

County Buildings  
Wellington Square  
AYR KA7 1DR  
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3 December 2024

**To: Councillors Lamont (Chair), Cavana, Clark, Dixon, Kilbride, Kilpatrick, Lyons Mackay and Townson**

**All other Members for Information Only**

Dear Councillor

**REGULATORY PANEL (PLANNING)**

You are requested to participate in the above Panel to be held on **Wednesday, 11 December 2024 at 10.00 a.m.** for the purpose of considering the undernoted business.

**Please note that a briefing meeting will take place for all Panel Members at 9.15 a.m., online and in the Dundonald Room.**

This meeting will be held on a hybrid basis for Elected Members, will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

**CATRIONA CAVES**  
Chief Governance Officer

**B U S I N E S S**

1. Declarations of Interest.
2. Minutes of previous meeting of 14 November 2024 (copy herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies herewith)

For more information on any of the items on this agenda, please telephone Andrew Gibson,  
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**REGULATORY PANEL (PLANNING)**

Minutes of a hybrid webcast meeting  
on 14 November 2024 at 10.00 a.m.

Present  
in County

Buildings: Councillors Alan Lamont (Chair), Alec Clark, Lee Lyons, Martin Kilbride and Duncan Townson.

Present

Remotely: Councillors Mary Kilpatrick and Craig Mackay.

Apologies: Councillors Ian Cavana and Mark Dixon.

Attending  
in County

Buildings: F. Ross, Co-ordinator (Legal Services Property and Contract) Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); D. Clark, Supervisory Planner; D. Delury, Compliance Supervisor, F. Sharp – Supervisory Planner, E. McKie – Planner, J. McClure – Committee Services Lead Officer, J. Butchart, Committee Services Officer; and E. Moore, Clerical Assistant.

**Chair's Remarks.**

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

**1. Sederunt and Declarations of Interest.**

The Co-ordinator – Legal Services, Property & Contracts called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

**2. Minutes of previous meetings.**

The Minutes of previous meeting of 12 September 2024 (issued) were submitted and approved (issued).

**Decided:** to approve the minutes.

### 3. **Hearings relating to Applications for Planning Permission.**

There were submitted reports (issued) of November 2024 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications: -

- (1) **24/00649/APP – TROON – Kilmarnock Road, South Ayrshire** – Erection of replacement telecommunications mast and associated telecommunications equipment.

The Panel

**Decided:** to approve the application, subject to the following conditions:-

- (a) that the development hereby permitted must be begun within three years of the date of this permission.
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority; and
- (c) In the event that equipment becomes obsolete or redundant it shall be removed and the site reinstated to a standard acceptable by and to the satisfaction of the Planning Authority within one month of the removal of the equipment.

**Reasons:**

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (c) to minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.

**List of determined Plans:**

Drawing - Reference No (or Description): 100 Rev. B  
 Drawing - Reference No (or Description): 200 Rev. A  
 Drawing - Reference No (or Description): 201 Rev. D  
 Drawing - Reference No (or Description): 300 Rev. A  
 Drawing - Reference No (or Description): 301 Rev. D  
 Supporting Information - Reference No (or Description): Design and Access Statement  
 Supporting Information - Reference No (or Description): Additional Supporting Statement

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings. The explanation for reaching this view is set out in the Report of Handling which forms a part of the Planning Register.

- (2) **24/00538/APP – AYR – 31 Heathfield Road, South Ayrshire** – Formation of all weather play court, erection of fencing, erection of floodlighting, and associated development.

The Panel

**Decided:** to approve the application, subject to the following conditions:-

- (a) that the development hereby permitted must be begun within three years of the date of this permission.
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority
- (c) that, prior to the commencement of development details shall be submitted for the prior written approval of the planning authority of the lighting which shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to the requirements of the Council's Environmental Health Service and to the satisfaction of the Planning Authority. Thereafter the lighting shall be implemented as per the agreed specification, and shall operate in the evening hours of darkness, and not beyond 2130 hours daily.
- (d) that before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within 6 months / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard.
- (e) that the development hereby permitted under this application shall not operate beyond 2200 each day.
- (f) that, prior to the commencement of development details shall be submitted for the prior written approval of the planning authority of the climbing wall. Thereafter, the climbing wall shall be implemented as per the agreed details.

**Reasons:**

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed
- (c) in the interests of residential amenity, and to accord with the advice of the Council's Environmental Health Service.
- (d) in the interest of visual amenity.
- (e) in the interests of residential amenity, and to accord with the advice of the Council's Environmental Health Service.
- (f) to clarify the terms of the development.

