biomass, nuclear and solar. And falling costs mean that by 2020 it should be the lowest costs of any new generation, including new combined cycle gas turbines. Onshore wind does all this while providing significant economic benefit to local communities and the UK as a whole”*.
- 3.3.21 In July 2015 an independent think tank, Policy Exchange, published a report entitled ‘Powering Up: The future of onshore wind in the UK’ to examine the future role for onshore wind energy *“as one of the major low carbon energy generation opportunities in the UK”*. This report demonstrates that the falling cost of onshore wind energy developments means that the technology will soon be economically competitive with new gas power stations, as well as being significantly cheaper than nuclear and offshore wind energy developments. The report therefore recommends that *“the Government continues to pursue mature renewables including onshore wind, rather than abandoning them in favour of more expensive options. As the cheapest form of low carbon power, onshore wind should logically continue to play a role in cutting carbon emissions, provided that developments are acceptable to communities”*.

Summary

- 3.3.22 The policy framework set out above demonstrates the continued importance of onshore wind energy installations in achieving the UK’s statutory carbon budgets, meeting the UK’s overall 2050

emissions reduction target and helping to meet the UK Government's obligation of generating at least 15% of all energy consumed from renewable sources by 2020.

- 3.3.23 The latest statistics published the Digest of UK Energy Statistics 2015 (DUKES 2015) (DECC, 2015) indicate that whilst renewable energy accounted for 19.1% of total electricity generation in 2014, renewable energy (not merely renewable electricity) accounted for just 7.0% of total UK energy consumption in 2013. More positively, 9.5% of the UK's electricity was generated by onshore and offshore wind in 2014: 5.5% from onshore wind and 4% from offshore wind, saving more than 13 million tonnes of carbon emissions. The installed capacity of renewables increased by 24% (to 24.6 gigawatts) in 2014, partly due to a 13% growth in onshore wind capacity. As a result onshore and offshore wind energy installations powered the equivalent of more than 7.6 million British homes in 2014.
- 3.3.24 Owing to the clear deficit between actual renewable energy generation in 2014 (7.0%) and the UK's binding renewable energy target for 2020 (15%) and the very limited time available to close this gap, it is considered likely that the UK will miss this target. This was recognised in the European Commission's latest review of the implementation of Renewable Energy Directive 2009/28/EC. It is therefore clear that additional renewable energy generation capacity, particularly from mature and cost effective technologies which are led principally by onshore wind farms, is required in the short term to meet the UK's binding renewable energy and decarbonisation commitments.

Scottish Legislation and Policy

- 3.3.25 Energy policy is formally reserved to the UK Government and the bulk of powers affecting energy regulation are exercised by the UK Department of Energy and Climate Change. However the Scottish Government has devolved powers over:
- ▶ The planning and consenting of electricity generating stations and overhead transmission lines;
 - ▶ The promotion of renewable energy including the operation of the Renewables Obligation (RO); and
 - ▶ The promotion of energy efficiency.
- 3.3.26 The Scottish Government recognises the opportunity for Scotland to play an extremely important role within the EU on international energy and climate change policy, recognising Scotland's expertise in low carbon technologies and vast renewable energy potential. The Scottish Government's Low Carbon Economic Strategy (2010) and world leading Climate Change (Scotland) Act 2009 provides a strong framework for Scotland's actions to tackle climate change and develop the low carbon economy of the future.

The Climate Change (Scotland) Act 2009

- 3.3.27 The Climate Change (Scotland) Act 2009 is Scotland's official response to the threats posed by anthropogenically driven global climate change. The act sets binding net carbon emission reduction targets of 42% by 2020 and 80% by 2050 compared with 1990 levels, and also requires Scottish Ministers to meet annual emission reductions targets in line with a trajectory towards the 2050 target. Taken together, the Climate Change (Annual Targets) (Scotland) Orders of 2010 and 2011 specify the annual emission reduction targets until 2027.
- 3.3.28 In addition section 44 of the Act requires all public bodies, including planning authorities and the Scottish Government itself, to "*act in the way best calculated to contribute to the delivery of the emissions targets*".
- 3.3.29 Following from the enactment of the Climate Change (Scotland) Act 2009 the Scottish Government have published multiple plans, strategies and other documents regarding the role of Scottish renewable energy generation in climate change mitigation and the wider importance of the Scottish renewable energy sector. The key points of relevance to the Proposed Development are summarised in **Table 3.2** below.

Table 3.2 Scottish Government Climate Change Mitigation and Renewable Energy Documents

| Document | Summary |
|---|--|
| The Climate Change Delivery Plan (CCDP) 2009 | <p>This document outlines the high level measures required in each of Scotland's economic sectors to meet the statutory targets imposed through The Climate Change (Scotland) Act up to 2020.</p> <p>Chapter 2 identifies four transformational outcomes which underpin the Scottish Government's climate change mitigation efforts, one of which is to realise "<i>a largely de-carbonised electricity generation sector by 2030, primarily using renewable sources for electricity generation...</i>". Chapter 3 emphasises the need to generate more low carbon electricity and the requirement to significantly increase renewable energy generation in Scotland. The CCDP explicitly supports the deployment of all types of renewable energy technologies in appropriate locations across Scotland.</p> |
| A Low Carbon Economic Strategy for Scotland (2010) | <p>The document observes that "<i>onshore wind is still the technology that can make the most immediate positive impact on our low carbon economy</i>" (:90) and therefore expresses the Scottish Government's support for the continued deployment of onshore wind farms in appropriate locations. In recognition of the negative impact of planning delays on securing investment in low carbon energy infrastructure, this strategy includes a commitment for Scottish Ministers to determine section 36 applications for energy infrastructure projects expeditiously.</p> |
| Low Carbon Scotland – Meeting the Emissions Reduction Targets 2010-2022: The First Report on Policies and Proposals (RPP1) (2011) | <p>Published in March 2011, this document fulfilled the duty placed on Scottish Ministers by Section 35 of the Climate Change (Scotland) Act 2009 to lay before the Scottish Parliament a Report on Proposals and Policies setting out an initial set of measures for reducing greenhouse gas emissions to meet Scotland's statutory annual emission reduction targets over the period 2010 to 2022.</p> |
| Low Carbon Scotland – Meeting the Emissions Reduction Targets 2013-2027: the Second Report on Policies and Proposals (RPP2) (2013) | <p>Building upon the CCDP and the RPP1, this report sets out the Scottish Government's proposed actions to meet the statutory emissions reduction targets under the Climate Change (Scotland) Act 2009 from 2013 to 2027.</p> <p>The document notes the important role of the Scottish planning system in developing a low carbon economy and re-affirms the Scottish Government's commitments to achieving all of their 2020 renewable energy targets, including a target of meeting at least 30% overall energy demand from renewables by 2020. This document explicitly states that the Scottish Government's 2020 renewable energy targets are intended to be intermediary steps towards a target of achieving a carbon intensity of 50g CO₂/kWh of electricity generation in Scotland by 2030</p> |
| 2020 Routemap for Renewable Energy in Scotland (updated October 2012 and December 2013) | <p>The 2020 Renewables Routemap declares the ambition of the Scottish Government to generate the equivalent of 100% of Scotland's electricity and 11% of heat demand from renewable sources by 2020. This includes an interim target of generating the equivalent of 50% of gross annual electricity consumption from renewables by 2015. All of these targets remain in force. The Routemap also highlights the manufacturing potential of the Scottish renewables sector and opportunities for communities to share in the economic benefits of low carbon energy development.</p> <p>The updated Routemap confirms that the Scottish Government has adopted a target to achieve a carbon intensity of 50g CO₂/kWh of electricity generation in Scotland by 2030, which is the equivalent of an 83% reduction in carbon intensity.</p> |
| Electricity Generation Policy Statement (EGPS) (2013) | <p>This document sets out the vision for electricity generation including the delivery of all Scottish Government's renewable energy targets. Four key principles set out the vision for a desirable electricity generation mix:</p> <ul style="list-style-type: none"> ▶ "A secure source of electricity supply; ▶ At an affordable cost to consumers; ▶ Which can be largely decarbonised by 2030; and ▶ Which achieves the greatest possible economic benefit and competitive advantage for Scotland" (:7). <p>In relation to renewable energy paragraph 30 states that meeting the 100% 2020 target "<i>will require the market to deliver an estimated 14-16GW of installed capacity</i>" (:13-14). Furthermore, paragraph 37 is supportive of the development of wind farms, noting that "<i>wind power, alongside other forms of onshore and offshore renewables, provides an electricity supply which is largely emissions free, and, because of its decentralised nature, contributes significantly to greater security of supply</i>" (:16).</p> |
| Scotland's Economic Strategy (March 2015) | <p>Building upon the previous Government Economic Strategy (2011), this document identifies the transition to a low carbon economy, including the deployment of renewable energy technologies, as a "<i>key aspect</i>" of the current Economic Strategy for Scotland.</p> |

Summary

- 3.3.30 The legislation and documents detailed above outline the Scottish Government's commitment to the reduction of carbon emissions and increasing renewable energy production. Of particular importance is the 2020 target of meeting at least 30% overall energy demand from renewables by 2020.
- 3.3.31 The Scottish Government also has the policy objective to generate the equivalent of 100% of Scotland's electricity and 11% of heat demand from renewable sources by 2020 with an interim target of 50% of gross annual electricity consumption from renewables by 2015.
- 3.3.32 The latest statistics from the Scottish Government on renewable energy are outlined in Energy in Scotland 2015. The document states that renewable energy generation accounted for 11.6% of Scotland's gross final energy consumption in 2012. The document confirms that the contribution of renewables to total electricity generation in Scotland increased to 32% in 2013, the equivalent of approximately 44.4% of Scotland's electricity needs.
- 3.3.33 The document notes that as of September 2014 Scotland had 8.7GW of renewable capacity either under construction or consented, the majority of which comprises onshore and offshore wind generation. Despite this potential project pipeline the document states that "*the Scottish Government recognises that there are a number of factors which mean that not all the projects consented will progress to commissioning, and the renewable electricity targets remains challenging*". The EGPS (2013) states that to meet the 100% by 2020 target it is estimated 14-15GW of installed renewable energy capacity would be required.
- 3.3.34 All of the renewable energy statistics published by the Scottish Government in recent years demonstrate that additional renewable energy capacity is still needed in order to achieve Scotland's ambitious renewable energy and decarbonisation targets, and to enable the UK to meet the legally binding target of generating 15% of all energy from renewable sources by 2020.
- 3.3.35 In response to the UK Government's decision in June 2015 to end new subsidies for onshore wind developments, the Scottish Government's Energy Minister Fergus Ewing issued multiple statements setting out the continued importance of new onshore wind energy developments to Scotland.
- ▶ On 28th June 2015 the Minister stated: "*The most recent energy figures show renewables continue to go from strength to strength, with almost half of Scotland's electricity use coming from renewables last year and wind delivering record amounts of power in the first three months of 2015. Scotland accounts for around a third of total UK renewables generation. This makes the recent decision by the UK Government to end the RO next year even more regrettable...The Scottish Government remains committed to the renewable sector and to achieving our target of 100 per cent of our electricity demand through renewables by 2020 and the onshore wind sector is a significant part of that.*"
 - ▶ On 25th June 2015 the Minister stated: "*Onshore wind is one of the most cost effective renewable energies, yet the UK Government's perverse decision to end support puts this hard work and progress in jeopardy and the Scottish Government will continue to argue against it*".
- 3.3.36 These statements demonstrate that the Scottish Government recognises the ability of onshore wind energy to deliver socio-economic benefits whilst effectively decarbonising the energy generation section. As such the Scottish Government supports the continued deployment of onshore wind energy developments in appropriate locations across Scotland.

The Implications of Climate Change & Renewable Energy Policy Frameworks for the Proposed Development

- 3.3.37 The high level of importance afforded to renewable energy within all of the policy documents outlined above provides strong support for the deployment of renewable energy schemes including onshore wind proposals such as the Proposed Development. In particular, these policy documents:

- ▶ Identify the need for the Proposed Development, namely to contribute to the decarbonisation of Scotland's and the UK's energy generation sector. This is essential to achieve ambitious European, Scottish and UK renewable energy deployment targets, in pursuit of wider climate change mitigation targets;
- ▶ Recognise the nationally important socio-economic and environmental benefits which can be delivered by exploiting Scotland's significant renewable energy potential;
- ▶ Demonstrate that the principle of onshore wind farm development continues to enjoy strong policy support in Scotland. In particular, clear support for renewable energy developments is evident at the Scottish national policy level within the energy policy documents outlined above and the planning policy documents outlined in section 4 of this Statement; and
- ▶ Acknowledge that onshore wind energy remains the most technologically mature and commercially feasible renewable energy technology for mass deployment in the context of the 2020 targets outlined above. Consequently the deployment of large scale onshore wind farms such as the Proposed Development forms an essential component of the transition to a low carbon economy.

3.4 The Contribution of Enoch Hill Wind Farm to Renewable Energy Generation

3.4.1 The installed capacity of a wind turbine is a measure of its maximum rated output, which in the context of the Proposed Development is likely to be a maximum of 62.7MW (assuming 19 x 3.3MW machines). Calculations of the likely electricity generation of the turbines are dependent on the 'capacity factor', which involves an assessment of the actual output of the development against its installed capacity⁶. On this basis and with an expected installed capacity of 62.7 MW, the maximum amount of electricity produced by the Proposed Development has been estimated to be 148,298MWh per year based on an assumed capacity factor of 27%⁷. It should be noted that the expected capacity factor for the Proposed Development is subject to confirmation following the completion of wind monitoring on-site; however it is considered reasonable as it utilises the long term average load factor figure for the UK published by DECC in June 2015. A range of capacity factors have been used to calculate potential annual energy yield and associated CO₂ savings from the Proposed Development, detailed below in **Table 3.3**.

Table 3.3 Potential CO₂ Savings and Electricity Generation

| Capacity Factor (%) | Electricity Generation (MWh per year) ⁸ | Homes Equivalent (based on average East Ayrshire consumption) ⁹ | Carbon dioxide savings (Tonnes of CO ₂ per year) based on Renewable UK savings figure |
|---------------------|--|--|--|
| 22 | 120,835 | 34,753 | 51,959 |

⁶ The net capacity factor of a wind farm is the ratio of its actual energy output (after energy losses within the wind farm have been accounted for) over a defined period of time (typically a year) to its energy output, had it operated at maximum power output continuously, over the same period of time.

⁷ Department of Energy and Climate Change (DECC), Energy Trends Section 6: Renewables (ET6.1 Renewable Electricity Capacity and Generation, June 2015. Capacity factor for Scotland is given as 27%.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437811/et6_1.xls

⁸ For example using a 27% capacity factor, figures are derived as follows: 62.7 MW (19 x 3.3 MW turbine) x 8,760 hours/year x 0.27 (capacity factor) = 148,298 MWh

⁹ This is calculated using the most recent statistics from the DECC showing that annual local (East Ayrshire) average domestic household consumption is 3,477kWh

| Capacity Factor (%) | Electricity Generation (MWh per year) ⁸ | Homes Equivalent (based on average East Ayrshire consumption) ⁹ | Carbon dioxide savings (Tonnes of CO ₂ per year) based on Renewable UK savings figure |
|---------------------|--|--|--|
| 27 ⁵ | 148,298 | 42,651 | 63,768 |
| 34 | 186,745 | 53,709 | 80,301 |

- 3.4.2 It is predicted that carbon losses associated with the construction of the Proposed Development would be paid back in ~1.5 years (~6% of the 25 year operational life) based upon a standard fossil fuel grid electricity mix and the expected energy yield from the Proposed Development. Even considering the worst case scenario, the Proposed Development would have achieved net carbon balance within ~3.6 years of operation (~14% of the 25 year operational life).
- 3.4.3 On the basis of potential annual CO₂ savings of 63,768 tonnes/year (based on figure of 430g of CO₂ savings per kWh and a conservatively estimated capacity factor of 27%), the Proposed Development could result in a total carbon saving of approximately 1.6M tonnes over its 25 year operational life, and generate electricity to annually supply the equivalent of 42,651 average homes in East Ayrshire.

3.5 Summary of Rationale for the Proposed Development

- 3.5.1 The importance of taking action now to address climate change is recognised both internationally and nationally. Successive legislation and policy implemented by the EU and the UK and Scottish Governments has increasingly stressed the need to mitigate global climate change and enhance energy security. The development of a low carbon economy with a substantially increased proportion of all energy generated from renewable and low carbon sources is therefore an essential aim of policymakers at all levels. Generating energy from renewable sources also improves the nation's security of supply. Underlining this and recognising Scotland's opportunity to play a leading role in climate change mitigation, the Scottish Government have set ambitious targets of 11% of heat demand and 100% of electricity demand to be met from renewable sources by 2020. The UK Government and the European Union have also set binding decarbonisation and renewable energy targets, as summarised in **Table 3.4** below.

Table 3.4 Overview of Decarbonisation & Renewable Energy Targets

| Legislation | 2012 | 2020 | 2027 | 2030 | 2050 |
|---|--------|---|---------|---|---------|
| Kyoto and Doha Amendment | 12.5%* | 20%* | | | |
| Europe 2020 | | 20% GHG* 20% Energy efficiency** 20% energy from renewables** | | | |
| EU Commission Draft Proposals 2014 | | | | 40%*GHG 27%** Energy from Renewables | |
| Climate Change Act UK and renewable energy strategy 2009 | | 34%*GHG 15%** Renewable Energy 30%** Renewable Electricity | 50%*GHG | | 80%*GHG |
| Carbon Plan 2011 | | 30%** Renewable Electricity | 50%*GHG | 40%** Renewable Electricity | |
| Climate Change Act Scotland 2009 | | 42%*GHG | | | 80%*GHG |
| Scottish Government Renewables Action Plan 2009 | | 20%** Renewable Energy | | | |
| 2020 Route Map for Renewable Energy in Scotland 2012 | | 100% Renewable Electricity 11% renewable heat | | | |

*Reduction in emission compared with 1990 levels

**Increase compared with 1990 levels.

- 3.5.2 All of the decarbonisation and renewable energy generation targets for 2020 and beyond are currently unmet, resulting in a clear need to deploy additional renewable energy generation capacity across the UK. As a large scale wind farm, the Proposed Development, with its estimated maximum capacity of 62.7MW and estimated annual output of approximately 148,298MWh per annum, would provide a meaningful contribution to achieving the Scottish and UK Governments' targets.
- 3.5.3 The supportive international, European, UK and Scottish policy contexts together with the meaningful contribution that the Proposed Development could make to achieving currently unmet renewable energy and decarbonisation targets, provides very clear, and demonstrable support for the Proposed Development. In addition, as a domestic renewable energy installation, the Proposed Development would contribute to enhancing the UK's energy security and boosting Scotland's role as a key renewable energy producer and net energy exporter.

4. Planning Policy Framework

4.1 Introduction

- 4.1.1 This section sets out the key planning policies and other considerations relevant to the consideration of this application for the Proposed Development.
- 4.1.2 National planning policy is contained within the National Planning Framework (NPF) 3 and the Scottish Planning Policy (SPP), both of which were published on 23rd June 2014.
- 4.1.3 In addition, national planning policies of potential relevance to specific subjects affected by the Proposed Development are contained within the Scottish Historic Environment Policy (2011), as well as within numerous Planning Circulars and Advice documents identified at paragraph 4.2.15 below.
- 4.1.4 The current statutory development plan for the Development Site comprises the approved Ayrshire Joint Structure Plan (2007) and the adopted East Ayrshire Local Plan (2010).
- 4.1.5 Key national planning policies applicable to the Development Site and the Proposed Development are outlined in Section 4.2 below. Relevant Development Plan policies are outlined in Section 4.3. Section 4.4 then summarises other considerations applicable to the Proposed Development including approved Supplementary Planning Guidance (SPG), the emerging East Ayrshire Local Development Plan and associated draft Supplementary Guidance, and the adopted Dumfries and Galloway Local Development Plan and associated Supplementary Guidance. The inclusion of the latter reflects the proximity of the Development Site to the administrative boundary of Dumfries and Galloway Council.

4.2 National Planning Policy, Advice & Guidance

National Planning Framework 3 (NPF3)

- 4.2.1 NPF3 (Scottish Government, 2014) provides a statutory framework around which to orientate Scotland's long-term spatial development. The Framework represents the spatial expression of the Scottish Government's Economic Strategy (2011) and it highlights the spatial planning implications of multiple national policy documents and commitments, including the binding decarbonisation targets enshrined within the Climate Change (Scotland) Act 2009.
- 4.2.2 Overall the NPF3 emphasises the Scottish Government's commitment to increasing sustainable economic growth across all areas of Scotland and therefore orientates the efforts of Scotland's planning system towards this purpose. The introduction to the Framework notes the importance of maintaining economically active and vibrant rural areas whilst "*safeguarding our natural and cultural assets and making innovative and sustainable use of our resources*". The national spatial strategy of the Framework is structured around four key themes including a successful, sustainable place; a low carbon place; a natural, resilient place; and a connected place. These themes are presented as 'planning outcomes' within the SPP.

Scottish Planning Policy

- 4.2.3 The SPP is a material consideration that carries significant weight. It sets out the Scottish Government's expectations regarding the treatment of specific planning issues within development planning and development management. The SPP includes policies relating to sustainable development and renewable energy including onshore wind development which are directly applicable to the Proposed Development, as detailed below.

- 4.2.4 The SPP aims to contribute to the achievement of the Scottish Government's overarching purpose of achieving sustainable economic growth. Both the NPF3 and the SPP are underpinned by a common vision, which is articulated within the SPP at paragraph 11:
- 4.2.5 *"We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world."*
- 4.2.6 To implement this vision statement the SPP identifies four planning outcomes based on the themes of the NPF3, which are:
- ▶ *"Outcome 1: A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.*
 - ▶ *Outcome 2: A low carbon place – reducing our carbon emissions and adapting to climate change". This outcome relates to the legally binding target of reducing Scotland's greenhouse gas emissions by 80% by 2050 compared with 1990 levels, as set out in the Climate Change (Scotland) Act 2009 and Scotland's commitment of generating at least 30% of overall energy demand and the equivalent of at least 100% of gross electricity consumption from renewables by 2020. The need to facilitate this transition by supporting diversification in the energy sector and the importance of onshore wind are recognised.*
 - ▶ *"Outcome 3: A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use. As noted in the NPF3, Scotland's principal asset is the land, which must be managed sustainably as both an economic and dynamic resource and an environmental asset. The role of rural areas in the transition towards a low carbon economy is recognised.*
 - ▶ *Outcome 4: A more connected place – supporting better transport and digital connectivity".*
- 4.2.7 The SPP's Principal Policy on Sustainability (paragraphs 24-35) includes a presumption in favour of development that contributes to sustainable development. This relates to the identification of the need for and acceptability of the development and 13 principles (paragraph 29) which should guide planning policies and decisions have been identified. Principles of relevance to the Proposed Development include:
- ▶ *"Giving due weight to net economic benefit...;*
 - ▶ *Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*
 - ▶ *Supporting good design and the six qualities of successful places;*
 - ▶ *Supporting delivery of infrastructure...;*
 - ▶ *Supporting climate change mitigation and adaptation...;*
 - ▶ *Having regard to the principles for sustainable land use set out in the Land Use Strategy;*
 - ▶ *Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment...and;*
 - ▶ *Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality".*
- 4.2.8 Policies regarding renewable energy development including wind energy are set out within the SPP at paragraphs 152-174. It is noted that taken together, the NPF3 and the SPP should *"facilitate the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector...efficient supply of low carbon and low cost heat and generation of heat and*

electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities” (paragraph 152-153).

4.2.9 The SPP identifies four planning principles (paragraph 154) related to the delivery of electricity and heat infrastructure, three of which are of relevance to the Proposed Development:

- ▶ *“Support the transformational change to a low carbon economy...;*
- ▶ *Support the development of a diverse range of electricity generation from renewable energy technologies...; and*
- ▶ *Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed... ”*

4.2.10 The SPP states that *“Development plans should seek to ensure an area’s full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations...set out the factors to be taken into account in considering proposals for energy developments. These will depend on the scale of the proposal and its relationship to the surrounding area...” (paragraphs 155, 157).*

4.2.11 The SPP makes it clear that in determining renewable energy proposals, account should be had of relevant wind energy spatial frameworks (being those prepared based on the methodology outlined within SPP) along with the following assessment criteria considerations (paragraph 169):

- ▶ *“Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- ▶ *The scale of contribution to renewable energy generation targets;*
- ▶ *Effect on greenhouse gas emissions;*
- ▶ *Cumulative impacts – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;*
- ▶ *Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
- ▶ *Landscape and visual impacts, including effects on wild land;*
- ▶ *Effects on the natural heritage, including birds;*
- ▶ *Impacts on carbon rich soils, using the carbon calculator;*
- ▶ *Public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;*
- ▶ *Impacts on the historic environment, including scheduled monuments, listed buildings and their settings;*
- ▶ *Impacts on tourism and recreation;*
- ▶ *Impacts on aviation and defence interests and seismological recording;*
- ▶ *Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- ▶ *Impacts on road traffic;*
- ▶ *Impacts on adjacent trunk roads;*
- ▶ *Effects on hydrology, the water environment and flood risk;*

- ▶ *The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- ▶ *Opportunities for energy storage; and*
- ▶ *The need for a robust planning obligation to ensure that operators achieve site restoration”.*

4.2.12 The SPP confirms that development management processes rather than spatial frameworks are the appropriate mechanisms to assess the merits of individual proposals, which should be considered against the full range of environmental, community, and cumulative impacts. The SPP seeks to ensure that wind farms are sited in appropriate locations stating that “*areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities*” (paragraph 170).

4.2.13 Other subject specific policies within the SPP which are of relevance to the Proposed Development are listed in **Table 4.1**.

Table 4.1 Relevant Subject Policies within the Scottish Planning Policy (2014)

| Subject Policy | Overview |
|--|---|
| Promoting Rural Development (Paragraphs 74 – 91) | The SPP identifies planning principles related to sustainable rural development including “...encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality...”. |
| Supporting Business and Employment (Paragraphs 92 – 108) | This section highlights the need to “give due weight to net economic benefit of Proposed Development” (paragraph 93). The SPP identifies energy as one of several key growth sectors which should be appropriately supported through development plans. |
| Valuing the Historic Environment (Paragraphs 135 – 151) | The SPP states that planning should promote the care and protection of the designated and non-designated historic environment and should take account of all aspects of the historic environment. Detailed policy provisions are set out in order to protect and enhance different types of historical assets. |
| Listed Buildings (Paragraph 141) | The SPP states that “where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest...” (paragraph 141). |
| Scheduled Ancient Monuments (Paragraph 145) | The SPP states that “where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances...” (paragraph 145). |
| Gardens and Designed Landscapes (Paragraph 148) | The SPP states that “planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance” (paragraph 148). |
| Archaeology (Paragraph 150) | The SPP states that “planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible”. Insitu preservation is encouraged, but in cases where this is not possible conditions or legal obligations should be used to ensure archaeological assets are recorded and analysed before development proceeds. |
| Non Statutory Historic Assets (Paragraph 151) | In relation to historic assets which are not afforded statutory protection, the SPP states that “planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible” (paragraph 151). |
| Valuing the Natural Environment (Paragraphs 193 - 233) | The SPP identifies a number of planning principles related to natural heritage protection and ecological resilience. Principles (paragraph 194) of relevance to the Proposed Development include that planning should: “Facilitate positive change while maintaining and enhancing distinctive landscape character; Conserve and enhance protected sites and species... Promote protection and improvement of the water environment...in a sustainable and co-ordinated way; Seek to protect soils from damage... |

| Subject Policy | Overview |
|---|---|
| | <p><i>Protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;</i></p> <p><i>Seek benefits for biodiversity from new development where possible...</i></p> |
| <p>Wild Land (Paragraph 215)</p> | <p>The SPP identifies the very sensitive character of identified Wild Land areas and notes that within their boundaries they have “<i>little or no capacity to accept new development</i>” (paragraph 200). However, the SPP further states that “<i>development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation</i>” (paragraph 215).</p> |
| <p>Protecting Designated Sites (Paragraph 196)</p> | <p>The SPP requires designated areas and sites to be identified and appropriately protected through development plans, without the use of buffer zones (paragraph 196). Within the same paragraph the SPP states that “<i>the level of protection given to local designations should not be as high as that given to international or national designations</i>”.</p> |
| <p>Development Management Decisions (Paragraphs 202 - 203)</p> | <p>The SPP states that planning decisions “<i>should take account of potential effects on landscapes and the natural and water environment, including cumulative effects</i>” (paragraph 202). The SPP further states that “<i>planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment</i>” (paragraph 203). It is noted in the same paragraph that whilst effects on statutorily protected sites will be an important consideration, this “<i>does not impose an automatic prohibition on development</i>”.</p> |
| <p>Carbon Rich Soils (Paragraph 209)</p> | <p>The SPP states that “<i>where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions</i>” (paragraph 209). Development should aim to minimise the release of greenhouse gas emissions from peatlands.</p> |
| <p>Non-Native Species (Paragraph 210)</p> | <p>The SPP states that “<i>where non-native species are present on site, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species</i>” (paragraph 210).</p> |
| <p>Protected Species (Paragraph 214)</p> | <p>The SPP notes that “<i>the presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application</i>” (paragraph 214).</p> |

| Subject Policy | Overview |
|--|---|
| Maximising the Benefits of Green Infrastructure (Paragraphs 219 - 233) | The SPP identifies a number of planning principles related to the protection, enhancement and promotion of green infrastructure including core paths and other important routes. |
| Promoting Responsible Extraction of Resources (Paragraphs 234-248) | The SPP sets out development management requirements for proposed borrow pits. These should only be permitted: <ul style="list-style-type: none"> a) <i>“If there are significant environmental or economic benefits compared to obtaining material from local quarries;</i> b) <i>They are time-limited; tied to a particular project; and,</i> c) <i>Appropriate reclamation measures are in place”.</i> |
| Managing Flood Risk & Drainage (Paragraphs 254-268) | The SPP promotes a precautionary approach to flood risk management. Where relevant, flood risk assessments and the deployment of SUDs are required (paragraph 255). |
| Promoting Sustainable Transport and Active Travel (Paragraphs 269-291) | The SPP notes the requirement for development proposals to consider traffic impacts including cumulative effects (paragraph 286). |

Scottish Historic Environment Policy (SHEP)

- 4.2.14 This document sets out Scottish ministers' policies for the historic environment and provides policy direction for Historic Scotland. At paragraph 1.14 the document identifies a number of key principles which underpin SHEP, including that "*there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it*".

National Planning Advice and Circulars

- 4.2.15 National planning policy is supported by numerous Planning Circulars, Planning Advice Notes (PANs), Advice Sheets and Ministerial/Chief Planner Letters to Planning Authorities. Planning Circulars contain guidance on policy implementation through legislative or procedural change, while PANs expand on national policy and incorporate best practice advice.
- 4.2.16 The following Scottish Government/Scottish Natural Heritage Planning Circulars and Advice documents are considered to be of relevance to the Proposed Development:
- ▶ PAN 1/2013: Environmental Impact Assessment (August 2013);
 - ▶ Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations (June 2015);
 - ▶ Onshore Wind – Some Questions Answered (December 2014);
 - ▶ Online Renewables Planning Advice regarding Onshore Wind Turbines (last updated May 2014);
 - ▶ Online Planning Advice regarding Flood Risk (published 18th June 2015);
 - ▶ PAN 2/2011 Planning and Archaeology (July 2011);
 - ▶ PAN 1/2011 Planning and Noise (March 2011);
 - ▶ PAN 60 Planning for Natural Heritage (2000, revised January 2008);
 - ▶ PAN 81 Community Engagement (March 2007);
 - ▶ PAN 51 Planning, Environmental Protection and Regulation (Revised October 2006);
 - ▶ PAN 79 Water and Drainage (September 2006);
 - ▶ PAN 75 Planning for Transport (August 2005);
 - ▶ PAN 68 Design Statements (August 2003); and
 - ▶ PAN 61 Planning and Sustainable Urban Drainage Systems (July 2001).
- 4.2.17 Of particular relevance are the Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations guidance published by Scottish Natural Heritage in June 2015, the Scottish Government's Onshore Wind – Some Questions Answered website and the Online Renewables Planning Advice regarding Onshore Wind Turbines (last updated 28th May 2014)¹⁰.

Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations (SNH, June 2015)

- 4.2.18 Part 3 – Development Management within this guidance document identifies natural heritage considerations relevant to the determination of applications for wind energy developments. While

¹⁰ The Scottish Government have confirmed that parts of this advice document remain relevant despite the fact that the document pre-dates the publication of the SPP (2014). The areas of this advice document which are no longer relevant refer to "*spatial framework*", "*spatial planning*" and "*areas of search*".

the document does not set out any new policy positions or technical requirements for applicants, it highlights the general importance of natural heritage considerations, cross matches existing policy requirements with available guidance documents and provides helpful clarification.

- 4.2.19 In relation to the impacts of wind energy development on carbon rich soils, deep peat and priority peatland habitat, the document notes that the carbon rich soils, deep peat and priority peatland habitat map currently being prepared by SNH (publication expected early July 2015) "*cannot (and should not) be used in isolation to determine the impacts of a specific development proposal on peat. This should be based on a detailed, site specific survey of peatland habitats and peat depths across the site using existing methods...*"

Onshore Wind – Some Questions Answered

- 4.2.20 This online document provides guidance regarding the implementation of technical aspects of the SPP (2014) related to onshore wind energy planning. In particular, the website:
- ▶ Clarifies that landscape capacity studies do not form part of spatial frameworks for wind as defined in the SPP. However they can be "*supportive studies*" for development planning and development management purposes;
 - ▶ Explains that deep peat and carbon rich soil mapping currently being prepared by SNH will be able to map these resources for inclusion within wind energy spatial frameworks;
 - ▶ Contains guidance regarding how local and strategic development planning authorities should prepare wind energy spatial frameworks and how community separation distances should be applied within these frameworks. In this regard it is noted that the application of a separation distance on a wind energy spatial framework "*is not a ban on wind farm development in the identified area*" and separation distances should be defined on an individual basis taking account of local topography, landscape and built environment features;
 - ▶ States that the sites of proposed wind farms should be suitable for use in perpetuity, even where an individual wind farm proposal may have an operational life span specified by condition; and
 - ▶ Clarifies that the term 'wild land' refers specifically to the SNH Map of Wild land areas (2014). Whereas the SPP at paragraph 200 describes "*the general characteristics of wild land*".

Online Renewables Planning Advice regarding Onshore Wind Turbines

- 4.2.21 This document provides advice relating to a number of considerations in the determination of applications for wind energy developments, as summarised below:
- ▶ Landscape Assessment - an assessment of the individual and cumulative landscape impacts should be carried out to identify where the wind farm may be seen from;
 - ▶ Landscape Impact - an assessment of development impacts on the skyline and landscape character should be conducted;
 - ▶ Impacts on Wildlife and Habitat, Ecosystems and Biodiversity - the potential for a development to both positively and negatively impact on the wildlife, habitats, ecosystems and biodiversity of an area should be assessed and mitigation implemented if appropriate. Risk needs to be quantified which may include carbon release calculations associated with impact on peat, bird collision, displacement and disturbance;
 - ▶ Buffer zones - Buffer zones should not be established around areas designated for their natural heritage importance and proposals should be considered on their merits;
 - ▶ Impact on Communities - consideration should be given to the impact on communities including shadow flicker, noise, electro-magnetic interference, and ice throw;
 - ▶ Separation Distances - individual developments should take into account specific local circumstances and geography. It is noted that the recommended separation distance of up to

2km between wind farms and the edge of settlements “*is a guide not a rule and decisions on individual developments should take into account specific local circumstances and geography*”. The document further confirms that “*there is no guide distance between established and proposed groups of wind turbines*”;

- ▶ Aviation Matters - consideration should be given to potential impacts on aviation safeguarding, including adverse effects on radar and communication systems;
- ▶ Military Aviation and Other Defence Matters - consideration should be given to the impact on military aviation, particularly within low flying zones, and other activities within defence establishments;
- ▶ Historic Environment Impacts - consideration should be given to the potential direct and/or indirect impacts of the Proposed Development on built and natural heritage;
- ▶ Road Traffic Impacts – the potential impact on road traffic should be assessed and turbines should be set back from roads and railways in order to ensure safety and minimise driver distraction;
- ▶ Cumulative Impacts - an assessment of the cumulative impact should be carried out considering capacity, scale and pattern of the turbines. Ancillary developments including tracks and power lines are of relevance. The significance of the landscape and the views, proximity and inter-visibility and the sensitivity of visual receptors should also be considered; and
- ▶ Good practice techniques should be followed to minimise impacts during wind farm construction and decommissioning.

4.3 Development Plan

4.3.1 The current Development Plan applicable to the Development Site comprises:

- ▶ The Approved Ayrshire Joint Structure Plan 2007; and
- ▶ The Adopted East Ayrshire Local Plan 2010.

4.3.2 It should be noted that both plans are due to be superseded by the East Ayrshire Local Development Plan, currently at Proposed Plan stage. This is considered further in Section 4.4.

Approved Ayrshire Joint Structure Plan (2007)

4.3.3 In considering the relevance of the Ayrshire Joint Structure Plan (2007) (‘the Structure Plan’) it must firstly be noted that this plan predates both current national planning policies (i.e. the SPP and NPF3, published June 2014) and also the previous version of SPP (published February 2010). In this regard the SPP (paragraph 33) states that where a Development Plan is more than five years old it is considered to be out of date. As such, where the Structure Plan conflicts with current national planning policies only limited weight should be afforded to the requisite Structure Plan policies.

4.3.4 The Structure Plan seeks to provide a strategic land use context to guide development across Ayrshire up to 2025. The introduction to the plan identifies a number of challenges which must be overcome within the region, including the need to take action to mitigate climate change alongside the requirement to demonstrate environmental stewardship protecting and enhancing biodiversity, geodiversity, landscapes and cultural assets.

4.3.5 The Structure Plan is framed around five objectives, three of which are relevant to the Proposed Development:

- ▶ “*To support measures that encourage economic development underpinned by a sustainable economy;*”

- ▶ *To develop strong and vibrant communities by realising their potential for regeneration and growth and through the promotion of appropriate development for rural areas;*
- ▶ *To safeguard and enhance the quality of the environment”.*

4.3.6 The Structure Plan acknowledges that Ayrshire has “*significant renewable energy resources and is well placed to exploit its generation and use*” (paragraph 43), with employment associated with renewable energy having the potential to “*create significant opportunities for the area*” (paragraph 42).

4.3.7 The Economic Investment map (page 16) identifies a number of “*areas of search for large-scale wind farms*”. The geographical extent of the areas of search shown on this map cannot accurately be determined due to the map’s schematic nature and low resolution, but it appears that the Development Site is not located within an identified area of search. It should be noted that this spatial framework predates the SPP (June 2014) methodology for a wind energy spatial framework.

4.3.8 The key policies within the Structure Plan of relevance to the Proposed Development are Policy ECON 6 - Renewable Energy and Policy ECON 7 - Wind Farms.

4.3.9 Policy ECON 6 - Renewable Energy encourages proposals for the generation and utilisation of renewable energy. The policy explains that renewable energy proposals should conform to the structure plan and should have no significant adverse impacts, including cumulative impacts, or infrastructure constraints. Policy ECON 6 also states that the design of renewable energy developments should be sensitive to landscape character, biodiversity and cultural heritage.

4.3.10 Criterion (e) of Structure Plan Policy ECON 7 states that proposed wind energy outside identified Areas of Search be assessed against the following constraints, taking into account both positive and negative impacts and the effect of mitigation measures:

- ▶ *“Historic Environment;*
- ▶ *Areas designated for their regional and local natural heritage value;*
- ▶ *Tourism and recreational interests;*
- ▶ *Communities;*
- ▶ *Buffer Zones;*
- ▶ *Aviation and Defence interests; and*
- ▶ *Broadcasting Installations”.*

4.3.11 Criterion (f) states that proposals affecting designated 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*”.

4.3.12 Criterion (g) of Policy ECON 7 states that where appropriate, the following criteria will be used to assess development proposals:

- ▶ The cumulative impact of wind energy developments;
- ▶ Grid capacity;
- ▶ Landscape & visual impacts;
- ▶ Impacts on the historic environment;
- ▶ Ecological impacts;
- ▶ Impacts on hydrology;
- ▶ Amenity impacts on communities;
- ▶ Impacts on aviation safeguarding and telecommunications

- 4.3.13 An addendum to the Technical Report informing ECON 7 was published in 2009, Addendum to Ayrshire Joint Structure Plan Technical Report TR03/2006: Renewables (2009). This document does not form part of the Development Plan, but is a material consideration which is used by East Ayrshire Council in the assessment of wind farm applications. Of note, the indicative wind energy spatial framework contained within the Technical Report predates the SPP (June 2014). Thus while the methodology applied within the Technical Report is broadly in accordance with the SPP6 (2007, superseded 2010) identifying “*broad areas of search*”, “*areas of significant protection*” and “*areas of potential constraint*” it does not reflect current national policy. According to the Addendum to Ayrshire Joint Structure Plan Technical Report TR03/2006: Renewables (2009), the Development Site appears to be located within an area of potential constraint.
- 4.3.14 All Structure Plan policies of relevance to the Proposed Development are listed in **Table 4.2** and outlined in **Appendix A**.

Table 4.2 Relevant Policies within the Ayrshire Joint Structure Plan (2007)

| Policy Reference | Policy Title |
|------------------|--|
| Policy STRAT 1 | Sustainable Development (in particular Schedule 1) |
| Policy ECON 6 | Renewable Energy |
| Policy ECON 7 | Wind Farms |
| Policy ECON 14 | Rural Diversification |
| Policy ENV1 | Landscape Quality |
| Policy ENV2 | Landscape Protection |
| Policy ENV6 | Protection of the Built Heritage |
| Policy ENV7 | Natural Heritage Designations |
| Policy ENV8 | Flooding |
| Policy ENV11 | Air, Noise and Light Pollution |

East Ayrshire Local Plan (2010)

- 4.3.15 The East Ayrshire Local Plan 2010 (the Local Plan) was adopted by East Ayrshire Council on 26th October 2010. Volume 1 of the Local Plan sets out an overall strategy for the development of East Ayrshire up to 2017.
- 4.3.16 The Local Plan is focused around achieving a single primary strategic aim, which is: “*to promote sustainable development, to maximise the economic potential of East Ayrshire and to improve the quality of life of its residents*”. Around this, a further nine specific aims to frame proposals and policies have been identified and the following five are of relevance to the Proposed Development:
- ▶ “*To maintain and improve the integrity, vitality and viability of the area’s settlements and their rural settings (AIM 2);*
 - ▶ *To facilitate the expansion and diversification of the East Ayrshire economy and to maximise the economic potential of the area for industrial, business, commercial and tourism development (AIM3);*
 - ▶ *To protect, conserve and enhance the character, appearance and amenity of East Ayrshire, especially as regards its landscape quality, the built and natural environment and areas of natural heritage and built heritage importance (AIM 4);*
 - ▶ *To promote appropriate development in rural areas (AIM8); and*

- ▶ *To address the threat posed by climate change, to encourage the more efficient use of resources, to reduce energy consumption and CO₂ emissions and to facilitate the development of renewable sources of energy (AIM9)*”.
- 4.3.17 The Rural Area Map, in line with the Structure Plan, identifies the Development Site as being located within a Sensitive Landscape Area and not within an ‘area of search for large scale windfarm development’. As per the Structure Plan, the Local Plan and its spatial framework for wind energy predates the SPP (June 2014).
- 4.3.18 The key policies within the Local Plan which are relevant to the Proposed Development are Policies CS12 – Renewable Energy Developments (General) and CS14 - Wind Energy Development. It is therefore considered that in relation to the Local Plan the Proposed Development should primarily be tested for its accordence with these policies.
- 4.3.19 Policy CS12 includes a presumption in favour of renewable energy development subject to demonstrating no significant, unacceptable adverse impact, including adverse cumulative impacts:
- ▶ *“On any registered statutory or non-statutory sites of nature conservation interest;*
 - ▶ *On the amenity of nearby communities or sensitive establishments;*
 - ▶ *On any recognised built heritage resources;*
 - ▶ *On the visual amenity of the area; and*
 - ▶ *On existing infrastructure.”*
- 4.3.20 Policy CS12 also requires developers to demonstrate *“there will be no unacceptable adverse environmental impact caused by the proposed connections linking the Proposed Development with the national grid and the surrounding road network”*.
- 4.3.21 Policy CS14 - Wind Energy Developments states that wind energy developments will be assessed against criteria specified within the Structure Plan Policy ECON 7 and against any future supplementary planning guidance to be prepared relating to cumulative impact.
- 4.3.22 Other Local Plan policies which are potentially of relevance to the Proposed Development are listed in **Table 4.3** and outlined in **Appendix A**. These policies largely relate to general development proposals rather than to renewable energy proposals, so in some cases are only of limited relevance to the Proposed Development.

Table 4.3 Relevant Policies within the East Ayrshire Local Plan (2010)

| Policy Reference | Policy Title |
|------------------------|--|
| Policy SD1 | General Strategic Policy |
| Policy CS15 | Renewable Energy Fund |
| Policy CS16 | Removal of Turbine Requirement |
| Strategic Policy ENV1 | Built Heritage |
| Strategic Policy ENV2 | Natural Heritage |
| Strategic Policy ENV 3 | Strategic Policy ENV 3 – Sensitive Landscape Areas |
| Policy ENV4 | Listed Buildings |
| Policy ENV6 | Ancient Monuments and Archaeology |
| Policy ENV8 | Historic Gardens and Designed Landscapes |
| Policy ENV13 | Natural Heritage |
| Policy ENV15 | Natural Heritage |

| Policy Reference | Policy Title |
|------------------|--|
| Policy ENV16 | Landscape Character |
| Policy ENV17 | Land in Rural Areas |
| Policy ENV21 | Flooding |
| Policy ENV24 | Water Environment |
| Policy ENV25 | Air Quality, Noise and Light Pollution |
| Policy ENV26 | Noise |
| Policy T3 | Roads |
| Policy T5 | Section 75 Agreement |
| Policy T9 | Rights of Way |

4.4 Other Material Considerations

East Ayrshire Local Development Plan

- 4.4.1 East Ayrshire Council is currently preparing a Local Development Plan (LDP), which once adopted will constitute the statutory Development Plan for East Ayrshire and will replace the current Structure Plan and Local Plan. The LDP Proposed Plan was subject to public consultation from 13th March 2015 – 24th April 2015 and is expected to undergo a formal examination by Reporters appointed by Scottish Ministers in Autumn 2015. During the consultation period the Applicant submitted detailed representations regarding the East Ayrshire LDP Proposed Plan; these are set out in full within **Appendix C** and discussed in relation to relevant environmental topics within **section 5**.
- 4.4.2 The LDP Proposed Plan sets out a vision statement (paragraph 2.13) for ‘The Rural Area’ of East Ayrshire, which the Development Site lies within:
- 4.4.3 *“The rural area of East Ayrshire will be one of its most valuable assets. Limited housing and business development will have taken place to sustain the rural economy and sympathetic tourism opportunities will have been developed attracting more people into the area. Whilst wind energy development will have taken place to ensure that East Ayrshire plays its part in contributing towards a low carbon Scotland, this will not dominate or adversely affect the attractiveness of the rural area and its value as a setting for East Ayrshire’s towns and villages or its ability to attract new residents, businesses and visitors.”*
- 4.4.4 The LDP Proposed Plan contains a number of policies of relevance along with a proposed wind energy spatial framework. Of note, Policy OP1: Overarching Policy sets out a number of criteria relating to general environmental and amenity issues which should be considered in the determination of all development proposals. Policy TOUR4: The Dark Sky Park sets out assessment criteria for development proposals located within the Galloway Forest Dark Sky Park, including the Transition Area extending 10km radius from the Park which the Development Site lies on the edge of.
- 4.4.5 Policy RE1 Renewable Energy Developments sets out the overarching criteria for all renewable energy proposals. This policy states that such proposals will be supported by the Council “*where it can be demonstrated that there will be no unacceptable significant adverse impacts on all of the relevant Renewable Energy Assessment Criteria set out in Schedule 1 of the LDP, that the scale of the proposal and its relationship with the surrounding area are appropriate and that all other relevant LDP policies are met...*”. The assessment criteria listed in Schedule 1 to the LDP Proposed Plan relate closely to the development management criteria for renewable energy proposals listed within the SPP (see Section 5.2 above).

- 4.4.6 Map 12 of the LDP Proposed Plan sets out a spatial framework for wind energy development above 50m in height. In line with the SPP (June 2014) this spatial framework identifies three groups of areas:
- ▶ Group 1: Areas where development will not be acceptable (only applicable to National Parks and National Scenic Areas, none are located within East Ayrshire);
 - ▶ Group 2: Areas of significant protection; and
 - ▶ Group 3: Areas with potential for development.
- 4.4.7 The Development Site covers areas identified within Group 3 and Group 2. In relation to the proposed spatial framework, Policy RE3: Wind Energy Proposals over 50 Metres in Height states that significant protection will be afforded to Group 2 areas. In these areas wind energy developments must demonstrate that *“any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation and where the proposal is acceptable in terms of all applicable Renewable Energy criteria set out in Schedule 1”*. Policy RE3 also provides support for proposed wind energy developments in Group 3 areas *“where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1”*.
- 4.4.8 Policy RE4: The Cumulative Impact of Wind Energy Proposals highlights that the cumulative impact arising from wind energy developments is listed as an assessment criteria in Schedule 1 to the LDP Proposed Plan. Similarly, Policy RE5: Wind Energy and the Landscape highlights that landscape impacts arising from wind energy development is listed as an assessment criteria in Schedule 1 to the LDP Proposed Plan. This policy also draws attention to the East Ayrshire Landscape Wind Capacity Study.
- 4.4.9 All other (subject specific) proposed policies of relevance to the Proposed Development are listed in **Table 4.4** and outlined in **Appendix B**.

Table 4.4 Relevant Proposed Policies within the East Ayrshire LDP Proposed Plan

| Proposed Policy Reference | Proposed Policy Title |
|----------------------------------|--|
| Policy RE7 | Removal of Wind Turbines |
| Policy RE8 | Community Benefits |
| Policy RE9 | Financial Guarantees |
| Policy RE10 | Compliance Monitoring |
| Policy RES11 | Residential Amenity |
| Policy TOUR 4 | The Dark Sky Park |
| Policy TOUR5 | Galloway and Southern Ayrshire Biosphere |
| Policy ENV1 | Listed Buildings |
| Policy ENV2 | Scheduled Monuments and Archaeological Resources |
| Policy ENV4 | Gardens and Designed Landscapes |
| Policy ENV6 | Nature Conservation |
| Policy ENV7 | Wild Land and Sensitive Landscape Areas |
| Policy ENV8 | Protecting and Enhancing the Landscape |
| Policy ENV9 | Trees, Woodland and Forestry |
| Policy ENV10 | Carbon Rich Soils |
| Policy ENV11 | Flood Prevention |

| Proposed Policy Reference | Proposed Policy Title |
|---------------------------|---|
| Policy ENV12 | Water, Air and Light and Noise Pollution |
| Policy T4 | Development and Protection of Core Paths and Natural Routes |

East Ayrshire LDP Draft Supplementary Guidance

4.4.10 Once adopted, the East Ayrshire LDP Proposed Plan will be supported by a set of statutory and non-statutory Supplementary Guidance documents. Three draft Supplementary Guidance documents were published for consultation alongside the East Ayrshire LDP Proposed Plan, of which two, 'Planning for Wind Energy' and 'Financial Guarantees' are of relevance to the Proposed Development.

Planning for Wind Energy Draft Supplementary Guidance

4.4.11 This draft document supports the implementation of proposed policies RE3-RE6 within the East Ayrshire LDP by clarifying the criteria against which proposed medium and large scale wind energy development will be assessed. The document was subject to public consultation in tandem with the East Ayrshire LDP Proposed Plan, and during this period the Applicant submitted detailed representations regarding it (see **Appendix C**).

4.4.12 In Section 1.3 it is noted that "*a broad upland arc*" running around the eastern and south-eastern edges of East Ayrshire represents a landscape type commonly associated with wind energy development. The Development Site is located within this upland arc.

4.4.13 Table 2 within the document lists individual constraints within East Ayrshire relevant to the spatial framework methodology set out in Table 1 of the SPP. A footnote to Table 2 of the document states that on the advice of SNH, category 6 (deep peat) and category 5 (deep peat and other carbon rich soils) areas as shown on the 1:250,000 Soil carbon richness map have been considered as constraints. The use of this mapping is discussed further in section 5.11 of this Planning Statement. All of the identified constraints are mapped in Map 3 to produce the proposed wind energy spatial framework for East Ayrshire. Section 2.3 of the document clarifies the implications of the proposed wind energy spatial framework for wind energy proposals. It is noted that only Group 1 areas are to be afforded a presumption against wind energy development and that "*whilst group 2 areas are to be given significant protection, there may be limited opportunities for sensitively sited wind energy proposals, where it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation, through assessment against the criteria listed in Schedule 1 of the Plan. Within Group 3 areas, proposals will be supported where it can be demonstrated that they are acceptable in terms of the criteria listed in Schedule 1 of the Plan and detailed in Section 3 below*".

4.4.14 Section 3 then sets out detailed criteria and information requirements to be considered in the determination of wind energy planning applications (and section 36 applications). Criteria of relevance to the section 36 application for the Proposed Development are:

- ▶ Wind energy applications should be supported by an LVIA, which "*must follow best practice in the selection of viewpoint locations and in the preparation of photomontage/panoramic images. (Visual representation of wind farms (SNH – July 2014)*". Viewpoints considered within the LVIA must be agreed with the Council and for larger schemes should be discussed with SNH.
- ▶ Applicants should have regard to the East Ayrshire Landscape Wind Capacity Study (2013), which constitutes approved non-statutory supplementary guidance. The study is referred to within ES **Chapter 9 – LVIA** and within this Planning Statement as the 'EAWLCS'.
- ▶ The document summarises the key messages from the EAWLCS as being that "*turbines over 50 metres should be directed to the less sensitive parts of East Ayrshire's uplands...wind energy development should not compromise the most valuable features of the East Ayrshire*

upland landscape, and...should not result in unacceptable cumulative impacts when taken together with other developments”.

- ▶ It is stated on page 12 that the EAWLCS (2013) identifies areas with High and High-Medium sensitivity to turbine development of 70m+ and 50-70m. Maps 3 and 4 within this document then indicate the sensitivity of landscape character area across East Ayrshire. However, whilst Map 3 identifies the Development Site as having high sensitivity to 70m+ turbines the EAWLCS assigns a lower High-medium sensitivity to the same area, and no other sensitivity changes appear to have occurred between the EAWLCS (2013) and Map 3 of this document. As set out in the applicant's representation (see **Appendix C**) regarding Map 14 and Proposed Policy RE5 within the East Ayrshire LDP Proposed Plan (2015), it is presumed that this apparent change of sensitivity is simply an unintended GIS mistake. This inconsistency is discussed further within **section 5.2** of this Planning Statement.
- ▶ Page 15 of the document identifies the key conclusions of the EAWLCS as being that *“landscapes identified as having a high sensitivity to development have no scope to accommodate that scale of development...landscapes identified as having a high-medium sensitivity to development have very limited scope to accommodate that scale of development...”*.
- ▶ Section 3.1.2 sets out detailed guidance regarding the assessment of cumulative impacts from wind energy developments within LVIAs.
- ▶ In relation to carbon rich soils, section 3.1.3 states that *“areas of carbon rich soils, deep peat and priority peatland habitats are identified within the spatial framework as areas requiring special protection. In line with Policy RE3 of the LDP, any proposal in such an area will only be permitted where any significant effects on the environmental quality of such soils can be substantially overcome by siting, design or mitigation”*. This section also requires developments on peatlands to utilise the Scottish Government's carbon calculator to balance predicted carbon savings and losses.
- ▶ Sections 3.1.4 – 3.3.3 state that applicants should fully assess impacts on natural heritage, historic environment features, water quality, flood risk, net total annual CO₂ savings, residential amenity (noise, shadow flicker and visual dominance), relevant tourism receptors, the local economy (including employment and wider socio-economic benefits), aviation and defence interests (particularly Glasgow Prestwick Airport), traffic levels and the functioning of the road network, and broadcasting installations.
- ▶ Section 3.3.4 notes that period(s) of inactivity or reduced output from turbines may be required to control cumulative noise and/or shadow flicker impacts, and that this must be taken account of when determining the renewable energy benefits of a proposed wind energy development.
- ▶ Section 3.3.5 sets out guidance for the siting and design of infrastructure and ancillary work and notes that the impacts of this development will be considered in the determination of proposals.
- ▶ Section 3.3.6 requires all applications to be accompanied by a sufficiently detailed restoration programme, the details of which will be secured through a section 75 obligation.
- ▶ Section 5 details a checklist of required environmental and other information which must be provided in support of applications for wind energy development.

Financial Guarantees Draft Supplementary Guidance

- 4.4.15 This draft document provides guidance to support proposed policy RE9, which seeks to ensure suitable financial guarantees are in place for certain development types including wind energy developments to ensure that all decommissioning, restoration and aftercare obligations can be fully met. Section 3 of the document sets out East Ayrshire Council's proposed process for independently valuing the costs associated with decommissioning and restoration of a proposed development and for securing financial guarantees from applicants.

East Ayrshire Landscape Wind Capacity Study (2013)

- 4.4.16 This study considers the sensitivity of landscape character types within East Ayrshire to a range of wind turbine developments. The document has been approved as non-statutory Supplementary Guidance by East Ayrshire Council and is intended to serve both as a tool for the preparation of East Ayrshire's emerging Local Development Plan (LDP) and as a material consideration within the determination of relevant applications.
- 4.4.17 Within this study the 'large' typology covers all wind turbines with a blade tip height of 70m or higher and therefore is applicable to the Proposed Development. Map 3 within the document indicates that the Development Site lies predominantly within the Southern Uplands landscape character type (20a), although north eastern parts of the Development Site are located within the Upland Basin landscape character type (15) and the southern extent of the Development Site borders the Southern Uplands & Forestry landscape character type (20c). Sections 4-15 of the document provides details regarding the landscape sensitivity of each of the landscape character areas identified in Map 3.
- 4.4.18 In relation to spatial frameworks this document identifies recommended search areas for large and medium typology wind energy developments, based exclusively on a landscape capacity assessment rather than also considering other technical and environmental constraints or taking account of factors such as wind yields. The recommended search areas only considered the sensitivity of individual landscape character areas to wind energy development, and potential cumulative landscape and visual impacts from further wind energy development.
- 4.4.19 The Development Site is largely located within a recommended area of search for medium typology (50-70m tip height) wind energy development as it largely falls within landscape character areas which have been assessed as having medium or lower landscape sensitivity. A small area at the north west corner of the Development Site is located within a recommended area of search for large typology (>70m tip height), while a small area at the north east corner is located outwith the recommended area of search for medium or large typology wind energy development. It should be noted that turbines are not proposed to be located within either the north west or north east of the Development Site.
- 4.4.20 It should be noted that the methodology which underpins the recommended spatial framework in this document is not consistent with the approach outlined in SPP (June 2014). As such, this document does not represent a spatial framework for wind energy developments for the purposes of complying with the SPP at paragraph 161.

Dumfries & Galloway Council Development Plan

- 4.4.21 Although the Proposed Development is located within the East Ayrshire Council area, the Dumfries and Galloway Development Plan is a material consideration considering the relative proximity of the Development Site to the Dumfries & Galloway Council boundary. The Dumfries and Galloway Development Plan comprises the Dumfries & Galloway Local Development Plan (adopted 2014) and associated Statutory Supplementary Guidance.
- 4.4.22 Policies of relevance within the Dumfries and Galloway LDP include Policy: IN1 Renewable Energy and Policy IN2: Wind Energy Development (Part 1 Assessment of Windfarm Proposals only). The relevant sections of Policy IN1 seeks to protect environmental receptors including the landscape, cultural and natural heritage, water and fishing interests, air quality and general amenity from unacceptable significant adverse impact. Part 1 of Policy IN2 provides additional relevant assessment criteria including:

“...Landscape and visual impact:

- 4.4.23 *The extent to which the proposal addresses the guidance contained in the Dumfries and Galloway Windfarm Landscape Capacity Study.*
- 4.4.24 *The extent to which the landscape is capable of accommodating the development without significant detrimental impact on landscape character or visual amenity.*

- 4.4.25 *That the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it fully addresses the potential for mitigation.*

Cumulative Impact

- 4.4.26 *The extent of any detrimental landscape or visual impact from two or more wind energy developments and the potential for mitigation.*

Impact on local communities

- 4.4.27 *The extent of any detrimental impact on communities and local amenity including assessment of the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.*

Impact on Aviation and Defence Interests

- 4.4.28 *The extent to which the proposal addresses any impacts arising from location within an area subject to potential aviation and defence constraints including the Eskdalemuir Safeguard Area.*

Other Impacts and considerations

- 4.4.29 *a) The extent to which the proposal avoids or adequately resolves any other significant adverse impact including: - on the natural and historic environment, cultural heritage, biodiversity; forest and woodlands; and tourism and recreational interests..."*
- 4.4.30 **Table 4.5** lists other policies within the Dumfries and Galloway LDP which are of relevance to the Proposed Development. The policies are outlined in **Appendix A**.

Table 4.5 Relevant Policies within the Dumfries and Galloway LDP

| Policy Reference | Policy Title |
|------------------|--|
| Policy OP1 | Development Considerations |
| Policy ED11 | Galloway and Southern Ayrshire Biosphere |
| Policy ED12 | Dark Sky Park |
| Policy HE1 | Listed Buildings |
| Policy HE6 | Historic Gardens and Designed Landscapes |
| Policy NE2 | Regional Scenic Areas |
| Policy NE3 | Sites of International Importance for Biodiversity |
| Policy NE4 | Species of International Importance |
| Policy NE5 | Sites of National Importance for Biodiversity and Geodiversity |
| Policy NE11 | Supporting the Water Environment |
| Policy CF4 | Access Routes |

Dumfries and Galloway Statutory Supplementary Guidance

- 4.4.31 The Dumfries and Galloway LDP is supported by multiple statutory Supplementary Guidance Documents. Of these, the Part 1 Wind Energy Development: Development Management Considerations including landscape capacity appendices is of relevance to the Proposed Development. Similar to the draft East Ayrshire Planning for Wind Energy Supplementary Guidance, this document provides guidance regarding potential environmental and other impacts which should be assessed through the EIA process or through other supporting documents.

4.4.32

On 5th August 2015 Dumfries and Galloway Council formally adopted the Dark Sky Park Friendly Lighting Supplementary Guidance (as part of the Dumfries & Galloway Development Plan. This statutory Supplementary Guidance provides guidance on good lighting practice within the Galloway Forest Dark Sky Park, including the Transition Area which the Development Site lies on the edge of. It provides further details on the implementation of LDP Policy ED12: Dark Sky Park within the adopted Dumfries & Galloway LDP (2014). This Supplementary Guidance is considered relevant to the Proposed Development given that East Ayrshire Council has not prepared its own guidance regarding the Transition Area of the Galloway Forest Dark Sky Park.

5. Planning Assessment

5.1 Introduction

- 5.1.1 This section of the Planning Statement provides an assessment of the Proposed Development against relevant national and Development Plan policies and other relevant considerations (as set out in Sections 3 and 4).
- 5.1.2 Having regard to the nature and location of the Proposed Development, the pre-application consultations which have taken place, the Development Site history, the relevant energy and planning policy context, and the information contained within the ES, it is considered that the key issues for the determination of this section 36 application are:
- ▶ The need for the Proposed Development, in the context of international and national climate change and renewable energy policy frameworks and targets;
 - ▶ The acceptability of the Proposed Development's environmental and other impacts; and,
 - ▶ The conformity of the Proposed Development with relevant national and Development Plan policies, as well as with other planning policies, guidance and relevant considerations. When determining the section 36 application for the Proposed Development all sections and policies of development plans must be read as a whole. This is due to potential tensions between the objectives behind individual policy criteria meaning a planning balance assessment is required. The potential non-conformity of a development proposal with individual policy criteria does not prevent the development proposal according with the Development Plan in overall terms.
- 5.1.3 The identification of individual 'significant' (in EIA terms) environmental effects does not itself preclude development from taking place, rather it is the acceptability of all predicted impacts in environmental and planning policy terms which must be considered and weighed against the benefits in the overall planning balance. Therefore, providing that all three of the issues identified above can be satisfactorily addressed it is considered that the Proposed Development should be authorised through the granting of section 36 consent and deemed planning permission. These issues are addressed in Sections 5.2 – 5.10 below in relation to relevant individual environmental topics, before being considered as a whole in relation to climate change & renewable energy and sustainable development in Sections 5.11 and 5.12 respectively.

5.2 Landscape & Visual

- 5.2.1 A detailed assessment of predicted landscape and visual effects is provided in **Chapter 9 – Landscape & Visual Assessment (LVIA)** of the ES. The assessment identifies predicted changes to landscape and visual elements, qualities and receptors from the baseline position. At the outset it should be noted that the methodology underpinning the LVIA undertaken for the Proposed Development complies with relevant guidance detailed within the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document as well as all other relevant guidance and standards.

Landscape Character and Fabric

Baseline – Host Landscape

- 5.2.2 According to the East Ayrshire Wind Landscape Capacity (referred to within **Chapter 9** of the ES and within this Planning Statement as 'the EAWLCS' [2013]) the Development Site straddles four landscape character types (LCT) and multiple landscape character area (LCA) sub-divisions within these:

- ▶ Five proposed turbines fall within the Southern Uplands and Forestry LCT boundary. The EAWLCS identifies defining features of this LCT including rounded hills with coniferous forestry cover, a limited number of open summits with views from the Doon Valley and “a *very sparsely settled landscape*”. The EAWLCS notes that within this LCT “*turbines should be set well back from the more sensitive western edges of these uplands and should avoid significant impact on the setting of Loch Doon and the upper Doon valley including the settlement of Dalmellington*”;
- ▶ 14 proposed turbines fall within or on the boundary of the Southern Uplands LCT (without forestry). The EAWLCS identifies defining features of this LCT including hills forming prominent skylines when viewed from Glen Afton, a not-settled landscape with high visibility from settlements and roads within the adjacent Upland Basin LCT, and “*steep-sided, rugged open hills strongly containing the Upland Glen (14) of Glen Afton and providing a dramatic backdrop to the low-lying Upland Basin*”;
- ▶ Small areas of the Development Site, but excluding any proposed turbines, fall within the Upland Basin & Forest and Opencast Mining LCTs.

5.2.3 Whilst the Development Site is wholly located within East Ayrshire, the Dumfries & Galloway Wind Landscape Capacity Study (DGWLCS) (2011) recognises that the Southern Uplands with Forestry LCT straddles the administrative boundary between East Ayrshire and Dumfries & Galloway. This study states that the Southern Uplands with Forestry LCT (19a) has “*low*” sensitivity to both medium and large typology wind farm development and therefore the LCT has scope to accommodate “*multiple large and medium typologies*”.

5.2.4 In recognition of the sensitivity level afforded to the Southern Uplands with Forestry LCT within the DGWLCS, the Applicant submitted detailed representations in respect of the East Ayrshire LDP Proposed Plan (2015) recommending that Map 14 within the document should be modified to assign a “Medium” sensitivity to the Southern Uplands with Forestry LCT around Windy Standard, Benbrack, Prickeny Hill and Enoch Hill in respect of large typology wind energy developments (see full representation in **Appendix C**). The Applicant has recommended that the area of the Southern Uplands with Forestry LCT within East Ayrshire should be assigned a “Medium” rather than low sensitivity rating due to the acknowledged gradual landscape sensitivity gradient which exists between the Carsphairn Forest in the south and the Upland Basin LCT in the north.

5.2.5 At the outset of the LVIA relevant LCTs identified within the EAWLCS (2013) were reviewed and resurveyed at a detailed local level. Two modifications were subsequently proposed through the LVIA process (see **Figure 9.17** within the ES). The first proposed modification is that part of the Upland Basin & Forest LCT should be reclassified as Upland Basin with Open Cast Mining LCT to reflect the presence of open cast mining. The second proposed modification is that all of the southern part of the Development Site should be reclassified as Southern Uplands with Forestry LCT due to its close proximity to coniferous forestry and the resulting influence of forestry on this landscape. A detailed comparison between the Southern Uplands LCT (without forestry), Southern Uplands LCT with forestry and the southern part of the Development Site is provided in **Table 9.7** of the ES. With these modifications, all of the proposed turbines would be located within the Southern Uplands and Forestry LCT.

5.2.6 The EAWLCS concludes that the Southern Uplands and Forestry LCT has *high-medium* sensitivity to large typology turbines (>70m to blade tip) and medium sensitivity to the medium typology turbines (50-70m to blade tip). However, as noted above, Map 3 within the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document identifies the Development Site as having *High* sensitivity to 70m+ turbines; no evidence is however provided within this draft document to justify a higher level of sensitivity compared with the level identified within the EAWLCS. As set out within the Applicant’s representation regarding Map 14 within the East Ayrshire LDP Proposed Plan (2015) and Proposed Policy RE5 (set out in **Appendix C**), it is presumed that the apparent change of sensitivity is simply an unintended GIS mistake.

5.2.7 The Applicant considers that the inclusion of landscape sensitivity mapping within the draft Supplementary Guidance document is inappropriate and contrary to both national planning policy (the SPP) and guidance from SNH (Spatial Planning for Onshore Wind Turbines – Scottish Natural Heritage, June 2015). The Applicant also considers the identification of the Development Site as

being of High sensitivity within the draft East Ayrshire Planning for Wind Energy Supplementary Guidance is incorrect and unjustified. Therefore the Applicant has submitted detailed representations to East Ayrshire Council seeking the removal of landscape sensitivity mapping from the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document (see **Appendix C**).

Baseline – Surrounding Landscapes

- 5.2.8 LCTs and associated LCA subdivisions located within 10km of the Development Site, as described within the EAWLCS and the DGLCS, are listed in **Table 5.6** below and illustrated in **Figure 9.17** within Volume 2 of the ES.

Table 5.1 Landscape Character within 10km of the Proposed Development

| Landscape Study Source | Ref. No. | Landscape Character Type (LCT) / Unit (defined in EAWLCS / DGLCS) | Landscape Character Area (LCA) (used in Chapter 9 - LVIA) |
|------------------------|----------|---|---|
| EAWLCS | 20a | East Ayrshire Southern Uplands | Benty Cowan Hill |
| EAWLCS | 20a | East Ayrshire Southern Uplands | Blackcraig Hill |
| DGLCS | 19 | Southern Uplands: Carsphairn | - |
| EAWLCS | 20c | Southern Uplands and Forestry | Enoch Hill |
| DGLCS | 19a | Southern Uplands with Forests: Carsphairn | - |
| DGLCS | 19a | Southern Uplands with Forests: Ken | - |
| EAWLCS | 15 | Upland Basin | New Cumnock Upland Basin with Opencast Mining |
| EAWLCS | 17a | Foothills with Forestry and Open-cast Mining | Martyrs Moss |
| EAWLCS | 10 | Upland River Valley Upland River Valley | River Doon River Nith |
| EAWLCS | 21 | Rugged Uplands Lochs and Forest | Loch Doon |
| EAWLCS | 18a | East Ayrshire Plateau Moorlands | Wardlaw Hill |
| EAWLCS | 14 | Upland Glen | Glen Afton |
| EAWLCS | 7c | East Ayrshire Lowlands | Drongan |
| DGLCS | 9 | Upper Glenkens | - |

Impact Assessment

- 5.2.9 The design of the Proposed Development has taken into account guidance regarding the Southern Uplands and Forestry LCT detailed in the EAWLCS for example by restricting proposed turbines to the southern area of the Development Site, away from sensitive landscape characters in the west, and by clustering turbines to align with nearby proposed wind farms. As a result of the careful design, the assessment provided in **Chapter 9 – LVIA** of the ES concludes that sensitive landscape elements relating to Loch Doon, the Upper Doon Valley and Glen Afton are visually remote from the Development Site and would not be significantly affected by the Proposed Development.
- 5.2.10 The assessment provided in **Chapter 9 – LVIA** of the ES concludes that; direct landscape effects from construction activities would not be significant, however the installation and subsequent operation of the proposed turbines would result in Substantial / Moderate and significant effects on the Southern Uplands and Forestry: Enoch Hill LCA. , However, the geographical extent of predicted significant effects would be limited to the immediate areas of the proposed turbines, within the Southern Uplands and Forestry: Enoch Hill LCA. Significant landscape effects (Substantial / Moderate) would extend northwards by approximately 2km due to the upper parts of

proposed turbines appearing beyond the summits of Chang Hill and Benty Cowan Hill. There would be a more limited landscape effect on the East Ayrshire Southern Uplands: Benty Cowan Hill LCA as a result of proposed access tracks, proposed compounds and potential borrow pits.

- 5.2.11 The assessment provided in **Chapter 9 – LVIA** of the ES concludes that the cumulative effect of the Proposed Development added to consented and existing wind farms on the host landscape character would not be significant due to the intervening distance and forestry. However, when considering the proposed Benbrack, South Kyle and Pencloe wind farms, the cumulative effect of each of these individually in combination with the Proposed Development, as well as all of the proposed schemes combined, would have a characterising influence on the Southern Uplands and Forestry: Enoch Hill LCA, which would be a significant (Substantial / Moderate) level of effect.
- 5.2.12 The assessment of indirect effects on surrounding landscapes detailed in **Table 9.8** of the ES concludes that the Proposed Development would not significantly alter the key perceptual characteristics of surrounding landscapes. The Proposed Development would reinforce the characteristics of wind farm development within the Upland Basin: New Cumnock LCA through adding further turbines on the horizon when viewed from this LCA, however this effect would be not significant in EIA terms.

Policy Assessment

- 5.2.13 At the national level, the SPP at paragraph 202 states that planning decisions “*should take account of potential effects on landscapes...including cumulative effects...*”, and paragraph 169 identifies landscape and visual effects and cumulative effects as important considerations within the determination of renewable energy proposals. In relation to East Ayrshire, policies STRAT1, ECON7, ENV1 and ENV2 within the Ayrshire Joint Structure Plan (2007), policies SD1, CS12, ENV8, ENV16 and ENV17, and proposed policies OP1, RE1, RE3, RE4, RE5, ENV7, ENV8¹¹ within the East Ayrshire LDP Proposed Plan (2015) all require development proposals to maintain and enhance the quality and distinctiveness of local landscape characters and sensitive landscape features. In particular, policy ENV16 within the adopted East Ayrshire Local Plan (2010) states that development proposals must have minimal visual impact, and reflect “*the nature and landscape character of the rural area in which it is located, in terms of layout, materials used, design, size, scale, finish and colour*”. Policies OP1, IN1, IN2, HE6 and NE2 within the Dumfries & Galloway LDP (2014) also seek to protect landscapes from unacceptable adverse impacts arising from development proposals.
- 5.2.14 The Proposed Development Wind Farm would generate a significant landscape effect on the part of the Southern Uplands and Forestry: Enoch Hill LCA, also extending approximately 2km north to affect the East Ayrshire Southern Uplands: Benty Cowan Hill LCA. These significant effects and all other (not significant) landscape effects are considered to be acceptable due to their localised extent and containment by forestry and landforms, such that they would not result in an overall significant effect on the wider Southern Uplands landscape within East Ayrshire and Dumfries & Galloway. These localised landscape effects are also considered acceptable when balanced against the important national renewable energy and socio-economic benefits of the Proposed Development. Furthermore, the design of the Proposed Development away from sensitive landscape character units and in alignment with other proposed wind farms demonstrates that the Proposed Development accords with the guidance contained within the EAWLCS.
- 5.2.15 In relation to predicted significant cumulative landscape effects, these are considered to be acceptable due to their relatively localised extent (effects would be restricted to a potential characterising influence upon the Southern Uplands and Forestry: Enoch Hill LCA only) and owing to the Development Site’s location within the Southern Uplands and Forestry LCT. The Dumfries & Galloway Wind Landscape Capacity Study (2011) concludes that the part of this LCT within

¹¹ The Applicant has submitted a representation in respect of the East Ayrshire LDP Proposed Plan (2015) recommending the removal of references to the ‘Ayrshire Landscape Character Assessment’ and policy rewording to acknowledge that whilst landscape mitigation is not always possible that this does not necessarily preclude development (see full representation in **Appendix C**).

Dumfries & Galloway has inherent low sensitivity to large typology wind turbine development and can accommodate multiple “*large scale*” wind farms. For the reasons detailed in Chapter 9 – LVIA of the ES it is considered that a northwards sensitivity gradient exists within the Southern Uplands and Forestry LCT, such as the area of the LCT where the Development Site is located has Medium sensitivity to large typology development. It is therefore considered that the landscape immediately surrounding the Development Site has the capacity to absorb the Proposed Development without generating an overall significant adverse effect on the wider Southern Uplands landscape. In addition, the Proposed Development has been designed to be broadly compatible with existing, consented and proposed wind farm schemes, thereby minimising cumulative landscape and visual effects. Specifically, the Proposed Development has adopted a similar design approach to the adjacent proposed South Kyle Wind Farm such that if both schemes were consented the Proposed Development would appear as a modest extension to South Kyle Wind Farm. If however the South Kyle section 36 application is not consented the Proposed Development has been designed such that it would appear as a simple, cohesive and visually acceptable cluster with sufficient separation from other cumulative wind farm developments to appear distinctive. Consequently, the predicted significant landscape effects would not significantly alter the character of the wider Southern Uplands landscape

- 5.2.16 Therefore it is considered that the scale, layout and design of the Proposed Development is acceptable, and in relation to the protection and enhancement of landscape character and sensitive landscape features, the Proposed Development would not result in any unacceptable adverse impacts. On this basis, the Proposed Development accords with all relevant national, Development Plan and other planning policies, including the SPP, policies STRAT1, ECON7, ENV1 and ENV2 within the Ayrshire Joint Structure Plan (2007), policies SD1, CS12, ENV8, ENV16 and ENV17, proposed policies OP1, RE1, RE3, RE4, RE5, ENV7, ENV8 within the East Ayrshire LDP Proposed Plan (2015), the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document, policies OP1, IN1, IN2, HE6 and NE2 within the Dumfries & Galloway LDP (2014) and the adopted Dumfries & Galloway Part 1 Wind Energy Supplementary Guidance document.

Landscape Designations

- 5.2.17 The Development Site is not located within any statutory landscape designations and there are no such areas within 35km of the Development Site. The Development Site is wholly located within East Ayrshire Sensitive Landscape Area (SLA) and a separate constituent part of this SLA lies within 10km of the Development Site. The Galloway Hills Regional Scenic Area (Dumfries & Galloway) is also located within 10km of the Development Site.

East Ayrshire Sensitive Landscape Area – Impact Assessment

- 5.2.18 The Rural Area map within the East Ayrshire Local Plan (2010) indicates that the East Ayrshire SLA encompasses two parts, with one covering a large area along the eastern boundary of the local authority land south of Priestland in the north to Afton Reservoir and beyond in the south, and the other stretching from Patna in the north to the Galloway Forest Park in the south. The Development Site is wholly located within the former part and the other part is located within 10km. It must be noted that the East Ayrshire SLA itself is not disaggregated into individual named components within any approved, adopted or proposed Development Plans; rather, the SLA comprises groups of individual landscape character areas which have been identified by East Ayrshire Council as being sensitive. These groups of LCA units are consequently referred to within East Ayrshire planning policy documents as “SLCAs” (sensitive landscape character areas). However, the term SLCA should not be used to denote a landscape associated with a particular place or feature, as it is the collection of LCA units which East Ayrshire Council consider as being “sensitive”.
- 5.2.19 Whilst acknowledging this, to clearly distinguish between distinct parts of the SLA, **Chapter 9 – LVIA** refers to the “Glen Afton SLCA” and the “Doon Valley SLCA” and assesses predicted effects on each part of the SLA.
- 5.2.20 The SPP at paragraph 196 requires planning authorities to explain the reasons for individual local designations and to consider their functions and continuing relevance, whilst Policy ECON 6

(criterion f) within the approved Ayrshire Joint Structure Plan (2007) requires proposed renewable energy developments to “*satisfactorily address any impacts on the particular interest that the designation (the SLCA) is intended to protect*”. However, the East Ayrshire Structure Plan (2007) carried forward the SLCA from the previous Ayrshire Joint Structure Plan without identifying its sensitive or special qualities or reviewing its function. Similarly, the East Ayrshire Local Plan (2010) designated the East Ayrshire SLA based upon previous SLCA designations and the SLA designation from the East Ayrshire Local Plan (2003), without identifying sensitive or special qualities or reviewing the function of this SLA. To remedy this situation the East Ayrshire Local Development Plan (LDP) Proposed Plan (2015) was accompanied by a background paper on Sensitive Landscape Areas, however it must be noted that this background paper has not been subject to consultation or formal approval by East Ayrshire Council. This background paper notes that the sensitivity of the part of the SLA located closest to the Development Site, namely the area around Glen Afton, is largely determined by potential effects on the Glen Afton valley landscape, which is recognised as being highly sensitive. In relation to the other part of the SLA, the Rugged Uplands with Lochs and Forestry LCA around Loch Doon is identified as a sensitive landscape character area because:

- ▶ *“The landscape is unique in East Ayrshire terms, due to its remote and little modified nature;*
- ▶ *Loch Doon, East Ayrshire’s largest water body, adds to the diversity and interest of the landscape;*
- ▶ *The sparsely settled landscape gives a strong sense of seclusion and naturalness. It has a high scenic value and for this reason is also important for recreation and tourism”.*

5.2.21 The assessment provided in **Chapter 9 – LVIA** concludes that sensitive landscape elements relating to Loch Doon, the Upper Doon Valley and Glen Afton are visually remote from the Development Site and would not be significantly affected by the Proposed Development. The Proposed Development would have little to no effect on the Glen Afton valley landscape due to the lack of visibility of the proposed turbines. Whilst there would be some significant views from the summits of landmark hills (Blackcraig Hill), there are no particular opportunities to view the Proposed Development against these landmark features. Similarly, whilst limited sequential views of the Proposed Development may be available to the west of the summits of Blackcraig Hill, Hare Hill and Laglass Hill, there would be no visibility to the east of these summits within the wider area of this part of the East Ayrshire Southern Uplands.

5.2.22 As noted above, the Proposed Development would have a significant effect on the East Ayrshire Southern Uplands with and without Forestry LCTs within the Development Site and the immediate surrounding area. It should be noted that significant landscape effects within a Development Site and its immediate surroundings from all proposed large scale wind energy developments, regardless of their location, are virtually inevitable, as the introduction of tall structures to a landscape is likely to result in a high magnitude of change to the local landscape. However, the assessment provided in **Chapter 9 – LVIA** concludes that this would not result in a significant effect upon the special qualities of the SLCA. In terms of cumulative impacts, successive views of the Proposed Development together with the proposed High Glenmuir, Garleffan, Loch Urr, Margree and Longmuir wind farms would result in a significant effect on this SLCA, however this effect would occur in any case should those other proposed schemes be approved rather than as a result of the Proposed Development.

5.2.23 In relation to the “Doon Valley SLCA” part of the East Ayrshire SLA, the assessment provided in **Chapter 9 – LVIA** concludes that the Proposed Development would not result in any significant effects on the special qualities of this part of the East Ayrshire SLA. There would be fragmented theoretical visibility of the Proposed Development from this SLCA, with visibility greatest at distances beyond 10km from the Development Site, but this would result in a moderate to slight and not significant level of effect. There would be a cumulative significant adverse effect due to successive views of the Proposed Development and the proposed Keirs Hill Wind Farm, however this indirect effect would not adversely affect the special qualities of this part of the East Ayrshire SLA.

Galloway Hills Regional Scenic Area – Impact Assessment

- 5.2.24 The Regional Scenic Area Technical Paper (2013) which supports the adopted Dumfries and Galloway LDP does not explicitly define the “special qualities” of the Galloway Hills RSA, however this document notes that this RSA reflects “*both of the scale of the landscape of the Galloway Hills and the interesting juxtaposition of contrasting upland, valley and coastal landscapes. The relationship between the hills and the adjacent lowlands gives rise to sweeping and dramatic views of the hills, in particular from the western side of Wigtown Bay and certain sections of the perimeter valleys*”.
- 5.2.25 The assessment provided in **Chapter 9 – LVIA** concludes that the Proposed Development would not have a significant effect on this local landscape designation as it is some distance from the Development Site and because the majority of the RSA lies outwith the ZTV and would have no view of the Proposed Development. In terms of cumulative impacts, successive views of the Proposed Development together with existing and other proposed wind farms would result in a significant effect on the RSA, however this effect would occur in any case should the other proposed schemes be approved rather than as a result of the Proposed Development.

Landscape Designations Policy Assessment

- 5.2.26 Policy ENV 2 within the approved Ayrshire Joint Structure Plan, Policy ENV 3 within the adopted East Ayrshire Local Plan (2010) and proposed policies ENV 7 and ENV 8 within the East Ayrshire LDP Proposed Plan (2015) require “*priority and prime consideration*” to be given to the protection and enhancement of the East Ayrshire SLA. Furthermore, policy NE2 within the adopted Dumfries & Galloway LDP (2014) seeks to protect the “*special qualities*” of locally designated Regional Scenic Areas (RSA)¹². Notwithstanding these local policies, the weight to be afforded to the protection of local landscape designations including the East Ayrshire SLA must be consistent with the SPP, which states that “*the level of protection given to local designations should not be as high as that given to international or national designation*” (paragraph 196).
- 5.2.27 There would be no significant effects from the Proposed Development on the special qualities of the East Ayrshire SLA or the Galloway Hills RSA. As the Development Site is located on the periphery of the SLA, the sensitive Glen Afton valley landscape would be visually remote from and not significantly impacted by, the Proposed Development. Some significant cumulative adverse effects would occur within the “Glen Afton SLCA” part of the SLA; however, these relatively localised effects would not impact upon the overall special qualities of this part of the SLA. Therefore in relation to the protection of landscape designations, all effects from the Proposed Development are considered to be acceptable and the Proposed Development accords with all relevant national, Development Plan and other planning policies. For the avoidance of doubt, this includes policy ENV 2 within the approved Ayrshire Joint Structure Plan, policy ENV 3 within the adopted East Ayrshire Local Plan (2010), proposed policies ENV 7 and ENV 8 within the East Ayrshire LDP Proposed Plan (2015) and the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document.

Wild Land

- 5.2.28 Given that the Merrick Wild Land Area (WLA) is located approximately 18.6km west of the Development Site, a Wild Land Assessment is provided in **Appendix 9.E** of the ES. This assessment concludes that the introduction of the Proposed Development into the baseline landscape would not lead to a significant effect on the WLA or its wild land characteristics and special qualities. In terms of cumulative impacts, the Proposed Development would not lead to any significant ‘additional’ or ‘in combination’ effect on the WLA, characteristics or special qualities. Therefore in relation to the protection of Wild Land Areas, the Proposed Development would not result in any unacceptable adverse significant impacts and is considered to accord with all relevant national, Development Plan and other policies and considerations. For the avoidance of doubt, this

¹² Policy NE2 is not strictly applicable to the determination of the Proposed Development as it refers to development proposals located “within” a RSA, yet the Development Site is located outwith the Galloway Hills RSA.

includes the SPP, proposed policy ENV7 within the East Ayrshire LDP Proposed Plan and the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document.