**List of determined Plans:**

Drawing - Reference No (or Description): SAC/HPS-103  
 Drawing - Reference No (or Description): SAC/HPS-106  
 Drawing - Reference No (or Description): SAC/HPS-100 B B  
 Drawing - Reference No (or Description): SAC/HPS-100 C  
 Drawing - Reference No (or Description): SAC/HPS-101A Layout A  
 Drawing - Reference No (or Description): SAC/HPS-102  
 Drawing - Reference No (or Description): SAC/HPS-105  
 Supporting Information - Reference No (or Description): Operational information and email of 28.10.2024  
 Supporting Information – Lighting Product data sheet and brochure  
 Supporting Information – Climbing Wall image  
 Supporting Information – Trampoline image

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

4. **Consultation under Section 36 of the Electricity Act 1989 (24/00295/DEEM) Braston Farm, Ayr (Installation of a battery energy storage system and associated infrastructure).**

There was submitted a report (issued) of November 2024 by the Housing, Operations and Development Directorate in respect of an application for consent under section 36 of the Electricity Act 1989 for construction, operation and maintenance of a battery energy storage system (bess) up to 500mw, with associated infrastructure including a substation; new vehicular access from the A713 for construction and maintenance vehicles, new vehicular access tracks, perimeter fencing; lighting; surface water drainage infrastructure including detention basin and landscaping planting / ecological enhancements. Modification of existing site levels to create development platform areas.

The Panel heard from the Council's appointed planning consultant.

Having heard from Members regarding various concerns surrounding the application, the Panel then heard from the applicant.

The time being 10.50am the meeting was adjourned due to technical issues with the webcast. The meeting resumed at 11.00am, however, the webcast was unable to continue.

A representative from Ayrshire Roads Alliance answered questions from Members in relation to roadworks and access to Ayr Hospital.

By means of a roll call the Panel

**Decided:** to object unless the conditions set out in the appendix are imposed in their entirety or suitable alternative conditions are agreed in writing between the energy consents unit and the planning authority, as follows:

C1: The consent is for a period of 40 years from the date of Final Commissioning. Written confirmation of the date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.

R1: To define the duration of the consent

C2: The commencement of development shall be no later than three years from the date of this consent. Written confirmation of the intended date of commencement of development shall be provided to the Planning Authority no later than one calendar month before that date.

R2: To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of The Planning (Scotland) Act 2006.

C3: That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority.

R3: To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

C4: Prior to the commencement of development, the following detailed design matters shall be submitted to and approved in writing by the Planning Authority:

A/ Site layout plans showing the position of all development platforms, buildings and infrastructure, roads, access arrangements, parking areas, footpaths, boundary treatments and drainage infrastructure;

B/ Block and layout plans showing proposed finished floor levels and elevations of each building and infrastructure, showing dimensions, and palettes of external materials;

C/ Proposed parking areas;

D/ Proposed footpaths;

E/ Boundary treatments and drainage infrastructure;

F/ Site section drawings showing existing and proposed ground levels; and

G/ Landscaping Strategy Plan (showing the locations and species of all existing and proposed trees, shrubs, hedges, palettes of hard landscaping features) in accordance with the 'hard landscaping', 'soft landscaping', and 'boundaries' related proposals identified on the approved Landscape Strategy Plan (reference: THEM3044 05 E). The size of trees within the native woodland and understory mix shall be heavy standards (14-16cm girth and 400-450cm in height), and the proportion of evergreen species will be at least 35%.

Thereafter the development shall be constructed in accordance with the approved levels, diagrams, elevations and sections, unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

R4: To provide the detailed development design.

C5: Prior to the commencement of development, full details of maintenance and management for the landscaping strategy plan approved under the detailed design condition (Condition 4) and a timetable for its implementation shall be submitted to and approved in writing by the Planning Authority, unless otherwise first agreed in writing by the Planning Authority. Management and maintenance shall commence within the timeable agreed with the Planning Authority.

R5: In the interest of local amenity.

C6: The maximum height of the proposed development within the substation area (having regard to any proposed change in site levels and the height of infrastructure) shall not exceed 53.62m AOD. The maximum height of development (battery units and associated electrical infrastructure) within the BESS area (having regard to any proposed change in site levels and the height of infrastructure) shall not exceed 49.32mAoD.

R6: In the interest of amenity of nearby settlements.

C7: Pre-construction surveys shall be carried out no more than 3 months prior to the commencement of development for protected species that can be surveyed at any time of the year (e.g. otter and badger), or if there is a restricted window within which a survey can only be undertaken (e.g. breeding birds, bats and water vole), as close to the start of works as possible, and always within the most recent survey window.

The surveys shall inform a Species Protection and Enhancement Plan (SPP) which shall be submitted to and approved in writing by the Planning Authority, prior to the commencement of development. Thereafter, any required work identified in the approved SPP shall be carried out in strict accordance with the approved mitigation measures and timescales set out and agreed.