Visual Receptors

- 5.2.29 This subsection of the Planning Statement considers predicted visual effects from the Proposed Development on transport and recreational routes and tourism & recreational receptors. Visual effects and associated residential visual amenity effects on settlements and residential receptors are addressed separately within **Section 5.10**.
- 5.2.30 The visual assessment provided within **Chapter 9 – LVIA** identifies relevant visual receptors within a 10km detailed study area and a 35km extended study area.
- 5.2.31 With only limited exceptions, the assessment concludes that predicted visual effects would be not significant owing to factors including lack of proximity of sensitive receptors to the Development Site, screening provided by topographical, vegetation or built environment features, and limited ZTV coverage along transport and recreational routes. However, the Proposed Development would result in significant visual effects on views from some parts of the B741 and Afton Road (promoted as a Scottish Hill Track / Heritage Path) near New Cumnock Cemetery, two Core Paths (667 and C12) within 5km of the Development Site, views from the Knockshinnock local nature reserve and views from the hill summits of Blackcraig Hill and Windy Standard.
- 5.2.32 All of the national, Development Plan and other policies and considerations listed in **Paragraph 5.2.12** are of relevance to the assessment of visual impacts from the Proposed Development, as well as potential impacts on landscape character.
- 5.2.33 The limited number of significant adverse visual effects arising from the Proposed Development would all occur during the installation of wind turbines and during operational phase. Examining these effects in turn:
- ▶ Predicted significant visual effects on part of the B741 and Afton Road are considered to be acceptable given that views of the Proposed Development from these roads would be intermittent and would not occur within the immediate proximity of the Development Site, so within the context of a travel journey these transient views would be experienced within a varied landscape setting. Visual effects on these roads would be further mitigated by the fact that the primary focus of drivers would be on the road rather than surrounding landscapes;
 - ▶ The predicted significant visual effect on Core Path No. 667 Water of Deugh Trail (within Dumfries & Galloway) would only occur along a 250m stretch of path located approximately 4.5km from the Development Site. This effect is considered to be acceptable given that clear views would only be experienced over a very short duration within longer walking journeys. The visual effect would therefore not significantly affect the visual amenity or attractiveness of this Core Path;
 - ▶ The predicted significant visual effect on Core Path C12: New Cumnock Circular (within East Ayrshire) is considered to be acceptable as it would not be experienced in close proximity to the Development Site (~3.9km away at its closest point). The acceptability of this significant visual effect must also take account of the primary function of Core Path C12, namely the need to provide general access to the countryside and contribute to a path network with statutorily protected access rights, rather than being a well-known or promoted walking route;
 - ▶ The predicted significant visual effect on views from the Knockshinnock local nature reserve are considered to be acceptable on the basis that visitors to this receptor are likely to be primarily interested in localised ecological and landscaping features within the reserve rather than wider scenic views, so views of the Proposed Development would not significantly infringe upon the enjoyment of visitors;
 - ▶ The predicted significant visual effects on the summits of Blackcraig Hill and Windy Standard are considered to be acceptable, taking account of all aspects of hillwalking as a recreational and tourist activity (i.e. not merely views from hill summits) and due to the lack of immediate proximity of these receptors to the Development Site;

- ▶ As detailed in **Chapter 9 – LVIA** of the ES, receptors including local roads and potential tourist destinations are predicted to experience significant cumulative adverse visual effects due to successive or simultaneous views of the Proposed Development with other existing, consented or proposed schemes. These effects are considered to be acceptable overall as they would only affect a limited number of localised areas with clear visibility of multiple wind farm developments, and in these locations the predicted cumulative visual effects would not result in overall visual dominance. Regarding the predicted significant cumulative effects on local roads, these are also considered to be acceptable as they would be intermittent within the context of a travel journey, where the focus of drivers would be on the road rather than the landscape. Taking all of these factors into account, the predicted significant cumulative visual effects would not alter local landscape characters, result in cumulative landscape effects beyond those discussed in paragraphs 5.2.10 - 5.2.11 and 5.2.14 above, or have an overbearing impact on any visual receptors.

- 5.2.34 Therefore, overall, all predicted significant visual effects are considered to be acceptable in their own right. The acceptability of these visual effects is further and significantly strengthened when the localised nature of the effects is balanced against the important renewable energy and socio-economic benefits of the Proposed Development. It is considered that the scale of these benefits is considerable and sufficiently outweighs the localised adverse visual effects which would occur due to the Proposed Development.
- 5.2.35 Considering predicted not significant visual effects, these are all considered to be acceptable on the basis that such effects would only occur within a limited number of localised areas and visibility of the Proposed Development would not dominate views or adversely affect visual amenity. The acceptability of these visual effects must also take account of the important renewable energy and socio-economic benefits of the Proposed Development.
- 5.2.36 For the reasons set out above, the Proposed Development would not result in any unacceptable (significant or not significant) adverse visual effects or impacts. In relation to the protection of visual amenity in the public interest, the Proposed Development therefore accords with all relevant national, Development Plan and other planning policies. For the avoidance of doubt, this includes the SPP, policies STRAT1, ECON7, ENV1 and ENV2 within the Ayrshire Joint Structure Plan (2007), policies SD1, CS12, ENV8, ENV16 and ENV17, proposed policies OP1, RE1, RE3, RE4, RE5, ENV7, ENV8 within the East Ayrshire LDP Proposed Plan (2015), the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document, policies OP1, IN1, IN2, HE6 and NE2 within the Dumfries & Galloway LDP (2014) and the adopted Dumfries & Galloway Part 1 Wind Energy Supplementary Guidance document..

Summary

- 5.2.37 This section of the Planning Statement has fully considered the significance and acceptability in planning policy terms of predicted impacts on landscape character & fabric, landscape designations, wild land areas and sensitive visual receptors. It has been demonstrated that the Proposed Development would not result in any unacceptable (significant or not significant) landscape or visual effects and that in relation to landscape and visual matters the Proposed Development therefore accords with all relevant national, Development Plan and other planning policies.

5.3 Socio-Economics, Tourism & Recreation

- 5.3.1 Potential effects related to land-use, economic and employment, recreational and tourism receptors from the Proposed Development are considered within **Chapter 15** of the ES which accompanies this section 36 application. As well as setting out detailed impact assessments the Chapter includes an overview of the socio-economic, demographic, recreational (including public access) and tourism baseline situation within the surrounding area.

Socio-economics

- 5.3.2 From detailed calculations presented in **Chapter 15** of the ES, the capital cost of constructing the Proposed Development could equate to up between £73.4m and £112.8m (including turbine manufacturing) and up to £13.6m could be spent locally. For the duration of the construction phase, the Proposed Development could directly support up to 98.6 Full Time Equivalent (FTE) local jobs and 294.3 FTE jobs within Scotland. During its operational phase, operations and maintenance related employment could directly support up to 67.2 FTE jobs, of which up to 27.9 FTE jobs would be likely to be within East Ayrshire and up to 39.3 FTE jobs would be likely to be within Scotland. Other employment is also likely to be supported or generated through indirect and induced economic and employment effects throughout all phases of the Proposed Development (e.g. use of local contractors, accommodation and facilities, and associated supply chain impacts).
- 5.3.3 As set out in **Chapter 15** of the ES, the Proposed Development would involve the establishment of a community benefit fund which would be delivered during the operational phase of the Proposed Development. The purpose of this fund would be to ensure that the socio-economic benefits generated from the Proposed Development are shared between the Applicant, project funders and the local community.
- 5.3.4 The assessment provided in **Chapter 15** of the ES concludes the Proposed Development is predicted to result in temporary, beneficial significant economic effects at a local council ward level during the construction phase. At council and national levels the Proposed Development would result in beneficial economic effects, whilst beneficial employment effects would result at all spatial scales. Both of these would be not significant in EIA terms. In accordance with the SPP at paragraphs 29 and 169, the predicted net socio-economic benefit associated with the Proposed Development is therefore an important consideration in favour of a positive determination of this application. These benefits must also be taken into account when assessing the acceptability of any predicted environmental effects. In addition, given that the Proposed Development would contribute to the diversification of economic activities on rural land, it accords with Policy ECON 14 within the Ayrshire Joint Structure Plan (2007).

Tourism & Recreation

- 5.3.5 The Proposed Development is not predicted to directly and adversely impact on recreational pursuits, other than through temporarily restricting general public access (the 'right to roam') to limited areas of the Development Site during periods of construction, maintenance and decommissioning activities. Public access issues are considered separately below.
- 5.3.6 In terms of operational impacts on recreational activities, the creation of a network of approximately 12.9km of new access tracks across the Development Site would facilitate increased public access opportunities. This has the potential to make the Development Site more accessible to members of the public with a range of abilities and therefore may encourage recreational activities within the Development Site, resulting in a permanent beneficial impact on recreational activities. **Chapter 15** of the ES concludes that off-site land and water based recreational activities would not be directly affected by the operation of the Proposed Development.
- 5.3.7 Considering operational impacts on tourism, recreation, accommodation and hospitality interests, **Chapter 15 – Socio-economics** of the ES concludes overall that, whilst some receptors are predicted to experience significant adverse visual effects from the Proposed Development (as assessed within **Chapter 9 – LVIA**), these visual effects would not result in any significant adverse effects on the visitor attractiveness or tourism potential of individual receptors. This is due to the lack of proximity of many receptors to the Development Site, limited visibility at some receptors, and the nature of activities undertaken at some receptors where the focus would be the activity itself such that outward looking views of the Proposed Development would be unlikely to significantly infringe upon visitor enjoyment. The predicted and not significant adverse effects on tourism and recreational receptors are considered acceptable owing to the overall limited scale of such effects and when balanced against the important renewable energy and economic benefits of the Proposed Development.

- 5.3.8 **Chapter 15** of the ES considers potential impacts of proposed infrared LED aviation lighting upon the status and operation of the Galloway Dark Sky Park and the Scottish Dark Sky Observatory. **Appendix 15.C** to the ES provides an assessment of the impact of military aviation lighting mounted on the Proposed Development carried out by Dr. Stuart Lumsden from the School of Physics and Astronomy at the University of Leeds. This assessment concludes that neither the Galloway Forest Dark Sky Park nor the Scottish Dark Sky Observatory would experience significant adverse light pollution effects from the Proposed Development. Consequently the Scottish Dark Sky Observatory would not be significantly affected for its main purpose, namely facilitating viewing of the night sky for visitors and amateur astronomers. In relation the wider Dark Sky Park, the assessment in Appendix 15.C to the ES concludes that infrared LEDs attached to the proposed wind turbines would have no impact on 'naked eye' astronomy, whether unaided or through a standard telescope not fitted with a Charge Couple Device (CCD), and would only be visible through a specialist telescope fitted with a CCD if this was pointed directly at the infrared LEDs. Furthermore, potential interference with telescopes fitted with a CCD would only occur from locations that are not designated as main viewing sites within the Dark Sky Park (mostly well away from any roads), so any potential amenity impact would be "*minor*" in nature. It is therefore considered that casual night visitors to the Galloway Forest Dark Sky Park would not notice the infrared lights and would still experience the full benefit of the Dark Sky Park.
- 5.3.9 As there would be no effects from the Proposed Development on the Gold Tier status of the Dark Sky Park as a whole or on the functioning of the Scottish Dark Sky Observatory, any potential impacts are considered to be acceptable.
- 5.3.10 Given that the Proposed Development would not result in any unacceptable significant adverse effects on the attractiveness, tourism potential or amenity value of any tourism or recreational activities or receptors, including the Dark Sky Park and Scottish Dark Sky Observatory, it is considered that the Proposed Development accords with all relevant national, Development Plan and other planning policies on tourism and recreational matters. This includes policy ECON 7 within the Ayrshire Joint Structure Plan (2007), policies CS12 and T9 within the East Ayrshire Local Plan, policies IN1, IN2, ED12 and CF4 within the Dumfries and Galloway LDP (2014), the adopted Dumfries & Galloway Part 1 Wind Energy document, proposed policies RE1, RE3, TOUR4, ENV12 and T4 within the East Ayrshire LDP Proposed Plan and the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document.

Public Access

- 5.3.11 The Proposed Development would necessarily temporarily restrict public access to areas of the Development Site where and when construction, maintenance and decommissioning activities are taking place, in order to comply with the Construction Design and Management Regulations 2015. Taking into account the relatively short duration of any required land closures during the construction phase and the lack of any identified public access receptors within the Development Site, the assessments provided in **Chapter 15** of the ES conclude that the Proposed Development would not result in any adverse significant impacts on public access. It must also be noted that the Proposed Development would involve the construction of approximately 12.9km of new access tracks, which could provide a new network of publicly accessible routes within the Development Site. This would facilitate public access into the Development Site, which is not currently served by any footpaths.
- 5.3.12 The SPP at paragraph 169 identifies impacts on public access as a consideration in the determination of applications for proposed renewable energy developments. At the local level, policy T9 within the East Ayrshire Local Plan and proposed policy T4 within the East Ayrshire LDP Proposed Plan require proposed developments not to prejudice public access to key routes including Core Paths and Public Rights of Way. Taking into account both the predicted adverse and beneficial access related impacts, in relation to continuity of public access, it is considered that access related impacts would be acceptable.
- 5.3.13 Therefore in relation to public access provision it is considered that the Proposed Development accords with all relevant national, Development Plan and other planning policies, including the

SPP, policies CS12 and T9 within the East Ayrshire Local Plan and proposed policy T4 within the East Ayrshire LDP Proposed Plan.

5.4 Nature Conservation

- 5.4.1 Effects on ecological interests are addressed within **Chapter 11** of the ES, whilst effects on ornithological interests are addressed separately within **Chapter 12 - Ornithology** of the ES.
- 5.4.2 The Development Site is not subject to any statutory nature conservation designations. Whilst two non-statutory designated sites of native woodland are present within the Development Site red line boundary they are not located within or near to the Proposed Development area. The nearest site designated at national or international levels for reasons of biodiversity conservation, Muirkirk and North Lowther Uplands SPA and SSSI, is situated approximately 7km to the north-east and is designated for:
- ▶ During the breeding season: Short-eared Owl, Hen Harrier, Merlin, Peregrine and Golden Plover; and
 - ▶ During the winter season: Hen Harrier.

Impact Assessment

- 5.4.3 In relation to terrestrial habitats, the assessment detailed in **Chapter 11** of the ES predicts that the Proposed Development would result in temporary terrestrial habitat disturbance of a 31.89ha area (approximate) during the construction phase and, within this area, permanent terrestrial habitat loss of an approximate 14.23ha area where infrastructure components would be erected.
- 5.4.4 In relation to aquatic habitats, the assessment detailed in **Chapter 11** of the ES predicts that the construction and operation of the Proposed Development would result in the loss of small sections of open water where five new culverted watercourse crossings would be required (or six, if the borrow pit search area adjacent to Rigg Hill is utilised), which could cause potential changes to local flow regimes and aquatic habitats. However, the assessment concludes that even in the absence of any mitigation the construction of the Proposed Development would still only result in a slight adverse effect, which is considered not significant in EIA terms.
- 5.4.5 In relation to protected species, **Chapter 11** of the ES notes that the Development Site has only limited potential habitats to accommodate protected species and very limited signs of protected species were observed during relevant fieldwork. The assessment contained within this chapter of the ES concludes that the construction of the Proposed Development would result in negligible and not significant levels of effect for all protected species assessed, with the exception of bat species where a small but still not significant level of effect is predicted in relation to the use of construction lighting in areas of the Development Site with potential bat activity.
- 5.4.6 In relation to ornithological interests, the detailed assessment in **Chapter 12** of the ES focuses on three target species (golden plover, black grouse, and merlin), Golden Plover were identified as a target species owing to the Development Site being assessed as having "*Medium importance*" for this species during the winter. Black grouse and merlin were identified as target species given their regular presence at the Development Site. All other potential target species were scoped out of the detailed assessment due to the Development Site being assessed as having "*Low importance*" for the species and owing to a lack of regular sightings.
- 5.4.7 The assessment concludes that effects on the target species and their habitats including habitat displacement and collision risk would reach, as a worst case, 'low' and not significant level of effect.
- 5.4.8 Based upon the fieldwork undertaken (reported in **Chapters 11 and 12** of the ES) and expert analysis, the technical assessments detailed in these chapters conclude that the Proposed Development would not result in any residual significant effects on ecological or ornithological interests under the terms of the EIA Regulations and Habitats Regulations. In relation to cumulative impacts, the assessments conclude that potential cumulative effects on bat populations through

changes in bat behaviour would not constitute a significant effect, and no other cumulative ecological effects are predicted to occur.

Policy Assessment

- 5.4.9 The SPP at paragraph 137 identifies that planning should “*seek benefits for biodiversity from new development where possible*”. In relation to natural heritage protection, the SPP at paragraphs 202 and 203, policies ECON6 and ECON7 within the Ayrshire Joint Structure Plan, policies ENV15 and CS12 within the East Ayrshire Local Plan, proposed policies OP1, TOUR5, ENV6 and ENV9 within the East Ayrshire LDP Proposed Plan, the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document, policies OP1, IN1 and IN2 within the Dumfries and Galloway Local Development Plan, and the Dumfries and Galloway Part 1 Wind Energy Supplementary Guidance document all require development management decisions to take into account potential impacts on natural heritage and ecological interests, including ornithological interests.
- 5.4.10 In relation to designated sites, the SPP at paragraph 196 and paragraphs 207-213, policies STRAT 1 and ENV7 within the Ayrshire Joint Structure Plan, policies ENV2, ENV13 and CS12 within the East Ayrshire Local Plan, proposed policies RE1, RE3 and ENV6 within the East Ayrshire LDP Proposed Plan, the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document, policies NE3 and NE5 within the Dumfries and Galloway Local Development Plan, and the Dumfries and Galloway Part 1 Wind Energy Supplementary Guidance document all set out policy requirements to protect sites designated for their natural heritage or ecological importance. In addition the SPP at paragraph 214, policy CS12 within the East Ayrshire Local Plan, proposed policy ENV6 within the East Ayrshire LDP Proposed Plan, the draft East Ayrshire Planning for Wind Energy Supplementary Guidance and policy NE4 within the Dumfries and Galloway LDP all require planning authorities to safeguard and take account of statutorily protected species when making development management decisions. In relation to forestry, the SPP and proposed policy ENV9 within the East Ayrshire LDP Proposed Plan set out assessment criteria for applications which have the potential to affect forestry interests. .
- 5.4.11 **Chapters 11 and 12** of the ES demonstrate that there would be no significant effects on the qualifying interests of sites designated for reasons of ecological or ornithological conservation (owing to the lack of proximity of the Development Site), protected species, valuable habitats or ornithological interests. Furthermore, whilst the Development Site is situated immediately north of the Carsphairn Forest, no felling is proposed as part of the Proposed Development so no adverse forestry impacts are predicted.
- 5.4.12 Taking into account all of the predicted ecological impacts and relevant proposed mitigation measures (detailed in Chapters 11, 12, 13 and 18 of the ES) it is considered that whilst some non-significant ecological effects are predicted to occur in relation to habitat displacement, habit loss, species disturbance, and bird collision risk, these localised effects would be acceptable due to their limited scale and when balanced against the important renewable energy and socioeconomic benefits of the Proposed Development. In addition the Proposed Development would support natural heritage protection through long term habitat management.
- 5.4.13 In summary, in relation to ecological and ornithological matters the Proposed Development is considered to accord with all relevant national, Development Plan and other policies. For the avoidance of doubt this includes the SPP, policy ECON7 within the Ayrshire Joint Structure Plan, policies ENV15 and CS12 within the East Ayrshire Local Plan, proposed policies OP1, TOUR5, ENV6 and ENV9 within the East Ayrshire LDP Proposed Plan, the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document, policies OP1, IN1 and IN2 within the Dumfries and Galloway Local Development Plan, and the Dumfries and Galloway Part 1 Wind Energy Supplementary Guidance document.

5.5 Geology & Peat

- 5.5.1 Effects on geology, including peat, are addressed within **Chapter 13 - Geology, Hydrology and Hydrogeology** of the ES. The geological characteristics of the Development Site are described in

detail at paragraphs 13.3.40 – 13.3.58 of this ES chapter. Further consideration of peat management issues is detailed in **Chapter 6 – Renewable Energy Policy, Carbon Balance and Peat Management** within the ES.

- 5.5.2 It is noted in **Chapter 13** of the ES that superficial geology throughout the south, south west and western parts of the Development Site is dominated by peat. Peat depth surveys have confirmed that whilst peat is widespread across the Development Site, depths are generally less than 1m in thickness¹³. There are however some localised areas of slightly deeper peat, and the thickest peat deposits were found close to (but not at) the proposed location of Turbines 2 and 17, where peat depths of up to 3.25m were recorded.

Impact Assessment

- 5.5.3 The wind farm layout, design and construction methodology has been refined to minimise peat excavation from tracks and turbine infrastructure, but in order to take account of all other relevant environmental and technical constraints it has not been possible to avoid peat excavation entirely. Therefore peat is likely to be excavated during the construction of infrastructure including tracks, foundations and hardstanding areas.
- 5.5.4 The Design & Access Statement and **Chapter 3** of the ES which accompanies the application explains the design evolution of the Proposed Development, including how wind farm infrastructure components have been sited to minimise the disturbance of deep peat areas. In relation to proposed access tracks, floating roads would be employed where peat soils greater than 1.0m depth are encountered and cannot be avoided by micro-siting. Other mitigation measures including the use of cut-off ditches, soil bunds, cable trenches, the implementation of peat storage procedures and post construction vegetation restoration are detailed in a draft Peat Management Plan (see **Appendix 6.A** of the ES).
- 5.5.5 The carbon assessment set out in **Chapter 6** of the ES applies the recognised Nayak et al (2011) methodology to calculate the carbon payback period of the Proposed Development. This takes into account anticipated carbon losses from manufacturing and construction processes and from CO₂ release associated with peat removal and soil drainage, as well as predicted carbon savings through offsetting fossil fuel sourced grid electricity. The carbon balance assessment predicts that the Proposed Development has the potential to deliver annual CO₂ savings of 63,768 tonnes/year, resulting in a total carbon saving of approximately 1.6M tonnes over its 25 year operational life. Consequently, the carbon losses associated with the construction of the Proposed Development would be expected to be paid back in ~1.5 years (~6% of the 25 year operational life), based upon a standard fossil fuel grid electricity mix and the expected energy yield from the Proposed Development. Even considering the worst case scenario, the Proposed Development would achieve net carbon balance within ~3.6 years of operation (~14% of the 25 year operational life).

Policy Assessment

- 5.5.6 The Applicant has submitted representations in respect of the East Ayrshire LDP Proposed Plan regarding East Ayrshire Council's proposed use of SNH soil carbon richness mapping in the emerging wind energy spatial framework (see **Appendix C**). As outlined below in Section 5.11, these representations set out why the Applicant believes the use of this mapping for the intended purpose is inappropriate. Without this constraint, the Development Site would wholly fall within 'Group 3: Areas with potential for development' on the proposed spatial framework within the East Ayrshire LDP Proposed Plan (2015). However, considering the Development Site in the context of its currently proposed Group 2 status, both the SPP (Table 1) and proposed policy RE3 within the East Ayrshire LDP Proposed Plan require proposed wind energy developments in Group 2 areas to

¹³ The Scottish Government's Peat Survey Guidance document defines deep peat as "a peat layer more than 1 metre deep". This definition, taken from the Joint Nature Conservation Committee (JNCC) report 445 *Towards an Assessment of the State of UK Peatlands*, has also recently been adopted within the Moray LDP Examination Report (2015). Therefore the Applicant has submitted a representation in respect of the East Ayrshire LDP Proposed Plan (2015) recommending that 1m depth should be used within this LDP.

demonstrate that “*any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation*” and to demonstrate compliance with Schedule 1 criteria.

- 5.5.7 In relation to the protection of soil resources, the SPP at paragraph 169 identifies “*impacts on carbon rich soils, using the carbon calculator*” as a consideration in the determination of applications for proposed renewable energy developments. This assessment criterion is also included within Schedule 1 to the East Ayrshire LDP Proposed Plan, which proposed policies RE1 and RE3 use in order to assess the acceptability of all predicted significant adverse environmental effects from renewable energy proposals. In addition proposed policy EN10 sets out a presumption “*against development that would result in the destruction of peatland considered to be of significant value*” and states that proposed renewable energy developments in shallow peat areas may be permitted where quantifiable evidence demonstrates “*that the balance of advantage in terms of climate change mitigation lies with the energy generation proposal*”.
- 5.5.8 The adoption of a very careful design process to avoid areas of deeper peat, as outlined within **Chapter 2** of the ES and within the DAS, means that only a relatively small quantity of deep peat is likely to be disturbed by the Proposed Development. Where disturbance is unavoidable, mitigation measures including the use of floating roads would be deployed to protect peat assets wherever possible. It is therefore considered that the Proposed Development incorporates all appropriate and necessary steps to safeguard deep peat and carbon rich soils, and that the Proposed Development would not result in any significant adverse effects on these interests. Any not significant adverse effects in relation to peatland disturbance are considered to be acceptable owing to their localised extent, limited carbon emissions impact and when balanced against the environmental benefit and significant net carbon savings which would occur through the Proposed Development.
- 5.5.9 Given that the Proposed Development would not result in any significant adverse effects on deep peat or carbon rich soils, complies with all Schedule 1 criteria, and that all predicted adverse effects on peat and carbon rich soils are considered to be acceptable, the Proposed Development therefore accords with proposed policy RE3. In relation to proposed policy ENV10 within the East Ayrshire LDP Proposed Plan, given that the Proposed Development would result in a substantial net carbon saving during its operational period and has been predicted to have a low carbon payback period of just 1.5 - 3.6 years (under a worst case scenario), the balance of advantage in terms of climate change mitigation clearly lies with the Proposed Development. Combined with the careful design process, which has avoided the deepest areas of peat on the Development Site, and the proposed measures to mitigate residual impacts on peat and soil resources, it is considered that the Proposed Development accords with proposed policy ENV10.
- 5.5.10 Therefore it is considered that in relation to the protection of peatlands and carbon rich soils the Proposed Development accords with all other relevant national, Development Plan and other planning policies and considerations. For the avoidance of doubt this includes the SPP, policy ECON7 within the Ayrshire Joint Structure Plan, policies CS12 and CS14 within the East Ayrshire Local Plan (2010), proposed policies RE1, RE3 and ENV10 within the East Ayrshire LDP Proposed Plan and the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document.

5.6 Hydrology, Hydrogeology & Flood Risk

- 5.6.1 Effects on hydrology and hydrogeology, including flood risk, are addressed within **Chapter 13 - Geology, Hydrology and Hydrogeology** of the ES. Owing to the presence of potential Ground Water Dependent Ecosystems (GWDTE) within the Development Site, a GWDTE assessment is also provided in **Appendix 13.B** of the ES.

Baseline

- 5.6.2 The Development Site lies entirely within the surface water catchment of the River Nith and the Water of Deugh/River Dee. The majority of the watercourses within the Development Site flow to the north and are confluent with the River Nith, however two small burns flow southwards and are confluent with the Water of Deugh.

- 5.6.3 In terms of flood risk, the SEPA Interactive Flood Map indicates that the only area of the Development Site where localised flood risk is present is at the northern extent of the Development, where proposed turbines are not proposed to be located.
- 5.6.4 The only areas in the vicinity of the Development Site for which a localised flood risk is indicated is on the River Nith tributary floodplain areas, on and beyond the northern Development Site boundary. This area is classed as having a >0.5% Annual Exceedance Probability (AEP) of flooding, although areas of 'High' flood risk are generally contained within watercourse channels and their immediate banks.

Impact Assessment

- 5.6.5 The GWDTE assessment provided in **Appendix 13.B** of the ES concludes that the magnitude of change from the Proposed Development for the three assessed habitats is considered to be low (habitat 41), low (habitat 207), and high (habitat 208). Given that these GWDTEs being considered have sensitivity values of very low, medium, and very low, respectively, the potential effects on GWDTEs is concluded to be not significant in EIA terms.
- 5.6.6 The assessment provided in **Chapter 13** of the ES concludes that the level of effect on the Water of Deugh would be not significant in EIA terms. With the implementation of identified mitigation measures (establishment of buffer zones around watercourses, implementation of pollution prevention and construction environmental management plans, production and adherence to detailed Construction Method Statements, the appointment of an ecological clerk of works, and the careful design of watercourse crossings) the residual level of effect on the River Nith and the Nith Bridge SSSI would also be not significant in EIA terms
- 5.6.7 In terms of cumulative impacts, the assessment provided in **Chapter 13** concludes that assuming other nearby developments adhere to relevant wind farm planning policies and guidance, no cumulative adverse hydrological or hydrogeological impacts are likely to occur from the Proposed Development.
- 5.6.8 Further mitigation measures are identified within **Chapter 13** of the ES to maintain existing drainage patterns and minimise the potential for water pollution. These measures include the use of cut-off ditches, soil bunds and cable trenches, the installation of cross drains within access tracks, the deployment of silt traps/check dams, and the bunding of dedicated chemical storage areas. Proposed mitigation measures during the operational phase of the Proposed Development include the continued use of the silt traps/check dams, cut-off ditches, soil bunds and cable trenches deployed during the construction phase.
- 5.6.9 As a result of the proposed mitigation measures identified in **Chapter 13** of the ES, it is considered that there would be no significant impacts on hydrological or hydrogeological interests and no increased flood risk from the Proposed Development.

Policy Assessment

- 5.6.10 In relation to flood risk, at the national level the SPP at paragraph 169 requires impacts on hydrology, the water environment and flood risk to be considered in the determination of applications for proposed renewable energy developments. Further national policy requirements regarding flood risk management are set out within the SPP at paragraphs 254 - 268.
- 5.6.11 Key Development Plans and other local policies of relevance to this planning assessment are policy ENV8 within the Ayrshire Joint Structure Plan, policies ENV21 and 24 within the East Ayrshire Local Plan, proposed policies OP1, RE1, RE3, and ENV12, and policies IN1, IN8, OP1, NE11 and NE12 within the Dumfries and Galloway LDP. Taken together, these policies require development proposals to avoid areas of significant flood risk, to not create unacceptable on-site or off-site flood risks, to not to create unacceptable significant adverse impacts on hydrological interests, to incorporate suitable drainage systems and to ensure that all hydrological and hydrogeological impacts are adequately mitigated.

- 5.6.12 With the implementation of construction and operational mitigation measures, the Proposed Development would not result in any unacceptable adverse impacts on hydrological or hydrogeological interests, and no increased flood risk is predicted to occur. As such it is considered that the Proposed Development incorporates appropriate and adequate hydrological mitigation measures, and therefore in relation to hydrology, hydrogeology and flood risk accords with all relevant national, Development Plan and other policies. For the avoidance of doubt this includes policy ENV8 of the Ayrshire Structure Plan, policies ENV21 and ENV24 within the East Ayrshire Local Plan, policies OP1, RE1, RE3 and ENV12 within the East Ayrshire LDP Proposed Plan, the draft East Ayrshire Planning for Wind Supplementary Guidance document, policies OP1, IN1, IN2, IN7, IN8, NE11 and NE12 within the Dumfries and Galloway LDP, and relevant adopted Dumfries & Galloway Council Supplementary Guidance documents.

5.7 Cultural Heritage

- 5.7.1 **Chapter 10** of the ES provides an assessment of the likely significant effects of the Proposed Development on the historic environment. This assessment includes consideration of any direct effects on heritage assets within the Development Site, as well as any indirect effects on the setting of specific historical assets and other indirect effects on the wider historic environment. The ES concludes that the Proposed Development would not result in any unacceptable direct or indirect impacts on the historic environment, including upon designated historical assets.
- 5.7.2 The ES confirms that there are no designated historic assets located within the Development Site. There are seven non-designated historic assets known to be present within the Development Site along with possible features and deposits of peat which may have value for the study of past environments. In terms of direct effects, the ES concludes that most previously known assets would not be affected by the Proposed Development. The southern section of one of the non-designated Peat Hill boundary banks will be disturbed by the Proposed Development, however the predicted adverse effects on this local asset would be not significant in EIA terms. Turbine 6 and a section of access track leading to Turbine 9 would be located in proximity to a modern cairn, but due to physical separation this asset is not likely to be adversely affected and any effects would be not significant in EIA terms. While there is the potential for previously unrecorded archaeological features and peat deposits to be affected, the ES concludes that, with the application of appropriate mitigation including micrositing, any adverse residual effects would be not significant
- 5.7.3 The ES historic environment study area is defined as a 10km radius from the Development Site, within which a number of designated and non-designated historic assets were identified. The closest designated asset is The King's Cairn (Scheduled Monument 1046), located approximately 5km south of the Development Site. The Craigenkillan Garden and Designed Landscape (GDL) and Dumfries House GDL are located approximately 7km and 8.5km respectively from the Development Site. The ES concludes that indirect effects on historic assets within the wider area would not be significant, owing to limited theoretical visibility from some assets, separation distances, screening provided by intervening vegetation, earthworks and topography. Cumulative indirect effects would also not be significant due to limited theoretical visibility combined with partial screening provided by vegetation and topography.
- 5.7.4 The SPP (paragraphs 145 and 169), the Scottish Historic Environment Policy (2011), policies ENV6 and ECON7 within the Ayrshire Joint Structure Plan, policies OP1, ENV1, ENV4, ENV6, ENV8, ENV17 and CS12 within the East Ayrshire Local Plan, policies OP1, HE1 and HE6 within the Dumfries and Galloway LDP, and proposed policies ENV2, ENV4 within the East Ayrshire LDP Proposed Plan, all require the integrity and setting of historical assets to be protected from unacceptable adverse impacts arising from proposed developments. In addition policy ENV6 within the Ayrshire Joint Structure Plan and policy ENV 6 within the East Ayrshire Local Plan require proposed developments with the potential to adversely impact archaeological sites to preserve archaeological assets and their settings.
- 5.7.5 No significant adverse effects or unacceptable adverse impacts on cultural heritage interests are predicted throughout the construction, operational and decommissioning phases of the Proposed Development. In relation to the disturbance of the Peat Hill boundary bank, whilst short sections of

this non-designated historic asset would be removed to facilitate Development Site access and potentially to develop a borrow pit, it is considered that this disturbance is acceptable given the short lengths of bank involved and that this asset is only of local importance. As detailed in the ES, mitigation is also proposed through photographic recording of the boundary prior to the development and monitoring of intrusive works where the boundary is proposed to be removed. Therefore, in relation to the protection and enhancement of the historic environment it is considered that the Proposed Development accords with all relevant national, Development Plan and other planning policies. For the avoidance of doubt, this includes policies ENV6 and ECON7 within the Ayrshire Joint Structure Plan, policies OP1, ENV1, ENV4, ENV6, ENV8, ENV17 and CS12 within the East Ayrshire Local Plan, proposed policies OP1, RE1, RE3, ENV2 and ENV4 within the East Ayrshire LDP Proposed Plan, the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document, policies IN1, IN2, OP1, HE1 and HE6 within the Dumfries & Galloway LDP (2014) and the Dumfries & Galloway Part 1 Wind Energy Supplementary Guidance document.

5.8 Traffic and Transport

- 5.8.1 **Chapter 14** of the ES provides an assessment of likely significant effects of the Proposed Development in relation to traffic and transport. The chapter considers the impacts of predicted Heavy Goods Vehicle (HGV), abnormal load and employee movements on the local road network.
- 5.8.2 All turbine components will be imported into Scotland via the port at Ayr and delivered to the Development Site by road. An access study incorporating swept path analysis (see **Appendix 14.A** of the ES) have been carried out to review potential access routes to the Development Site. The proposed abnormal load route to the Development Site is described in **Chapter 14** and shown in **Appendix 14.A** of the ES.
- 5.8.3 Notwithstanding the intended use of on-site borrow pits, it is expected that there may be a need to import stone and aggregate materials from a quarry located approximately 18km north east of the Development Site. The route from the quarry to the Development Site is expected to use the B743, travelling westbound before joining the B713 in the village of Sorn, and continuing through the village of Catrine before joining the A76. From the A76 the route heads southbound and travels through New Cumnock, where it then joins the B741 heading south-westbound towards the Development Site access.
- 5.8.4 There would be one principal point of access to the Development Site from the B741. A new junction would be created off this minor road into the north west corner of the Development Site. The new junction would be used for construction, delivery and maintenance access during the operational phase and the decommissioning phase.
- 5.8.5 The assessment detailed in **Chapter 14** of the ES assumes as a worst case that 100% of all road stone required for the construction of on-site access tracks would be imported. However, it is highly likely that a significant proportion of the required stone can be recovered on-site using borrow pits. As such the assessment takes account of an absolute worst case scenario from a traffic and transport perspective. Month 3 in the construction programme is predicted to generate the highest number of trips, with a total of 204 movements per day or 17 per hour across a 12 hour working day (Mon-Fri 0700-1900).
- 5.8.6 The predicted increase in both total vehicle and HGV movements' results in a percentage increase in traffic below the respective 30% and 10% thresholds for the roads expected to be used by construction traffic. On this basis **Chapter 14** of the ES therefore concludes that a detailed assessment of traffic and transport effects from the Proposed Development is not required.
- 5.8.7 Notwithstanding the fact that any effects would be not significant in EIA terms, the Applicant intends to implement a Construction Traffic Management Plan (TMP) to minimise residual impacts on highway safety and traffic flows. Proposed measures within the TMP include:
- ▶ Police presence and assistance with traffic control would be arranged from the port of entry (Ayr) and along the route as the long low-loader vehicle's manoeuvring speeds would be slow

at junctions and would encroach onto the opposing lane on tight bends and around some roundabouts;

- ▶ Abnormal load deliveries would be planned to leave the port mid-morning and arrive on the Development Site mid-afternoon – prior to nightfall;
- ▶ During times of abnormal load deliveries and peak construction traffic activity, trained monitors with two-way radios would be stationed at key points to control the flow of traffic to the Development Site to allow free-flow two-way traffic;
- ▶ Construction traffic movements (equipment and materials) would, where possible, be scheduled to avoid the peak traffic periods at the beginning and end of each day and other sensitive periods (including school drop off and pick up times), to minimise any potential disturbance to local traffic;
- ▶ Information would be provided by the construction contractor to the highway authorities, affected councils, and community leaders to facilitate the distribution of information relating to the construction period, including construction traffic flows. Residents on the local roads would also be kept informed by the contractor on a regular basis during the construction works;
- ▶ Signage would be erected on the main routes advising of the frequency and overall period of abnormal load vehicle convoy movements to provide motorists with advance warning;
- ▶ Wheel washing and road sweeping would be carried out where required to ensure that local highways are kept clear of mud and debris; and
- ▶ All HGVs transferring loose material would be covered to mitigate against any spillage onto the highway or any adjacent footways.

5.8.8 The assessment detailed in **Chapter 14** of the ES concludes that no significant traffic and transport effects are predicted. Predicted not significant temporary effects are considered to be acceptable as the proposed vehicle routing and traffic management arrangements would ensure minimal impacts on the limited number of potentially affected receptors. Consequently in relation to traffic and transport matters the Proposed Development is considered to comply with all relevant national, Development Plan and other planning policies. For the avoidance of doubt this includes policies CS12 and T3 within the East Ayrshire Local Plan (2010), proposed policy RE1 within the East Ayrshire LDP Proposed Plan (2015) and the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document (2015).

5.9 Aviation, Infrastructure & Telecommunications

5.9.1 **Chapters 16 and 17** of the ES provide assessments of predicted effects arising from the Proposed Development on telecommunications, infrastructure and aviation interests.

Aviation

5.9.2 In relation to aviation radar systems, the Proposed Development would be located within the operational range of National Air Traffic Services (NATS) Lowther Hill and Great Dun Fell En Route Primary Surveillance Radar (PSR) systems and Glasgow Prestwick Airport PSR. With a maximum height of 130 metres (m) to blade tip, all nineteen proposed turbines are considered likely to be within Line of Sight (LoS) of, and therefore be detectable by, the Lowther Hill and Glasgow Prestwick Airport (GPA) ATC PSR. NATS, at the request of the applicant, has completed a Technical and Operational Assessment (TOPA) of the Proposed Development in which an impact on the Lowther Hill PSR is predicted, though no impact was declared to the Great Dun Fell PSR (NATS, 2015a). Therefore the Great Dun Fell PSR is not considered further in the assessment provided in Chapter 17 of the ES.

5.9.3 Due to the sensitivities of the Lowther Hill PSR and the Glasgow Prestwick Airport PSR and the predicted magnitude of change upon each receptor, this would result in significant adverse operational impacts on NATS, the Lowther Hill PSR and the Glasgow Prestwick Airport PSR.

However, as detailed within **Chapter 17** of the ES it is considered that suitable mitigation through technical solutions could be deployed such that the operational phase of the Proposed Development would not result in significant effects on civilian aviation interests.

- 5.9.4 In relation to military aviation interests, the Proposed Development would be located within low flying area (LFA) 16 and, when active, within tactical training area (TTA) 20T. The MOD have confirmed that sufficient airspace exists above the proposed turbines for military aircraft to transit safely beneath the GPA controlled airspace above¹⁴, subject to turbines being fitted with accredited aviation lighting to the highest practicable point. Therefore there would be no unacceptable adverse effects from the Proposed Development on defence interests.

Infrastructure & Telecommunications

- 5.9.5 A number of low voltage (LV), 11kV (under and over ground) and 33kV power lines are located in vicinity of the Development Site. These are largely located outside the Development Site boundary, however, a single 11kV power line runs from the east into the Development Site to the residential property at Brockloch, while a single LV underground cable runs from the north west onto a radio tower located just inside the Development Site boundary near the B741, close to the proposed Development Site entrance. In addition a 33kV substation is located approximately 260m to the north east of the Development Site boundary. A number of 33kV pole mounted power lines run north, east and south from this substation, but none cross the Development Site. A BT Openreach overhead telephone line runs along the B741 to the north of the Development Site. In places this is replaced with underground armoured cables, however these do not enter the Development Site.
- 5.9.6 The assessment detailed in **Chapter 16** of the ES concludes that, providing all relevant health and safety legislation and guidance is adhered to during the detailed design and construction of the wind farm, the Proposed Development would not result in any adverse impacts on known existing infrastructure.

Telecommunications

- 5.9.7 Previous consultation responses have indicated that three telecommunication providers have radio communication links in the vicinity of the Proposed Development. One of these microwave links, operated by BT, runs across the Development Site, so to avoid any adverse impacts on this link a 150m buffer was applied around through the design of the Proposed Development. The extent of this buffer exceeds the 100m + distance requested by the respective telecommunications operator. With this embedded mitigation measure, the assessment provided in **Chapter 16** of the ES concludes that the Proposed Development would not result in any adverse impacts on any microwave links.
- 5.9.8 Effects on television reception are addressed separately below within Section 5.12 – Residential Amenity.

Policy Assessment

- 5.9.9 On the basis of the above planning assessment it is considered that the Proposed Development would have no unacceptable adverse impacts on aviation, infrastructure or telecommunications. Consequently in relation to these matters the Proposed Development is considered to be in accordance with all relevant national, Development Plan and other planning policies and considerations. For the avoidance of doubt this includes policies STRAT1 and ECON7 within the Ayrshire Joint Structure Plan (2007), policies CS12 and CS14 within the East Ayrshire Local Plan (2010), policies IN1, IN2 and OP1 within the Dumfries & Galloway LDP (2014), proposed policies

¹⁴ This was confirmed through a consultation response received from the Defence Infrastructure Organisation at a point in the design process where turbines of up to 150m blade tip height were proposed. Proposed turbine heights have subsequently been reduced to 130m to blade tip, thereby increasing the available low flying airspace above the turbines but below controlled airspace.

OP1, RE1 and RE3 within the East Ayrshire LDP Proposed Plan (2015), the adopted Dumfries & Galloway Part 1 Wind Energy Supplementary Guidance document and the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document.

5.10 Residential Amenity

- 5.10.1 Owing to the location of the Development Site and the design of the Proposed Development, any potential amenity impacts arising from the Proposed Development would be limited to a small number of residential properties within close proximity. This section of the Planning Statement provides an assessment of predicted residential amenity impacts from the Proposed Development against relevant planning policy considerations.
- 5.10.2 Proposed wind energy developments can affect residential amenity in a number of ways during both construction/decommissioning and operational phases. Effects during construction can include increases in traffic and noise levels, whilst effects during operation can include visual impact, noise, shadow flicker, ice throw and electromagnetic interference. The potential for these effects to have adverse impacts upon the occupiers of residential properties has been assessed as part of the EIA for the Proposed Development and is considered below in relation to relevant planning policies.

Residential Visual Impact & Residential Visual Amenity

- 5.10.3 **Chapter 9** of the ES provides an assessment of likely significant landscape and visual effects from the Proposed Development. **Appendix 9.C** to this ES Chapter also sets out a Residential Visual Amenity Assessment.
- 5.10.4 In considering matters regarding residential visual amenity it is important to note that Annexe A to Scottish Government Planning Circular 3/2013: Development Management Procedures provides guidance to enable decision makers to distinguish between public and private interests and afford associated considerations appropriate weight in the determination of applications. This guidance states:
- 5.10.5 *"The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development"*.
- 5.10.6 Following from this guidance, a long established tenet of UK and Scottish planning law is that the view from a private property is a private interest and as such the protection of this view, or conversely a change to or the loss of this private amenity, are not themselves material considerations. However, it is within the public interest to safeguard against impacts which are of such magnitude as to have an overbearing effect and/or result in unsatisfactory living conditions that would lead to a property being regarded, objectively, as an unattractive (as opposed to a less attractive) place to live. From a public interest perspective, objectively assessed effects on residential visual amenity are therefore material considerations.

Settlements

- 5.10.7 Seven settlements are located within 10km of the Development Site and overlapped by the blade tip ZTV:
- ▶ Burnside;
 - ▶ Bankglen;
 - ▶ Connel Park;
 - ▶ Leggate;

- ▶ New Cumnock;
- ▶ Dalmellington; and
- ▶ Burnton.

- 5.10.8 The visual assessment provided in **Chapter 9 – LVIA** of the ES concludes that the Proposed Development would result in significant adverse visual effects on views from Burnside (the closest settlement to the Development Site, but still located some 3.2km north east of the nearest proposed turbine) and the south west edge of New Cumnock. These significant effects would occur due to clear blade tip visibility of the Proposed Development from sensitive receptors including residential properties, parks and cemeteries. In other settlements, visual effects at sensitive receptors would be mitigated to varying degrees by intervening distances and screening provided by topographical, vegetation or built environment features, such that the level of visual effects would be not significant. In addition there would be significant cumulative effects on views experienced from Dalmellington and Burnton due to successive views with Keirs Hill and Glenmount wind farms. Detailed visual assessments of visual effects on individual settlements are provided in **Table 10.9** of the ES.
- 5.10.9 Despite the identification of adverse significant visual effects on views from two settlements, **Chapter 9** of the ES concludes that these effects would not adversely affect residential visual amenity. This is because where the Proposed Development is visible within settlements, it would appear proportionate to the surrounding large scale landscape and would not dominate views from residential properties and related public open spaces. The intervening distance between settlements and the Proposed Development also ensures that views of the Proposed Development from Burnside and New Cumnock would not be overbearing.

Individual Dwellings

- 5.10.10 The Residential Visual Amenity Assessment provided in **Appendix 9.B** to **Chapter 9 – LVIA** of the ES provides a detailed assessment of effects on residential visual amenity within a 2km Study Area from the Development Site, as agreed between the Applicant and East Ayrshire Council. A number of properties located beyond the 2km threshold are also considered within the assessment on a precautionary basis.
- 5.10.11 There are no residential properties within 1km of any proposed turbine location. The closest residential property, Maneight Farm is located approximately 310m from the Development Site but approximately 1,741m from the nearest turbine. There are only three additional properties located within 1 - 2km. A further 20 properties (including eight semi-detached properties at Dalleagles Terrace) are located at distances up to 3.1km from the Development Site. This includes two properties, Knockburnie Farm and Brockloch Farm, which are financially involved with the Proposed Development, a factor which must be taken into account when determining the acceptability of predicted adverse visual effects at these receptors.
- 5.10.12 The assessments provided in **Chapter 9 – LVIA** of the ES and **Appendix 9.B – Residential Visual Amenity Assessment** to the ES conclude that the Proposed Development would not result in significant adverse visual effects on individual dwellings, due to limited theoretical and actual predicted visibility from properties. Consequently the Proposed Development would not adversely affect residential visual amenity at any property, as partial and/or limited views of the Proposed Development at distances exceeding 1km in all cases and generally around 2km or more would clearly not be overbearing on any property. These conclusions were reached due to screening provided by topography and vegetation (commercial forestry), and combinations of the setting and orientation of properties such that views from key rooms and rear gardens would not be dominated by the Proposed Development.

Policy Assessment

- 5.10.13 The SPP (paragraph 164) notes that Development Plan policies should protect individual properties and settlements not identified within the Development Plan from unacceptable impacts arising from proposed wind energy developments.

- 5.10.14 All of the identified adverse visual effects on settlements are considered to be acceptable in their own right on the grounds that insofar as there are clear views of the Proposed Development these would not be overbearing and would only occur within localised areas of settlements which are not within the immediate proximity of the Development Site and are already situated within a varied landscape setting including urban and industrial developments. Predicted visual effects on individual properties are also considered to be acceptable in their own right and because only a relatively small number of properties, some of which constitute 'involved properties', would be affected by not significant levels of visual effect, and there would be no resulting adverse effects on visual residential amenity. In addition, judgements regarding the acceptability of adverse visual effects are required to take account of the important renewable energy and socioeconomic benefits of the Proposed Development; in this case it is considered that the scale of these benefits clearly outweigh the limited predicted adverse visual effects on settlements and properties.
- 5.10.15 The Proposed Development would not result in any unacceptable significant adverse visual impacts on settlements or dwellings and would not result in any adverse impacts on residential visual amenity, at both settlement and individual dwelling level. It is therefore considered that in relation to residential visual impacts and residential visual amenity, the Proposed Development accords with all relevant national, Development Plan and other planning policies. This includes policy ECON7 within the Ayrshire Joint Structure Plan (2007), policies SD1 and CS12 within the East Ayrshire Local Plan (2010), proposed policies OP1 and RES11 within the East Ayrshire LDP Proposed Plan (2015) and the draft East Ayrshire Planning for Wind Energy Supplementary Guidance (2015).

Noise

- 5.10.16 Residential amenity can be affected as a result of noise generated during the construction, operational and decommissioning phases of a wind farm development. **Chapter 7** of the ES presents a detailed noise assessment of the Proposed Development, taking account of cumulative developments.
- 5.10.17 Construction noise would occur over the estimated 12 month construction programme and would be restricted to specified hours of working (07:00 to 19:00 on Monday to Friday and 07:00 to 12 noon Saturdays) in order to avoid sensitive periods. Any requirement to work outside of these periods would only occur through prior agreement with the local planning authority (for example turbine erection requires low wind speed conditions and may require longer working hours if conditions are poor at the programmed time). **Chapter 7** of the ES concludes that the separation distance between the construction areas and receptors would be sufficient to ensure that any construction noise effects will not cause undue disturbance. It is assumed that decommissioning noise would be generally less or, at most, similar to that experienced during the construction period. Therefore no significant adverse effects are anticipated to occur in respect of noise from construction or decommissioning activities.
- 5.10.18 Noise measurements were carried out at a number of representative residential locations in proximity to the Development Site. In total, eight residential receptors were considered in the noise assessment provided in **Chapter 7** of the ES, with predicted operational at each receptor being assessed in accordance with ETSU-R-97: The Assessment of Rating of Noise from Windfarms ("ETSU Guidance"). The noise assessment provided in **Chapter 7** of the ES concludes that the Proposed Development would operate well below both the ETSU daytime and night-time noise limits. In addition, a comprehensive cumulative operational noise assessment was carried out and the ES concludes that total predicted noise levels from the Proposed Development combined with the closest existing, consented and proposed wind developments would also be well below and therefore compliant with the ETSU limits. Therefore the Proposed Development would not unacceptably affect residential amenity as a result of operational noise and consequently it is considered that the Proposed Development complies with all relevant standards, guidelines and planning policies designed to protect residential amenity in respect of noise. This includes the SPP (notably paragraph 169), policies STRAT1 and ECON7 within the Ayrshire Joint Structure Plan (2007), policies CS12, CS14, ENV25, and ENV26 within the East Ayrshire Local Plan (2010), policies OP1, IN1 and IN2 within the Dumfries & Galloway LDP (2014), proposed policies OP1,

RE1, RE3, RE4, RES11 and ENV12 within the East Ayrshire LDP Proposed Plan (2015) and the draft East Ayrshire Planning for Wind Energy Supplementary Guidance (2015).

Television Reception

- 5.10.19 It is recognised that wind turbines have the potential to adversely affect analogue television signals up to a maximum distance of 5km. However, analogue terrestrial television has been phased out in the UK, having now been entirely switched over to digital signals which do not suffer from the same potential interference. As such the Proposed Development is not predicted to result in any adverse impact on television reception.

Shadow Flicker

- 5.10.20 Shadow flicker is the effect caused when an operating wind turbine is located between the sun and a property and creates a visual interference. As such, shadow flicker has the potential to affect residential amenity. However, the potential for shadow flicker occurring depends upon the direction of property relative to the turbines, the distance from the turbines, size of windows, turbine height and blade sweep, topography and existing screening, in addition to the time of day and year.
- 5.10.21 An assessment of the potential for shadow flicker effects as a result of the operation of the Proposed Development is contained in **Chapter 8** of the ES. The assessment concludes that there are no residential properties located within 1,110m (10 rotor diameters of 106m, plus 50m to account for potential micrositing) and 130 degrees north of the proposed turbines. Therefore no shadow flicker effects on any known residential properties would occur as a result of the Proposed Development and no mitigation is required. On this basis, in relation to the potential for shadow flicker effects, the Proposed Development accords with all relevant national, Development Plan and other planning policies and considerations. For the avoidance of doubt, this includes policies STRAT1, ECON7 and ENV11 within the Ayrshire Joint Structure Plan (2007), policies SD1, CS12, CS14, ENV25 and ENV26 within the East Ayrshire Local Plan (2010), proposed policies OP1, RE1, RE3, RES11 and ENV12 within the East Ayrshire LDP Proposed Plan (2015) and the draft East Ayrshire Planning for Wind Energy Supplementary Guidance (2015).

Ice Throw

- 5.10.22 Wind turbines are programmed to shut down when imbalance as a result of ice are detected on the blades and as such, the build-up of ice is unlikely to present any danger to human or animal life. In the unlikely event that ice throw should occur, this would be restricted to an area equivalent to 1.5 x the height to blade tip of the turbines (130m)¹⁵. In this instance, this equates to a distance of ~195m. Given that there are no known footpaths within the Development Site and that the distance between the proposed turbines and residential properties is greater than 1.7km, the Proposed Development would not affect residential amenity as a result of ice throw. In addition, during adverse weather conditions when icing is likely to occur, temporary warning signs can be provided at access points to the Development Site to alert the public this issue. This would advise walkers and other users of the Development Site not to stand close to the wind turbine towers and to take care when walking in line with the turbine blades, however it would not prevent public access to the Development Site.

Residential Amenity Conclusion

- 5.10.23 The planning assessment detailed above demonstrates that the Proposed Development would not result in any unacceptable adverse impacts on residential amenity, including in relation to residential visual amenity. As demonstrated above, in relation to the protection of residential amenity and the safeguarding of communities the Proposed Development accords with all relevant national, Development Plan and other planning policies and considerations.

¹⁵ *Wind Energy Production in Cold Climate*: Tammelin, Cavaliere, Holttinen, Hannele, Morgan, Seifert, and Sääntti, 1997.

5.11 Climate Change and Renewable Energy

- 5.11.1 The renewable energy benefits and carbon balance of the Proposed Development are detailed in **Chapter 6 - Renewable Energy Policy, Carbon Balance and Peat Management** of the ES which accompanies this section 36 application. Section 3 within this Planning Statement explains the rationale for the Proposed Development, provides a summary of applicable climate change and renewable energy policy frameworks and calculates the renewable energy yield and carbon balance of the Proposed Development

Renewable Energy Generation

- 5.11.2 As noted in Section 4 of this Planning Statement, the NPF3 and the SPP (2014) both explicitly recognise the need for developments which facilitate the reduction of greenhouse gas emissions, including increased deployment of low carbon energy infrastructure. Specifically in relation to wind energy, the NPF3 at paragraph 3.23 confirms that Scottish Ministers expect onshore wind farm to “*continue to make a significant contribution to diversification of energy supplies*”.
- 5.11.3 **Chapter 6** of the ES concludes that with an installed capacity of up to 62.7MW, the amount of electricity produced by the Proposed Development has been estimated to be up to 148,298MWh per year¹⁶. Prior to undertaking formal EIA and design processes for the Proposed Development, the substantial renewable energy generation potential of the Development Site was realised through a detailed feasibility assessment undertaken by the Applicant. This indicated the viability of a proposed wind energy development on the Development Site as it would benefit from good wind resource availability, close proximity to grid connections and limited onsite environmental and technical constraints. Further details regarding the site selection and design evolution process are provided within the **Chapter 3 – Site Selection & Design Evolution** of the ES and the **DAS** which accompanies the section 36 application.
- 5.11.4 Every unit of electricity produced by a wind farm could effectively displace a unit of electricity which may otherwise have been produced by a conventional (coal or gas) power station. As such, renewable energy results in carbon savings. In estimating the actual carbon saving it is important to consider the mix of alternative sources of electricity generation, for example, coal, oil and gas powered. To represent this energy mix, RenewableUK recommend the use of a static figure of 430g of CO₂ saved for every kWh generated¹⁷ and this figure has therefore been used within the carbon balance assessment provided in **Chapter 6** of the ES. However, the Scottish Government has set a target of achieving a carbon intensity of 250g CO₂ per kWh for electricity generation by 2030. It is therefore clear that significant decarbonisation of Scotland’s electricity generation sector is required to achieve this ambitious target, and this can only be realised through increased deployment of large scale low carbon electricity generating stations such as the Proposed Development.
- 5.11.5 The deployment of onshore wind farms such as the Proposed Development is strongly supported in principle by the Scottish Government, subject to proposed developments being appropriately located and compliant with relevant policies. As a large scale commercial onshore wind farm on a site with a suitable wind resource, the Proposed Development would make a meaningful contribution towards achieving these ambitious renewable energy targets. This is a very important consideration in the determination of this application.

Carbon Balance

- 5.11.6 The carbon balance assessment provided within **Chapter 6** of the ES predicts that carbon losses associated with the construction of the Proposed Development would be expected to be paid back in ~1.5 years (~6% of the 25 year operational life) based upon a standard fossil fuel grid electricity

¹⁶ Based on an expected capacity factor of 27%

¹⁷ Renewable UK (2014) UKWED Figures explained

mix and the expected energy yield from the Proposed Development. Even considering the worst case scenario, the Proposed Development would have achieved net carbon balance within ~3.6 years of operation (14% of the 25 year operational life).

- 5.11.7 On the basis of potential annual CO₂ savings of 63,768 tonnes/year (based on figure of 430g of CO₂ savings per kWh and a conservatively estimated capacity factor of 27%), the Proposed Development could result in a total carbon saving of approximately 1.6M tonnes over its 25 year operational life, and generate electricity to annually supply the equivalent of 42,651 average homes in East Ayrshire. This is considered to represent a valuable contribution towards the decarbonisation of the electricity generation sector across Scotland and the wider UK. The decarbonisation benefits of the Proposed Development are therefore an important consideration in the determination of this application.

Policy Assessment

- 5.11.8 The key Development Plan policies regarding renewable energy generation, and therefore of direct relevance to the Proposed Development, are policies ECON6 and ECON7 within the Ayrshire Joint Structure Plan and policies CS12 and CS14 within the East Ayrshire Local Plan. The SPP (in particular paragraph 169), proposed policies RE1, RE3, RE4, RE5 and RE7-RE10 within the East Ayrshire LDP Proposed Plan, the draft East Ayrshire Planning for Wind Supplementary Guidance, policies IN1 and IN2 within the adopted Dumfries & Galloway LDP, and the adopted Dumfries & Galloway Part 1 Wind Energy also relate to renewable energy generation and are directly relevant to the Proposed Development.

Ayrshire Joint Structure Plan (2007) Policies ECON6 & ECON

- 5.11.9 The Ayrshire Joint Structure Plan (2007) predates both current national planning policies (i.e. the SPP and NPF3, published June 2014) and also the previous version of SPP, which was published in February 2010. In this regard the SPP (paragraph 33) states that where a Development Plan is more than five years old it is considered to be out of date. Policy ECON 6 within the Structure Plan states that renewable energy proposals should have “*no significant adverse impacts*”, including cumulative impacts, and that the design of renewable energy developments should be sensitive to landscape character, biodiversity and cultural heritage. It is however considered the wording of Policy ECON6 is inconsistent with current national planning policies, as it does not consider the acceptability of significant or not significant impacts from any renewable energy development. For example, this is misaligned with the SPP (paragraph 203), which in relation to natural heritage protection requires only that “*planning permission should be refused where the nature or scale of proposed development would have an **unacceptable** impact on the natural environment*” (our emphasis). Furthermore, since a proposed wind energy development of any scale and in almost any location would likely give rise to at least some significant adverse impacts, particularly in relation to significant effects on the host landscape, a literal interpretation of Policy ECON6 could result the potential refusal of every application for wind energy developments within East Ayrshire¹⁸. Policy ECON6 is therefore contrary to the SPP (2015), which at paragraph 155 requires development plans to “*ensure an area’s **full potential** for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations*” (our emphasis).
- 5.11.10 Due to the age of the Structure Plan and the inconsistency between Policy ECON6 and national policy identified above, it is submitted that whilst development proposals could still be assessed against the principle of Policy ECON6, the specific requirement for development proposals not to result in any significant adverse impacts should be disregarded. If this is not accepted then it is alternatively submitted that Policy ECON6 must be afforded little or no weight in the determination

¹⁸ With the adoption of the North Ayrshire LDP (2014) and the South Ayrshire LDP (2014), East Ayrshire is the only part of Ayrshire still covered by the approved Ayrshire Joint Structure Plan (2007).

of the section 36 application for the Proposed Development due to the policy being out of date and inconsistent with national planning policies.

- 5.11.11 As detailed within the ES, only a very limited number of residual significant adverse effects would occur from the Proposed Development, and Sections 5.2-5.11 of this Planning Statement have explained in full why these effects are acceptable in both environmental and planning policy terms. Furthermore, the DAS demonstrates that the design process has fully taken account of all known environmental and cultural heritage constraints, and through multiple design iterations has sought to minimise impacts on landscape character. Therefore in overall terms it is considered that the Proposed Development is acceptable under the principle of Structure Plan Policy ECON 6.
- 5.11.12 Policy ECON 7 identifies multiple assessment criteria for proposed wind energy developments. An assessment of the Proposed Development against these criteria is detailed in **Table 5.1**.

Table 5.2 Assessment of the Proposed Development against Structure Plan Policy ECON 7

| Policy ECON 7 Criteria | Assessment |
|---|--|
| Historic Environment | No designated historic assets are located within the Development Site; however seven non-designated historic assets are known to be present. No significant adverse effects on cultural heritage interests would occur as a result of the Proposed Development. The proposed micro-siting allowance would further reduce disturbance of any currently unknown and non-designated historic assets, including archaeological remains. A not significant adverse effect is predicted in relation to the partial removal of the undesignated Peat Hill boundary banks. This is considered to be acceptable taking account of the local importance of this asset, the short length of bank involved and proposed mitigation measures. The Proposed Development therefore accords with this criterion. |
| Areas designated for their regional and local natural heritage value | Owing to a lack of proximity to designated sites, the Proposed Development would not result in any unacceptable significant adverse effects on the qualifying interests of sites designated at local, national or international level for reasons of natural heritage protection. Chapter 9 – LVIA of the ES and Section 5.2 of this Statement considers the impact of the Proposed Development on local landscape designations, including the East Ayrshire Sensitive Landscape Area. It concludes that all predicted adverse visual effects on local landscape designations would be acceptable and not significant. The Proposed Development therefore accords with this criterion. |
| Tourism and recreational interests | The detailed recreational and tourism assessments provided in Chapter 15 of the ES conclude that the Proposed Development would not result in any unacceptable significant adverse effects on the attractiveness, tourism potential or amenity value of any tourism or recreational activities or receptors, including the Dark Sky Park and Scottish Dark Sky Observatory. Predicted (not significant) adverse effects on tourism and recreational receptors are considered acceptable owing to the limited scale of such effects and when balanced against the important renewable energy and economic benefits of the Proposed Development. The Proposed Development therefore accords with this criterion. |
| Communities | Owing to a lack of proximity to many receptors and limited ZTV coverage from nearby properties the Proposed Development would not result in any significant adverse effects on residential amenity. All predicted (not significant) visual effects are considered to be acceptable in their own right due to their limited scale, and this acceptability is further enhanced when predicted effects are balanced against the important predicted renewable energy and socio-economic benefits. The Proposed Development therefore accords with this criterion. |
| Buffer Zones | The design of the Proposed Development incorporates and respects relevant buffer zones around watercourses, sensitive habitats, the deepest areas of peat and residential properties. Individual buffer zones are identified within relevant chapters of the ES. The Proposed Development therefore accords with this criterion. |
| Aviation and Defence Interests Broadcasting Installations | For the technical reasons detailed in Section 5.9 above it is considered that the Proposed Development would have no unacceptable adverse effects on aviation, infrastructure, telecommunications or broadcasting installations. The Proposed Development therefore accords with these criteria. |

- 5.11.13 Policy ECON 7 also includes criteria to assess sites in areas designated for heritage and landscape importance, the cumulative impact of existing wind farms and proposals effecting sensitive landscape character areas. The Development Site is located within the East Ayrshire

Sensitive Landscape Area (SLA), however **Chapter 9 – LVIA** of the ES concludes that the Proposed Development would not result in a significant effect on this local landscape designation owing to the careful design of the Proposed Development and a lack of proximity and visual connection of the Development Site to the sensitive Glen Afton valley landscape.

- 5.11.14 The assessment above demonstrates that overall the Proposed Development accords with policy ECON 7 read as a whole.

East Ayrshire Local Plan Policies CS12 and CS14

- 5.11.15 Policy CS12 requires renewable energy proposals to demonstrate no significant, unacceptable adverse impact, including adverse cumulative impact, as assessed against multiple assessment criteria. The majority of these criteria have already been directly assessed in relation to Structure Plan policy ECON 7, so in the interests of brevity do not require further assessment here. An assessment against the criteria within policy CS12 which differ from policy ECON 7 is detailed in **Table 5.2**.

Table 5.3 Assessment of the Proposed Development against criteria from Policy CS12

| Criteria: | Assessment |
|--|--|
| Unacceptable Adverse Significant Impact:- | |
| On the visual amenity of the area | Chapter 9 – LVIA identifies a limited number of significant visual effects (including cumulative effects) from the Proposed Development. For the multitude of reasons provided in Section 5.2 all identified adverse landscape and visual effects (including adverse cumulative effects) are considered to be acceptable in their own right and when balanced against the renewable energy and socio-economic benefits of the Proposed Development. Furthermore, the Residential Visual Amenity Assessment provided in Appendix 9.C to the ES concludes that the predicted adverse visual effects would not result in any resulting adverse effects on visual residential amenity. Therefore the Proposed Development would not result in an unacceptable adverse significant effect on visual amenity and consequently accords with this criterion. |
| On existing infrastructure | For the reasons detailed in Section 5.9 no significant adverse effects on traffic or the local road network are predicted. No adverse effects on broadcasting installations would occur. The Proposed Development therefore accords with this criterion. |

- 5.11.16 The assessment detailed in **Table 5.2** together with the previous assessment against Structure Plan policy ECON 7 demonstrates that overall the Proposed Development accords with policy CS12.
- 5.11.17 Policy CS14 states that wind energy developments will be assessed against criteria specified within the Structure Plan Policy ECON 7 and against any future supplementary planning guidance to be prepared relating to cumulative impact. The Proposed Development has already been determined to be in accordance with Policy ECON 7 within the Ayrshire Joint Structure Plan. Furthermore, section 5.2 of this Planning Statement demonstrates that the Proposed Development complies with relevant guidance within the EAWLCS by positioning proposed turbines away from sensitive landscape characters and aligning turbines to 'fit' visually with other nearby wind farms. Furthermore no other approved wind energy supplementary planning guidance currently supports the East Ayrshire Local Plan (2010). Therefore the Proposed Development clearly accords with Policy CS14.
- 5.11.18 Considering the conclusions of the planning assessments, the Proposed Development therefore accords overall with the key Development Plan policies regarding renewable energy generation. This establishes the principle of the Proposed Development at the Development Site and is a very important consideration in favour of a positive determination of the section 36 application for the Proposed Development.

East Ayrshire LDP Proposed Policies RE1, RE3, RE4 and RE5

- 5.11.19 Read together, proposed policies RE1, RE3, RE4 and RE5 provide support for appropriately sited proposed wind energy developments that do not result in any unacceptable adverse significant impacts on environmental, amenity or heritage interests and which are consistent with the guidance contained in the EAWLCS. Proposed policies RE1 and RE3 also require proposed wind farm developments to be assessed against criteria listed in Schedule 1 to the LDP, and proposed policy RE5 highlights the need for landscape impacts to be assessed through the Schedule 1 criteria, taking account of relevant guidance in the EAWLCS.
- 5.11.20 An assessment of the Proposed Development against Schedule 1 to the East Ayrshire LDP is presented in **Table 5.3**.

Table 5.4 Assessment of the Proposed Development against Schedule 1 to the East Ayrshire LDP

| Key Considerations | Assessment |
|--|--|
| <p>Landscape and visual impacts including the principles set out in the Ayrshire Landscape Wind Capacity Study</p> | <p>It should be noted that the Applicant has submitted representations to the East Ayrshire LDP Proposed Plan (2015) stating that references within the document to the Ayrshire Landscape Wind Capacity Study are unclear.</p> <p>For the purposes of this planning assessment, it is assumed that this criterion is intended to refer to the EAWLCS (2013). Section 5.2 of this Planning Statement explains in full why the Proposed Development would not result in any unacceptable (significant or not significant) landscape or visual effects.</p> <p>Whilst it is acknowledged that the Proposed Development is located within the landscape of High-medium sensitivity, the Proposed Development complies with relevant guidance within the EAWLCS by positioning proposed turbines away from sensitive landscape characters and aligning turbines to 'fit' visually with other nearby wind farms.</p> <p>The Proposed Development therefore accords with this criterion.</p> |
| <p>Cumulative impacts - likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy, development may limit the capacity for further development</p> | <p>Whilst the Proposed Development in combination with the baseline position and other proposed schemes would generate a limited number of significant adverse cumulative landscape and visual effects, these effects are largely attributable to other existing or proposed schemes and would occur regardless of the Proposed Development. As such the addition of Proposed Development to the landscape would only generate very limited cumulative effects. As detailed in Section 5.2, all predicted significant cumulative visual effects are considered to be acceptable as they would not alter local landscape characters, result in cumulative landscape effects beyond, or have an overbearing impact on any visual receptors.</p> <p>Excluding cumulative landscape and visual effects, the Proposed Development would not generate any significant adverse cumulative effects. On the basis that the only predicted significant adverse cumulative effects are acceptable, the Proposed Development accords with this criteria.</p> |
| <p>Impacts on carbon rich soils, using the carbon calculator</p> | <p>The adoption of a careful design process to avoid areas of deeper peat, as outlined within Chapter 2 of the ES and within the DAS, means that only a relatively small quantity of deep peat is likely to be disturbed by the Proposed Development. Where disturbance is unavoidable, mitigation measures including the use of floating roads would be deployed to protect peat assets wherever possible. It is therefore considered that the Proposed Development incorporates all appropriate and necessary steps to safeguard deep peat and carbon rich soils.</p> <p>As detailed in Chapter 6 of the ES, the Proposed Development could result in a total carbon saving of approximately 1.6M tonnes over its 25 year operational life and would have a 'carbon payback period' of between ~1.5 years and ~3.6 years (i.e. between ~6% and 14% of the 25 year operational life, assuming a worst case energy generation scenario) This is considered to represent a valuable contribution towards the decarbonisation of the electricity generation sector across Scotland and the wider UK. The Proposed Development therefore accords with this criterion.</p> |

| Key Considerations | Assessment |
|---|--|
| Effects on the natural heritage, including birds. Renewable energy proposals will only be approved where the Council has ascertained that they would not have an adverse effect on the integrity of a Natura 2000 site | Owing to its considerable distance from designated sites, the Proposed Development would not result in any unacceptable significant adverse impacts on the qualifying interests of sites designated at local, national or international level for reasons of natural heritage protection. The Proposed Development would also not result in any significant adverse impacts on ecological or ornithological interests. All predicted (not significant) effects on natural heritage interests are considered to be acceptable owing to their localised nature, limited scale and when balanced against the benefits of the Proposed Development. The Proposed Development therefore accords with this criterion. |
| Impacts on wild land | Owing to its considerable distance to Wild Land Areas and the influence of intervening landscapes, the Proposed Development would not result in any adverse impact on wild land. The Proposed Development therefore accords with this criterion. |
| Impacts on all aspects of the historic environment | No significant adverse effects on cultural heritage interests would occur as a result of the Proposed Development. The proposed micro-siting allowance would avoid or limit any disturbance of any currently unknown and non-designated historic assets, including archaeological remains. A not significant adverse effect is predicted in relation to the partial removal of the undesignated Peat Hill boundary banks. This is considered to be acceptable taking account of the local importance of this asset, the short length of bank involved and proposed mitigation measures. The Proposed Development therefore accords with this criterion. |
| Effects on hydrology, the water environment and flood risk | With the implementation of proposed construction and operational mitigation measures, the Proposed Development would not result in any unacceptable adverse effects on hydrological or hydrogeological interests, and no increased flood risk is predicted to occur. Full details all proposed mitigation measures are provided in Chapter 13 of the ES. |
| Impacts on forestry and woodlands, with reference to the Ayrshire and Arran Forestry and Woodland Strategy (2013) | No felling is proposed as part of the Proposed Development so no adverse forestry impacts are predicted. The Proposed Development therefore accords with this criterion. |
| Effect on greenhouse gas emissions | In terms of net carbon balance, Chapter 6 of the ES calculates that the Proposed Development would result in potential annual CO ₂ savings of 63,768 tonnes/year. The Proposed Development could therefore result in a total carbon saving of approximately 1.6M tonnes over a 25 year consented operational period. This is considered to represent a valuable contribution towards the decarbonisation of the electricity generation sector across Scotland and the wider UK. |
| Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker | Owing to a lack of proximity to many receptors and limited ZTV coverage from nearby properties, the Proposed Development would not result in any significant adverse effects on residential amenity (including visual residential amenity). All predicted adverse visual impacts, including those affecting settlements and residential properties, are considered to be acceptable in their own right due to their limited scale, and this acceptability is further enhanced when predicted impacts are balanced against the important predicted renewable energy and socio-economic benefits (see Section 5.10 for further details regarding the acceptability of individual predicted impacts). The Proposed Development therefore accords with this criterion. |

| Key Considerations | Assessment |
|---|--|
| Impacts on tourism and recreation | The detailed recreational and tourism assessments provided in Chapter 15 of the ES conclude that the Proposed Development would not result in any unacceptable significant adverse effects on the attractiveness, tourism potential or amenity value of any tourism or recreational activities or receptors, including the Dark Sky Park and Scottish Dark Sky Observatory. Predicted not significant adverse impacts on tourism and recreational receptors are considered acceptable owing to the limited scale of such impacts and when balanced against the important renewable energy and economic benefits of the Proposed Development. The Proposed Development therefore accords with this criterion. |
| Public access, including impact on long distance walking and cycling routes and scenic routes identified in National Planning Framework 3 | The Development Site does not include any designated footpaths or walking routes. As detailed in Chapter 15 of the ES, the Proposed Development would not result in any significant adverse effects on public access. Predicted not significant effects are considered to be acceptable owing to the very limited predicted extent and duration of public access restrictions (i.e. temporary localised suspension of the 'right to roam') during periods of intense construction activity, in accordance with the CDM Regulations 2015). The Proposed Development therefore accords with this criterion. |
| Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities; | As detailed in Chapter 15 of the ES, the capital cost of constructing the Proposed Development could equate to up between £73.4m and £112.8m (including turbine manufacturing). During the construction phase, the Proposed Development could directly support up to 98.6 Full Time Equivalent (FTE) local jobs and 294.3 FTE jobs within Scotland for the duration of the construction phase. During its operational phase, operations and maintenance related employment could directly support up to 67.2 FTE jobs, of which up to 27.9 FTE jobs would be likely to be within East Ayrshire and up to 39.3 FTE jobs would be likely to be within Scotland. Other employment is also likely to be supported or generated through indirect and induced economic and employment effects throughout all phases of the Proposed Development (e.g. use of local contractors, accommodation and facilities, and associated supply chain impacts). This net economic impact is considered to represent an important, albeit not significant, (in EIA terms) beneficial effect, and the Proposed Development therefore accords with this criterion. |
| Impacts on aviation and defence interests and seismological recording | As detailed in Section 5.9, subject to the implementation of suitable mitigation in respect of aviation, the Proposed Development would have no unacceptable adverse impacts on aviation, infrastructure or telecommunications. It therefore accords with this criterion. |
| Impacts on road traffic including during construction and decommissioning | The assessment detailed in Chapter 14 of the ES concludes that no significant traffic and transport effects are predicted. Predicted not significant temporary effects are considered to be acceptable as the proposed vehicle routing and traffic management arrangements would ensure minimal effects on the limited number of potentially affected receptors. These not significant temporary effects are also considered to be acceptable when balanced against the important renewable energy and socioeconomic benefits of the Proposed Development. The Proposed Development therefore accords with this criterion. |
| Impacts on adjacent trunk roads | Given that the Proposed Development would not be directly accessed from a Trunk Road and would not generate any significant adverse impacts on the local road network it is considered that the Proposed Development accords with this criterion. |
| Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised | Taking account of embedded mitigation measures including buffer zones from known telecommunication links, the Proposed Development would have no adverse impacts on broadcasting installations. The Proposed Development therefore accords with this criterion. |

| Key Considerations | Assessment |
|--|---|
| The ability of the proposed location to support the efficient operation of wind energy technology | Long term wind monitoring has confirmed that the Development Site has a suitable wind resource to support the efficient operation of a large scale wind farm. The Proposed Development therefore accords with this criterion. |
| The appropriate siting and design of turbines and ancillary works | As detailed within Section 5.2, the design of the Proposed Development complies with relevant guidance within the EAWLCS and has sought to minimise potential landscape and visual impacts. In particular, individual turbines have been positioned away from sensitive landscape characters and in alignment with other nearby wind energy developments (existing, consented and proposed) and the wider infrastructure layout has sought to minimise visual intrusion. It is therefore considered that the Proposed Development successfully achieves this aim through siting proposed turbines and other infrastructure away from sensitive receptors and by taking account of all known environmental and heritage constraints throughout the design process. |
| The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration | Proposed decommissioning and restoration measures are set out in relevant ES chapters and are summarised in Chapter 4 –Description of the Proposed Development of the ES. |
| The need for a robust planning obligation to ensure that operators achieve site restoration | The Applicant will accept any suitably worded conditions regarding the pre-commencement submission and approval of required environmental, technical and construction information, as well as suitably worded conditions and/or planning obligations to control the decommissioning of the Proposed Development and restoration of the Development Site that may be considered appropriate by the Scottish Ministers. |
| The scale of contribution to renewable energy generation targets | <p>As detailed in Chapter 6 of the ES, with an installed capacity of up to 62.7MW, the Proposed Development is predicted to generate 148,298MWh of electricity per year based on a capacity factor of 27%. It is considered that this represents a valuable contribution to the achievement of renewable energy targets by 2020.</p> <p>The latest Renewable Energy Progress Report published by the European Commission (June 2015) reveals that 25 EU countries are expected to have met their 2013/2014 interim renewable energy targets and remain on track to achieve binding renewable energy targets set through Renewable Energy Directive 2009/28/EC. In 2014, the projected share of renewable energy in gross final energy consumption across the EU stood at 15.3%. However, the report confirms that the UK has fallen short of its EU renewable energy targets since 2013 and is projected to miss its binding renewable energy target for 2020. It therefore calls for member states including the UK to “<i>assess whether their policies and tools are sufficient and effective in meeting their renewable energy objectives</i>”.</p> <p>In light of these findings the valuable contribution of the Proposed Development towards achieving achieve the UK’s binding renewable energy targets set through Renewable Energy Directive 2009/28/EC is considered to be an important consideration in favour of a positive determination of the section 36 application for the Proposed Development.</p> |
| Opportunities for energy storage | This criterion is not relevant to the Proposed Development. |

- 5.11.21 The assessment detailed in **Table 5.3** above demonstrates that overall the Proposed Development has fully taken account of and accords with the criteria listed in Schedule 1 to the East Ayrshire LDP Proposed Plan. Given that these criteria mirror the assessment criteria for proposed energy infrastructure developments detailed within the SPP at paragraph 169, the Proposed Development accords with the SPP in this important respect. Furthermore, owing to the compliance of the Proposed Development with criteria within Schedule 1 regarding landscape & visual impacts and cumulative impacts and the fact that the Proposed Development accords with relevant guidance within the EAWLCS, the Proposed Development therefore also accords with proposed policies RE4 and RE5¹⁹.
- 5.11.22 In addition to complying with Schedule 1, proposed policy RE1 requires proposals to be of an appropriate scale and to accord with all other relevant LDP policies. The Proposed Development complies with relevant guidance within the EAWLCS (see Section 5.2 for further details) and its scale is in keeping with existing wind energy developments relatively close to the Development Site. On the basis of the above planning assessment, the Proposed Development therefore accords with proposed policy RE1 within the East Ayrshire LDP Proposed Plan.
- 5.11.23 Proposed policy RE3 also requires proposed developments located within Group 2 areas to demonstrate that *“any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation”*. The Applicant has submitted representations in respect of the East Ayrshire LDP Proposed Plan (2015) recommending that proposed policy RE3 should be modified to explicitly define the term *“qualities”* as this is currently unclear, and to provide appropriate support for development proposals in Group 3 areas. In relation to the policy wording regarding Group 2 areas the Applicant has recommended that *“qualities”* should be defined as *“the specific reason(s) why land is identified (on the proposed wind energy spatial framework) as a Group 2 area rather than a Group 3 area”* (see full representations in **Appendix C**).
- 5.11.24 The requirement under proposed policy RE3 is considered within Section 5.5 and also below in relation to the proposed wind energy spatial framework within the East Ayrshire LDP Proposed Plan (2015). In summary the Proposed Development would not result in any significant adverse effects on peatlands and incorporates all appropriate and necessary measures to protect deep peat and carbon rich soils. On the basis of the above planning assessment the Proposed Development therefore accords with proposed policy RE3 within the East Ayrshire LDP Proposed Plan.
- 5.11.25 Whilst proposed policies RE7-RE10 are of relevance to the Proposed Development, they set out general requirements regarding the monitoring, operation and community benefits of proposed wind turbines rather than specific assessment criteria for planning or section 36 applications. It should be noted that the Applicant has submitted detailed representations in respect of the East Ayrshire LDP Proposed Plan (2015) recommending multiple modifications to enhance the clarity of these proposed policies (see **Appendix C**). Taking account of these representations the Applicant is broadly content to accept the requirements specified in proposed policies RE7, RE9 and RE10, and as such the Proposed Development accords with these proposed policies.
- 5.11.26 The Applicant supports the principle of proposed policy RE8, however has concerns regarding its detailed wording. The Applicant has therefore submitted representations to the East Ayrshire LDP Proposed Plan (2015) in this regard (see **Appendix C**). Notwithstanding this, given that the Applicant would provide direct funding to local communities in accordance with the aforementioned Scottish Government best practice document it is considered that the Proposed Development is acceptable under proposed policy RE8.

¹⁹ The Applicant has submitted a representation in respect of the East Ayrshire LDP Proposed Plan (2015) recommending that proposed policy RE5 should be modified to include specific landscape related assessment criteria (see full representation in **Appendix C**). The Proposed Development has effectively been assessed against the Applicant’s proposed assessment criteria within Section 5.2.

Dumfries & Galloway LDP Policies IN1 & IN2

5.11.27 An assessment of the Proposed Development against relevant criteria (bearing in mind the location of the Development Site in East Ayrshire) within policies IN1 and IN2 of the Dumfries & Galloway LDP is provided in **Table 5.4**.

Table 5.5 Assessment of the Proposed Development against Dumfries & Galloway LDP Policies IN1 & IN2

| Policy Criteria | Assessment |
|--|---|
| Policy IN1: Renewable Energy | |
| <p>The Council will support development proposals for all renewable energy provided they do not individually or in combination have a unacceptable significant adverse impact on:</p> <ul style="list-style-type: none"> ▶ Landscape; ▶ The cultural and natural heritage; ▶ Areas and routes important for tourism or recreational use in the countryside; ▶ Water and fishing interests; ▶ Air quality; and ▶ The amenity of the surrounding area. | <p>The ES which accompanies this section 36 application demonstrates that within Dumfries and Galloway the Proposed Development would not result in any adverse residual significant effects on cultural and natural heritage assets, areas and routes important for tourism, water and fishing interests, air quality and non-visual related amenity.</p> <p>Although the ES concludes that some significant adverse effects are predicted to occur in relation to landscape and visual receptors, Sections 5.2 – 5.10 of this Planning Statement explain why all of the predicted environmental effects are considered to be acceptable in their own right and when balanced against the predicted renewable energy and socio-economic benefits of the Proposed Development.</p> |
| <p>To enable this assessment sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:</p> <ul style="list-style-type: none"> ▶ Any associated infrastructure requirements including road and grid connections (where subject to planning consent); ▶ Environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues; ▶ Relevant provisions for the restoration of the site; and ▶ The extent to which the proposal helps to meet the current government targets for energy generation and consumption. | <p>The ES which accompanies this application provides technical assessments regarding all of the predicted environmental impacts during the construction, operational and decommissioning phases of the Proposed Development.</p> <p>The DAS provides details regarding the design strategy for the Proposed Development, identified environmental and technical constraints, the detailed design iterations and access related considerations.</p> <p>Chapter 4 of the ES provides a description of the Development Site and the Proposed Development, including Development Site access proposals and indicative grid connection details.</p> <p>The contribution of the Proposed Development to current government targets for (renewable) energy generation is detailed in Section 3 of this Statement and Chapter 6 of the ES.</p> <p>In summary, it is considered that the information in this Statement and the accompanying ES and DAS provides sufficient details regarding the characteristic and predicted benefits and impacts of the Proposed Development.</p> |

| Policy Criteria | Assessment |
|--|--|
| Policy IN2: Wind Energy | |
| <p>Landscape and visual impact:</p> <p>Cumulative Impact</p> <p><i>The extent of any detrimental landscape or visual impact from two or more wind energy developments and the potential for mitigation.</i></p> | <p>Through a careful choice of location with an appropriate scale, siting and design, and having regard to cumulative effects, the Proposed Development would not result in any significant impacts on the special features of the Dumfries & Galloway RSA.</p> <p>Chapter 9 – LVIA identifies a limited number of significant visual effects from the Proposed Development, however concludes that there would not be a significant adverse effect on residential amenity. The LVIA for the Proposed Development concludes that landscape cumulative effects are predicted on the Development Site and immediate surroundings. A comprehensive iterative design process has taken place to reduce landscape and visual effects where possible.</p> <p>For the multitude of reasons provided in Section 5.2 all identified (significant and not significant) adverse landscape and visual effects (including cumulative effects) are considered to be acceptable in their own right and when balanced against the renewable energy and socio-economic benefits of the Proposed Development. The Proposed Development therefore accords with these criteria.</p> |
| <p>Impact on local communities</p> | <p>The relevant technical assessments detailed in the ES and its appendices conclude that the Proposed Development would not result in adverse impacts in relation to noise, shadow flicker, television reception or ice throw. For the reasons detailed in Section 5.10, predicted adverse visual effects on settlements and residential properties would not result in any adverse impacts on residential amenity.</p> |
| <p>Impact on Aviation and Defence Interests</p> | <p>Chapter 17 of the ES concludes that in the absence of mitigation the Proposed Development could result in an operational impact on NATS, the Lowther Hill PSR and the Glasgow Prestwick Airport PSR due to intermittent detection and wind farm clutter effects. It is considered highly likely that suitable mitigation through technical solutions could be deployed such that the operational phase of the Proposed Development would not result in significant effects on civilian aviation interests.</p> <p>The MOD have confirmed that sufficient airspace exists above the proposed turbines for military aircraft to transit safely beneath the GPA controlled airspace above, subject to turbines being fitted with accredited aviation lighting to the highest practicable point. Therefore there would be no unacceptable adverse effects from the Proposed Development on defence interests.</p> |
| <p><i>“The extent to which the proposal avoids or adequately resolves any other significant adverse impact including: - on the natural and historic environment, cultural heritage, biodiversity; forest and woodlands; and tourism and recreational interests”.</i></p> | <p>As noted above, the ES demonstrates that the Proposed Development would not result in any residual significant adverse effects in terms of ecology, ornithology, hydrology, flood risk, geology, hydrogeology, noise, shadow flicker, traffic, socio-economics, tourism, recreation and public access. However, as is common for a proposed wind farm, the ES concludes that some significant adverse effects would occur in relation to landscape and visual receptors. Sections 5.2 - 5.10 of this Statement explain why all of the predicted environmental effects are considered to be acceptable in their own right and when balanced against the predicted significant renewable energy and socio-economic benefits of the Proposed Development.</p> |
| <p><i>“The extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration”.</i></p> | <p>As detailed within the ES and the DAS which accompany the section 36 application, multiple potential environmental effects from the Proposed Development have been avoided or reduced through design changes, and environmental impacts would be reduced further through the implementation of mitigation measures and best practice techniques. This includes the application of relevant stand-off distances between proposed infrastructure and watercourses and sensitive habitats. Sensitive habitat areas have been avoided and areas of deep peat have also been avoided where possible. Proposed decommissioning and restoration measures are set out in relevant ES chapters and are summarised in Chapter 4 of the ES.</p> |

5.11.28 **Table 5.4** demonstrates that the Proposed Development accords in full with Policies IN1 and IN2 within the Dumfries & Galloway LDP. This important consideration should weigh heavily in the consideration of the Proposed Development by Dumfries & Galloway Council and in favour of a positive determination by Scottish Ministers of the section 36 application for the Proposed Development.