R7: In the interests of the protection of species.

C8: Prior to commencement of development, the proposed route for any abnormal loads on the trunk road network must be submitted to and approved by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority.

Prior to the movement of any abnormal load, details of any accommodation measures required on the trunk road network, including the removal of street furniture, junction widening and traffic management must be submitted and approved and implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland.

R8: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

C9: Prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland.

R9: To ensure that the transportation of any components/materials will not have any detrimental effect on the road and structures along the route.



C10: Prior to the commencement of development on site, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the CEMP will consider (but not be limited to) the impact on existing habitats from noise, dust and air quality and construction activities. Where works along Annfield Burn are required, an invasive species management plan should be prepared and submitted as part of the CEMP. This shall include details of control methods such as mechanical removal and/or herbicide application as well as details of biosecurity measures such as suitable disposal of materials. The CEMP shall also include existing onsite habitat monitoring and risk assessments to be carried out before, during and after development. The approved CEMP and any required mitigation measures shall be implemented on site for the full construction period of the development, and during the operational period.

R10: In order to understand and monitor the impact on species over the duration of the works.

C11: During the daytime period (07:00 – 23:00) the rating level of the development derived in accordance with British Standard (BS) 4142:2014 + A1:2019 'Methods for rating and assessing industrial and commercial sound' will not exceed the representative background sound level by more than +5dB when measured externally at the nearest noise sensitive receptors, as existing or consented at the time of this consent.

During the night-time period (23:00 – 07:00) the rating level of the development derived in accordance with British Standard BS 4142:2014 + A1:2019 'Methods for rating and assessing industrial and commercial sound' will not exceed 30 dB when measured internally at the nearest noise sensitive receptors, as existing or consented at time of this consent.

Written confirmation of the location of any noise sensitive premises and premises that are financially involved shall be provided to the Planning Authority prior to the commencement of development.

Prior to the date of Final Commissioning, the applicant shall submit to the Planning Authority for written approval a list of proposed independent consultants who shall undertake compliance and validation measurements to demonstrate compliance with the parts (1) and (2) above on the written request of the Planning Authority.

Any variation from compliance determined by the validation measurements shall be mitigated for in order to comply with parts (1) and (2) above subject to agreement with the Planning Authority.

R11: To protect nearby residents from undue noise and disturbance.

C12: Prior to the commencement of development, an updated Biodiversity Net Gain (BNG) Assessment based on the 'Recommendations to Provide Net Gain' outlined in Section 4.2 of the approved Biodiversity Net Gain Assessment report, and which includes a plan of the 'post-development habitats' (symbolised with the UK Habitat Classification typologies), shall be submitted to and approved in writing by the Planning Authority.

R12: In order to ensure that commitments to habitat mitigation and enhancement on which the BNG calculations have been based are included in the final design, and in the interest of habitat mitigation and enhancement.

C13: Prior to the commencement of development, a Habitat Management Plan which sets out measures for the establishment and long-term management and monitoring of newly created and retained habitats to maximise benefits for biodiversity shall be submitted to and approved in writing by the Planning Authority. The Habitat Management Plan shall include a programme for the implementation of the agreed measures. The approved Habitat Management Plan shall be implemented in accordance with the approved details.

R13: In the interests of the protection and enhancement of habitats and species.

C14: Prior to the commencement of development, a revised Drainage Strategy for the site including a detention basin which is designed for a 1 in 200-year event + climate change allowance of 41% shall be submitted to and approved in writing by the Planning Authority. The Drainage Strategy shall include details of the programme for implementation of the drainage system. The approved Drainage Strategy shall thereafter be implemented in accordance with the approved details.

R14: In the interests of mitigating flood risks of the development

C15: Prior to the commencement of development, plans detailing the proposed access junction layout shall be submitted to and approved in writing by the Planning Authority in consultation with ARA. The junction layout shall accord with the standards as set out in the SCOTS National Roads Development Guide.

R15: In the interest of road safety and to ensure an acceptable standard of construction.

C16: Junction access visibility sightline splays of 4.5 metres by 120 metres, as shown in Drawing Number TP888/SK/001 of the Transport Statement, shall be maintained in both directions at the junction with the public road, prior to the commencement of construction work. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays.

R16: In the interest of road safety and to ensure an acceptable standard of construction, and to avoid the possibility of unnecessary reversing of vehicles onto the public road.

C17: The proposed access shall be constructed in accordance with the specifications in the SCOTS National Roads Development Guide. The access shall be constructed, as approved by condition and in conjunction with any necessary Roads Construction Consents and/or Permits.

R17: In the interest of road safety and to ensure an acceptable standard of construction.

C18: Prior to occupation of the development any gates shall be set back a minimum of 10 metres from the rear of the public footway/ roadway, and open inwards away from the public roadway.