Supplementary Guidance (Draft & Adopted)

5.11.29 The draft East Ayrshire Planning for Wind Supplementary Guidance document and the adopted Dumfries & Galloway Part 1 Wind Energy Supplementary Guidance document provide guidance to applicants regarding applicable development management policies, assessment criteria and information requirements. All required environmental assessment and design related information

has been provided in support of this section 36 application, in accordance with relevant guidance identified in these Supplementary Guidance documents. Combined with the accordance of the Proposed Development with all national, Development Plan and other planning policies regarding renewable generation, the Proposed Development therefore accords with relevant provisions within the draft East Ayrshire Planning for Wind Supplementary Guidance document and the adopted Dumfries & Galloway Part 1 Wind Energy Supplementary Guidance document.

Development Site Relative to Wind Energy Spatial Frameworks

- 5.11.30 It is acknowledged that the Development Site is not identified as an “*area of search for large-scale wind farms*” on the Economic Investment map within the Ayrshire Joint Structure Plan (2007) and is identified as an “*area of potential constraint*” within the indicative wind energy spatial framework contained within the Addendum to Ayrshire Joint Structure Plan Technical Report TR03/2006: Renewables (2009). However, these spatial frameworks are themselves not formal assessment criteria for the purposes of determining individual applications, and both pre-date the publication of the SPP (2014) which set out a revised methodology for preparing spatial frameworks. Consequently it is considered that the location of the Development Site relative to both of these spatial frameworks should be afforded only very limited weight in the determination of the section 36 application for the Proposed Development.
- 5.11.31 The East Ayrshire Landscape Wind Capacity Study (2013) indicates that the Development Site is largely located within a “*recommended*” area of search for medium typology (50-70m tip height) wind energy development, as it largely falls within landscape character areas which have been assessed as having medium or lower landscape sensitivity. A small area at the north west corner of the Development Site is located within a “*recommended*” area of search for large typology development (>70m tip height), however it would be difficult to place turbines here given the proximity to residential properties. A small area at the north east corner is outwith a recommended area of search for medium or large typology wind energy development; however turbines are not proposed to be located in this area. Whilst the mapping contained within the East Ayrshire Landscape Wind Capacity Study (2013) does not represent a finalised wind energy spatial framework, and this document also pre-dates the SPP (2014), it does demonstrate the suitability of the Development Site for wind energy development from a landscape and visual perspective.
- 5.11.32 The proposed wind energy spatial framework included within the East Ayrshire Local Development Plan Proposed Plan (2015) indicates that the Development Site is partially within a Group 3 – Area with potential development and partially within a Group 2 – Area of significant protection. The sole reason why part of the Development Site lies within a proposed Group 2 area is due to the potential presence of carbon rich soils and/or “*deep*” peat, as identified using the 1:250,000 scale Soil Carbon Richness map published by SNH. The Applicant has submitted detailed representations to East Ayrshire Council arguing that SNH’s 1:250,000 scale Soil Carbon Richness map is not appropriate for inclusion within wind energy spatial frameworks and that impacts on peat and carbon rich soil must solely be assessed using peat surveys and other assessment data provided by Applicants in support of individual proposed developments. This is because the SNH Soil Carbon Richness map:
- ▶ Only considers the narrow issue of soil carbon richness (defined as soil carbon categories 5 or 6) rather than the specific issue of deep peat, carbon rich soils and priority peatland habitats, as required within Table 1 of the SPP;
 - ▶ The low spatial resolution of this mapping does not provide sufficient data to reliably identify areas of deep peat, carbon rich soils or priority peatland habitats at a level which can usefully inform the siting of individual wind energy developments; and,
 - ▶ The mapping is significantly out of date (it relies upon surveys undertaken in the 1980’s which have not been updated to account for land use change).
- 5.11.33 The impact of removing the SNH soil carbon richness mapping from the proposed wind energy spatial framework would be to increase the number of Group 3 areas and enhance opportunities to identify Areas of Strategic Capacity for wind energy development across East Ayrshire. The Applicant has submitted a representation in respect of the East Ayrshire LDP Proposed Plan

(2015) recommending that land around Enoch Hill and Benty Cowan Hill including the Development Site should be identified as an Area of Strategic Capacity on the grounds that this should fall wholly within Group 3 of the spatial framework and wind energy development here would not adversely affect the sensitive Afton Valley or any other sensitive receptors.

- 5.11.34 Notwithstanding the Applicant's contention that the Development Site represents a Group 3 area, and therefore is likely to be suitable for wind energy development²⁰, both Table 1 of the SPP and proposed policy RE3 within the East Ayrshire LDP Proposed Plan are supportive of wind energy developments in Group 2 areas providing it can be demonstrated that site specific constraints can be substantially overcome through siting, design or mitigation. Section 2.3 of the East Ayrshire draft Planning for Wind Supplementary Guidance document further states that "*any development within an Area requiring significant protection will only be supported should its impacts be shown to be acceptable through the planning application and EIA processes*"
- 5.11.35 Matters regarding the presence of peat and carbon rich soils on the Development Site have been addressed in detail within **Chapters 6 and 13** of the ES and within Section 5.7 above. In summary the Proposed Development incorporates all appropriate and necessary measures to protect deep peat and carbon rich soils, and would not result in any significant adverse effects on peatlands. Therefore in accordance with the SPP, proposed policy RE3 within the East Ayrshire LDP Proposed Plan and the draft East Ayrshire Planning for Wind Energy Supplementary Guidance document, the proposed wind energy spatial framework for East Ayrshire should not be an impediment to the granting of section 36 consent and deemed planning permission, especially as the Proposed Development accords with all relevant national, Development Plan and other planning policies.

Summary

- 5.11.36 The planning assessments set out above demonstrate that the Proposed Development accords overall with all directly relevant Development Plans and other planning policies regarding renewable energy generation. This important conclusion weighs very heavily in favour of a positive determination of the section 36 application for the Proposed Development.

5.12 Sustainable Development

- 5.12.1 A Principal Policy on Sustainability is set out within the SPP (paragraphs 24-35). This policy includes a "*presumption in favour of development that contributes to sustainable development*" and defines sustainable development in accordance with the internationally recognised Brundtland definition. Following from the Brundtland definition, to contribute to sustainable development and accord with the policy presumption within the SPP:
- ▶ The need for a proposed development should be identified; and,
 - ▶ The sustainability of the proposed development should be considered against the 13 sustainability principles identified in paragraph 29 of the SPP, where these are relevant to the Proposed Development.
- 5.12.2 The Proposed Development is considered against each of these tests below.

Need

- 5.12.3 The need for the Proposed Development has been comprehensively explained within Section 3 of this Planning Statement. In summary, national and international climate change and renewable

²⁰ The Applicant has submitted a representation in respect of the East Ayrshire LDP Proposed Plan (2015) recommending a modification to paragraph 6.1.10 in relation to the treatment of development proposals in Group 3 areas (See **Appendix C**). To accord with the SPP (2014) it is recommended that the Council's proposed wording ("*development may be acceptable...*") should be modified to: "*development is likely to be acceptable subject to detailed consideration*".

energy policy frameworks are strongly supportive of the deployment of renewable energy technologies to help mitigate climate change and enhance energy security. Both the UK and Scotland have ambitious renewable energy targets to be met by 2020, and in spite of recent progress, significant shortfalls remain against these targets. This necessitates an urgent and significant increase in renewable energy generating capacity, which the Proposed Development would directly contribute to.

Sustainability

5.12.4 **Table 5.5** sets out an assessment of the Proposed Development against the 13 sustainable development principles listed within the SPP at paragraph 29.

Table 5.6 Assessment of the Proposed Development against SPP Sustainable Development Principles

| Sustainable Development Principle | Assessment of Proposed Development |
|---|--|
| <p><i>Giving due weight to net economic benefit;</i></p> | <p>Chapter 15 of the ES demonstrates that the construction of the Proposed Development would require significant capital expenditure by the Applicant and would result in increased employment, both in terms of temporary construction workers and permanent staff.</p> <p>Whilst not a material consideration, it should be noted that the Proposed Development would involve the establishment of a community benefit fund which would be delivered during the operational phase of the Proposed Development. The purpose of this fund would be to ensure that the socio-economic benefits generated from the Proposed Development are shared between the Applicant, project funders and the local community.</p> |
| <p><i>Responding to economic issues, challenges and opportunities, as outlined in local economic strategies</i></p> | <p>The Proposed Development directly responds to the Scottish Government’s ambitious climate change mitigation and renewable energy generation targets, as well as the UK’s obligations under Renewable Energy Directive 2009/28/EC.</p> |
| <p><i>Supporting good design and the six qualities of successful places</i></p> | <p>The Proposed Development has been designed to minimise landscape and visual and other environmental effects whilst maximising renewable energy generation. In relation to the six qualities of successful places defined within the SPP:</p> <ol style="list-style-type: none"> 1. Distinctive – Whilst the Proposed Development has been sited and designed to minimise adverse landscape and visual effects, by its nature it represents a distinctive form of development which will contribute to the character of the local landscape. 2. Safe and pleasant – All aspects of the Proposed Development accord with or exceed all relevant safety standards. In addition to the adoption of the construction related mitigation measures identified within the ES, safety related matters would also be addressed in detailed Construction Method Statements and Construction Environmental Management Plans which would be prepared and approved prior to construction work commencing. 3. Easy to move around – Although the 12.9km (approximate) access track network would be primarily used for construction, operational, maintenance and decommissioning purposes, it would be accessible to members of the public for general recreational pursuits. Except during periods of intense construction activities the ‘right to roam’ under the Land Reform (Scotland) Act 2003 (as amended) would be maintained throughout all phases of the Proposed Development; This would increase permeability through a remote area that is currently challenging to access due to the absence of any designated footpaths. 4. Welcoming – The access tracks on site would be accessible to members of the public for general recreational pursuits, providing a more accessible means of accessing the land. Except during periods of intense construction activities the ‘right to roam’ under the Land Reform (Scotland) Act 2003 (as amended) would be maintained throughout all phases of the Proposed Development. 5. Adaptable – The 12.9km (approximate) access track network which forms part of the Proposed Development provides a degree of flexibility to accommodate future land use changes or infrastructure reconfigurations. The Proposed Development has also been designed to enable all above ground wind farm infrastructure to be efficiently removed during the decommissioning phase. |

| Sustainable Development Principle | Assessment of Proposed Development |
|---|---|
| | <p>6. Resource Efficient – The Proposed Development has been designed to minimise resource usage and land take, indeed although the Development Site extends to approximately 1,466ha, the Proposed Development’s footprint would only extend to approximately 14.23ha. Resource efficiency would be further enhanced through the adoption of efficient materials delivery and construction management practices during the construction phase of the Proposed Development.</p> |
| <p><i>Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities</i></p> | <p>The location of the Proposed Development has been specifically selected due to the suitable wind resource and suitable environmental conditions at the Development Site for accommodating a large scale wind farm.</p> |
| <p><i>Supporting delivery of accessible housing, business, retailing and leisure development;</i></p> | <p>The assessment presented in Chapter 15 of the ES demonstrates that the Proposed Development would pay business rates. All phases of the Proposed Development would involve on-site work which would contribute to the local economy, and subject to the outcome of tender processes, local contractors could be directly involved in the construction, maintenance and decommissioning of the Proposed Development. The community benefits fund has the potential to contribute to a wide array of community schemes including accessible/affordable homes/ supporting rural businesses etc.</p> |
| <p><i>Supporting delivery of infrastructure, for example transport, education, energy, digital and water</i></p> | <p>As a large scale wind farm, the Proposed Development is a form of renewable and very low carbon energy generation infrastructure, the deployment of which is strongly supported by the Scottish Government.</p> |
| <p><i>Supporting climate change mitigation and adaptation including taking account of flood risk</i></p> | <p>As detailed in ES Chapter 6 the operation of the Proposed Development is predicted to generate substantial carbon savings (1.6M tonnes) over a 25 year period. Therefore the Proposed Development would directly contribute to climate change mitigation.</p> |
| <p><i>Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation</i></p> | <p>The Proposed Development incorporates the creation of approximately 12.9km of access tracks. All tracks would be open during and after the operation of the Proposed Development to the public, which would encourage recreational activities and social interaction on the Development Site. In addition, the Applicant is committed to providing a community benefit fund which could be used to support community based recreational facilities.</p> |
| <p><i>Having regard to the principles for sustainable land use set out in the Land Use Strategy;</i></p> | <p>The location of the Proposed Development has been specifically selected due to the suitable wind resource at the Development Site and environmental conditions suitable for accommodating a commercial wind farm.</p> |
| <p><i>Protecting, enhancing and promoting access to cultural heritage, including the historic environment;</i></p> | <p>As detailed in Section 5.7 of this Statement, the ES demonstrates the Proposed Development would not result in any unacceptable significant adverse impacts on any historical/cultural heritage assets.</p> |
| <p><i>Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;</i></p> | <p>The Proposed Development would result in some significant landscape, visual effects, as well as some non-significant effects. For the reasons detailed in Section 5.2 all of these individual landscape and visual effects are considered to be acceptable in their own right and when balanced against the important renewable energy benefits which would be generated by the Proposed Development. Furthermore, the Proposed Development would require minimal land take and would not result in any fundamental land use changes within the Development Site boundary.</p> |
| <p><i>Reducing waste, facilitating its management and promoting resource recovery; and</i></p> | <p>The Proposed Development is likely to result in a relatively small quantity of waste being generated during the construction phase (e.g. construction materials packaging). Waste management practices during construction would comply with appropriate regulations and a construction management plan would be written, should consent be granted and once a contractor was identified. This construction management plan would identify methods to minimise waste and promote reuse, recycling before removing any waste from the Development Site,</p> <p>During construction the Proposed Development would use energy intensive materials (e.g. concrete and metals) as well as fossil fuels for plant / vehicles. However, given the importance of resource efficiency all contractors would be expected to minimise the use of materials and energy through efficient construction and materials delivery practices.</p> |
| <p><i>Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.</i></p> | <p>The Proposed Development has been designed to fit in with the existing landscape character surrounding the Development Site. As detailed in the ES which support this application, the Proposed Development would not result in any residual significant impacts on hydrological or geological interests.</p> |

5.12.5

The planning assessment detailed above demonstrates that the Proposed Development fully accords with and should benefit from the 'presumption in favour of development which contributes to sustainable development' set out within the SPP. Under the terms of the SPP at paragraph 33 this should be a significant material consideration in the determination of this application, due to the age of the Ayrshire Joint Structure Plan (2007). It is submitted that in combination with the other conclusions reached within this Planning Statement this important consideration should weigh heavily in favour of a positive determination of this section 36 application.



6. Conclusion

6.1 Introduction

- 6.1.1 This Statement has identified and assessed the Proposed Development against all relevant national energy and planning policies, Development Plan policies and other relevant considerations. This section summarises the detailed conclusions reached in Sections 1-5 of this Statement and provides some concluding remarks.

6.2 Statutory Requirements

- 6.2.1 As identified in Section 1 of this Statement, the Proposed Development requires to be considered under the terms of section 36 of the Electricity Act 1989. When considering section 36 applications Scottish Ministers must be satisfied that the requirements of Schedule 9 (paragraph 3(2)) of the Electricity Act 1989 have been met. This requires them to consider the “*desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest*”. The Scottish Ministers are also required to assess the extent to which the developer has fulfilled the requirement to “*do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects*”.
- 6.2.2 The information contained within the ES which accompanies this section 36 application addresses all of the environmental matters raised in paragraph 3(2) of Schedule 9 to the Electricity Act 1989.
- 6.2.3 It is important to note the use of the terms “*desirability*” and “*reasonably*” in paragraph 3(2) of Schedule 9 with regard to project design, siting and mitigation. This recognises that varying factors must be balanced within the decision making process which Scottish Ministers are required to undertake for this application.
- 6.2.4 As detailed within the ES and the DAS which accompany this application, multiple potential environmental effects from the Proposed Development have already been avoided or reduced through design changes, and environmental impacts would be reduced further through the implementation of mitigation measures and best practice techniques. Therefore it is considered that the detailed work undertaken through the EIA process has confirmed that the Proposed Development would be environmentally acceptable (i.e. there would be no unacceptable environmental impacts). Consequently it is considered that the obligations under Schedule 9 of the Electricity Act 1989 in regard to environmental protection and mitigation have been met.

6.3 Planning Policy Considerations

- 6.3.1 The planning assessment provided in Section 5 of this Statement includes detailed consideration of relevant national, Development Plan and other planning policies. It is considered that the Proposed Development would be in overall accordance with, and therefore is supported by, both national planning policy and local planning policy in the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan when read as a whole. This includes the range of development management considerations for proposed renewable energy developments detailed in the SPP at paragraph 169, proposed policies within the East Ayrshire LDP Proposed Plan and relevant policies within the Dumfries & Galloway LDP. Section 5.12 of this Statement also demonstrates that the Proposed Development complies with, and should benefit from, the presumption in favour of development which contributes towards sustainable development, as set out within the SPP (2015). Under the terms of the SPP (paragraph 33) this should be a significant material consideration in the determination of this application, due to the age of the Ayrshire Joint Structure Plan (2007).

6.4 Overall Conclusions

- 6.4.1 The importance of renewable energy generation is recognised at UK and Scottish Government levels through energy policy as well as through national planning policy and targets. A review of current Scottish renewable energy and electricity generation indicates the contribution of renewables to Scotland's electricity needs stands at approximately 40.3%, against the ambition of generating the equivalent 100% of Scotland's net electricity demand through renewable sources by 2020. Therefore there is a recognised need to continue to dramatically increase renewable electricity generation, with onshore wind identified by Scottish Government as being of continued critical importance. A further significant increase in onshore wind energy capacity will be required if current climate change mitigation and renewable energy targets are to be met by 2020.
- 6.4.2 As demonstrated in Section 3 of this Statement, the Proposed Development will provide an important contribution towards achieving current national targets for renewable electricity generation and climate change mitigation through decarbonisation of the energy generation sector. These important benefits are considered to be very important considerations in the determination of this application. At the same time, the planning assessment provided in Section 5 of this Statement concludes, firstly, that the Proposed Development would not result in any unacceptable adverse impacts and, secondly, that it accords with all relevant and applicable planning policies. Section 5 also concludes that all other relevant material considerations are supportive of the Proposed Development, in particular that the presumption in favour of development which contributes towards sustainable development within the SPP (2015) is a significant material consideration in favour of the positive determination of the section 36 application for the Proposed Development. As such the Proposed Development is considered to be necessary and acceptable in environmental, socio-economic, amenity, legislative and planning policy terms.

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Appendix A

Current Local Planning Policies

This appendix provides summaries of all of the local planning policies which are identified within this Planning Statement as being of potential relevance to the Proposed Development.

Table A.1 provides a summary of relevant policies within the approved Ayrshire Joint Structure Plan which are of relevance to the Proposed Development.

Table A.1 Relevant Policies within the Ayrshire Joint Structure Plan

| Policy | Summary |
|---|--|
| <p>Policy STRAT 1 – Sustainable Development (in particular Schedule 1)</p> | <p>The schedule attached to this policy lists a number of “guiding principles of sustainable development” for use in determining planning applications. Principles of relevance to the Proposed Development include:</p> <ul style="list-style-type: none"> a) Community Regeneration: “Developments will require to be of good quality design and reflect where appropriate local character and materials”. b) Environmental Quality: “Important cultural heritage resources will be safeguarded; Development will require to respect the landscape character of the area and not result in visual damage or intrusion; Development should not lead to unacceptable damage to species and habitats; New development will be expected to take account of the impacts of climate change; New development will be located where there is no unacceptable risk from flooding...; Development should not have an adverse effect on land, air and water quality or nuisance by way of smell, noise or light...; Non renewable resources will be used prudently”. c) Development Obligations: “Developers will be expected to mitigate the adverse impacts of their developments and to ensure the costs involved are not borne locally; Developers should consult with...all appropriate amenity bodies on any significant development proposals”. |
| <p>Policy ECON 6 - Renewable Energy</p> | <p>This policy encourages proposals for the generation and utilisation of renewable energy. The policy explains that renewable energy proposals should conform to the structure plan and should have no significant adverse impacts, including cumulative impacts, or infrastructure constraints. Policy ECON 6 also states that the design of renewable energy developments should be sensitive to landscape character, biodiversity and cultural heritage.</p> |
| <p>Policy ECON 7 – Wind Farms</p> | <p>This policy states that proposed wind energy outside identified Areas of Search be assessed against the following criteria, taking into account both positive and negative impacts and the effect of mitigation measures:</p> <ul style="list-style-type: none"> 1) “Historic Environment; 2) Areas designated for their regional and local natural heritage value; 3) Tourism and recreational interests; 4) Communities; 5) Buffer Zones; 6) Aviation and Defence interests; and 7) Broadcasting Installations”. <p>Policy ECON 7 also includes criteria to assess sites in areas designated for heritage and landscape importance, the cumulative impact of existing wind farms and proposals effecting sensitive landscape character areas.</p> |
| <p>Policy ECON 14 – Rural Diversification</p> | <p>This policy highlights the support for rural diversification including proposals for small scale renewable energy among others.</p> |



| Policy | Summary |
|---|---|
| Policy ENV1 Landscape Quality | This policy seeks to maintain and enhance the quality and distinctiveness of landscapes across Ayrshire. Applicable assessment criteria to conserve those features that contribute to local distinctiveness include: <ul style="list-style-type: none">a) <i>“Setting of communities and buildings within the landscape;</i>b) <i>Patterns of woodland, fields, hedgerows, and tree features;</i>c) <i>Special qualities of rivers, estuaries and coasts;</i>d) <i>Historic landscapes; and</i>e) <i>Skylines and hill features, including prominent views”.</i> |
| Policy ENV2 – Landscape Protection | This policy sets out assessment criteria for proposals within National Scenic Areas and Sensitive Landscape Areas. In relation to the latter the policy states that <i>“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”</i> . The Development Site is located within a Sensitive Landscape Area. |
| Policy ENV6 – Protection of the Built Heritage | This policy states that proposals which would have an adverse impact on listed buildings, conservation areas, historic gardens & designated landscapes, archaeological locations and landscapes will not be in conformity with the Structure Plan. |
| Policy ENV7 – Natural Heritage Designations | This policy underlines the applicable statutory protection of international and national natural heritage designations. |
| Policy ENV8 - Flooding | This policy indicates that proposals which would be at significant risk of flooding or which would increase the probability of flooding elsewhere will not be permitted. |
| Policy ENV11 – Air, Noise and Light Pollution | This policy seek to protect against new development that would expose large numbers of people to unacceptable levels of air, noise and light pollution. |



Table A.2 provides a summary of relevant policies within the adopted East Ayrshire Local Plan which are of relevance to the Proposed Development.

Table A.2 Relevant Policies within the East Ayrshire Local Plan (2010)

| Policy | Summary |
|--|---|
| Policy SD1 – General Strategic Policy | <p>This policy links to Policy STRAT 1 within the Structure Plan, and references the Guiding Principles for Sustainable Development contained within Schedule 1. This policy outlines that new development should not have any unacceptable adverse impact on:</p> <p><i>“The character and appearance of the particular location in which it is proposed;</i> <i>The environment and amenity of local communities and residents of the area;</i> <i>Landscape character quality; and</i> <i>Natural or built heritage resources.”</i></p> |
| Policies CS12 – Renewable Energy Developments (General) | <p>This policy includes a presumption in favour of renewable energy development subject to demonstrating no significant, unacceptable adverse impact, including adverse cumulative impact. The following assessment criteria applies:</p> <ul style="list-style-type: none"> • “On any registered statutory or non-statutory sites of nature conservation interest; • On the amenity of nearby communities or sensitive establishments; • On any recognised built heritage resources; • On the visual amenity of the area; and • On existing infrastructure.” <p>Policy CS12 also requires developers to demonstrate “there will be no unacceptable adverse environmental impact caused by the proposed connections linking the Proposed Development with the national grid and the surrounding road network”.</p> |
| Policy CS14 - Wind Energy Developments | <p>This policy states that wind energy developments will be assessed against criteria specified within the Structure Plan Policy ECON 7 and against any future supplementary planning guidance to be prepared relating to cumulative impact.</p> |
| Policy CS15 - Renewable Energy Fund | <p>This policy requires that renewable energy funds should be set up to compensate local communities affected by the development of commercial wind farms. The policy requires that for the first 10 years of a project’s life, the fund should be used solely for local projects within 10km of the development. Thereafter, the fund should be split evenly between local projects and projects across the wider East Ayrshire area.</p> |
| Policy CS16 – Removal of Turbine Requirement | <p>This policy states “<i>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</i>”.</p> |
| Strategic Policy ENV1 - Built Heritage | <p>This policy seeks to protect Listed Buildings and Conservation Areas (including their respective settings), Historic Gardens and Designed Landscape, Scheduled Ancient Monuments and Archaeological and Industrial Archaeological Sites and Landscape</p> |
| Strategic Policy ENV2 - Natural Heritage | <p>This policy aims to protect, preserve and enhance all natural heritage resources requiring conservation including Special Protection Areas, Special Areas for Conservation and Sites of Special Scientific Interest, Confirmed or Provisional Wildlife Sites and Local Nature Reserves.</p> |
| Strategic Policy ENV 3 – Sensitive Landscape Areas | <p>This policy sets out the “<i>priority and prime consideration</i>” which will be afforded to the protection and enhancement of the landscape in the determination of Proposed Developments located within Sensitive Landscape Areas. The Development Site is located within a Sensitive Landscape Area.</p> |

| Policy | Summary |
|--|--|
| ENV4 - Listed Buildings | This policy requires development proposals with the potential to affect a listed building or its setting to preserve the building, its setting, or any features of special architectural or historic interest which it possesses. |
| Policy ENV6: Ancient Monuments and Archaeology | <p>This policy requires Scheduled Monuments and other identified nationally important archaeological resources to be preserved in situ and within an appropriate setting. The policy states that <i>“developments which have an adverse effect on Scheduled Monuments or the integrity of their settings shall not be permitted unless there are exceptional circumstances”</i>. The policy operates a presumption in favour of in situ preservation of archaeological resources <i>“wherever feasible”</i> and notes the need to <i>“weigh the significance of any impacts on archaeological resources and their settings against other merits of development proposals”</i>.</p> <p>In addition the policy states that <i>“where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication in advance of development”</i>.</p> |
| Policy ENV8: Historic Gardens and Designed Landscapes | This policy seeks to safeguard Historic Gardens and Designed Landscapes. It aims to protect and enhance such areas including: <i>“important views to, from and within them, or upon the site or setting of component features which contribute to their value.”</i> |
| Policy ENV13: Natural Heritage | <p>This policy requires any proposal that would have a significant effect on a Natura 2000 site to undergo an Appropriate Assessment. The policy states: <i>“Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where</i></p> <ul style="list-style-type: none"> a) <i>“There are no alternative solutions; and</i> b) <i>There are imperative reasons of overriding public interest.”</i> |
| Policy ENV15: Natural Heritage | This policy aims to prevent development causing <i>“unacceptable and irreparable damage to important landscape features”</i> . It requires developers <i>“to conserve and enhance features which contribute to the intrinsic landscape value and quality of the area concerned, and which are likely to be adversely affected by particular development proposed”</i> . |
| Policy ENV16: Landscape Character | This policy seeks to prevent development which would create an unacceptable visual intrusion or irreparable damage to the landscape character of rural areas. The policy states that <i>“the Council will ensure, through the development process that development is in keeping with, has minimal visual impact and reflects the nature and landscape character of the rural area in which it is located, in terms of layout, materials used, design, size, scale, finish and colour. The design and material finish of any ancillary features will also be required to be sympathetic to the character and appearance of the area.”</i> |
| Policy ENV17 - Land in Rural Areas | This policy includes a general presumption against any development which would <i>“have significant unacceptable adverse impact or cause irreparable damage to built heritage resources requiring conservation of their settings, including listed buildings, conservation areas, historic gardens and designed landscape, scheduled ancient monuments, archaeological and industrial archaeological sites.”</i> This presumption applies to development proposals which would result in significant unacceptable adverse impact or cause irreparable damage to natural heritage resources, have significant unacceptable adverse visual impact or cause irreparable damage to the landscape character and scenic quality of the area within which it is proposed. The policy is also applicable to proposals which affect the quality of water resources or result in the destruction of areas of peat which are considered to be of significant ecological value. |
| Policy ENV21: Flooding | This policy includes a presumption against development that is likely to result in increased flood risk. |
| Policy ENV24: Water Environment | This policy includes a presumption against any developments which have an adverse effect on the water environment. The policy supports the source control and passive treatment measures recommend by SEPA in its ‘Guide to Sustainable Urban Drainage’ and will support new developments with innovative methods of surface water disposal and treatment which meet the standards of SEPA and the Water Authority”. |



| Policy | Summary |
|---|---|
| Policy ENV25: Air Quality, Noise and Light Pollution | This policy requires all developers to ensure that their proposals have minimal adverse impact on air quality. The policy also states that the Council will also ensure that <i>“new development will have minimum adverse effects on the physical environment and the amenity of an area as a result of light and noise pollution”</i> . |
| Policy ENV26: Noise | This policy includes a presumption against any proposals <i>“located in areas demonstrated or proven to be directly adversely affected by existing noise or other polluting activities, or within safety zones around recognised hazardous installations”</i> . |
| Policy T3: Roads. | This policy requires developers to ensure that proposals meet with the Council's roads standards. |
| Policy T5: Section 75 Agreement | This policy sets out the circumstances where developers will be requested to enter into Section 75 Agreements with regard to making financial provision of transportation infrastructure improvements which may be required as a result of the development. |
| Policy T9: Rights of Way | This policy seeks to protect existing or potential rights of way, bridle paths or footpaths used by the general public for recreation or other purposes |



Table A.3 provides a summary of relevant policies within the adopted Dumfries & Galloway Local Development Plan which are of relevance to the Proposed Development, bearing in mind that the Development Site is located within East Ayrshire.

Table A.3 Relevant Policies within the Dumfries and Galloway LDP (2014)

| Policy Title | Summary |
|--|--|
| <p>Policy IN1: Renewable Energy</p> | <p>This policy states that the Council will support development proposals for all renewable energy technologies:</p> <p><i>“Provided they do not individually or in combination have an unacceptable significant adverse impact on: landscape; the built cultural and natural heritage; areas and routes important for tourism or recreational use in the countryside; water and fishing interests; air quality; and the amenity of the surrounding area”.</i></p> <p>A footnote to Policy IN1 states that unacceptable significant adverse impact <i>“will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed”.</i></p> <p>In addition, Policy IN1 requires all applicants to provide sufficient details appropriate to the scale and nature of their proposed development.</p> |
| <p>Policy IN2: Wind Energy</p> | <p>Part 1 of this policy states:</p> <p><i>“Assessment of all windfarm proposals</i></p> <p><i>The council will assess the acceptability of any proposed wind energy development against the following considerations:</i></p> <p><i>Landscape and visual impact:</i></p> <ul style="list-style-type: none"> • <i>The extent to which the proposal addresses the guidance contained in the Dumfries and Galloway Windfarm Landscape Capacity Study.</i> • <i>The extent to which the landscape is capable of accommodating the development without significant detrimental impact on landscape character or visual amenity.</i> • <i>That the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it fully addresses the potential for mitigation.</i> <p><i>Cumulative Impact</i></p> <ul style="list-style-type: none"> • <i>The extent of any detrimental landscape or visual impact from two or more wind energy developments and the potential for mitigation.</i> <p><i>Impact on local communities</i></p> <ul style="list-style-type: none"> • <i>The extent of any detrimental impact on communities and local amenity including assessment of the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.</i> <p><i>Impact on Aviation and Defence Interests</i></p> <ul style="list-style-type: none"> • <i>The extent to which the proposal addresses any impacts arising from location within an area subject to potential aviation and defence constraints including the Eskdalemuir Safeguard Area.</i> <p><i>Other Impacts and considerations</i></p> <ol style="list-style-type: none"> a) <i>The extent to which the proposal avoids or adequately resolves any other significant adverse impact including: - on the natural and historic environment, cultural heritage, biodiversity; forest and woodlands; and tourism and recreational interests.</i> b) <i>The extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration”.</i> <p>Part 2 of this policy relates to the Dumfries & Galloway wind energy spatial framework and therefore is not relevant to the Proposed Development.</p> |

| Policy Title | Summary |
|---|---|
| <p>Policy OP1 – Development Considerations</p> | <p><i>“Development will be assessed against the following considerations where relevant to the scale, nature and location of the proposal:</i></p> <ul style="list-style-type: none"> a) <i>General Amenity: Development proposals should be compatible with the character and amenity of the area and should not conflict with nearby land uses. The following issues which may result from the development will be a material consideration in the assessment of proposals:</i> <ul style="list-style-type: none"> i. <i>Noise and vibration;</i> ii. <i>Odour and fumes;</i> iii. <i>Potential loss of privacy, sunlight and daylight on nearby properties;</i> iv. <i>Emissions including dust, smoke, soot, ash, dirt or grit or any other environmental pollution to water, air, or soil; and light pollution.</i> b) <i>Historic Environment: Development proposals should protect and/or enhance the character, appearance and setting of the region’s rich historic environment principally by ensuring they are sympathetic to nearby buildings, sites and features, integrate well and complement the surrounding area. The information contained within the Council’s Historic Environment Record and Scottish Historic Environment Policy, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.</i> c) <i>Landscape: Development proposals should respect, protect and/or enhance the region’s rich landscape character, scenic qualities and features and sites designated for their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape. Principles established in the European Landscape Convention and the Dumfries and Galloway Landscape Assessment, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.</i> d) <i>Biodiversity and Geodiversity: Development proposals should respect, protect and/or enhance the region’s rich and distinct biodiversity, geodiversity and sites designated for their contribution to the natural environment at any level, including ancient and semi-natural woodland. The guidance contained within the Local Biodiversity Action Plan, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.</i> e) <i>Transport and Travel: Development proposals should minimise the need for travel by car and encourage active and other more sustainable forms of travel whilst avoiding or mitigating any adverse impact on the transport network or road safety.</i> f) <i>Sustainability: Development proposals should limit the impacts of climate change and promote sustainable development by:</i> <ul style="list-style-type: none"> i. <i>Assisting the development of the local economy through sustainable economic growth;</i> ii. <i>Minimising adverse impacts on water, air and soil quality;</i> iii. <i>Reusing and/or regenerating previously used land and property, including derelict and contaminated land;</i> iv. <i>Making the most efficient use of land;</i> v. <i>Integrating with existing infrastructure where possible;</i> vi. <i>Supporting the Council’s waste resource management objectives;</i> vii. <i>Avoiding areas of significant flood risk;</i> viii. <i>Using sustainable drainage systems (SuDS);</i> ix. <i>Incorporating sustainable principles by demonstrating that in all new buildings at least 10% of the carbon emissions reduction standard set by Scottish Building Standards has been met through the installation and operation of zero carbon generating technologies. This percentage will increase to 15% from the beginning of 2015 and will be reviewed in 2017.</i> |



| Policy Title | Summary |
|--|--|
| | <p>g) <i>Water Environment: Development proposals should maintain or enhance water quality, and take account of the need to manage water quantity, including flooding. In securing these objectives they should also seek to contribute positively to the general environmental quality of their area</i>”.</p> |
| <p>Policy ED11: Galloway and Southern Ayrshire Biosphere</p> | <p>This policy promotes development which “<i>demonstrates innovative approaches to sustainable communities and the economy, and supports the enhancement, understanding and enjoyment of the area as a world class environment</i>”. The policy requires proposed developments to be “<i>appropriate to the role of the different zones within the Biosphere</i>”, although these roles are not defined within the LDP.</p> |
| <p>ED12: Dark Sky Park</p> | <p>Includes a presumption “<i>against development proposals that produce levels of lighting which adversely impact on the status of the Galloway Forest Dark Sky Park</i>”.</p> |
| <p>Policy HE1: Listed Buildings</p> | <p>The policy states that “<i>in considering development that impacts on the character or appearance of a listed building or its setting the Council will need to be satisfied that...the layout, design, materials, scale, siting and the future use shown in any development proposals are appropriate to the character and appearance of the listed building and its setting...</i>”</p> |
| <p>Policy HE6: Historic Gardens and Designed Landscapes</p> | <p>This policy seeks to protect Historic Gardens and Designed Landscapes and their settings. In relation to development affecting these sites the policy states that “<i>in considering development proposals the Council will need to be satisfied that:</i></p> <ul style="list-style-type: none"> a) <i>The development protects or enhances the significant elements of the garden or landscape in- situ; and</i> b) <i>Due consideration has been given to the significance and value of the asset in relation to the long-term benefit and specific need for the development in the location proposed</i>”. <p>The policy also required developers to “<i>submit the results of an assessment of the impact of their proposals on the sites and their settings plus details of any potential mitigation measures</i>”.</p> |
| <p>Policy NE2: Regional Scenic Areas</p> | <p>This policy states that “<i>the siting and design of development within a Regional Scenic Area should respect the special qualities of the area. Development within, or which affects Regional Scenic Areas (RSAs), may be supported where the local Council is satisfied that:</i></p> <ul style="list-style-type: none"> a) <i>The landscape character and scenic interest for which the area has been designated would not be significantly adversely affected; or</i> b) <i>There is a specific need for the development at that location which could not be located in a less sensitive area</i>”. <p>It should be noted that the Development Site falls partly within the Dumfries and Galloway Regional Scenic Area.</p> |
| <p>Policy NE3: Sites of International Importance for Biodiversity</p> | <p>Policies NE3-NE5 aim to protect statutorily designated sites such as SSSIs, NNRs, Ramsar Sites, SACs, SPAs and European Protected Species on account of their national or international importance. The preamble to these policies notes the Council’s statutory duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity.</p> <p>Policy NE3 seeks to protect candidate and designated Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar Sites. Development with the potential to adversely affect these sites will be refused, unless it is proven that the objectives of designation and overall integrity is not compromised, or that there is no alternative solution to the proposed development and any significant adverse effects are outweighed by “<i>imperative reasons of overriding public interest, including those of a socio-economic nature</i>”.</p> |



| Policy Title | Summary |
|---|--|
| Policy NE4: Species of International Importance | Policy NE4 states: <i>“Development proposals that would be likely to have an adverse effect on a European Protected Species will not be permitted unless it can be shown that :</i> <i>1) There is no satisfactory alternative, and</i> <i>2) The development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment, and</i> <i>3) The development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range”.</i> |
| Policy NE5: Sites of National Importance for Biodiversity and Geodiversity | Policy NE5 seeks to protect SSSIs not afforded international protection and other nationally designated sites. Development with the potential to adversely affect these sites <i>“will only be permitted where:</i> <i>1) It will not adversely affect the integrity of the area or the qualities for which it has been designated, or</i> <i>2) Any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance”.</i> |
| Policy NE11: Supporting the Water Environment | This policy states that <i>“the Council will not permit development which would result in deterioration in the status of a waterbody or which would likely impede the improvements in waterbody status...”</i> |
| Policy CF4: Access Routes | This policy protects identified paths, rights of way and trails for public access and encourages the development of new access routes through the preparation of an Access Route Plans for major developments. |



Appendix B

Emerging Local Planning Policies

Table B.1 provides a summary of relevant policies within the adopted East Ayrshire Local Plan which are of relevance to the Proposed Development, bearing in mind that the Development Site is located within East Ayrshire.



Table B.1 Relevant Proposed Policies within the East Ayrshire LDP Proposed Plan

| Policy | Summary |
|--|---|
| <p>Overarching Policy OP1</p> | <p>This policy requires all development proposals, where relevant, to comply with multiple environmental, design and amenity related criteria. Criterion's of relevance to the Proposed Development are:</p> <ul style="list-style-type: none"> (i) <i>“Comply with the provisions and principles of the LDP vision and spatial strategy, all relevant LDP policies and associated supplementary guidance and non-statutory guidance;</i> (ii) <i>Be fully compatible with surrounding established uses and have a positive impact on the environmental quality of the area;</i> (iii) <i>Ensure that the size, scale, layout, and design enhances the character and amenity of the area and creates a clear sense of place;</i> (v) <i>Be of the highest quality design by meeting with the provisions of SPP, the Scottish Government’s policy statement Designing Streets, the Council’s Design Guidance and any master plan/design brief prepared for the site;</i> (vii) <i>Be compatible with, and where possible implement, projects shown on the LDP placemaking maps;</i> (ix) <i>Protect and enhance natural and built heritage designations and link to and integrate with green infrastructure where possible;</i> (x) <i>Ensure that there are no detrimental impacts on the landscape character or tourism offer of the area;</i> (xi) <i>Meet with the requirements of all relevant service providers and the Ayrshire Roads Alliance; and</i> (xii) <i>Be accessible to all.</i> |
| <p>Policy RE1 Renewable Energy Developments</p> | <p>This policy sets out the overarching criteria for all renewable energy proposals. This policy states that such proposals will be supported by the Council <i>“where it can be demonstrated that there will be no unacceptable significant adverse impacts on all of the relevant Renewable Energy Assessment Criteria set out in Schedule 1 of the LDP, that the scale of the proposal and its relationship with the surrounding area are appropriate and that all other relevant LDP policies are met...”</i>. The assessment criteria listed in Schedule 1 to the LDP Proposed Plan relate closely to the development management criteria for renewable energy proposals listed within the SPP at paragraph 169.</p> |
| <p>Policy RE3: Wind Energy Proposals over 50 Metres in Height</p> | <p>In relation to the proposed spatial framework within the LDP Proposed Plan, this policy states that significant protection will be afforded to Group 2 areas. In these areas wind energy developments must demonstrate that <i>“any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation and where the proposal is acceptable in terms of all applicable Renewable Energy criteria set out in Schedule 1”</i>. This policy also provides support for proposed wind energy developments in Group 3 areas <i>“where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1”</i>.</p> |
| <p>Policy RE4: The Cumulative Impact of Wind Energy Proposals</p> | <p>This policy highlights that the cumulative impact arising from wind energy developments is listed as an assessment criteria in Schedule 1 to the LDP Proposed Plan.</p> |



| Policy | Summary |
|---|--|
| Policy RE5: Wind Energy and the Landscape | This policy highlights that landscape impacts arising from wind energy development is identified as an assessment criteria in Schedule 1 to the LDP Proposed Plan. The policy also draws attention to the East Ayrshire Landscape Wind Capacity Study. |
| Policy RE7: Removal of Wind Turbines | This policy states that if an installed and operation turbine is not supplying electricity for a continuous period of 6 months, and is not in the process of being repaired or replaced, the Council will require the developer to dismantle the turbine and to restore the land. |
| Policy RE8: Community Benefits | This policy encourages Applicants for proposed wind energy development to provide community benefit funding through contributions to a central fund and direct payments to affected communities. |
| Policy RE9: Financial Guarantees | This policy requires Applicants for wind energy developments (amongst others) to provide <i>"an appropriate financial guarantee... for the cost of compliance monitoring, to ensure that all decommissioning, restoration, aftercare and mitigation requirements attached to planning consents can be met in full"</i> . |
| Policy RE10: Compliance Monitoring | This policy states: <i>"In respect of wind energy, landfill and electrical infrastructure proposals, in order to ensure that planning consents and/or Section 75 obligations are being fully complied with, developers will be required to provide financial contributions to cover the full cost of external consultants employed by the Council to undertake a Compliance Monitoring role"</i> . |
| Policy RES 11: Residential Amenity | This policy seeks to protect existing residential amenity through introducing a general presumption against certain types of development or land use change in specific places. Of relevance to the Proposed Development, criterion (i) introduces a general presumption against <i>"the establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents"</i> . |
| Policy TOUR 4: The Dark Sky Park | This policy sets out assessment criteria for development proposals located within the Galloway Forest Dark Sky Park (Core and Buffer Areas only). In addition the policy states: <i>"outwith the Dark Sky Park, and in particular within the 10 mile radius of the Park known as the transition zone, the Council will encourage developers to take account of the Dark Sky Park designation and take measures to limit light pollution, in line with the measures set out in the Dark Sky Park Lighting Non Statutory Guidance"</i> . |
| Policy TOUR 5: Galloway and Southern Ayrshire Biosphere | This policy provides support for development proposals which support the aims of the Biosphere, particularly where they <i>"provide an innovative approach to sustainable living and the economy"</i> . |
| Policy ENV2 Scheduled Monuments and Archaeological Resources | This policy states: <i>"Development that would have an adverse effect on Scheduled Monuments or on their settings shall not be supported unless there are exceptional overriding circumstances"</i> . |
| Policy ENV4 Gardens and Designed Landscapes | This policy states: <i>"Gardens and Designed Landscapes included in the National Inventory, and those of regional and local importance, are protected and their enhancement encouraged. Development will not be supported where it will have significant adverse impacts upon (i) its character; (ii) important views to, from and within it and; (iii) important features that contribute to its value and that justify its designation, where applicable"</i> . |



| Policy | Summary |
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| <p>Policy ENV 6: Nature Conservation</p> | <p>This policy requires the “importance of nature conservation and biodiversity” to be “fully recognised” in the assessment of development proposals. The policy sets out the following development management criteria:</p> <p><i>“i) Any development likely to have a significant effect on a Natura 2000 site which is not directly connected with or necessary to its conservation management must be subject to a “Habitats Regulations Appraisal”. Such development will only be approved if the appraisal shows that there will be no adverse effect on the integrity of the site;</i></p> <p><i>ii) Any development affecting a SSSI will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated or where any significant adverse effects on the qualities for which it is designated are clearly outweighed by social, environmental or economic benefits of national importance.</i></p> <p><i>iii) Any development that may adversely impact on areas of local importance for nature conservation, including provisional wildlife sites, local geodiversity sites and local nature reserves, will be expected to demonstrate how any impact can be avoided or mitigated.</i></p> <p><i>iv) If there is evidence that protected species may be affected by a development, steps must be taken to establish their presence. The planning and design of any development which has the potential to impact on a protected species will require to take into account the level of protection afforded by legislation and any impacts must be fully considered prior to the submission of any planning application.</i></p> <p><i>v) Any new development must protect, and where appropriate incorporate and/or extend, existing habitat networks, helping to further develop the Central Scotland Green Network in Ayrshire”.</i></p> |
| <p>Policy ENV 7: Wild Land and Sensitive Landscape Areas</p> | <p>In relation to Sensitive Landscape Areas this policy states that “the Council will give priority and prime consideration to the protection and enhancement of the landscape in its consideration of development proposals within the Sensitive Landscape Areas identified on the LDP maps. Any development deemed to have unacceptable impacts on wild land and SLAs will not be supported by the Council. All development proposals within these areas will also require to be assessed against policy ENV 8: Protecting and Enhancing the Landscape.”</p> |
| <p>ENV8: Protecting and Enhancing the Landscape</p> | <p>The protection and enhancement of East Ayrshire’s landscape character will be a key consideration in assessing the appropriateness of development proposals in the rural area. This policy requires that:</p> <ul style="list-style-type: none"> <i>(i) “Development proposals are sited and designed to respect the nature and landscape character of the area and to minimise visual impact. Particular attention will be paid to size, scale, layout, materials, design, finish and colour.</i> <i>(ii) Where visual impacts are unavoidable, development proposals include adequate mitigation measures to minimise such impacts on the landscape.</i> <i>(iii) Particular features that contribute to the value, quality and character of the landscape are conserved and enhanced”.</i> <p>This policy also states that development proposals that “would result in the loss of valuable landscape features, to such an extent that character and value of the landscape, is diminished, will not be supported. Such landscape features include:</p> <ul style="list-style-type: none"> <i>a. Settings of settlements and buildings within the landscape;</i> <i>b. Skylines, distinctive landform features, landmark hills and prominent views;</i> |



| Policy | Summary |
|---|--|
| | <p>c. Woodlands, hedgerows and trees;</p> <p>d. Field patterns and means of enclosure, including dry stone dykes; and</p> <p>e. Rights of way and footpaths</p> <p><i>Development that would create unacceptable visual intrusion or irreparable damage to landscape character will not be supported by the Council.</i></p> |
| <p>Policy ENV9: Trees, Woodland and Forestry</p> | <p>This policy states: <i>“The Council will support the retention of individual trees, hedgerows and woodlands within both settlements and rural areas, where such trees contribute to the amenity, nature conservation and landscape value of the area. There will a presumption against the felling of ancient semi-natural woodlands and trees protected by Preservation Orders”.</i></p> |
| <p>Policy ENV10: Carbon Rich Soils</p> | <p>This policy states that “there will be a presumption against development that would result in the destruction of peatland considered to be of significant value, both ecologically and in terms of carbon management. The Council will support and promote the restoration of peatland habitats, where there is potential for such habitats to become active carbon stores and help to reduce net carbon emissions”.</p> <p>Specifically in relation to renewable energy generation proposals, the policy states that these may be permitted <i>“in shallow peat areas where it can be demonstrated (in accordance with the Scottish Government’s ‘carbon calculator’ or other equivalent evidence) that the balance of advantage in terms of climate change mitigation lies with the energy generation proposal’.</i></p> |
| <p>ENV12: Water, air and light and noise pollution</p> | <p>Water</p> <p>In line with the Water Framework Directive, the Council will give priority to maintaining and improving the quality of all water bodies and ground water. There will be a presumption against any development that will have an adverse impact on the water environment in terms of pollution levels and the ecological value of water habitats.</p> <p>Where developments are proposed on or close to existing water bodies, design solutions should explore how best to maintain their water quality and, where possible improve the water bodies through maintaining them as wildlife corridors where biodiversity can be improved.</p> <p>The Council will not be supportive of developments which will, or which have the potential to, cause significant adverse impacts on water bodies as a result of morphological changes to water bodies such as engineering activities in the form of culverts or changes to the banks or bed.</p> <p>Air</p> <p>All developers will be required to ensure that their proposals have minimal adverse impact on air quality. Air quality assessments will be required for any proposed development which the Council considers may significantly impact upon air quality, either on its own or cumulatively. Development that will have a significant adverse impact on air quality will not be supported.</p> <p>Light</p> <p>All development proposals must incorporate design measures which minimise or reduce light pollution. Developers will require to demonstrate that consideration has been given to reducing light pollution, by minimising unnecessary lighting and using the most appropriate forms of lighting to carry out specific tasks. Within the Dark Sky Park and surrounding area, particular priority is given to minimising light pollution, to maintain the integrity of the designation.</p> |



| Policy | Summary |
|--|---|
| | <p>Noise</p> <p>All new development must take full account of any Noise Action Plan and Noise Management Areas that are in operation in the area and ensure that significant adverse noise impacts on surrounding properties and uses are avoided. A noise impact assessment may be required in this regard and noise mitigation measures may be required through planning conditions and/or Section 75 Obligations.</p> |
| Policy T4 Development and Protection of Core Paths and Natural Routes | <p>In relation to public access impacts from development proposals, this policy states: <i>“The Council will not be supportive of development which disrupts or adversely impacts on any existing or potential core path, right of way, bridle path, or footpath used by the general public for recreational or other purposes, particularly where the route concerned forms, or has the potential to form, part of the network of circular routes or footpath links between settlements, actively promoted by the Council. Where such disruption or adverse impact is demonstrated to be unavoidable, the Council will require developers, as an integral part of the proposed development, to provide for the appropriate diversion of the route in question elsewhere within the development site or to put into place appropriate measures to mitigate and overcome the adverse impact expected”</i>.</p> |



Appendix C

Representations Submitted on Behalf of the Applicant Regarding the East Ayrshire LDP Proposed Plan and the Draft East Ayrshire Planning for Wind Energy Supplementary Guidance



| East Ayrshire Local Development Plan: Proposed Plan Representation Form | |
|--|---|
| Name: Simon Lejeune | Agent Name (if applicable): |
| Organisation: E.ON Climate & Renewables UK Developments Limited | |
| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Please fill in the paragraph number, policy, site, proposal number or action programme number that your representation relates to. | |
| Paragraph Number: | Policy: RE5 and Map 14 |
| Site: | Proposal: |
| Action Programme | |
| Representation (maximum of 2000 words) | |
| <p>E.ON Objects to Map 14 of Volume 1 of the LDP for the following reasons.</p> <p>On review of Map 14 within the LDP Proposed Plan (and Map 3 within the draft Wind Energy Supplementary Guidance document) against the equivalent landscape sensitivity mapping within the East Ayrshire Landscape Wind Capacity Study (EALWCS), Final Main Report 2013 it appears that East Ayrshire Council have re-classified an area around Benty Cowan Hill as High Sensitivity.</p> <p>This is landscape character type 20a – East Ayrshire Southern Uplands as set out in section 13, pages 59 to 62 of the East Ayrshire Landscape Wind Capacity Study, Final Main Report 2013. In this study it states that this landscape would have a High-Medium sensitivity to the large typology (turbines >70m) and a Medium sensitivity to the medium typology (50-70m). Map 14 shows the area around Benty Cowan Hill as being of High Sensitivity, when the other three areas of this landscape character type 20a – East Ayrshire Southern Uplands are classed as High-Medium Sensitivity.</p> <p>This is of very significant concern, as neither proposed policy RE5, nor the draft Planning for Wind Supplementary Guidance document contains any acknowledgement, or justification for this re-classification. It is assumed that this is a simple GIS mistake.</p> <p>E.ON objection and the changes we propose to Map 12, i.e. that Group 2 areas of the proposed spatial framework has applied inaccurate and not up-to-date 1:250,000 scale Soils Scotland soil carbon richness mapping, and that this mapping should be removed, supports not only a re-classification of Group 3 as shown on Map 12: Spatial Framework for Wind Energy Development over 50m in height, but also supports, along with the landscape reasons set out below, a minor change to Map 14 for turbines of 70 metres and above. E.ON would wish to see the land around Windy Standard, Benbrack, Prickeny Hill and Enoch Hill classed as Medium Sensitivity for the following reasons.</p> <p>The Dumfries & Galloway Council Local Development Plan, Supplementary Guidance which was adopted on the 6th March 2015 titled “ Part 1 Wind Energy Development: Development</p> | |

Management Considerations (DGSGW) sets out areas of higher and lower landscape sensitivity for onshore wind. This is shown within the DGSEW on Map 2: Areas where the potential for large typology turbines is limited by landscape sensitivity. PDF document attached titled E.ON_DG_LDP_SG Part 1 Wind Energy Adopted_Map 2. The land across the East Ayrshire border within Dumfries & Galloway is classed as a lower sensitivity landscape character areas, whereas a stones throw away on the East Ayrshire side of the border it is classed as High to Medium Sensitivity as shown on Map 14: Landscape sensitivity for turbines of 70 metres and above. Within the Adopted Dumfries & Galloway this area is also regarded as an area of greatest potential for large typologies of wind energy as shown the plan - E.ON_Extract from Adopted Dumfries & Galloway LDP Part 1

Both landscapes fall within the same Landscape Character Type (LCT) Southern Uplands with Forest which is LCT19a in the DGWLCS and LCT20c in the EALWCS.

In appendix A of the DGWLCS in the Landscape Character Sensitivity summary tables it classifies the Carsphairn Unit of LCT19 as having a low landscape impact, a medium visuals impact and a low values impact. This landscape character / sensitivity does not suddenly change once you cross the district boundary between Dumfries & Galloway and East Ayrshire. To reflect this the landscape should be reclassified in Map 14 so that part of the landscape is classed as medium sensitivity, i.e. it is a transitional area before the character of the landscape changes as it slopes down to the lower lying areas.

The DGWLCS, January 2011 is an appendix to this SG, and was undertaken by the same consultants that produced the EACLWCS, in July 2013.

This change from Medium to High-Medium for Large Typologies occurs simply because of a boundary position between East Ayrshire and Dumfries and Galloway and for no other reason. It is not supported by sound landscape character assessment / methodology or wind capacity considerations. It is considered that part of LCT20c and a small part of LCT20a, which is much more than 2km away from defined settlements is re-classed as Medium Sensitivity to properly reflect the nature of the landscape character and its ability to accommodate large typologies without having significant adverse impacts upon the landscape.

Constraints to wind farm development as set out in section 13.2.2, page 60 of the EACLWCS focuses mainly on the landscape to the east and southwest of the Glen Afton Valley with little direct reference to the landscape character area to the south west, although it should be noted that this LCT does connect to the western edge of the Glen Afton valley at its northern end.

E.ON comments below relate to the key concerns raised in the EALWCS set out against LCT20a:-
[Note: please also refer to the various ZTV plans and Figure 6 plan titled Key Landmark Hills in the EALWCS]

As shown on the E.ON - ZTV Upland Glen with key summit hills Plan the intervening landform between the Enoch Hill / Benty Cowan and Blackcraig Hill, for example Auchincally Hill, Strandlud and Milray Hills, provide screening and ensure that it is difficult to find a view towards Blackcraig Hill. The Upland Glen LCT14 is located between these and Blackcraig Hill and the placement of turbines within these areas would ensure that visibility within the Glen Afton valley is minimal and largely only from the steep slopes to the east of the valley where it is possible to gain views of both the valley landscape and the Site. They would also be set back from the immediate "lower, interlocking ridges to the west" of the Glen Afton Valley with a range of hills and ridges located between turbines and the Glen Afton Valley such that the Scheme does not impact in this way.

There is little to no visibility from the Upland Glen except on higher ground along the eastern slopes as noted above. Whilst the area is prominent in views from the Upland Basin LCT15, through the design evolution process turbines in the most south part of LCT20a and LCT20c from the Upland Basin are more distant and on higher landform. This process has taken account of views from sensitive visual receptors such as residents along the B741, the settlement of New Cumnock and receptors along the A76 for example the Lochside Hotel.

It is also worth noting that a large area defined as Upland Basin has been heavily disturbed by open-cast coal mining and quarrying and that the EALWCS and Map 14: Landscape sensitivity for turbines of 70 metres and above of the LDP show LCT17a – Foothills with Forest and Opencast Mining’ as being of Medium-Low Sensitivity. The landscape reasoning for this questionable given that turbines within this area would be very visible upon the Upland basin LCT15 and other surrounding LCT and have a high visual impact upon residential receptors. This can easily be seen from E.ON plan titled ZTV – Theoretical visibility of potential wind farm within LCT17a- Foothills with Forest & Opencast Mining. This is based on the turbine layout used for North Kyle wind farm which was refused.

E.ON - ZTV of Upland Glen and wider landscape shows the southern part of LCT20a and within LCT20c in the location of Enoch Hill and Benty Cowan Hill would not be visible from Key Landmark Hills as set out in Figure 6 of the EALWCS.

The EALWCS for LCT20a assesses this area as having a high-medium sensitivity due to

“the presence of well-defined and sometimes distinctly rugged ‘landmark’ hills predominantly on the eastern edge of Glen Afton”. It also notes that *“it would be difficult to attain an integrated turbine layout in the lower, more complex ridges found to the west of Afton Glen and the construction of access roads on steep and variable slopes may also result in significant impacts”*.

As discussed above, it is difficult to find views which are not heavily screened by intervening hills and ridges where turbines could be viewed in stark contrast or dominating the landform of Blackcraig Hill and other landmark hills to the east of the Glen Afton Valley.

The sensitivity of the Built Environment is assessed as low within the EALWCS due to the absence of settlement and the presence of existing wind farm development. Similarly it assesses the LCT as having a low sensitivity with regard to perceptual qualities due to the presence of nearby commercial forestry and existing wind farm development which inhibits a sense of wildness. In terms of visual amenity, the LCT is assessed as having a high-medium sensitivity. This is largely due to the potential to site turbines on landmark hills and steep slopes such as Blackcraig Hill where they may be visually prominent in views from the Upland Basin and Upland Glen LCT. The EALWCS does note however, that wind farm development, “set back into the interior of the Southern Uplands within East Ayrshire and Dumfries and Galloway would be less intrusive in these views”.

In the summary and findings section of the EALWCS it makes it clear that the overall sensitivity rating for each landscape character type/area was based on professional judgement in considering the weight of evidence in terms of the sensitivities identified in the assessment rather than a numerical scoring system. Professional judgement will be subjective. The EALWCS also makes it clear that caution is needed in interpreting the combined sensitivity scores set out in the above tables as these represent an average across landscape character types. This is because considerable variation can occur within these landscape and the detailed sensitivity assessments should therefore be read and fully reviewed in terms of specific constraints and opportunities

when considering individual development proposals. The assessment identifies constraints in analysis at a strategic scale and developers would need to demonstrate how they have dealt with potential effects on the constraints identified in the sensitivity assessment when preparing proposals.

It states that a 'High-medium' combined sensitivity indicates a landscape where the constraints are such that there would be likely to be unavoidable significant adverse impacts on some key sensitivity criteria despite other criteria being potentially less sensitive to the development typology or where there is very limited scope for development in a relatively small part of the landscape character type only. This is debateable given the evidence provided above.

At section 17.4 Areas of Search for wind farms/larger turbines, it states that the study has defined landscape character types with a lower landscape and visual sensitivity which will aid the identification of Areas of Search, which are assumed to comprise larger (>50m high) turbine developments. It recommends that landscapes with a combined sensitivity of medium and lower offer greatest scope to accommodate the large and medium development typologies whilst minimising significant impact on key landscape and visual sensitivities. These include the Foothills with Forest and Opencast Mining (17a), Foothills with Forestry west of the Doon Valley (17b), the Plateau Moorlands (18a), East Ayrshire Southern Uplands (20a) and the Southern Uplands with Forestry (20c). It is therefore very questionable as to why these areas have been considered as High-Medium Sensitivity in Map 14 and within other parts of the EALWCS.

Modifications you wish to see made to the Plan (maximum of 500 words)

Change 1

Map 14: Landscape sensitivity for turbines of 70 metres and above be replaced with E.ONs proposed Map 14 attached in PDF document titled "E.ON Map 14."

Signature:

Date: 23rd April 2015

| East Ayrshire Local Development Plan: Proposed Plan Representation Form | |
|--|---|
| Name: Simon Lejeune | Agent Name (if applicable): |
| Organisation: E.ON Climate & Renewables UK Developments Limited | |
| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Please fill in the paragraph number, policy, site, proposal number or action programme number that your representation relates to. | |
| Paragraph Number: 6.1.10 and Map 12 | Policy: |
| Site: | Proposal: |
| Action Programme | |
| Representation (maximum of 2000 words) | |
| <p>E.ON Objects to paragraph 6.1.10 and Map 12 of Volume 1 of the LDP for the following reasons.</p> <p>Map 12: Spatial Framework for Wind Energy Development over 50m in height sets out the areas within East Ayrshire that are considered to be Group 2 - Areas of significant protection and Group 3 - Areas with potential for wind energy. The areas of significant protection are based Table 1: Spatial Frameworks on page 39 of the SPP which sets out three designations tables, firstly those designations of National and international importance, secondly those other nationally important mapped environmental interests, and thirdly Community separation for consideration of visual impact.</p> <p>National and International importance designations:</p> <ul style="list-style-type: none"> • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the Inventory of Historic Battlefields. <p>Other nationally important mapped environmental interests:</p> <ul style="list-style-type: none"> • areas of wild land as shown on the 2014 SNH map of wild land areas; • carbon rich soils, deep peat and priority peatland habitat. <p>Community separation for consideration of visual impact:</p> <ul style="list-style-type: none"> • an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement. <p>E.ON considers that Map 12, in order to define Group 2 areas of the proposed spatial framework has applied the 1:250,000 scale Soils Scotland soil carbon richness mapping. This mapping should</p> | |

be removed from the proposed spatial framework as it not consistent with the scope of the SPP and is not fit for purpose in determining the extent of "carbon rich soils, deep peat and priority peatland habitat" as required by the SPP.

The inclusion of the 1:250,000 scale Scotland's Soils soil carbon richness mapping is inappropriate as it considers the broad issue of soil carbon richness (defined as soil carbon categories 5 or 6) rather than the specific issue of deep peat, carbon rich soils and priority peatland habitats, as required within Table 1 of the SPP. Furthermore, the low spatial resolution of this mapping evidently does not provide sufficient data to reliably identify areas of deep peat, carbon rich soils or priority peatland habitats at a level which can usefully inform the siting of individual wind energy developments or draw the boundaries between areas with potential for wind energy development and areas of significant protection. This is important as this "Other nationally important mapped environmental interests of carbon rich soils, deep peat and priority peatland habitat" is often the only constraint affecting land that would without this designation otherwise be an area with potential for wind energy development .

This mapping is significantly out of date (it relies upon surveys undertaken in the 1980's which has not been updated to account of land use change such as the growth of coniferous forestry plantations). These weaknesses are confirmed within SNH Information Note 318 and reflected by the recent preparation by SNH¹ of a new draft deep peat, carbon rich soils and priority peatland habitats map. This draft map uses a new methodology which combines soil carbon categories with peatland habitat types. Consequently there are significant differences between the soil carbon richness mapping and SNH's draft deep peat², carbon rich soils and priority peatland habitats map, where only areas with soil carbon categories 5 or 6 and peatland habitat types C2, D or E are identified as Class 1 or Class 2 land (under SNH's draft proposals this land may be identified as Group 2 areas on spatial frameworks).

¹ SNH (2012) Information Notice no. 318 - Identification of carbon-rich soil mapping units.

Available at: http://www.soils-scotland.gov.uk/documents/8130702_Identification_of_carbon_rich_soil_mapping_units.pdf

² SNH (2014) Draft Carbon-rich soil, deep peat and priority peatland habitats map - Consultation Document. Available at: <http://www.snh.gov.uk/docs/A1495150.pdf>

It would however at this stage also be inappropriate to use SNH's draft deep peat, carbon rich soils and priority peatland habitats map as an alternative dataset within the proposed spatial framework, as this map is currently in draft form and will not be finalised until at least June 2015. As currently drafted there are multiple deficiencies within the draft map, most critically that the definition of "deep peat" as peat deeper than 50cm is misaligned with the definition of deep peat within the Scottish Government's Peat Survey Guidance document, which defines deep peat as "a peat layer more than 1 metre deep".

E.ON has, through our consultants Amec Foster Wheeler already recommended to SNH that soil carbon category 6 should be amended to include only peat with mapped depths greater than 1m, whilst peat (not peaty soils) with a depth less than 1m should fall within soil carbon category 5. It has also been recommended to SNH that once the draft map is finalised only Class 1 land should be considered for inclusion within Group 2 areas on spatial frameworks, due to methodological concerns regarding the reliable identification of Class 2 land. These modifications would result in a significant reduction in the extent of Class 1 and Class 2 land and a significant reduction in the amount of land which should be identified as Group 2 areas.

Modifications you wish to see made to the Plan (maximum of 500 words)

Change 1

Map 12: Spatial Framework for Wind Energy Development over 50m in height be amended to reflect the Plan in PDF document titled "E.ON_Map 12"

This is because until such time as up-to-date and accurate mapping of deep peat, carbon rich soils and priority peatland habitats map is available it is not appropriate to include incorrect mapping into a spatial framework plan, particularly given the importance of low carbon and renewable technologies.

Change 2

Add in an additional Map 12a the same as the document titled "E.ON_Map 12a"

Change 3

Change the wording in 6.1.10 that starts off with "**Group 2: Areas of significant protection. This group contains a number of national and international designations, other etc.....**"

To read the following:-

"Group 2: Areas of significant protection. This group contains a number of national and international designations, other nationally important environmental interests and a separation distance for communities of up to 2km for visual impact purposes as set out below.

National and International importance designations:

- World Heritage Sites;
- Natura 2000 and Ramsar sites;
- Sites of Special Scientific Interest;
- National Nature Reserves;
- Sites identified in the Inventory of Gardens and Designed Landscapes;
- Sites identified in the Inventory of Historic Battlefields.

Other nationally important mapped environmental interests: *

- areas of wild land as shown on the 2014 SNH map of wild land areas;

Community separation for consideration of visual impact:

- an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.

It is recognised that these areas need significant protection and that any wind energy proposal in these areas may be appropriate in some circumstances they will be required to demonstrate that any significant effects on each of the qualities of such areas can be substantially overcome by siting, design or other mitigation. Proposals within Group 2 areas will be assessed against the criteria listed in Schedule 1 as part of the Development Management Process.

** Mapping of carbon rich soils, deep peat and priority peatland habitat will be included within Group 2 only once up-to-date and accurate mapping is available. At this stage this environmental interest is not mapped.*

Change 4

To the properly reflect the status of Group 3 areas within the SPP it is further recommended that the current neutral wording under paragraph 6.1.10 that development in Group 3 areas “*may be acceptable subject to detailed consideration...*” should be replaced by the more positive statement of the SPP “are likely to be acceptable subject to detailed consideration...”.

Therefore change to read____

Group 3: Areas with potential for development. Beyond Groups 1 and 2, proposals for wind energy development are likely to be acceptable subject to detailed consideration, at the Development Management Stage, against the identified policy criteria listed in Schedule 1.

Signature:

Date: 23rd April 2015

| East Ayrshire Local Development Plan: Proposed Plan Representation Form | |
|--|---|
| Name: Simon Lejeune | Agent Name (if applicable): |
| Organisation: E.ON Climate & Renewables UK Developments Limited | |
| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Please fill in the paragraph number, policy, site, proposal number or action programme number that your representation relates to. | |
| Paragraph Number: 6.1.12 and Map 13 | Policy: |
| Site: | Proposal: |
| Action Programme | |
| Representation (maximum of 2000 words) | |
| <p>E.ON Objects to paragraph 6.1.12 of Volume 1 of the LDP and Map 13 for the following reasons.</p> <p>The SPP makes it clear that Development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.</p> <p>For Onshore Wind the SPP goes on to state 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, following the approach set out below in Table 1 and it goes on to state that both strategic and local development planning authorities, working together where required, should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities.</p> <p>The LDP proposed Plan states that it's identified Group 3 areas are not considered suitable strategic capacity areas with the exception of a small area around Whitelee Wind Farm. The reasoning for not defining further strategic capacity area is that the Group 3 areas free from Group 2 constraints are mainly small pockets with inadequate capacity to be considered strategic.</p> <p>It is requested that the strategic capacity of Group 3 areas are re-assessed following a revision to the Group 2 areas to remove the inaccurate mapping of carbon rich soils and deep peat. The extent of the Group 2 areas in their proposed format are not aligned with the SPP due to the inclusion of the 1:250,000 scale Scotland's Soils soil carbon richness mapping as discussed in our LDP Proposed Plan representations to paragraph 6.1.10. The removal of this mapping will see large areas of previously Group 2 fall into Group 3 and as such there will be enhanced opportunities for the Council to identify strategic capacity areas. The matter of impact on carbon rich soils, deep peat and priority peatland habitat should be assessed on a site by site basis until appropriate mapping has been prepared and included with future spatial frameworks.</p> | |

Paragraph 6.1.12 states that according to SPP, land falling within group 3 should be defined as areas of Strategic Capacity for wind energy. However, on reviewing the group 3 areas, the Council is of the view that none of these areas have adequate capacity on a strategic level to be defined as strategic capacity areas. Table 5 sets out Group 3 areas and gives reasons as to why do these areas not have strategic capacity?

One of these is defined as an “Area to the south of New Cumnock” here it states that the Afton Valley is East Ayrshire’s only Upland Glen and its narrow valley in contrast to the steep valley sides and upper ridgelines, make the glen a particularly scenic part of the authority area. The area to the east of the Glen is part of the far wider Southern Uplands which extends into Dumfries and Galloway. As detailed further in the East Ayrshire Landscape Wind Capacity Study, this important upland area provides a scenic backdrop to neighbouring lowland areas, incorporates three of the areas landmark hills, and forms an important element in defining East Ayrshire’s southern skyline. Its value is emphasised by inclusion within the Sensitive Landscape Area, applicable to all types of development. The existing Harehill wind farm and the consented extension, together with the important features of this area described above, indicate that at a strategic scale, this area does not have capacity for further wind energy development.

The SPP states that both strategic and local development planning authorities should work together where required, and should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities. It is therefore clearly at odds to have the land around Enoch Hill and Benty Cowan Hill as an area of significant protection and in turn not assessed as an area of strategic capacity given that its inclusion as an area of strategic capacity would not adversely affect the Afton Valley. Furthermore the land immediately to the south across the border in Dumfries and Galloway has been designated as an Area of Greatest Potential for Onshore Wind within it’s recently adopted development plan. Please see attached document titled “Extract from Adopted Dumfries & Galloway LDP Part 1” yet there is no change to the landscape character type.

E.ON also objects to the Table 5: Consideration of strategic capacity in the LDP as it is inconsistent with the East Ayrshire Council Landscape Wind Capacity Study as set out in our objection to the LDP against paragraphs 6.1.12 of the LDP and Map 13. The table also set out very brief and simplistic reasoning for discounting Group 3 areas and in particular the area to the south of New Cumnock as to why the Council considers that these areas do not have strategic capacity. This goes against the strong support with the SPP that states that, and as set out in our objection to the LDP “Proposed Plan Representation Form - E.ON - Policy RE5 and Map 14” does not fully consider the landscape potential and ability of part of LCT20a and LCT20b as shown on the E.ON proposed Map 14.

Modifications you wish to see made to the Plan (maximum of 500 words)

Change 1

Paragraph 6.1.12 be deleted in its entirety.

Change 2

Map 13 be removed from the plan.

Signature:

Date: 23rd April 2015

| East Ayrshire Local Development Plan: Proposed Plan Representation Form | |
|---|---|
| Name: Simon Lejeune | Agent Name (if applicable): |
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| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Please fill in the paragraph number, policy, site, proposal number or action programme number that your representation relates to. | |
| Paragraph Number: 6.1.16, 6.1.17 and 6.1.18 | Policy: |
| Site: | Proposal: |
| Action Programme | |
| Representation (maximum of 2000 words) | |
| <p>E.ON Objects to paragraphs 6.1.16, 6.1.17 and 6.1.18 of Volume 1 of the LDP for the following reasons.</p> <p>E.ON have always been clear that the Community Benefit payments made in relation to a Wind Farm should be made directly to the Community that is affected by that development. For E.ON's non consented wind farm sites E.ON's preference is currently not to provide a benefit fund to the Council but instead empower the community, and award them the full community benefit package.</p> <p>E.ON support communities in managing local funds in a way that they see fit; either using local constituted organisations, or 3rd party organisations that are appointed by those communities. Communities are then also able to make the decision on whether they want to put their funds into the Council's Renewable Energy Fund.</p> <p>In the instance of E.ON projects in East Ayrshire and Dumfries and Galloway E.ON is currently making an arrangement to consult with the Community and issue Community Benefits directly to the Community in the format of a Community Benefit Framework. This will involve Local Funds being available to those living within a 15km proximity to the site and then apportioning the pot based on the proximity to the site e.g. 0-5km 50% of the total, 5-10km- 25% of the total, 10-15km 5% of the total.</p> <p>As part of this framework we have also proposed to implement a 'Collective Fund' that can be accessed by all the communities across the whole 15km area and will be made up of 20% of the overall wind farm fund. This fund will be allocated for spend on specific projects around areas such as education and skills enhancement, rural transport and other initiatives that benefit the wider community. The theme of this fund will be decided by the community, in consultation with E.ON and then can be reviewed after a specific period of time. This corresponds to point (j) in Policy RE8 however the governance of the fund is managed by a 3rd party rather than the Council.</p> | |

E.ON would like to draw attention to the principles laid out by East Ayrshire Council and comment on the synergies that exist between both the E.ON and East Ayrshire proposals. E.ON appreciate the need for a strategic approach to Community Benefit Funds but would argue that the communities living next to the wind farm sites have a right to decide on how best to spend the fund that is allocated to them. E.ON's proposed framework gives guidance and structure to the fund provision, but still allows the Community to be in control of the fund.

Typically E.ON seeks to commit to £5000 per MW of installed capacity as the investment offered to the community, and the projects we are currently developing in East Ayrshire demonstrate this (Enoch Hill Wind Farm and Afton Wind Farm). There are however instances when it may not be honoured as community benefit has to be based on the economics of the project.

The Scottish Governments guidance set out in the document "Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments" states at paragraph 6.2.4 that :-

"Some local authorities have policies or guidelines to aid regional consistency in the administration and distribution of funds and to ensure the benefits of renewables reach people and groups in the wider area. Please note that these policies represent one possible route, and developers and communities are not obliged to adhere to these. Developers and communities should discuss the relevant local authority approach, and arrive at a mutual agreement on whether this is the most suitable pathway to follow. Local authorities should be aware that guidelines cannot be enforced through the planning system and must remain as optional guidance."

And at paragraph 9.2 states that:-

"Regional funds can widen the area of benefit to reach a greater number of individuals and fund area-wide projects. For some larger schemes where feasible it may be appropriate to split the fund to allow both local and regional benefits, particularly where the longer term economic impacts of the fund are a focus point. Regional funds are likely to be successful when implemented with grassroots engagement and support. Such funds should have a degree of bottom-up input and control to ensure that they are well received by communities across the relevant region. Regional funds may be led by a local authority, a developer, or by communities themselves. Priorities for regional funds will vary according to the needs and aspirations of each wider regional community. In cases where the local authority has established a region-wide fund, and where the developer and community feel this is appropriate, a proportion of funds can contribute to this region-wide fund to be shared across the local authority area. As set out at 6.2.4 above, local authorities should be aware that guidelines cannot be enforced through the planning system and must remain as optional guidance."

It is clear that the Scottish Government considered Community Benefits to be for the community and administered by the Community, and only in the case of large schemes, or for regional collective funds may these be administered by the local authority. It goes on to make it clear that where a fund is administered by the local authority, it must be in situations where the developer and the community themselves consider this to be appropriate, and that such guidelines cannot be enforced through the planning system and must remain as optional guidance. Local plan policies for Community Benefits are also expected to represent one possible route, and developers and communities are not obliged to adhere to these. Developers and communities should discuss the relevant local authority approach, and arrive at a mutual agreement on whether this is the most suitable pathway to follow. Local authorities should be aware that

guidelines cannot be enforced through the planning system and must remain as optional guidance.

Modifications you wish to see made to the Plan (maximum of 500 words)

Change paragraphs 6.1.16 and 6.1.17 and 6.1.18 to read

6.1.16 Wind energy developments can have a significant impact on local communities. The Council expects wind energy operators to offer community benefits to recompense communities for the disturbance experienced during their construction, operation and decommissioning. Through Policy RE8, the Council encourages applicants to put in place a two tier approach to community benefits; £2,500 per megawatt of installed capacity per annum is requested to be contributed to the Renewable Energy Fund (REF), managed by the Council, with a further £2,500 per megawatt of installed capacity being paid per annum directly to the community/communities affected by the development. Policy RE8 states that the Council will, if mindful to grant planning permission for a wind energy development, encourage but not require applicants to adopt its policy on Community Benefits as set out in Policy RE8, however should applicants of wind energy development propose alternative community benefit arrangements, then providing that these are in line with the spirit of Policy RE8, have general support among the Community, and accord with The Scottish Governments guidance set out in the document "Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments, they will be considered as acceptable alternatives under Policy RE8.

6.1.17 As stated in policy RE8 it is the Councils proposal that all money accrued within the Council managed REF will for the first 10 years be for communities within 15km of the boundary of the wind energy development. Thereafter, 50% of the money will be available East Ayrshire wide. Whilst the Council manages the REF, communities themselves will be responsible for spending the fund. Eligible community groups will be encouraged to apply for funding from the REF to carry out a wide range of community, environmental and employability projects. Priority will be given to projects of a strategic nature that bring benefits to a number of communities. Examples may include community transport schemes, renewable energy projects which lead to direct income generation for communities and new training programmes for local people. The Council will ensure that the REF is not used to substitute or replace services which are the responsibility of the Council itself to deliver and will work with communities to bring forward projects with long term objectives and to help secure match funding, to ensure that local communities see the direct benefits of wind energy developments in their area for many years to come.

6.1.18 The second element of the two stage approach encourages a further £2,500 per megawatt of installed capacity per annum to be paid directly to those communities affected by the proposed development. This contribution will be paid to a partnership or community fund, independent from the Council, which will be administered by a legally formed body comprising of representatives of the community and other local stakeholders, which may include wind energy developers and elected members. The Council will particularly encourage this contribution to be used in support of community led action plans, which set out priority projects for local communities. The Supplementary Guidance on Community Benefits from Wind Energy provides advice for developers in respect of how this payment could best be managed to ensure full transparency and accountability.

Signature:

Date: 23rd April 2015

| East Ayrshire Local Development Plan: Proposed Plan Representation Form | |
|---|---|
| Name: Simon Lejeune | Agent Name (if applicable): |
| Organisation: E.ON Climate & Renewables UK Developments Limited | |
| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Please fill in the paragraph number, policy, site, proposal number or action programme number that your representation relates to. | |
| Paragraph Number: 6.1.8 | Policy: |
| Site: | Proposal: |
| Action Programme | |
| Representation (maximum of 2000 words) | |
| <p>E.ON Objects to paragraph 6.1.8 of Volume 1 of the LDP for the following reasons.</p> <p>Scottish Planning Policy from paragraph 152 to sets out a strong basis for encouraging renewable energy developments and expects that local authority development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.</p> <p>The SPP states that Scotland has significant renewable energy resources, both onshore and offshore, and efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities.</p> <p>The planning system should support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity.</p> <p>In light of this E.ON considers that paragraph 6.1.8 below is less encouraging in its support for onshore wind and other renewable energy sources than the SPP, as this paragraph seems to suggest that East Ayrshire already contributes significantly, and thus further opportunities must be explored and the LDP should be supportive, but that the strong encouragement and developing an areas full potential message is not re-enforced. E.ON would wish for this paragraph to be re-written so it is more in line with SPP strong supporting message for low carbon and renewable technologies :_</p> <p><i>“In terms of wind energy, East Ayrshire already contributes significantly to Scotland’s renewable energy output, primarily through Whitelee, with 100 of its 215 turbines constructed within East Ayrshire. There have also been several consents granted in the southern part of East Ayrshire, including Afton and the Harehill Extension, together providing a further 65 turbines. It is</i></p> | |

recognised, however, that further opportunities to support the renewable energy agenda must be explored and that the Local Development Plan should continue to support wind energy proposals in suitable locations.”

Modifications you wish to see made to the Plan (maximum of 500 words)

Paragraph 6.1.8 re-written to say:-

In terms of wind energy, East Ayrshire will be supportive of new opportunities for renewable energy developments and will seek to ensure an area’s full potential for electricity from renewable sources is achieved in suitable locations, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.”

Signature:

Date: 23rd April 2015

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| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Please fill in the paragraph number, policy, site, proposal number or action programme number that your representation relates to. | |
| Paragraph Number: | Policy: ENV8 |
| Site: | Proposal: |
| Action Programme | |
| Representation (maximum of 2000 words) | |
| <p>E.ON Objects to Policy ENV8 of Volume 1 of the LDP for the following reasons.</p> <p>Policy ENV8 makes specific reference to a non-statutory document called the Ayrshire Landscape Character Assessment which has not been through formal consultation and does not form part of the development plan. The policy itself should not therefore refer to this document within the specific policy text. Reference to this document should be in any preamble or supporting text to the policy.</p> <p>The policy also says <i>“The Council will require that:”</i>, which is an absolute term of reference, and this should be more appropriately worded as all criterion set out in Policy ENV8 are subject to a judgement of balance test in terms of planning merit / weight against material harm / impacts.</p> <p>Policy ENV8 should include wording to the effect that wherever possible as it will not always be possible to site new development appropriately, and mitigation is not always possible.</p> <p>The use of wording <i>“will not be supported”</i> is again an absolute term of reference, and this should be more appropriately worded to <i>“The Council will assess whether:”</i> as all criterion set out in Policy ENV8 are subject to a judgement of balance test in terms of planning merit / weight against material harm / impacts.</p> | |
| Modifications you wish to see made to the Plan (maximum of 500 words) | |
| Policy ENV8 states that: | |
| ENV8: Protecting and Enhancing the Landscape | |
| The protection and enhancement of East Ayrshire’s landscape character will be a key consideration in assessing the appropriateness of development proposals in the rural area. The Council will require that: | |

(i) Development proposals are sited and designed to respect the nature and landscape character of the area and to minimise visual impact. Particular attention will be paid to size, scale, layout, materials, design, finish and colour.

(ii) Where visual impacts are unavoidable, development proposals include adequate mitigation measures to minimise such impacts on the landscape.

(iii) Particular features that contribute to the value, quality and character of the landscape are conserved and enhanced. Development that would result in the loss of valuable landscape features, to such an extent that character and value of the landscape, is diminished, will not be supported. Such landscape features include:

- a. Settings of settlements and buildings within the landscape;
- b. Skylines, distinctive landform features, landmark hills and prominent views;
- c. Woodlands, hedgerows and trees;
- d. Field patterns and means of enclosure, including dry stone dykes; and
- e. Rights of way and footpaths

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

Change Policy ENV8 to read:-

ENV8: Protecting and Enhancing the Landscape

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

(i) Wherever possible development proposals are sited and designed to respect the nature and landscape character of the area and to minimise visual impact. Particular attention will be paid to size, scale, layout, materials, design, finish and colour.

(ii) Where visual impacts are unavoidable, wherever possible development proposals include adequate mitigation measures to minimise such impacts on the landscape;

(iii) Particular features that contribute to the value, quality and character of the landscape are conserved and enhanced. Development proposal should seek not to cause significant adverse impacts to valuable landscape features, to such an extent that character and value of the landscape, is significantly diminished. Such landscape features include:

- a. Settings of settlements and buildings within the landscape;
- b. Skylines, distinctive landform features, landmark hills and prominent views;
- c. Woodlands, hedgerows and trees;
- d. Field patterns and means of enclosure, including dry stone dykes; and
- e. Rights of way and footpaths

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

Signature:

Date: 23rd April 2015

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| Name: Simon Lejeune | Agent Name (if applicable): |
| Organisation: E.ON Climate & Renewables UK Developments Limited | |
| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Please fill in the paragraph number, policy, site, proposal number or action programme number that your representation relates to. | |
| Paragraph Number: | Policy: RE3 |
| Site: | Proposal: |
| Action Programme | |
| Representation (maximum of 2000 words) | |
| <p>E.ON Objects to Policy RE3 of Volume 1 of the LDP for the following reasons.</p> <p>It is recommended that Policy RE3 should be modified so that it is clear what the term qualities means, and this is put into context, that it is extended to include a requirement for wind energy developers to provide sufficient environmental and design related information (e.g. peat probing surveys and design statements) to demonstrate that potential impacts on deep peat or carbon rich soils can have been satisfactorily mitigated through appropriate siting, design or other mitigation, and that reference to the only strategic area of capacity is removed given the fact that it is E.ON strong contention that the Group 3 - Areas with potential for wind energy development be changed so as not to include inaccurate and out-of-date mapping on carbon rich soils, deep peat and peatlands.</p> | |
| Modifications you wish to see made to the Plan (maximum of 500 words) | |
| <u>Change Policy RE3 to read:-</u> | |
| <p>Policy RE3 All wind energy proposals over 50m in height, including extensions and proposals for repowering, will be assessed using the spatial framework for wind development shown on Map 12 and all relevant Renewable Energy and other LDP policies.</p> <p>The Council will afford significant protection to Group 2 areas shown on Map 12. Such development will only be permitted within these Areas of Significant Protection in cases where it can be demonstrated that any significant effects on the qualities (i.e. the specific reason(s) why land is identified as a Group 2 area rather than a Group 3 area) of these areas can be substantially overcome by siting, design or other mitigation and where the proposal is acceptable in terms of all applicable Renewable Energy criteria set out in Schedule 1. Wind energy developers should provide sufficient environmental and design related information (e.g. peat probing surveys and</p> | |

design statements) to demonstrate that potential impacts on deep peat or carbon rich soils can have been satisfactorily mitigated through appropriate siting, design or other mitigation

Within those areas shown on the Spatial Framework (Map 12) as Group 3 - Areas with Potential for

Wind Energy Development, proposals for wind energy over 50m in height will be supported where it

can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1.