R18: In the interest of road safety.

C19: Prior to the commencement of development, a plan for the removal of infrastructure and physical components which become obsolete or redundant prior to the final decommissioning of the BESS shall be submitted to and approved by the council. The plan shall include the timescales within which obsolete or redundant infrastructure and physical components will be removed from the site.

R19: In the interest of amenity.

C20: Prior to the commencement of the development, details of an Employment and Skills Plan and Strategy, in order to demonstrate commitment to recruit local labour for the duration of the construction of the development, shall be submitted to, and approved by the Planning Authority. The approved document shall be implemented as part of the construction of the development. The document shall outline:

- I) the measures proposed to recruit local people including apprenticeships
- II) mechanisms for the implementation and delivery of the Employment and Skills Plan and Strategy
- III) measures to monitor and review the effectiveness of the Employment and Skills Plan and Strategy in achieving the objective of recruiting and supporting local labour objectives

Within one month prior to construction work being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) above shall be submitted to and approved by the Planning Authority.

R20: To be in accordance with NPF4 Policy 11(e) in relation to maximizing local employment opportunities.

C21: Prior to the commencement of development, a Written Scheme of Archaeological monitoring and recording (archaeological watching brief) during ground-breaking works adjacent to the former location of Bank house (where the potential for the survival of buried archaeological remains associated with the house and its orchard grounds has been identified within the approved 'Archaeology and Built Heritage Impact Assessment') shall be submitted to and approved in writing by the Planning Authority. The approved written investigation and programme of works including any measures therewithin shall be implemented on site and shall remain in place for the duration of the construction phase of the areas subject to the investigation, unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for the approved written investigation and programme of works shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

R21: To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.

C22: Prior to the commencement of development on site, a full Emergency Action Plan shall be submitted to and approved in writing by the Planning Authority. This shall include a Fire Safety Management Plan which outlines the measures in place to limit the fire risk, and a response and management plan in the event of a fire. Thereafter, the development shall be constructed, implemented and operated in strict accordance with the measures contained within the approved Emergency Action Plan, and these shall be maintained for the lifetime of the development, unless otherwise agreed in writing by the Planning Service.

R22: In the interest of health and safety.

C23: Prior to the commencement of development, a Decommissioning, Restoration and Aftercare Strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall comprise of measures for the decommissioning of the development, restoration and aftercare of the site and will include, without limitation, a Decommissioning, Restoration and Aftercare Plan with proposals for the removal of the above ground elements of the development, confirmation of the status of subterranean elements of the development (retention, removal, or other such proposal), the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

R23: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

C24: The development shall be decommissioned, the site restored, and aftercare thereafter undertaken in accordance with the decommissioning, restoration and aftercare strategy and associated plan approved under Condition 23, within one year of the expiry of the consent or within one year of permanent cessation of the use of the development site for the purpose of operating the approved Battery Energy Storage System, whichever is the sooner, unless otherwise agreed in writing in advance with the Planning Authority.

R24: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

C25: Prior to the commencement of development, a bond or other form of financial guarantee in terms which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in conditions 23 and 24 has been submitted to and approved in writing by the Planning Authority.

The value of the financial guarantee shall be agreed between the applicant and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in conditions 23 and 24.

The financial guarantee shall be maintained in favor of the Planning Authority until the completion of all decommissioning, restoration and aftercare obligations referred to in conditions 23 and 24.

The value of the financial guarantee shall be reviewed by agreement between the applicant and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional not less than every five years, and at the time of the approval of the detailed decommissioning, restoration and aftercare plan approved under condition 23. The value of the financial guarantee shall be increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations referred to in conditions 23 and 24 and best practice prevailing at the time of each review.

R25: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the applicant.

C26: No battery energy storage infrastructure and apparatus, substation infrastructure or buildings, or any other infrastructure constructed on site shall display any illuminated text, sign, logo, or advertisement, other than those required by law under other legislation.

R26: in the interest of visual amenity

C27: No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with ARA. The CTMP shall be required to include:

1. Confirmation of routes for use by Abnormal Indivisible Load (AIL) movements, along with details of any route restrictions for other development trips (non AIL movements) including construction traffic;
2. Before and after construction inspection surveys of all roads and structures (including video condition survey) to be used to access the development site - the full scope of which will first be agreed in writing by the Roads Authority. The before and after surveys shall form the basis for establishing any reinstatement costs for damage due to abnormal traffic conditions and /or loading associated with the development of the site. The applicant shall be liable for the costs of these works;
3. Full details of swept path analysis of the abnormal load route on public roads within the remit of South Ayrshire Council accommodating the largest size of vehicle expected to be used during the transportation of turbine components;
4. A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;
5. Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic, including AILs. Where this requires public road layout or alignment mitigation this requires to include full detailed design/ construction details;
6. Full construction details of any new, or upgraded, junctions onto the existing public road network, as may be required;
7. Details of measures/ contractual agreements to be put in place to manage the compliance of contractors and sub-contractors with using agreed/approved construction traffic routes. This shall include any associated monitoring procedures, and any specific training and disciplinary measures to be established to ensure the highest standards are maintained;
8. Details of all public road signing and lining arrangements to be put in place during both the construction period, and for the operation of the site thereafter, as may be required. This detail shall include any additional advisory/warning signage and/or temporary traffic control measures which may be required during the construction period;
9. Full details of all arrangements for emergency vehicle access;
10. Full details of measures to minimise traffic impacts on existing road users including consideration of avoiding busy road periods, and requirements for all drivers to drive in a safe and defensible manner at all times;
11. Measures to accommodate pedestrians and cyclists and details of a nominated road safety person;
12. All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads;
13. Details of wheel wash facilities to be established at the site entrance or an alternative suitable location to ensure no tracking of mud onto the public highway;

14. Details of the provision of construction updates on the project website and a newsletter to be distributed to residents within an agreed distance of the site;

15. Full details on the process for the identification and undertaking of any necessary repairs to the construction traffic route, including the mechanism for coordination with the Roads Authority;

16. A Travel Plan for the construction phase of the development to minimise private car travel during the construction phase of the development.

Thereafter, the development shall be carried out in full accordance with the approved CTMP, unless approved otherwise in writing with the Planning Authority, in consultation with the Ayrshire Roads Alliance.

Reason: In the interests of road safety.

C28: That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the approval of the Planning Authority in consultation with ARA, before any work commences on site. Thereafter, the approved measures shall be implemented before works commence on site.

Reason: In the interest of road safety and to avoid the discharge of water onto the public road.

## **Informative Notes For Developer**

### **Scottish Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **SEPA**

Since the proposed development does not involve land raising within the functional floodplain, we refer the applicant to our [Standing Advice guidance](#) on flood risk for further information.

Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: [SWS@sepa.org.uk](mailto:SWS@sepa.org.uk).

## **Glasgow Prestwick Airport**

Guidance should be considered relevant to users of all cranes exceeding a height of 10 metres above ground level (AGL) or that of the surrounding structures or trees (if higher).

For guidance to crane users on the crane notification process and obstacle lighting and marking please refer to CAA CAP Document 1096 which is available at: <http://www.caa.co.uk>.

Please be aware any crane erected without notification may be considered a hazard to air navigation and such a crane operates at the crane user's risk of endangering the safety of an aircraft.

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

To obtain permission to work within the trunk road boundary the developer should contact the Area Manager through the general contact number 0141 272 7100.

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

### **NatureScot**

#### Ground or Vegetation Clearance

Ground or vegetation clearance works should be undertaken outwith the main bird nesting season (March-August inclusive). If this is not possible, a suitably experienced ecologist should check the development site before work commences to determine the presence of any nesting birds. If nesting birds are found, a suitably sized buffer zone should be set up around the nest and no work within this zone should commence until the young have fledged or the nest is no longer in use. This will ensure that no nests are destroyed during the site construction works and no offences are committed under the Wildlife and Countryside Act 1981 (as amended).

## **Scottish Gas Networks**

### Preventing the risk of inducing currents and voltage onto the SGN pipeline

Prior to the energisation of the development, the developer, in consultation with SGN, shall undertake relevant studies, design modifications and consultations to prevent the risk of inducing currents and voltage onto the pipeline and associated infrastructure.

## **ARA Roads**

### Road Opening Permit:

That a Road Opening Permit is required in addition to planning consent for any work to be undertaken within the public road limits. An application for a Road Opening Permit should be made separately to the ARA as Roads Authority, prior to works commencing on site.

### Roads (Scotland) Act:

The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.

### New Roads and Street Works Act 1991:

In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

### Costs of Street Furniture:

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

### Costs of TROs:

The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings.

### Signage to TSRGD 2016:

The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.



RSA Stage 1&2 Combined:

The Council as Roads Authority advises that prior to the commencement of works to construct any new or amended roads infrastructure; a Stage 2 Road Safety Audit in compliance with GG 119 of the Standard for Highways Design Manual for Roads and Bridges shall be submitted for the approval of the Planning Authority in consultation with ARA. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Council as Roads Authority & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

Abnormal Loads (S96 Agreement):

The Council, as Roads Authority, reserves the right to reclaim any extraordinary maintenance costs which may be incurred as a result of this development under Section 96 of the Roads (Scotland) Act 1984. As such, the developer shall be required to enter into a formal agreement with the Council indicating their acceptance of such liability under a Section 96 Agreement.