Supplementary Guidance on Planning for Wind Energy supports policy RE3 by providing more information on:

- the spatial framework
- the considerations that will apply to wind energy development of 50 metres or higher.

Signature:

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| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Please fill in the paragraph number, policy, site, proposal number or action programme number that your representation relates to. | |
| Paragraph Number: | Policy: RE4 |
| Site: | Proposal: |
| Action Programme | |
| Representation (maximum of 2000 words) | |
| <p>E.ON Objects to Policy RE4 of Volume 1 of the LDP for the following reasons.</p> <p>Policy RE4 includes a monitoring proposal on land in the southern part of East Ayrshire and other areas which is an inappropriate statement to make in the LDP. It goes without saying that if circumstances change the local authority can propose to update supplemental planning guidance as it can with supplemental guidance on all manners and forms of development, and not just those relating to wind energy. E.ON does not see similar statement on other forms of development.</p> <p>The capacity of the landscape to accommodate wind energy is also open to interpretation and judgement on the landscape character and whether the landscape can accommodate further wind energy is best considered through cumulative landscape assessments as part of an individual wind farms environmental statement. Given the support within Scottish Planning Policy which from paragraph 152 sets out a strong basis for encouraging renewable energy developments and expects that local authority development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations, it seems at odds to seek at this stage an advance warning that the Council will monitor landscape capacity and be the sole judge on when a landscape capacity has been reached.</p> | |
| Modifications you wish to see made to the Plan (maximum of 500 words) | |
| <u>Change Policy RE4 to read:-</u> | |
| <p>Policy RE4 The cumulative impact of wind energy proposals The cumulative impact of wind energy proposals is included within Schedule 1, as a policy criterion that must be considered in the assessment of all wind energy proposals. The assessment of cumulative impact should include</p> | |

consideration of all operational and consented wind energy developments, as well as proposals which are the subject of live planning or Section 36 applications.

With specific regard to cumulative landscape impacts, the level of development that has taken place at Whitelee limits the capacity of this landscape area to accommodate further development. Whilst there may be limited scope for small additions developed in line with the advice contained within the East Ayrshire Landscape Wind Capacity Study, development over and above this, particularly to the south and south west of the existing turbines as shown in map 14, will result in unacceptable cumulative landscape impacts.

Non statutory guidance titled the East Ayrshire Landscape Wind Capacity Study, provides detailed guidance on the capacity of East Ayrshire's landscape to accommodate wind energy development. Its findings have also been used to inform Supplementary Guidance on Planning for Wind Energy.

Signature:

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| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Please fill in the paragraph number, policy, site, proposal number or action programme number that your representation relates to. | |
| Paragraph Number: | Policy: RE5 |
| Site: | Proposal: |
| Action Programme | |
| Representation (maximum of 2000 words) | |
| <p>E.ON Objects to Policy RE5 of Volume 1 of the LDP for the following reasons.</p> <p>As currently worded proposed policy RE5 focuses on ensuring the conformity of proposed developments with the East Ayrshire Landscape Wind Capacity Study, but does not set out other specific assessment criteria regarding landscape and visual impacts. To enhance proposed policy RE5 it is therefore recommended that the policy wording should be modified (i.e. extended) to also state that “landscapes must be capable of accommodating proposed wind energy developments without resulting in any unacceptable significant adverse impacts on landscape character or visual amenity”.</p> <p>In this regard the term “acceptable” should be defined according to the definition contained within the recently adopted Policy IN1 of the Dumfries & Council Local Development Plan which states that:-</p> <p><i>“Policy IN1 The Council will support development proposals for all renewable energy provided they do not individually or in combination have a unacceptable* significant adverse impact on:</i></p> <ul style="list-style-type: none"> • <i>landscape;</i> • <i>the cultural and natural heritage;</i> • <i>areas and routes important for tourism or recreational use in the countryside;</i> • <i>water and fishing interests;</i> • <i>air quality; and</i> • <i>the amenity of the surrounding area.</i> <p><i>To enable this assessment sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:</i></p> | |

- any associated infrastructure requirements including road and grid connections (where subject to planning consent)
- environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues.
- relevant provisions for the restoration of the site
- the extent to which the proposal helps to meet the current government targets for energy generation and consumption.

** Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed."*

The recommended modifications to proposed policy RE5 would mirror the use of the wording "unacceptable significant adverse impact" in proposed policy RE1 and would provide a clear and objective policy test against which proposed wind energy developments of all scales could be considered.

Modifications you wish to see made to the Plan (maximum of 500 words)

Change Policy RE5 to read _____

RE5: Wind Energy and the Landscape

The Council will support development proposals for all renewable energy provided they do not individually or in combination have a unacceptable* significant adverse impact on:

- landscape;
- the cultural and natural heritage;
- areas and routes important for tourism or recreational use in the countryside;
- water and fishing interests;
- air quality; and
- the amenity of the surrounding area.

To enable this assessment sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:

- any associated infrastructure requirements including road and grid connections (where subject to planning consent)
- environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues.
- relevant provisions for the restoration of the site
- the extent to which the proposal helps to meet the current government targets for energy generation and consumption.

** Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed, and where it can be demonstrated that there will be no unacceptable significant*

adverse impacts on all of the relevant Renewable Energy Assessment Criteria set out in Schedule 1 of the LDP.

To assist in this detailed consideration of this criterion and to help inform wind energy applications, Maps 14 and 15 have been prepared, making use of the East Ayrshire Landscape Wind Capacity Study, to illustrate the landscape sensitivities to wind turbines over 70 metres and between 50 and 70 metres respectively. Due regard should be had to the mapping and guidance contained in the East Ayrshire Landscape Wind Capacity Study whilst noting that caution should be exercised in interpreting the combined sensitivity scores in the capacity Study as these represent an average across landscape character types. This is because considerable variation can occur within these landscape and the detailed sensitivity assessments should therefore be read and fully reviewed in terms of specific constraints and opportunities when considering individual development proposals. The assessment identifies constraints in analysis at a strategic scale and developers would need to demonstrate how they have dealt with potential effects on the constraints identified in the sensitivity assessment when preparing proposals.

The landscape sensitivity maps and the associated detailed guidance within the landscape study will be used by the Council to assess all relevant wind energy applications, alongside all other policy criteria.

Signature:

Date: 23rd April 2015

| East Ayrshire Local Development Plan: Proposed Plan Representation Form | |
|---|--|
| Name: Simon Lejeune | Agent Name (if applicable): |
| Organisation: E.ON Climate & Renewables UK Developments Limited | |
| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Please fill in the paragraph number, policy, site, proposal number or action programme number that your representation relates to. | |
| Paragraph Number: | Policy: RE7 |
| Site: | Proposal: |
| Action Programme | |
| Representation (maximum of 2000 words) | |
| <p>E.ON Objects to Policy RE7 of Volume 1 of the LDP for the following reasons.</p> <p>Policy RE7 gives no recognition that other factors, other than the repair or replacement of a turbine, yet there could be other sound reasons why a turbine it is not exporting electricity. For example disruptions in the wider grid network requiring repair and maintenance work on the wider distribution or transmission network. It is therefore recommend that this policy be amended to reflect this.</p> | |
| Modifications you wish to see made to the Plan (maximum of 500 words) | |
| <u>Change Policy RE7 to read:-</u> | |
| Policy RE7: Removal of wind turbines | |
| <p>Where a wind turbine is not in operation producing electricity for a continuous period of 6 months, the operator will be required to provide evidence to the Council that the apparatus is in the process of being repaired or replaced, or evidence that wider distribution / transmission problems other technical problems persist which justify the turbine remaining in-situ for a further 3 months beyond the 6 month period. If this is not provided, the Council will deem the turbine to</p> <p>be surplus to requirements and will, through an appropriate planning condition or where deemed necessary by a legal obligation, require its removal, with the land restored to its original condition</p> <p>within an appropriate period to be agreed with the Council.</p> | |
| Signature: | Date: 23 rd April 2015 |

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| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Please fill in the paragraph number, policy, site, proposal number or action programme number that your representation relates to. | |
| Paragraph Number: | Policy: RE8 |
| Site: | Proposal: |
| Action Programme | |
| Representation (maximum of 2000 words) | |
| <p>E.ON Objects to Policy RE8 of Volume 1 of the LDP for the following reasons.</p> <p>E.ON have always been clear that the Community Benefit payments made in relation to a Wind Farm should be made directly to the Community that is affected by that development. For E.ON's non consented wind farm sites E.ON's preference is currently not to provide a benefit fund to the Council but instead empower the community, and award them the full community benefit package.</p> <p>E.ON support communities in managing local funds in a way that they see fit; either using local constituted organisations, or 3rd party organisations that are appointed by those communities. Communities are then also able to make the decision on whether they want to put their funds into the Council's Renewable Energy Fund.</p> <p>In the instance of E.ON projects in East Ayrshire and Dumfries and Galloway E.ON is currently making an arrangement to consult with the Community and issue Community Benefits directly to the Community in the format of a Community Benefit Framework. This will involve Local Funds being available to those living within a 15km proximity to the site and then apportioning the pot based on the proximity to the site e.g. 0-5km 50% of the total, 5-10km- 25% of the total, 10-15km 5% of the total.</p> <p>As part of this framework we have also proposed to implement a 'Collective Fund' that can be accessed by all the communities across the whole 15km area and will be made up of 20% of the overall wind farm fund. This fund will be allocated for spend on specific projects around areas such as education and skills enhancement, rural transport and other initiatives that benefit the wider community. The theme of this fund will be decided by the community, in consultation with E.ON and then can be reviewed after a specific period of time. This corresponds to point (i) in Policy RE8 however the governance of the fund is managed by a 3rd party rather than the Council.</p> <p>E.ON would like to draw attention to the principles laid out by East Ayrshire Council and comment on the synergies that exist between both the E.ON and East Ayrshire proposals. E.ON appreciate</p> | |

the need for a strategic approach to Community Benefit Funds but would argue that the communities living next to the wind farm sites have a right to decide on how best to spend the fund that is allocated to them. E.ON's proposed framework gives guidance and structure to the fund provision, but still allows the Community to be in control of the fund.

Typically E.ON seeks to commit to £5000 per MW of installed capacity as the investment offered to the community, and the projects we are currently developing in East Ayrshire demonstrate this (Enoch Hill Wind Farm and Afton Wind Farm). There are however instances when it may not be honoured as community benefit is based on the economics of the project.

The Scottish Governments guidance set out in the document "Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments" states at paragraph 6.2.4 that :-

"Some local authorities have policies or guidelines to aid regional consistency in the administration and distribution of funds and to ensure the benefits of renewables reach people and groups in the wider area. Please note that these policies represent one possible route, and developers and communities are not obliged to adhere to these. Developers and communities should discuss the relevant local authority approach, and arrive at a mutual agreement on whether this is the most suitable pathway to follow. Local authorities should be aware that guidelines cannot be enforced through the planning system and must remain as optional guidance."

And at paragraph 9.2 states that:-

"Regional funds can widen the area of benefit to reach a greater number of individuals and fund area-wide projects. For some larger schemes where feasible it may be appropriate to split the fund to allow both local and regional benefits, particularly where the longer term economic impacts of the fund are a focus point. Regional funds are likely to be successful when implemented with grassroots engagement and support. Such funds should have a degree of bottom-up input and control to ensure that they are well received by communities across the relevant region. Regional funds may be led by a local authority, a developer, or by communities themselves. Priorities for regional funds will vary according to the needs and aspirations of each wider regional community. In cases where the local authority has established a region-wide fund, and where the developer and community feel this is appropriate, a proportion of funds can contribute to this region-wide fund to be shared across the local authority area. As set out at 6.2.4 above, local authorities should be aware that guidelines cannot be enforced through the planning system and must remain as optional guidance."

It is clear that the Scottish Government considered Community Benefits to be for the community and administered by the Community, and only in the case of large schemes, or for regional collective funds may these be administered by the local authority. It goes on to make it clear that where a fund is administered by the local authority, it must be in situations where the developer and the community themselves consider this to be appropriate, and that such guidelines cannot be enforced through the planning system and must remain as optional guidance. Local plan policies for Community Benefits are also expected to represent one possible route, and developers and communities are not obliged to adhere to these. Developers and communities should discuss the relevant local authority approach, and arrive at a mutual agreement on whether this is the most suitable pathway to follow. Local authorities should be aware that guidelines cannot be enforced through the planning system and must remain as optional guidance."

Modifications you wish to see made to the Plan (maximum of 500 words)

Change Policy RE8 to read:-

Policy RE8

The Council will, if mindful to grant planning permission for a wind energy development, strongly encourage, (but will not require) applicants to provide a community benefit payment of no less than £5,000 per mw of installed capacity per annum, index linked to 1 January 2015 and payable from the date on which the first turbine is fully erect. This payment will cease when the wind farm is decommissioned or fails to export electricity to the grid for a period of 6 months.

Applicants will be requested, but not required, to provide the community benefit in two ways:

(i) A minimum contribution of £2,500 per megawatt of installed capacity per annum should be made to the Council managed Renewable Energy Fund, which will be used by communities to finance a range of community, environmental and employability projects;

For a period of 10 years, all contributions will be directed exclusively to local projects within 15 kilometres of the boundary of the wind energy development. Thereafter, 50% of the contributions received will be directed towards local projects with 50% being reserved for use in the wider East Ayrshire area.

(ii) A minimum of £2,500 per megawatt of installed capacity per annum should be paid direct to the affected communities, through an appropriate Community Fund specifically established to manage the funds received from the wind energy development.

If alternative Community Benefit proposals are proposed by applicants these will be supported by the Council under Policy RE8 if they are also supported by the Community and accord with the The Scottish Governments guidance set out in the document "Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments.

Supplementary Guidance (SG) on Community benefits from wind energy supports policy RE8 by providing detail on the Council's proposed two stage approach to community benefits which involves one payment to the Council's Renewable Energy Fund (REF) and another direct to communities. In respect of the REF, the SG provides detail on eligibility and how strategic projects will be identified and delivered. With regard to the direct community payment, the SG provides guidance on best practice for the management of funds and the role that the Council could play in this.

Signature:

Date: 23rd April 2015

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|---|--|
| Name: Simon Lejeune | Agent Name (if applicable): |
| Organisation: E.ON Climate & Renewables UK Developments Limited | |
| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Representation | |
| Name of Supplementary Guidance Document: Planning for wind energy | Page: Page no.5 |
| Paragraph: | Other: |
| <p>Representation (maximum of 2000 words)</p> <p>E.ON objects to Map 1: Wind Energy proposals (December 2014) as it shows the Enoch Hill site as being much larger than is now proposed as design work and community consultations have reduced the turbine envelope of the wind farm.</p> | |
| <p>Suggested Alterations (Please include amended wording if this is being sought)</p> <p>A plan the same as the one shown in PDF document titled E.ON Map replace the existing Map 1: Wind Energy proposals (December 2014) to show a different site boundary.</p> | |
| Signature: | Date: 23 rd April 2014 |

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| Organisation: E.ON Climate & Renewables UK Developments Limited | |
| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Representation | |
| Name of Supplementary Guidance Document: Planning for wind energy | Page: Page no.8 |
| Paragraph: | Other: |
| <p>Representation (maximum of 2000 words)</p> <p>E.ON objects to the Table and * footnote on page 8 which states that</p> <p>*In the absence of the finalised SNH map defining areas of carbon rich soils deep peat and priority peatland habitats, the spatial framework has included Category 6 (deep peat) and Category 5 (deep peat and other carbon rich soils) areas as shown on the 1:250,000 Soil carbon richness map available from the Scotland’s soil website. This approach was taken on the advice of SNH.</p> <p>E.ON objects for the following reasons.</p> <p>E.ON considers that the use, on a 1:250,000 scale the Soils Scotland soil carbon richness mapping as inappropriate. This mapping should be removed from the proposed spatial framework as it not consistent with the scope of the SPP and is not fit for purpose in determining the extent of "carbon rich soils, deep peat and priority peatland habitat" as required by the SPP.</p> <p>The inclusion of the 1:250,000 scale Scotland’s Soils soil carbon richness mapping is inappropriate as it considers the broad issue of soil carbon richness (defined as soil carbon categories 5 or 6) rather than the specific issue of deep peat, carbon rich soils and priority peatland habitats, as required within Table 1 of the SPP. Furthermore, the low spatial resolution of this mapping evidently does not provide sufficient data to reliably identify areas of deep peat, carbon rich soils or priority peatland habitats at a level which can usefully inform the siting of individual wind energy developments or draw the boundaries between areas with potential for wind energy development and areas of significant protection. This is important as this “Other nationally important mapped environmental interests of carbon rich soils, deep peat and priority peatland habitat” is often the only constraint affecting land that would without this designation otherwise be an area with potential for wind energy development .</p> <p>This mapping is significantly out of date (it relies upon surveys undertaken in the 1980’s which has not been updated to account of land use change such as the growth of coniferous forestry plantations). These weaknesses are confirmed within SNH Information Note 318 and reflected by the recent preparation by SNH¹ of a new draft deep peat, carbon rich soils and priority peatland habitats</p> | |

map. This draft map uses a new methodology which combines soil carbon categories with peatland habitat types. Consequently there are significant differences between the soil carbon richness mapping and SNH's draft deep peat², carbon rich soils and priority peatland habitats map, where only areas with soil carbon categories 5 or 6 and peatland habitat types C2, D or E are identified as Class 1 or Class 2 land (under SNH's draft proposals this land may be identified as Group 2 areas on spatial frameworks).

¹ SNH (2012) Information Notice no. 318 - Identification of carbon-rich soil mapping units. Available at: http://www.soils-scotland.gov.uk/documents/8130702_Identification_of_carbon_rich_soil_mapping_units.pdf

² SNH (2014) Draft Carbon-rich soil, deep peat and priority peatland habitats map - Consultation Document. Available at: <http://www.snh.gov.uk/docs/A1495150.pdf>

It would however at this stage also be inappropriate to use SNH's draft deep peat, carbon rich soils and priority peatland habitats map as an alternative dataset within the proposed spatial framework, as this map is currently in draft form and will not be finalised until at least June 2015. As currently drafted there are multiple deficiencies within the draft map, most critically that the definition of "deep peat" as peat deeper than 50cm is misaligned with the definition of deep peat within the Scottish Government's Peat Survey Guidance document, which defines deep peat as "a peat layer more than 1 metre deep".

E.ON, through its consultants Amec Foster Wheeler have already recommended to SNH that soil carbon category 6 should be amended to include only peat with mapped depths greater than 1m, whilst peat (not peaty soils) with a depth less than 1m should fall within soil carbon category 5. It has also been recommended to SNH that once the draft map is finalised only Class 1 land should be considered for inclusion within Group 2 areas on spatial frameworks, due to methodological concerns regarding the reliable identification of Class 2 land. These modifications would result in a significant reduction in the extent of Class 1 and Class 2 land and a significant reduction in the amount of land which should be identified as Group 2 areas.

Suggested Alterations (Please include amended wording if this is being sought)

The text in the table on page 8 in the column titled - How do the constraints apply to East Ayrshire?, be amended to read:-

The Group 2 area in East Ayrshire is made up of the following designations*:

- Muirkirk and North Lowther Uplands Special Protection Area
- Merrick Kells Special Area of Conservation
- Airds Moss Special Area of Conservation
- 20 Sites of Special Scientific Interest (see list in appendix)
- Designed landscapes and Gardens - Caprington Castle, by Kilmarnock
 - Dumfries House, by Auchinleck
 - Loudoun Castle, by Galston
 - Lanfine, by Newmilns and Darvel
 - Rowallan, by Kilmarnock
 - Skeldon House, by Dalrymple
 - Craigengillan, by Dalmellington
- Battle of Loudoun Hill battlefield
- A small area of Wild Land to the south of Loch Doon
- A 2km buffer around each of the LDP's identified settlements

And the footnote at the bottom of the table be amended to read:-

* In the absence of the finalised and accurate SNH map defining areas of carbon rich soils deep peat and priority peatland habitats, the spatial framework has not included Category 6 (deep peat) and Category 5 (deep peat and other carbon rich soils) areas.

Signature:

Date: 23rd April 2015

| East Ayrshire Proposed Local Development Plan: Supplementary Guidance Representation Form | |
|---|---|
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| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Representation | |
| Name of Supplementary Guidance Document: Planning for wind energy | Page: Page no.9 |
| Paragraph: | Other: |
| <p>Representation (maximum of 2000 words)</p> <p>E.ON objects to Map 2 on page 9 for the following reasons.</p> <p>Map 2: Spatial Framework for Wind Energy Development over 50m in height sets out the areas within East Ayrshire that are considered to be Group 2 - Areas of significant protection and Group 3 - Areas with potential for wind energy. The areas of significant protection are based Table 1: Spatial Frameworks on page 39 of the SPP which sets out three designations tables, firstly those designations of National and international importance, secondly those other nationally important mapped environmental interests, and thirdly Community separation for consideration of visual impact.</p> <p>National and International importance designations:</p> <ul style="list-style-type: none"> • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the Inventory of Historic Battlefields. <p>Other nationally important mapped environmental interests:</p> <ul style="list-style-type: none"> • areas of wild land as shown on the 2014 SNH map of wild land areas; • carbon rich soils, deep peat and priority peatland habitat. <p>Community separation for consideration of visual impact:</p> <ul style="list-style-type: none"> • an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement. <p>E.ON considers that Map 2, in order to define Group 2 areas of the proposed spatial framework has applied the 1:250,000 scale Soils Scotland soil carbon richness mapping. This mapping should be</p> | |

removed from the proposed spatial framework as it not consistent with the scope of the SPP and is not fit for purpose in determining the extent of "carbon rich soils, deep peat and priority peatland habitat" as required by the SPP.

The inclusion of the 1:250,000 scale Scotland's Soils soil carbon richness mapping is inappropriate as it considers the broad issue of soil carbon richness (defined as soil carbon categories 5 or 6) rather than the specific issue of deep peat, carbon rich soils and priority peatland habitats, as required within Table 1 of the SPP. Furthermore, the low spatial resolution of this mapping evidently does not provide sufficient data to reliably identify areas of deep peat, carbon rich soils or priority peatland habitats at a level which can usefully inform the siting of individual wind energy developments or draw the boundaries between areas with potential for wind energy development and areas of significant protection. This is important as this "Other nationally important mapped environmental interests of carbon rich soils, deep peat and priority peatland habitat" is often the only constraint affecting land that would without this designation otherwise be an area with potential for wind energy development .

This mapping is significantly out of date (it relies upon surveys undertaken in the 1980's which has not been updated to account of land use change such as the growth of coniferous forestry plantations). These weaknesses are confirmed within SNH¹ of a new draft deep peat, carbon rich soils and priority peatland habitats map. This draft map uses a new methodology which combines soil carbon categories with peatland habitat types. Consequently there are significant differences between the soil carbon richness mapping and SNH's draft deep peat², carbon rich soils and priority peatland habitats map, where only areas with soil carbon categories 5 or 6 and peatland habitat types C2, D or E are identified as Class 1 or Class 2 land (under SNH's draft proposals this land may be identified as Group 2 areas on spatial frameworks).

¹ SNH (2012) Information Notice no. 318 - Identification of carbon-rich soil mapping units.

Available at:http://www.soils-scotland.gov.uk/documents/8130702_Identification_of_carbon_rich_soil_mapping_units.pdf

² SNH (2014) Draft Carbon-rich soil, deep peat and priority peatland habitats map - Consultation Document. Available at: <http://www.snh.gov.uk/docs/A1495150.pdf>

It would however at this stage also be inappropriate to use SNH's draft deep peat, carbon rich soils and priority peatland habitats map as an alternative dataset within the proposed spatial framework, as this map is currently in draft form and will not be finalised until at least June 2015. As currently drafted there are multiple deficiencies within the draft map, most critically that the definition of "deep peat" as peat deeper than 50cm is misaligned with the definition of deep peat within the Scottish Government's Peat Survey Guidance document, which defines deep peat as "a peat layer more than 1 metre deep".

E.ON has, through our consultants Amec Foster Wheeler already recommended to SNH that soil carbon category 6 should be amended to include only peat with mapped depths greater than 1m, whilst peat (not peaty soils) with a depth less than 1m should fall within soil carbon category 5. It has also been recommended to SNH that once the draft map is finalised only Class 1 land should be considered for inclusion within Group 2 areas on spatial frameworks, due to methodological concerns regarding the reliable identification of Class 2 land. These modifications would result in a significant reduction in the extent of Class 1 and Class 2 land and a significant reduction in the amount of land which should be identified as Group 2 areas.

Suggested Alterations (Please include amended wording if this is being sought)

Until such time as up-to-date and accurate mapping of deep peat, carbon rich soils and priority peatland habitats map is available it is not appropriate to include incorrect mapping into a spatial framework plan, particularly given the importance of low carbon and renewable technologies.

Therefore on page 9 change Map 2: Spatial framework for wind energy development over 50 metres in height to the one provided in PDF document titled "E.ON_Map 2".

Note please disregard the labelling on the actual plan that refers to this as Map 12 as that has not been changed from the same plan in the LDP.

Signature:

Date: 23rd April 2015

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| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Representation | |
| Name of Supplementary Guidance Document: Planning for wind energy | Page: Page no.10 |
| Paragraph: 2.3 and 2.4 | Other: |
| <p>Representation (maximum of 2000 words)</p> <p>E.ON objects to section 2.3 on page 10 for the following reasons.</p> <p>The proposed wording of the first paragraph in section 2.3 on page 10 is overly restrictive and inconsistent with Table 1 of the SPP, [This we highlight in italics below] as the paragraph refers to only limited opportunities for sensitively sited developments in Group 2 areas, yet no such wording is included within the SPP.</p> <p>2.3 What does the spatial framework mean for East Ayrshire?</p> <p>Only in group 1, should there be a presumption against wind energy developments. As noted in table 3 and Map 2, East Ayrshire does not contain any areas that fall within group 1. As per SPP and policy RE3, <i>whilst group 2 areas are to be given significant protection, there may be limited opportunities for sensitively sited wind energy proposals</i>, where it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation, through assessment against the criteria listed in Schedule 1 of the Plan.</p> <p>The third paragraph within section 2.3 continues the overly restrictive approach to development in Group 2 areas by stating that <i>“any development within an Area requiring significant protection will only be supported should its impacts be shown to be acceptable through the planning application and EIA processes”</i>.</p> <p>This wording is misaligned with Table 1 of the SPP, which requires only that applicants demonstrate that <i>“any significant effects on the qualities of these (Group 2) areas can be substantially overcome by siting, design or other mitigation”</i>, and is therefore inappropriate.</p> <p>To address all of these issues it is recommended that the wording of section 2.3 of the document should be modified to reflect the approach to development in Group 2 areas set out within Table 1 of the SPP.</p> | |

E.ON objects to section 2.4 on page 10 for the following reasons.

2.4 Where are East Ayrshire's areas of strategic capacity?

SPP indicates that group 3 areas constitute areas of strategic capacity for wind energy development. However, as the LDP clearly sets out, much of the land that makes up group 3 within East Ayrshire is inappropriate for wind energy development over 50 metres. Instead of defining these areas of having strategic capacity, the LDP takes a more realistic approach and describes why these areas do not in fact have strategic capacity.

The Scottish Government has made clear in its advice to the Council in the preparation of the LDP that sites of existing wind energy development can be defined as areas of strategic capacity. Whitelee is currently East Ayrshire's only large scale wind energy development. Although much of the Whitelee area is identified as requiring significant protection through the spatial framework map, the development was appropriately planned and designed to become a successful example of a large scale wind energy scheme. In moving forward, the Council sees merit in identifying the area as having strategic capacity, on the basis that there may be scope for limited extension in the upland core of the area, away from the more sensitive outer edges, and due to the potential for re-powering. Whilst any re-powering applications would be assessed on their own merits against RE3, in principle, it is considered that this area could be suitable for such proposals. The Whitelee area is therefore identified as East Ayrshire's only area of strategic capacity.

The basis for determining which areas within East Ayrshire should be regarded as areas of strategic capacity is based on incorrect mapping of Group 2 areas, as highlighted in previous objections to the mapping of deep peat, and carbon rich soils. It is therefore not possible to properly consider which areas of the Group 3 areas have strategic capacity for wind farms. E.ON strongly considers that the mapping of these areas as shown on Map 13: Onshore wind framework of the LDP and also that Table 5: Consideration of strategic capacity of the LDP be removed. As such section 2.4 of the SG should also be removed.

E.ON also objects to the Table 5: Consideration of strategic capacity in the LDP as it is inconsistent with the East Ayrshire Council Landscape Wind Capacity Study as set out in our objection to the LDP against paragraphs 6.1.12 of the LDP and Map 13. The table also set out very brief and simplistic reasoning for discounting Group 3 areas and in particular the area to the south of New Cumnock as to why the Council considers that these areas do not have strategic capacity. This goes against the strong support with the SPP that states that, and as set out in our objection to the LDP "Proposed Plan Representation Form - E.ON - Policy RE5 and Map 14" does not fully consider the landscape potential and ability of part of LCT20a and LCT20a as shown on the E.ON proposed Map 14.

Suggested Alterations (Please include amended wording if this is being sought)

Section 2.3 on page 10 of the SG be re-worded to say__

2.3 What does the spatial framework mean for East Ayrshire?

Only in group 1, should there be a presumption against wind energy developments. As noted in table 3 and Map 2, East Ayrshire does not contain any areas that fall within group 1. As per SPP and policy RE3, whilst group 2 areas recognise the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially

overcome by siting, design or other mitigation, through assessment against the criteria listed in Schedule 1 of the Plan.

Within Group 3 areas, proposals will be supported where it can be demonstrated that that they are acceptable in terms of the criteria listed in Schedule 1 of the Plan and detailed in Section 3 below.

Any developer exploring opportunities for wind energy developments in East Ayrshire should give due attention to the spatial framework, recognising that any development within an Area requiring significant protection will be subject to further consideration so to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation through the planning application and EIA processes, taking on board the considerations outlined in Schedule 1 of the LDP and described in detail below.

Section 2.4 on page 10 of the SG titled “Where are East Ayrshire’s areas of strategic capacity?” be deleted.

Signature:

Date: 23rd April 2015

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|---|---|
| Name: Simon Lejeune | Agent Name (if applicable): |
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| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Representation | |
| Name of Supplementary Guidance Document: Planning for wind energy | Page: Page no.12 |
| Paragraph: | Other: |
| <p>Representation (maximum of 2000 words)</p> <p>E.ON objects to page 12 for the following reasons.</p> <p>On this page of the SG the Council refers to the East Ayrshire Landscape Wind Capacity Study (EALWCS) and key landscape constraints. This study was approved by East Ayrshire Council in July 2013 as non-statutory supplementary guidance and is publicly available on the Council's website. The study has had no formal consultation and it is not included and annexed as appendices to the SG and as such through the LDP and SG consultation is again not subject to specific scrutiny. This is disappointing and questionable given that much of the spatial policy in the LDP and the SG relies heavily upon the landscape character assessment and methodology followed in the EALWCS.</p> <p>It states that the Capacity Study provides an up-to-date, detailed and robust analysis of the special landscape features and characteristics of particular landscape areas and assesses the sensitivities of such landscape areas to wind energy developments. In line with the conclusions of the study, the following spatial principles should be followed in identifying sites for wind energy developments. E.ON does not consider that the Capacity is up-to-date or robust in its analysis as set out in its objection to the LDP – Please refer to representations titled.</p> <p>The EALWCS also itself recognises in the summary and findings section that the overall sensitivity rating for each landscape character type/area was is based on professional judgement in considering the weight of evidence in terms of the sensitivities identified in the assessment rather a numerical scoring system. Professional judgement will be subjective.</p> <p>The EALWCS also makes it clear that caution is needed in interpreting the combined sensitivity scores set out in the preceding landscape character type sensitivity tables as these represent an average across landscape character types. This is because considerable variation can occur within these landscape and the detailed sensitivity assessments should therefore be read and fully reviewed in terms of specific constraints and opportunities when considering individual development proposals. The assessment identifies constraints in analysis at a strategic scale and developers would need to demonstrate how they have dealt with potential effects on the constraints identified in the sensitivity assessment when preparing proposals.</p> | |

At section 17.4 Areas of Search for wind farms/larger turbines, it states that the study has defined landscape character types with a lower landscape and visual sensitivity which will aid the identification of Areas of Search, which are assumed to comprise larger (>50m high) turbine developments. It recommends that landscapes with a combined sensitivity of medium and lower offer greatest scope to accommodate the large and medium development typologies whilst minimising significant impact on key landscape and visual sensitivities. These include the Foothills with Forest and Opencast Mining (17a), Foothills with Forestry west of the Doon Valley (17b), the Plateau Moorlands (18a), East Ayrshire Southern Uplands (20a) and the Southern Uplands with Forestry (20c). It is therefore very questionable as to why these areas have been considered as High-Medium Sensitivity in Map 14 and within other parts of the EALWCS.

E.ON therefore feels that the SG should make more mention of the fact that EALWCS is non-statutory guidance and that the findings of the EALWCS will be a material consideration in determining proposals for wind energy development, but that it will be for the specific and detailed consideration of landscape and visual impacts through environmental impact assessments of individual proposals to determine the acceptability of wind farm development against Local Development Plan policies. It is also inappropriate for the SG to focus on only few spatial principles when many are subjective and that caution is needed in interpreting the combined sensitivity scores set out in the landscape capacity studies tables as these represent an average across landscape character types. This is because considerable variation can occur within these landscape and the detailed sensitivity assessments should therefore be read and fully reviewed in terms of specific constraints and opportunities when considering individual development proposals. The assessment identifies constraints in analysis at a strategic scale and developers would need to demonstrate how they have dealt with potential effects on the constraints identified in the sensitivity assessment when preparing proposals.

Suggested Alterations (Please include amended wording if this is being sought)

Page 12 be amended to read ____

East Ayrshire Landscape Wind Capacity Study and key landscape constraints

In light of the pressure for wind energy development across Ayrshire, a landscape capacity study was commissioned by SNH, along with East, South and North Ayrshire Councils to assess the sensitivity of the landscape to further wind energy development. This study was approved by East Ayrshire Council in July 2013 as non-statutory supplementary guidance and is publicly available on the Council's website. The findings of the landscape capacity study will be a material consideration in determining proposals for wind energy development, but it will be for the specific and detailed consideration of landscape and visual impacts, landscape values and capacity to be determined through the Environmental Impact Assessments of individual wind farm proposals to determine the acceptability of such development against adopted Local Development Plan policies.

Signature:

Date: 23rd April 2015

| East Ayrshire Proposed Local Development Plan: Supplementary Guidance Representation Form | |
|--|---|
| Name: Simon Lejeune | Agent Name (if applicable): |
| Organisation: E.ON Climate & Renewables UK Developments Limited | |
| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Representation | |
| Name of Supplementary Guidance Document: Planning for wind energy | Page: Page no.13 |
| Paragraph: | Other: |
| <p>Representation (maximum of 2000 words)</p> <p>E.ON objects to Map 3: Landscape sensitivity for turbines over 70 metres for the following reasons.</p> <p>On review of Map 3 within the Draft Wind Energy Supplementary Guidance document) against the equivalent landscape sensitivity mapping within the East Ayrshire Landscape Wind Capacity Study (EALWCS), Final Main Report 2013 it appears that East Ayrshire Council have re-classified an area around Benty Cowan Hill as High Sensitivity.</p> <p>This is landscape character type 20a – East Ayrshire Southern Uplands as set out in section 13, pages 59 to 62 of the East Ayrshire Landscape Wind Capacity Study, Final Main Report 2013. In this study it states that this landscape would have a High-Medium sensitivity to the large typology (turbines >70m) and a Medium sensitivity to the medium typology (50-70m). Map 14 shows the area around Benty Cowan Hill as being of High Sensitivity, when the other three areas of this landscape character type 20a – East Ayrshire Southern Uplands are classed as High-Medium Sensitivity.</p> <p>This is of very significant concern, as neither proposed policy RE5, nor the draft Planning for Wind Supplementary Guidance document contains any acknowledgement, or justification for this re-classification. It is assumed that this is a simple GIS mistake.</p> <p>E.ON objection and the changes we propose to Map 12, i.e. that Group 2 areas of the proposed spatial framework has applied inaccurate and not up-to-date 1:250,000 scale Soils Scotland soil carbon richness mapping, and that this mapping should be removed, supports not only a re-classification of Group 3 as shown on Map 12: Spatial Framework for Wind Energy Development over 50m in height, but also supports, along with the landscape reasons set out below, a minor change to Map 14 for turbines of 70 metres and above. E.ON would wish to see the land around Windy Standard, Benbrack, Prickeny Hill and Enoch Hill classed as Medium Sensitivity for the following reasons.</p> <p>The Dumfries & Galloway Council Local Development Plan, Supplementary Guidance which was adopted on the 6th March 2015 titled “ Part 1 Wind Energy Development: Development Management Considerations (DGSGW) sets out areas of higher and lower landscape sensitivity for</p> | |

onshore wind. This is shown within the DGSEW on Map 2: Areas where the potential for large typology turbines is limited by landscape sensitivity. PDF document attached titled E.ON_DG_LDP_SG Part 1 Wind Energy Adopted_Map 2. The land across the East Ayrshire border within Dumfries & Galloway is classed as a lower sensitivity landscape character areas, whereas a stones throw away on the East Ayrshire side of the border it is classed as High to Medium Sensitivity as shown on Map 14: Landscape sensitivity for turbines of 70 metres and above. Within the Adopted Dumfries & Galloway this area is also regarded as an area of greatest potential for large typologies of wind energy as shown the plan - E.ON_Extract from Adopted Dumfries & Galloway LDP Part 1

Both landscapes fall within the same Landscape Character Type (LCT) Southern Uplands with Forest which is LCT19a in the DGWLCS and LCT20c in the EALWCS.

In appendix A of the DGWLCS in the Landscape Character Sensitivity summary tables it classifies the Carsphairn Unit of LCT19 as having a low landscape impact, a medium visuals impact and a low values impact. This landscape character / sensitivity does not suddenly change once you cross the district boundary between Dumfries & Galloway and East Ayrshire. To reflect this the landscape should be reclassified in Map 14 so that part of the landscape is classed as medium sensitivity, i.e. it is a transitional area before the character of the landscape changes as it slopes down to the lower lying areas.

The DGWLCS, January 2011 is an appendix to this SG, and was undertaken by the same consultants that produced the EALWCS, in July 2013.

This change from Medium to High-Medium for Large Typologies occurs simply because of a boundary position between East Ayrshire and Dumfries and Galloway and for no other reason. It is not supported by sound landscape character assessment / methodology or wind capacity considerations. It is considered that part of LCT20c and a small part of LCT20a, which is much more than 2km away from defined settlements is re-classed as Medium Sensitivity to properly reflect the nature of the landscape character and its ability to accommodate large typologies without having significant adverse impacts upon the landscape.

Constraints to wind farm development as set out in section 13.2.2, page 60 of the EALWCS focuses mainly on the landscape to the east and southwest of the Glen Afton Valley with little direct reference to the landscape character area to the south west, although it should be noted that this LCT does connect to the western edge of the Glen Afton valley at its northern end.

E.ON comments below relate to the key concerns raised in the EALWCS set out against LCT20a:-
[Note: please also refer to the various ZTV plans) and Figure 6 plan titled Key Landmark Hills in the EALWCS]

As shown on the E.ON - ZTV Upland Glen with key summit hills Plan the intervening landform between the Enoch Hill / Benty Cowan and Blackcraig Hill, for example Auchincally Hill, Strandlud and Milray Hills, provide screening and ensure that it is difficult to find a view towards Blackcraig Hill. The Upland Glen LCT14 is located between these and Blackcraig Hill and the placement of turbines within these areas would ensure that visibility within the Glen Afton valley is minimal and largely only from the steep slopes to the east of the valley where it is possible to gain views of both the valley landscape and the Site. They would also be set back from the immediate "lower, interlocking ridges to the west" of the Glen Afton Valley with a range of hills and ridges located between turbines and the Glen Afton Valley such that the Scheme does not impact in this way.

There is little to no visibility from the Upland Glen except on higher ground along the eastern slopes as noted above. Whilst the area is prominent in views from the Upland Basin LCT15, through the

design evolution process turbines in the most south part of LCT20a and LCT20c from the Upland Basin are more distant and on higher landform. This process has taken account of views from sensitive visual receptors such as residents along the B741, the settlement of New Cumnock and receptors along the A76 for example the Lochside Hotel.

It is also worth noting that a large area defined as Upland Basin has been heavily disturbed by open-cast coal mining and quarrying and that the EALWCS and Map 14: Landscape sensitivity for turbines of 70 metres and above of the LDP show LCT17a – Foothills with Forest and Opencast Mining’ as being of Medium-Low Sensitivity. The landscape reasoning for this questionable given that turbines within this area would be very visible upon the Upland basin LCT15 and other surrounding LCT and have a high visual impact upon residential receptors. This can easily be seen from E.ON plan titled ZTV – Theoretical visibility of potential wind farm within LCT17a- Foothills with Forest & Opencast Mining. This is based on the turbine layout used for North Kyle wind farm which was refused.

E.ON - ZTV of Upland Glen and wider landscape the southern part of LCT20a and within LCT20c in the location of Enoch Hill and Benty Cowan Hill would not be visible from Key Landmark Hills as set out in Figure 6 of the EALWCS.

The EALWCS for LCT20a assesses this area as having a high-medium sensitivity due to

“the presence of well-defined and sometimes distinctly rugged ‘landmark’ hills predominantly on the eastern edge of Glen Afton”. It also notes that “it would be difficult to attain an integrated turbine layout in the lower, more complex ridges found to the west of Afton Glen and the construction of access roads on steep and variable slopes may also result in significant impacts”.

As discussed above, it is difficult to find views which are not heavily screened by intervening hills and ridges where turbines could be viewed in stark contrast or dominating the landform of Blackcraig Hill and other landmark hills to the east of the Glen Afton Valley.

The sensitivity of the Built Environment is assessed as low within the EALWCS due to the absence of settlement and the presence of existing wind farm development. Similarly it assesses the LCT as having a low sensitivity with regard to perceptual qualities due to the presence of nearby commercial forestry and existing wind farm development which inhibits a sense of wildness. In terms of visual amenity, the LCT is assessed as having a high-medium sensitivity. This is largely due to the potential to site turbines on landmark hills and steep slopes such as Blackcraig Hill where they may be visually prominent in views from the Upland Basin and Upland Glen LCT. The EACWLCS does note however, that wind farm development, “set back into the interior of the Southern Uplands within East Ayrshire and Dumfries and Galloway would be less intrusive in these views”.

In the summary and findings section of the EALWCS it makes it clear that the overall sensitivity rating for each landscape character type/area was based on professional judgement in considering the weight of evidence in terms of the sensitivities identified in the assessment rather a numerical scoring system. Professional judgement will be subjective. The EALWCS also makes it clear that caution is needed in interpreting the combined sensitivity scores set out in the above tables as these represent an average across landscape character types. This is because considerable variation can occur within these landscape and the detailed sensitivity assessments should therefore be read and fully reviewed in terms of specific constraints and opportunities when considering individual development proposals. The assessment identifies constraints in analysis at a strategic scale and developers would need to demonstrate how they have dealt with potential effects on the constraints identified in the sensitivity assessment when preparing proposals.

It states that a 'High-medium' combined sensitivity indicates a landscape where the constraints are such that there would be likely to be unavoidable significant adverse impacts on some key sensitivity criteria despite other criteria being potentially less sensitive to the development typology or where there is very limited scope for development in a relatively small part of the landscape character type only. This is debateable given the evidence provided above.

At section 17.4 Areas of Search for wind farms/larger turbines, it states that the study has defined landscape character types with a lower landscape and visual sensitivity which will aid the identification of Areas of Search, which are assumed to comprise larger (>50m high) turbine developments. It recommends that landscapes with a combined sensitivity of medium and lower offer greatest scope to accommodate the large and medium development typologies whilst minimising significant impact on key landscape and visual sensitivities. These include the Foothills with Forest and Opencast Mining (17a), Foothills with Forestry west of the Doon Valley (17b), the Plateau Moorlands (18a), East Ayrshire Southern Uplands (20a) and the Southern Uplands with Forestry (20c). It is therefore very questionable as to why these areas have been considered as High-Medium Sensitivity in Map 14 and within other parts of the EALWCS.

Suggested Alterations (Please include amended wording if this is being sought)

Map 3: Landscape sensitivity for turbines of 70 metres and above be replaced with E.ONs proposed Map 3 attached in PDF document titled "E.ON Map 3."

Note please disregard the labelling on the actual plan that refers to this as Map 14 as that has not been changed from the same plan in the LDP.

Signature:

Date: 23rd April 2015

| East Ayrshire Proposed Local Development Plan: Supplementary Guidance Representation Form | |
|--|---|
| Name: Simon Lejeune | Agent Name (if applicable): |
| Organisation: E.ON Climate & Renewables UK Developments Limited | |
| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Representation | |
| Name of Supplementary Guidance Document: Planning for wind energy | Page: Page no.15 |
| Paragraph: | Other: |
| <p>Representation (maximum of 2000 words)</p> <p>E.ON objects to page 15 for the following reasons.</p> <p>On page 15 it states that :-</p> <p>The landscape study makes the following key conclusions:</p> <ul style="list-style-type: none"> • Landscapes identified as having a high sensitivity to development have no scope to accommodate that scale of development; • Landscapes identified as having a high-medium sensitivity to development have very limited scope to accommodate that scale of development. These limited opportunities are described in the Landscape study. • Landscapes identified as having a medium or medium-low sensitivity to development offer the most scope for accommodating that scale of development. <p>As per SPP and policy RE3, whilst group 2 areas recognise the need for significant protection, in these areas wind farms may be appropriate in some circumstances. We therefore feel that it is inappropriate in bullet point 2 to state that landscapes identified as having a high-medium sensitivity to development have little scope to accommodate that scale of development. These limited opportunities are described in the Landscape study. When the SPP states that for such areas further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation, through assessment against the criteria listed in Schedule 1 of the Plan.</p> <p>In the summary and findings section of the East Ayrshire Land Wind Capacity Study it also makes it clear that the overall sensitivity rating for each landscape character type/area was based on professional judgement in considering the weight of evidence in terms of the sensitivities identified in the assessment rather a numerical scoring system. Professional judgement will be subjective.</p> | |

The EALWCS also makes it clear that caution is needed in interpreting the combined sensitivity scores set out in the above tables as these represent an average across landscape character types. This is because considerable variation can occur within these landscape and the detailed sensitivity assessments should therefore be read and fully reviewed in terms of specific constraints and opportunities when considering individual development proposals. The assessment identifies constraints in analysis at a strategic scale and developers would need to demonstrate how they have dealt with potential effects on the constraints identified in the sensitivity assessment when preparing proposals.

On page 15 it states that

“The Council will use the landscape sensitivity maps and detailed sensitivity assessments within the landscape capacity study to help assess all applications for wind energy development.”

We also feel that this statement should be caveated to reflect the EALWCS own admission that caution is needed in interpreting the combined sensitivity scores set out in the above tables as these represent an average across landscape character types. This is because considerable variation can occur within these landscape and the detailed sensitivity assessments should therefore be read and fully reviewed in terms of specific constraints and opportunities when considering individual development proposals

Suggested Alterations (Please include amended wording if this is being sought)

Change wording on page 15 to read__

The landscape study makes the following key conclusions:

- Landscapes identified as having a high sensitivity to development have no scope to accommodate that scale of development;
- Landscapes identified as having a high-medium sensitivity to development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation, through assessment against the criteria listed in Schedule 1 of the Plan.
- Landscapes identified as having a medium or medium-low sensitivity to development offer the most scope for accommodating that scale of development.

Change wording on page 15 to read__

“The Council will use the landscape sensitivity maps and detailed sensitivity assessments within the landscape capacity study to help assess all applications for wind energy development, acknowledging that the overall sensitivity rating for each landscape character type/area is based on professional judgement in considering the weight of evidence in terms of the sensitivities identified in the assessment rather a numerical scoring system. Caution will be exercised in interpreting the combined sensitivity scores within the landscape capacity study as these represent an average across landscape character types, as considerable variation can occur within these landscape and the detailed sensitivity assessments should therefore be read and fully reviewed in terms of specific constraints and opportunities when considering individual development proposals. The assessment

identifies constraints in analysis at a strategic scale and developers would need to demonstrate how they have dealt with potential effects on the constraints identified in the sensitivity assessment when preparing proposals.”

Signature:

Date: 23rd April 2014

| East Ayrshire Proposed Local Development Plan: Supplementary Guidance Representation Form | |
|--|---|
| Name: Simon Lejeune | Agent Name (if applicable): |
| Organisation: E.ON Climate & Renewables UK Developments Limited | |
| Address: Westwood Way Westwood Business Park Coventry CV4 8LG | Address of Agent (if Applicable) |
| Telephone Number: 07525704427 | Telephone Number: |
| Email address: simon.lejeune@eon.com | Email Address |
| Representation | |
| Name of Supplementary Guidance Document: Planning for wind energy | Page: Page no.17 |
| Paragraph: 3.1.3 | Other: |
| <p>Representation (maximum of 2000 words)</p> <p>paragraph 3.1.3 of the SG states that:-</p> <p>3.1.3 Carbon-rich soils</p> <p>Scotland’s peatlands soils play an important role in driving towards a low carbon future. The carbon stored in Scotland’s soils is equivalent to over 180 years of greenhouse gas emissions from Scotland at current emission rates.</p> <p>Areas of carbon rich soils, deep peat and priority peatland habitats are identified within the spatial framework as areas requiring special protection. In line with Policy RE3 of the LDP, any proposal in such an area will only be permitted where any significant effects on the environmental quality of suchsoils can be substantially overcome by siting, design or mitigation.</p> <p>Any proposed wind energy development must confirm whether existing peatlands will be disturbed. If peatlands are to be affected, the carbon losses arising from the disturbance of the peat must be balanced against the carbon gains that would come from the renewable energy output of the proposed wind energy development. In order to make this assessment, applications should be accompanied by evidence that the proposal has been assessed for carbon losses and savings using the Scottish Government’s published carbon calculation method, as per link below: identified in the sensitivity assessment when preparing proposals.</p> <p>E.ON objects to paragraph 3.1.3 above for the following reasons.</p> <p>The proposed spatial framework has applied the 1:250,000 scale Soils Scotland soil carbon richness mapping. This mapping should be removed from the proposed spatial framework as it not consistent with the scope of the SPP and is not fit for purpose in determining the extent of "carbon rich soils, deep peat and priority peatland habitat" as required by the SPP.</p> <p>The inclusion of the 1:250,000 scale Scotland’s Soils soil carbon richness mapping is inappropriate as it considers the broad issue of soil carbon richness (defined as soil carbon categories 5 or 6) rather</p> | |

than the specific issue of deep peat, carbon rich soils and priority peatland habitats, as required within Table 1 of the SPP. Furthermore, the low spatial resolution of this mapping evidently does not provide sufficient data to reliably identify areas of deep peat, carbon rich soils or priority peatland habitats at a level which can usefully inform the siting of individual wind energy developments or draw the boundaries between areas with potential for wind energy development and areas of significant protection. This is important as this “Other nationally important mapped environmental interests of carbon rich soils, deep peat and priority peatland habitat” is often the only constraint affecting land that would without this designation otherwise be an area with potential for wind energy development .

This mapping is significantly out of date (it relies upon surveys undertaken in the 1980’s which has not been updated to account of land use change such as the growth of coniferous forestry plantations). These weaknesses are confirmed within SNH Information Note 318 and reflected by the recent preparation by SNH¹ of a new draft deep peat, carbon rich soils and priority peatland habitats map. This draft map uses a new methodology which combines soil carbon categories with peatland habitat types. Consequently there are significant differences between the soil carbon richness mapping and SNH’s draft deep peat², carbon rich soils and priority peatland habitats map, where only areas with soil carbon categories 5 or 6 and peatland habitat types C2, D or E are identified as Class 1 or Class 2 land (under SNH’s draft proposals this land may be identified as Group 2 areas on spatial frameworks).

¹ SNH (2012) Information Notice no. 318 - Identification of carbon-rich soil mapping units.

Available at:[http://www.soils-](http://www.soils-scotland.gov.uk/documents/8130702_Identification_of_carbon_rich_soil_mapping_units.pdf)

[scotland.gov.uk/documents/8130702_Identification_of_carbon_rich_soil_mapping_units.pdf](http://www.soils-scotland.gov.uk/documents/8130702_Identification_of_carbon_rich_soil_mapping_units.pdf)

² SNH (2014) Draft Carbon-rich soil, deep peat and priority peatland habitats map - Consultation Document.

Available at: <http://www.snh.gov.uk/docs/A1495150.pdf>

It would however at this stage also be inappropriate to use SNH’s draft deep peat, carbon rich soils and priority peatland habitats map as an alternative dataset within the proposed spatial framework, as this map is currently in draft form and will not be finalised until at least June 2015. As currently drafted there are multiple deficiencies within the draft map, most critically that the definition of “deep peat” as peat deeper than 50cm is misaligned with the definition of deep peat within the Scottish Government’s Peat Survey Guidance document, which defines deep peat as “a peat layer more than 1 metre deep”.

E.ON has, through our consultants Amec Foster Wheeler already recommended to SNH that soil carbon category 6 should be amended to include only peat with mapped depths greater than 1m, whilst peat (not peaty soils) with a depth less than 1m should fall within soil carbon category 5. It has also been recommended to SNH that once the draft map is finalised only Class 1 land should be considered for inclusion within Group 2 areas on spatial frameworks, due to methodological concerns regarding the reliable identification of Class 2 land. These modifications would result in a significant reduction in the extent of Class 1 and Class 2 land and a significant reduction in the amount of land which should be identified as Group 2 areas.

Suggested Alterations (Please include amended wording if this is being sought)

Change wording on page 17 to read__

3.1.3 Carbon-rich soils

Scotland’s peatlands soils play an important role in driving towards a low carbon future. The carbon stored in Scotland’s soils is equivalent to over 180 years of greenhouse gas emissions from

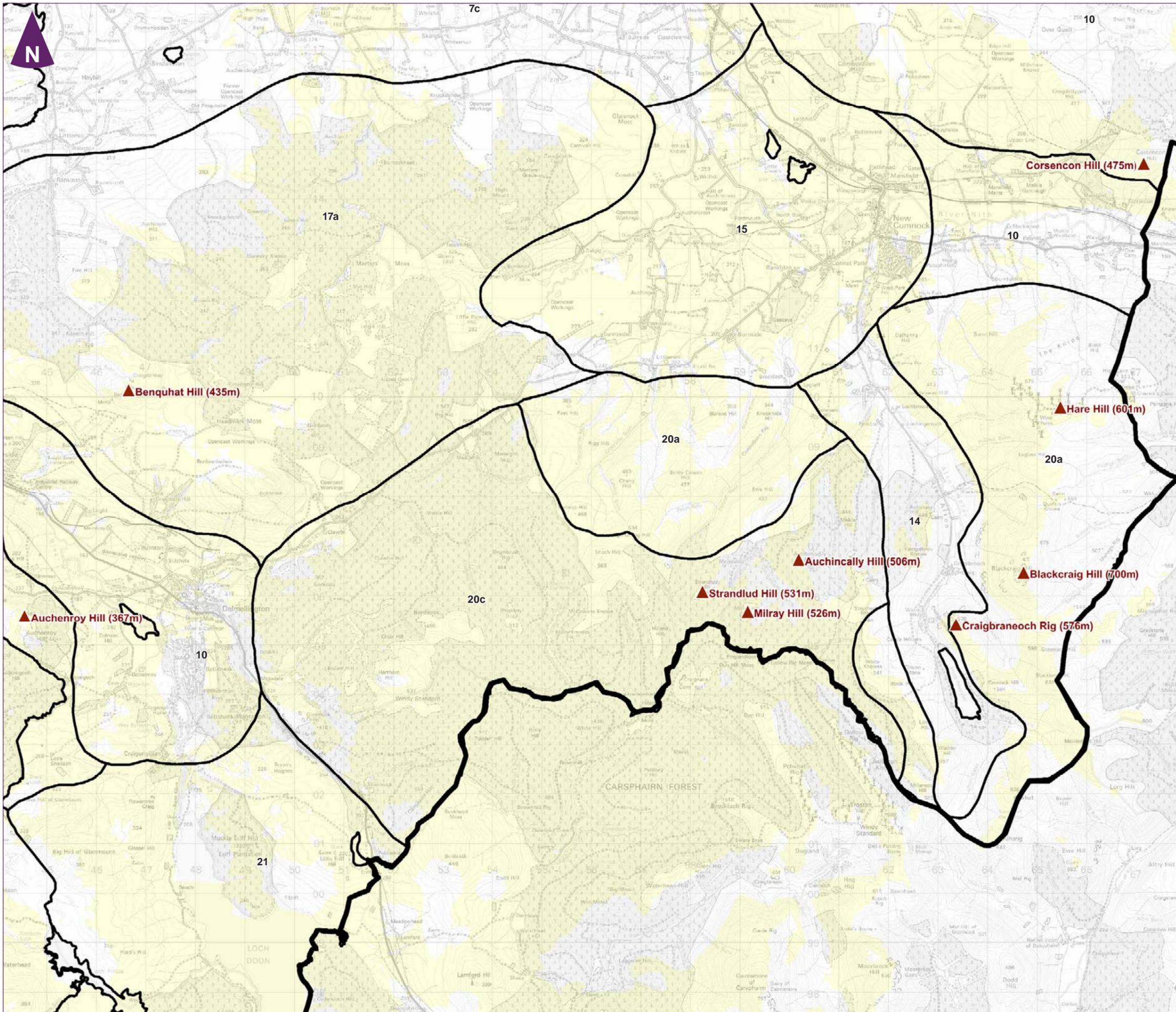
Scotland at current emission rates.

Areas of carbon rich soils, deep peat and priority peatland habitats have not yet been identified within the spatial framework as it is currently based on a draft consultation document and considers the broad issue of soil carbon richness (defined as soil carbon categories 5 or 6) rather than the specific issue of deep peat, carbon rich soils and priority peatland habitats, as required within Table 1 of the SPP. The low spatial resolution of this mapping evidently does not provide sufficient data to reliably identify areas of deep peat, carbon rich soils or priority peatland habitats at a level which can usefully inform the siting of individual wind energy developments or draw the boundaries between areas with potential for wind energy development and areas of significant protection.

Any proposed wind energy development must confirm whether existing peatlands will be disturbed. If peatlands are to be affected, the carbon losses arising from the disturbance of the peat must be balanced against the carbon gains that would come from the renewable energy output of the proposed wind energy development. In order to make this assessment, applications should be accompanied by evidence that the proposal has been assessed for carbon losses and savings using the Scottish Government's published carbon calculation method, as per link below: identified in the sensitivity assessment when preparing proposals.

Signature:

Date: 24th April 2015



Key

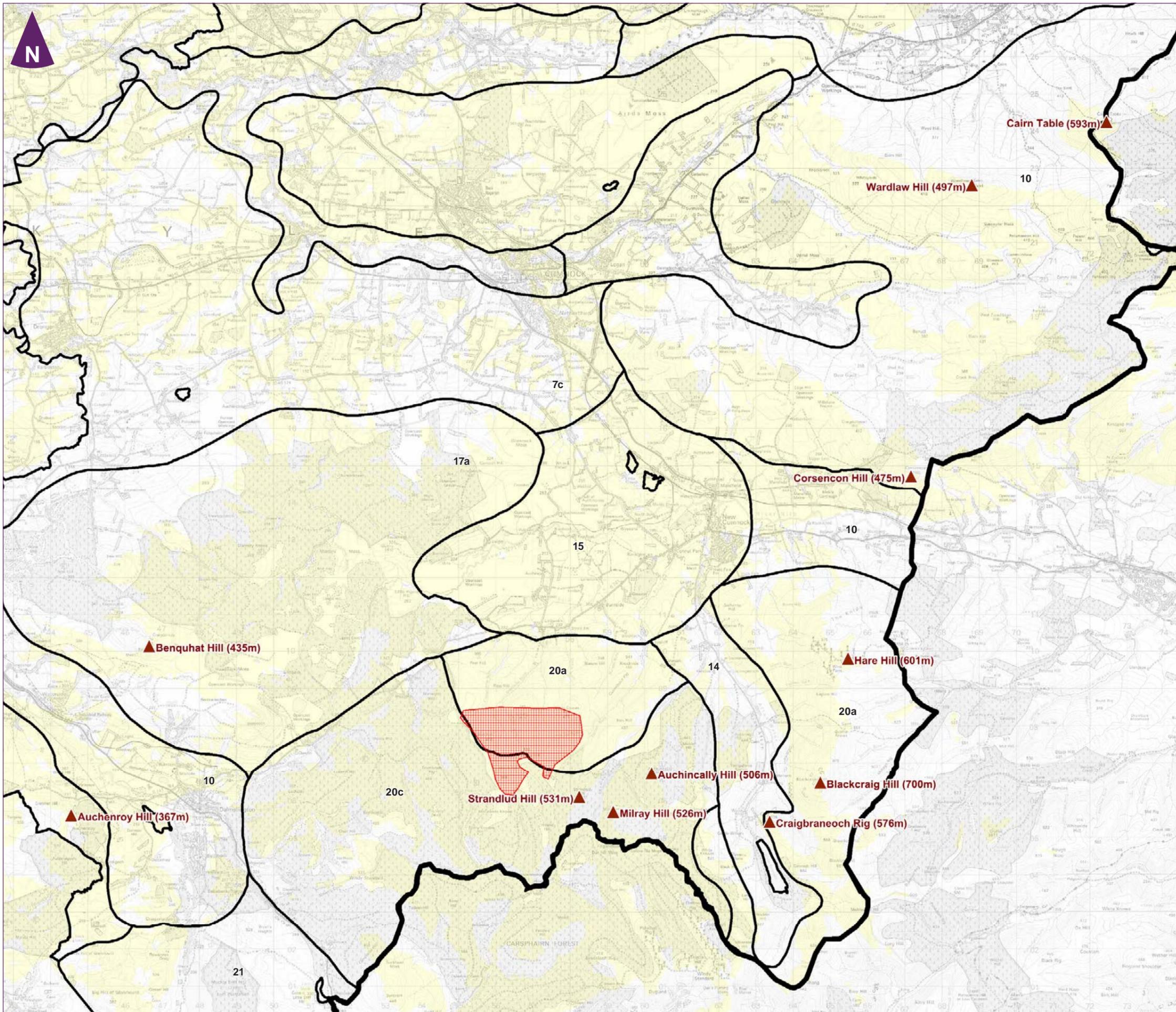
- East Ayrshire Council boundary
- East Ayrshire landscape capacity study area
- 7c) East Ayrshire Lowlands
- 10) Upland River Valley
- 14) Upland Glen
- 15) Upland Basin
- 17a) Foothills with Forest & Opencast Mining
- 20a) East Ayrshire Southern Uplands
- 20c) Southern Uplands + Forestry
- 21) Rugged Uplands, Lochs & Forest
- Theoretical visibility of potential wind farm development within 17a) Foothills with Forest & Opencast Mining assuming blade tip height of 130m
- Hill summits



Client

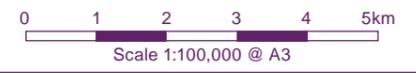


Theoretical visibility of potential wind farm development within 17a) Foothills with Forest & Opencast Mining



Key

- East Ayrshire Council boundary
- East Ayrshire landscape capacity study area
- 7c) East Ayrshire Lowlands
- 10) Upland River Valley
- 14) Upland Glen
- 15) Upland Basin
- 17a) Foothills with Forest & Opencast Mining
- 20a) East Ayrshire Southern Uplands
- 20c) Southern Uplands + Forestry
- 21) Rugged Uplands, Lochs & Forest
- Turbine area
- ZTV for up to 19 turbines up to 80m hub and 130m tip
- Hill summits



Client

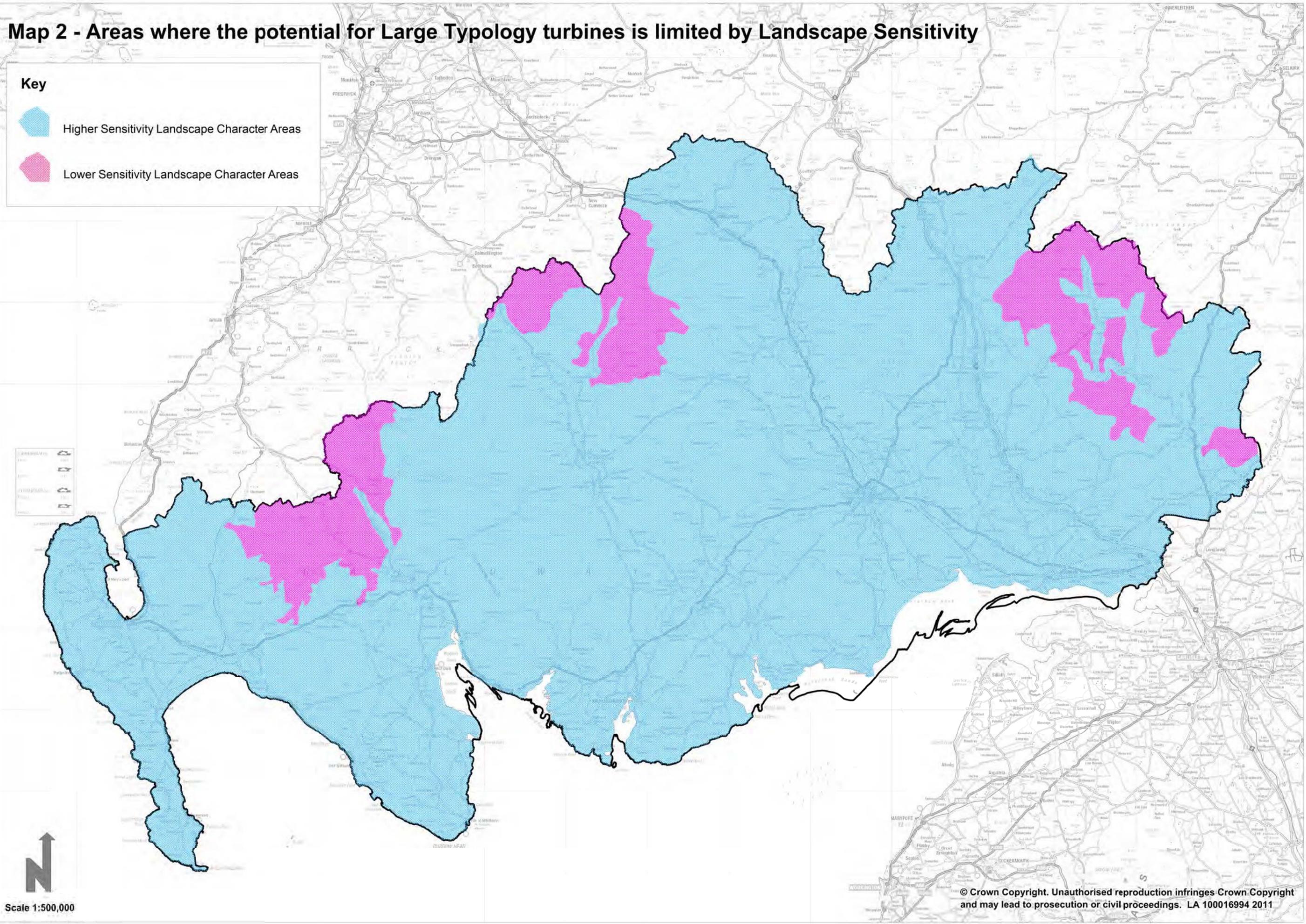


ZTV of Upland Glen and surrounding East Ayrshire landscape capacity study areas with key hill summits within wider area

Map 2 - Areas where the potential for Large Typology turbines is limited by Landscape Sensitivity

Key

-  Higher Sensitivity Landscape Character Areas
-  Lower Sensitivity Landscape Character Areas




Scale 1:500,000



(1) Further details on this assessment process including its application to smaller capacity windfarms are to be provided through Supplementary Guidance on Wind Energy Development: This will also include mapping of the constraints relevant to the considerations above.

* Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed.

PART 2: Spatial Framework

The considerations in Part 1 above will be applied in the context of the following Spatial Framework*:

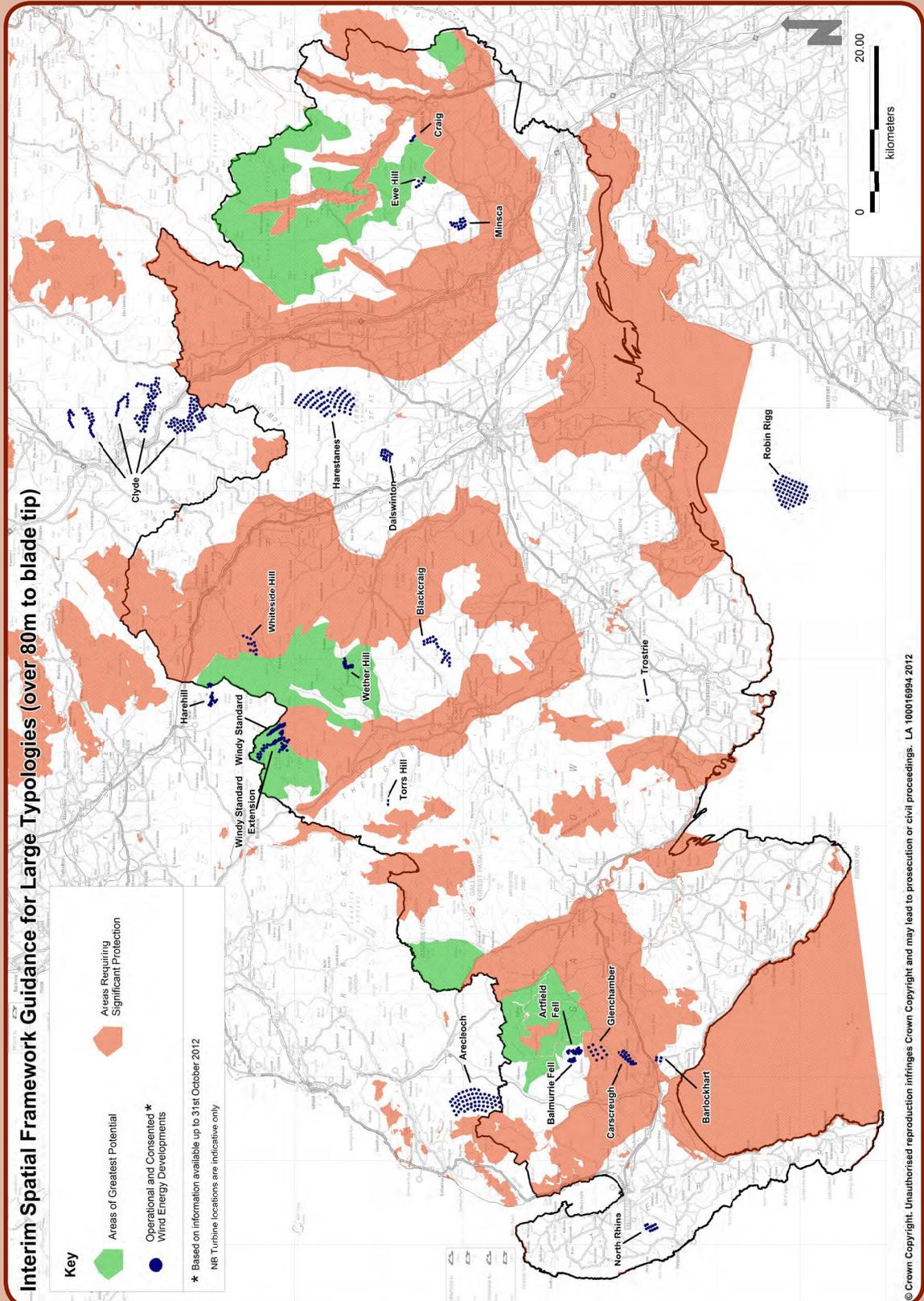
- **Areas of Greatest Potential** (1): areas free from significant constraint where proposals for large and medium turbine typologies will be supported subject to detailed assessment.
- **Areas of Significant Protection** (2): Areas where a presumption against development applies due to significant constraints. These include:
 1. Sites designated for their national or international landscape or natural heritage value where Policies NE1, NE3, NE4 and NE5 also apply.
 2. Areas where the cumulative impact of existing and consented windfarms limit further development.
- **Cumulative Sensitivity Zones** (3): Areas where cumulative impact is a potential constraint. In these areas proposals should: address potential future cumulative impact and avoid unacceptable coalescence between clusters of windfarms to retain an acceptable and coherent pattern of windfarm development.
- **All other areas** (4): Areas where potential constraints apply but with potential for mitigation. Wind energy proposals will be assessed against all the considerations set out above in Part 1. For Regional Scenic Areas the proposal should assess the potential impact on the objectives of the designation and demonstrate the extent to which these can be addressed.

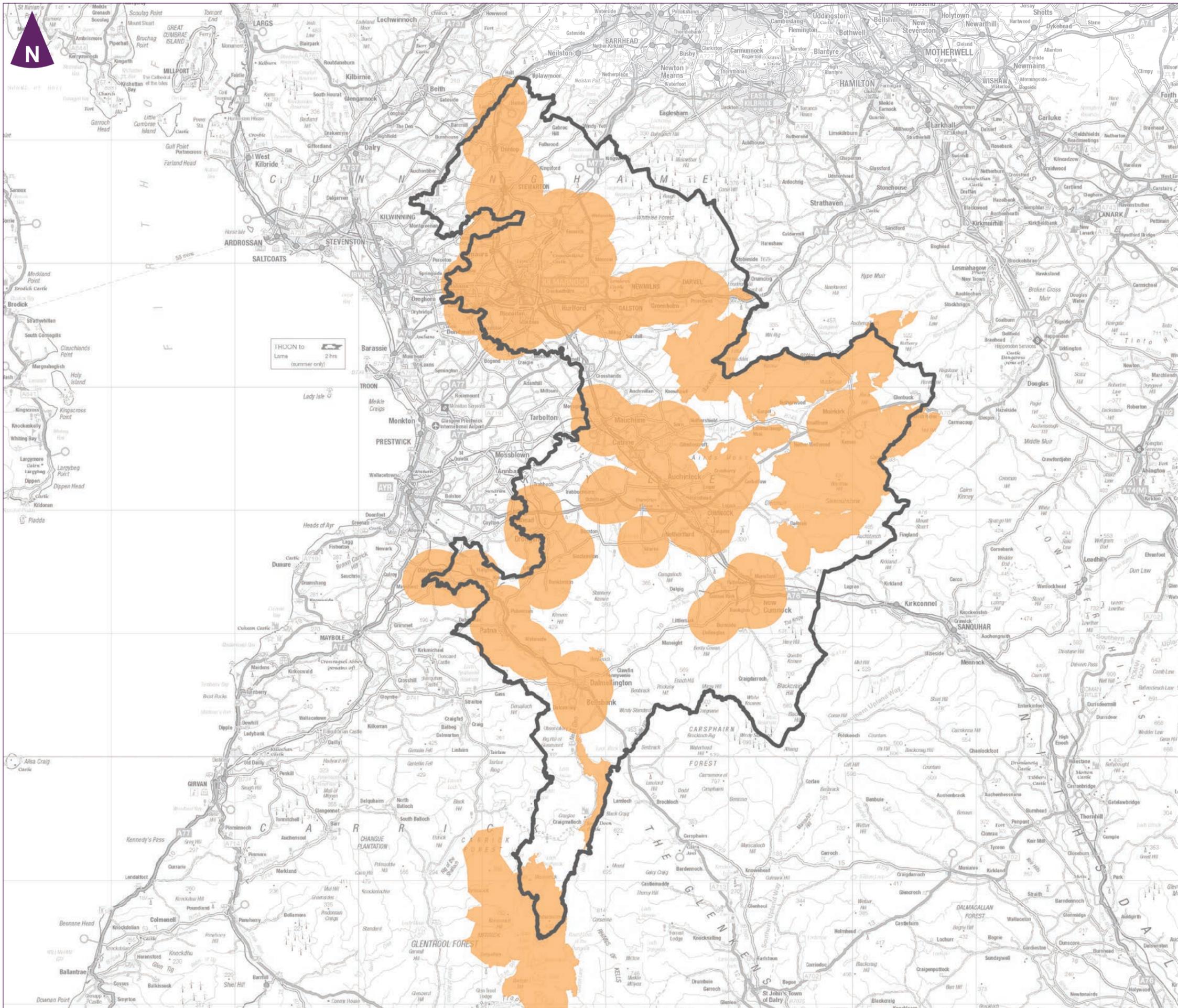
(1) - (4) The relevant mapping of these areas including an updated and consolidated spatial framework map is to be included within supplementary guidance.

*The following Interim Spatial Framework Maps provide some strategic guidance on the relevant areas but must be read in conjunction with paragraphs 4.94 and 4.95 above and the relevant detailed mapping to be included in supplementary guidance. This mapping will be consolidated and revised to provide an updated spatial framework within the LDP at the earliest possible opportunity.



Map 9: Interim Spatial Framework Guidance for Large Typologies (over 80 metres to blade tip)





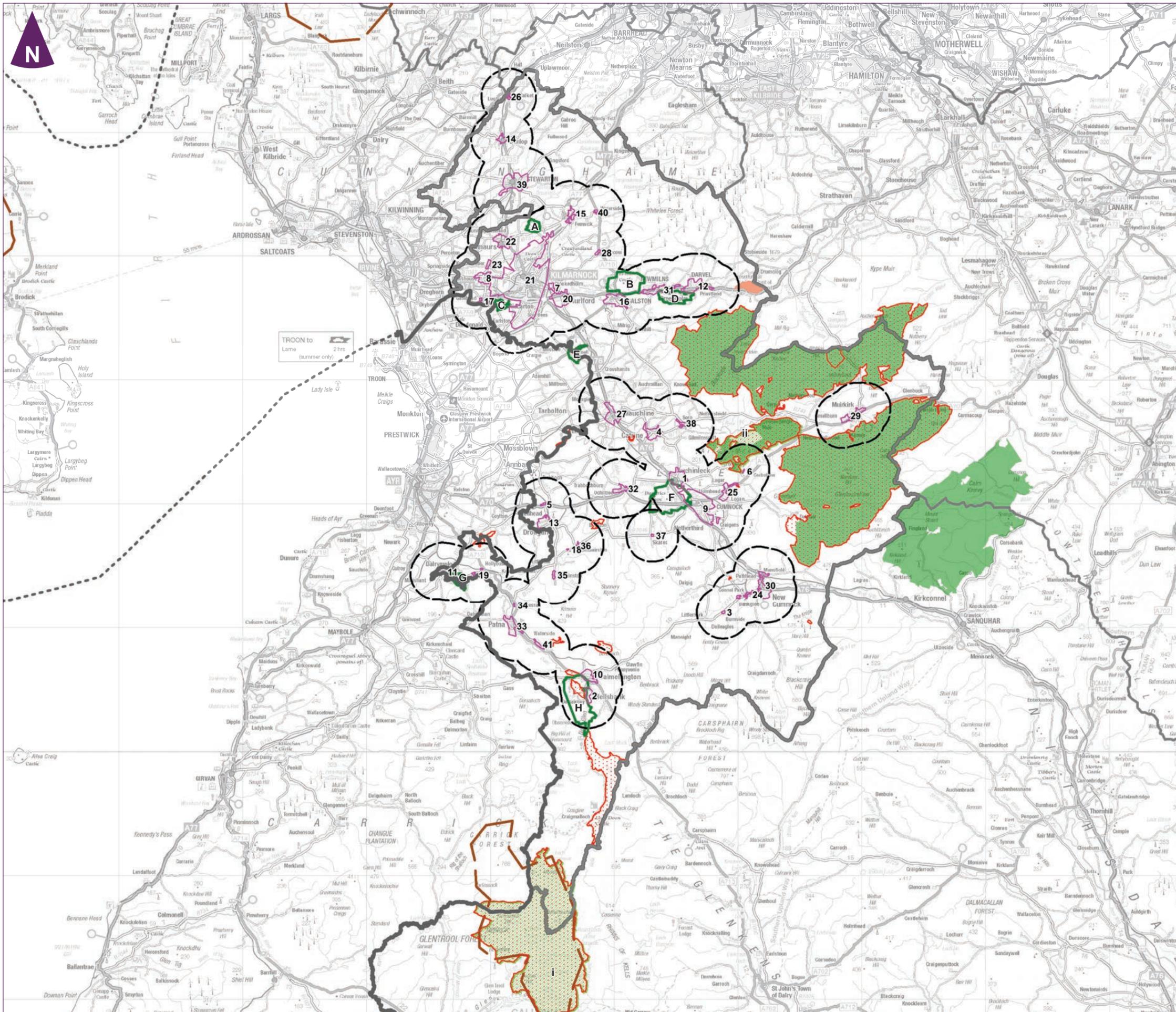
- Key**
-  East Ayrshire Council boundary
 -  Group 2 - Areas of significant protection
 -  Group 3 - Areas with potential for wind energy development

0 5km 10km 15km
Scale 1:300,000 @ A3

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Map 12: Spatial Framework for Wind Energy Development over 50m in height



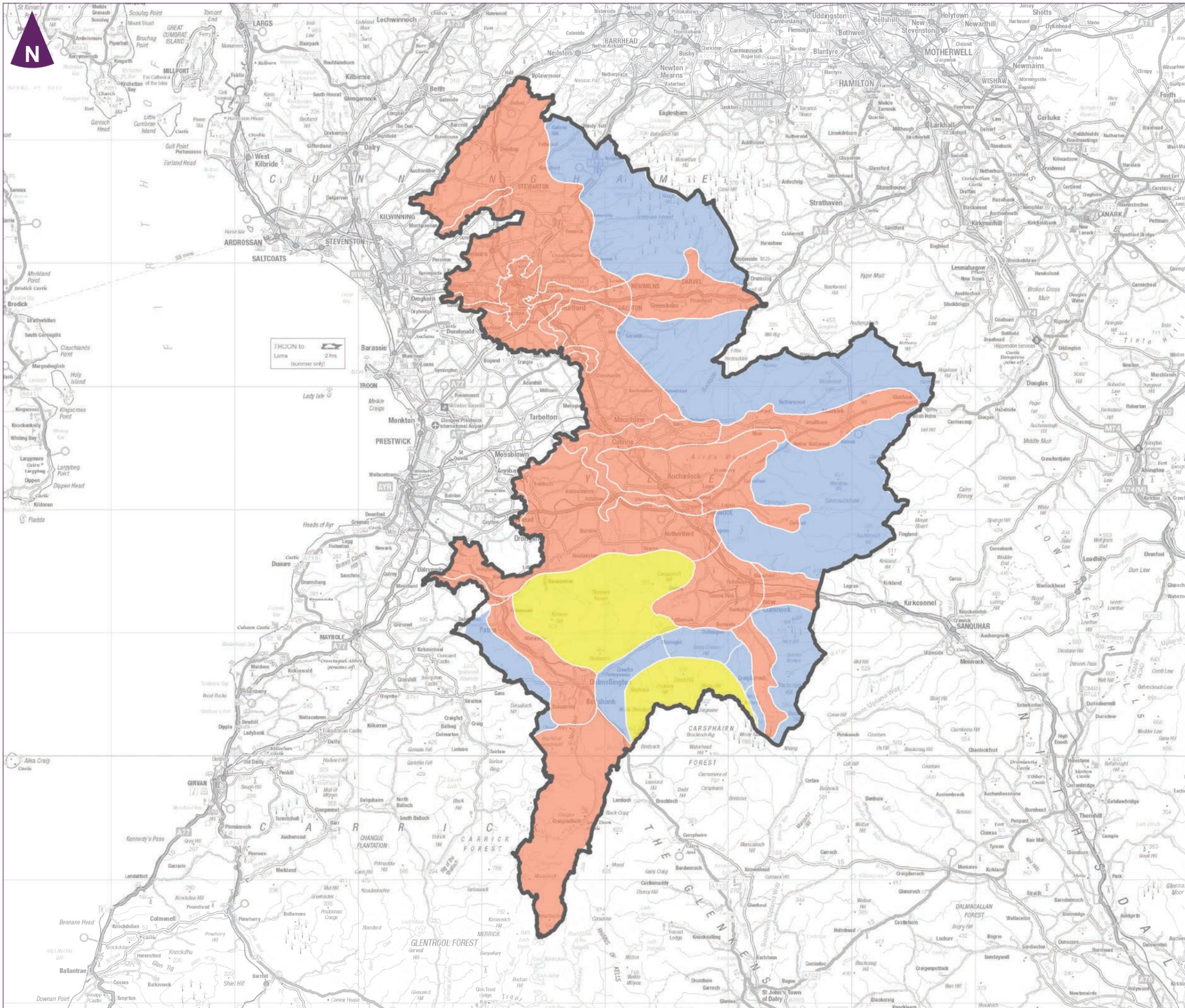
- Key**
- Council boundaries
 - Muirkirk and North Lowther Uplands Special Protection Area
 - Special Area of Conservation
 - i) Merrick Kells
 - ii) Airds Moss
 - Sites of Special Scientific Interest
 - Designed landscapes and Gardens
 - A) Rowallan
 - B) Loudoun Castle
 - C) Caprington Castle
 - D) Lanfine
 - E) Carnell
 - F) Dumfries House
 - G) Skeldon House
 - H) Craigengillan
 - Battlefields
 - Wild Land Areas
 - 2km buffer around settlements
 - Settlements
- | | |
|---------------------------------|--|
| 1) Auchinleck | 21) Kilmarnock |
| 2) Bellsbank | 22) Kilmaurs |
| 3) Burnsides | 23) Knockentiber |
| 4) Catrine | 24) Leggate, Connel Park and Bank Glen |
| 5) Coalhall | 25) Lugar and Logan |
| 6) Cronberry | 26) Lugton |
| 7) Crookedholm | 27) Mauchline |
| 8) Crosshouse | 28) Moscow |
| 9) Cumnock | 29) Muirkirk |
| 10) Dalmellington | 30) New Cumnock |
| 11) Dalrymple | 31) Newmilns |
| 12) Darvel and Priestland | 32) Ochiltree |
| 13) Drongan | 33) Patna |
| 14) Dunlop | 34) Polnessan |
| 15) Fenwick and Laigh Fenwick | 35) Rankinston |
| 16) Galston | 36) Sinclairston |
| 17) Gatehead | 37) Skares |
| 18) Hayhill | 38) Sorn |
| 19) Hollybush and Skeldon Mills | 39) Stewarton |
| 20) Hurlford | 40) Waterside (By Fenwick) |
| | 41) Waterside (Doon Valley) |



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Map 12a: Spatial Framework for Wind Energy Development over 50m in height (Group 1 and Group 2 designations)



Key

-  East Ayrshire Council boundary
-  High Sensitivity
-  High - Medium Sensitivity
-  Medium Sensitivity



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Map 14: Landscape Sensitivity for turbines of 70m and above