Tonnage Contribution (S69 Agreement):

The Council, as Roads Authority, reserves the right to seek a contribution based on the tonnage of construction material imported using local public roads within South Ayrshire Council under Section 69 of the Local Government (Scotland) Act 1973. As such, the developer shall be required to enter into a formal agreement with the Council indicating their acceptance of such a contribution under a Section 69 Agreement.

**Environmental Health**

Construction Hours

Construction work shall only take place between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or on public holidays.

The meeting ended at 11.20 a.m.

# South Ayrshire Council

## List of Planning Applications for Regulatory Panel (Planning) Consideration on 11 December 2024

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	24/00063/APP Alastair McGibbon  (Objections)  <a href="#">(Application Summary)</a>	Land Adjacent To Olympic Business Park A759 From Auchingate Interchange To B730 Drybridge Road Dundonald Dundonald South Ayrshire	Erection of 2 wind turbines (of up to 150m in height to tip), formation of access tracks and associated infrastructure	The Farm Energy Company	Refusal

## REGULATORY PANEL: 11 DECEMBER 2024

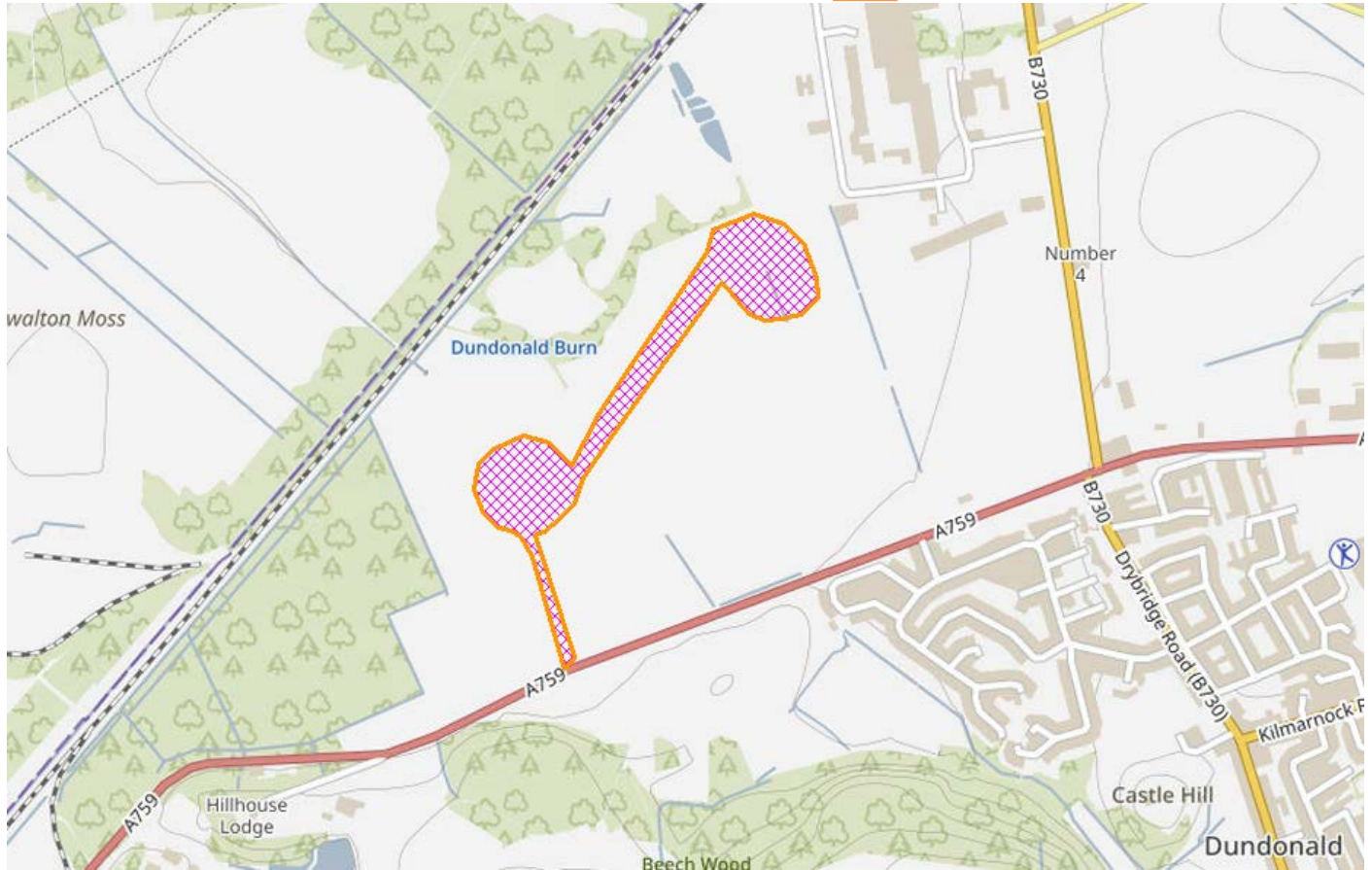
### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

24/00063/APP

LAND ADJACENT TO OLYMPIC BUSINESS PARK A759 FROM AUCHINGATE INTERCHANGE TO B730 DRYBRIDGE ROAD DUNDONALD DUNDONALD SOUTH AYRSHIRE

#### Location Plan

APPLICATION SITE 



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The drawings and other documents relating to this application, can be accessed on the Council's website via the link below:

[\(Application Summary\)](#)

## Summary

This application seeks detailed planning permission for the erection of two wind turbines up to a maximum height of 150m to blade tip and associated infrastructure, including: access tracks, foundations (approximately 20m x 7.5m at a depth of 3.2m), crane pads (approximately 42m x 26m), and temporary construction compounds. Nineteen representations have been received, of which eleven are objections which are concerned with issues relating to: landscape and visual impact, amenity, cultural heritage, natural environment, roads and transportation, lack of benefit to the local population, health and safety and various other matters. There are six letters of support (one of which is from the Ayrshire Chamber of Commerce) which outline the benefit of the proposed development for the applicant - Glaxo Smith Kline (GSK) in seeking to meet their net zero target, that it is vital to move away from fossil fuels and that the development would create a Community Fund which would be to the benefit of Dundonald. Two neutral comments (one of which is from Dundonald Community Council) have also been received. Consultation responses have been received from twelve consultees, with objections received from Historic Environment Scotland, National Air Traffic Services (NATS), Glasgow Prestwick Airport and the Council's Landscape Consultant.

The proposed development has been assessed against the terms of relevant policies within the Development Plan (National Planning Framework 4 and South Ayrshire Local Development Plan 2) and it is considered that the proposal cannot be considered positively against the terms of the aforementioned framework as the proposed wind turbines would introduce significant landscape and visual effects to nearby receptors, compromise the undeveloped setting of the nearby village of Dundonald, compromise the open separation function that the site and surrounding local landscape provides from nearby industrial development and the operational GSK wind turbines, result in the introduction of a visually dominant wind farm landscape to the locality, does not protect important views, skylines and landmarks – particularly those to and from the nearby lowland hills to the south of the site and that the proposal would introduce development which would result in overbearing cumulative landscape and visual effects. The proposed development would also have a detrimental impact to the landscape setting of Dundonald Castle Scheduled Monument and the views and visual amenity of large numbers of visitors to this nationally important Monument. Finally, due to the objections received from NATS and Glasgow Prestwick Airport, it is considered that the proposal could result in adverse aviation impacts. It is therefore recommended that this application for planning permission be refused.

If Members are minded to grant the application, contrary to officer recommendation, it would require to be referred to the Scottish Ministers as there is an outstanding objection from a statutory consultee - Historic Environment Scotland. The Scottish Ministers can 'call in' the application for their own determination or instruct the Planning Authority to determine the application as they see fit.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

### REGULATORY PANEL: 11 DECEMBER 2024

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>24/00063/APP</b>
<b>SITE ADDRESS:</b>	<b>Land Adjacent to Olympic Business Park A759 From Auchingate Interchange to B730 Drybridge Road Dundonald Dundonald South Ayrshire</b>
<b>DESCRIPTION:</b>	<b>Erection of 2 wind turbines (of up to 150m in height to tip), formation of access tracks and associated infrastructure</b>
<b>RECOMMENDATION:</b>	<b>Refusal</b>

#### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### Key Information:

- The application was received on 30 January 2024.
- The application was validated on 26 February 2024.
- The case officer visited the application site on numerous occasions, most recently on 15<sup>th</sup> October and 12<sup>th</sup> November 2024.
- No Neighbour Notification was required.
- No Site Notice was required.
- A Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was placed in the Local Press on 5 March 2024.

#### 1. Proposal:

##### Site Description

The application site extends to approximately 10 hectares and is located to the southwest of the Olympic Business Park and approximately 600 metres to the north of the settlement of Dundonald. The site is located within an area of predominantly agricultural pastoral land which is relatively flat and is accessed via an existing track from the A759. The site is surrounded on all sides by agricultural land and beyond this by the A759 to the south and by a railway line to the northwest. The Olympic Business Park is located approximately 60m to the north-east of the site, with the Glaxo Smith Kline (hereafter referred to as "GSK") complex being located approximately 1km to the north-east (within North Ayrshire Council area). Further, Hillhouse Quarry is located approximately 700m to the south-west of the closest proposed turbine location and the settlement of Dundonald is located approximately 600m to the south of the proposed turbine location. Dundonald Woods Special Site of Scientific Interest (SSSI) lies approximately 600m to the south of the closest proposed turbine. Dundonald Castle Scheduled Monument is located just over 1km to the south-east of the proposed turbine positions.

##### Development Proposal

## Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 24/00063/APP)

The proposal under consideration is for the erection of two wind turbines up to a maximum height of 150m to blade tip and associated infrastructure, including:

- Access tracks
- Foundations (approximately 20m x 7.5m at a depth of 3.2m)
- Crane Pads (approximately 42m x 26m), and
- Temporary construction compounds

It is stated within the application submission that the envisaged maximum generating capacity of the proposal will be 8.5MW, depending on the turbine model being used.

Turbine 1 is the most easterly located of the proposed turbines and lies approximately 550m to the west of the B730 and north of the A759. Access is proposed via an existing farm track off the A759 and this turbine is the closest to residential properties, with dwellings in Kilnford Crescent, Dundonald being located approximately 600m to the south. The area around this proposed turbine is characterised by marshy grassland which has frequent tufted hair-grass (*Deschampsia cespitosa*) and soft-rush (*Juncus effusus*).

Turbine 2 is located in the west of the site, approximately 200m south of the railway line and 410m to the north of the A759. Access is via the same access track as that to turbine 1. The closest residential property is located approximately 700m to the south-east. The area is characterised by young broad leafed semi-natural woodland to the north, west and east as well as scrub. The siting of this proposed turbine is close to the old RAF Dundonald runway and the Warrix Flying Club airstrip.

### Planning Process

The application is not classified as 'Major' development under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 as the installed capacity would be below 20MW. The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation as 10 competent written objections have been received.

The development proposal has been screened under The Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2017 to ascertain whether the proposal constitutes development for which an Environmental Impact Assessment (EIA) Report would be required. A Screening Opinion was issued by the Planning Authority in July 2022 (Reference 22/00594/EIASCR) which determined that the proposed development had the potential to result in effects on the environment which are sufficiently significant to require the submission of an EIA Report. An EIA Report (and associated figures and appendices) has been submitted by the applicant in support of the planning application.

**As an objection has been received from Historic Environment Scotland – a statutory consultee to the planning process - under the terms of the Town and Country Planning (Neighbouring Planning Authorities and Historic Environment) (Scotland) Direction 2015, the application would be required to be referred to Scottish Ministers should Members be 'Minded to Grant' the application contrary to the recommendation to refuse. Ministers may 'call in' the application for their own determination or instruct the Planning Authority to determine the application as they see fit.**

## **2. Consultations:**

**Historic Environment Scotland – object** due to the significant adverse impact that the proposed development would have on the integrity and setting of a scheduled monument (Dundonald Castle).

**Glasgow Prestwick Airport – object** on technical and operational aviation safety matters.

**National Air Traffic Services - object** due to adverse technical impact.

**Council’s Landscape Adviser Douglas Harman Landscape Planning – objects** on the following grounds: proposal does not conserve and enhance landscape character, and associated cultural, natural and perceptual key characteristics of the Agricultural Lowlands landscape character type, does not demonstrate sensitive siting nor is at a scale that is proportionate to the surrounding landscape, does not protect the landscape setting of Dundonald Castle Scheduled Monument, does not protect important views, skylines and landmarks (particularly those to and from the nearby lowland hills to the south of the application site), is visually dominant from the sensitive viewpoint and tourist attraction of Dundonald Castle, important recreational routes such as the National Cycle Network Route 73 and the inland Ayrshire Coastal Path, the nearby roads of the A759 and B730, and from some nearby dwellings and results in overbearing cumulative landscape and visual effects.

**Council’s Ecological Adviser AECOM -** Would expect an ornithological survey to have been carried out for a development of this nature. They note that NatureScot should confirm if comfortable with the approach taken by the applicant.

**Council’s wind turbine noise adviser ACCON UK Limited -** no objection subject to conditions.

**Ministry Of Defence (Wind Turbine Consultations) –** no objection subject to conditions.

**Council’s Environmental Health Service –** state that a Noise Impact Assessment should be undertaken. Case Officer advised EH that as the development proposal constitutes EIA development, that noise impact is considered within said document. Operational noise impact has been considered by ACCON, above.

**North Ayrshire Council -** no response received.

**Ayrshire Roads Alliance –** no objection subject to conditions.

**Scottish Environment Protection Agency –** no objection.

**NatureScot –** no objection.

## **3. Submitted Assessments/Reports:**

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations.

The application submission is accompanied by a range of supporting documentation including the following:

**Environmental Impact Assessment (EIA) Report:** The EIA Report considers the following principal topics: landscape and visual, ecology, ornithology, noise, cultural heritage and shadow flicker. A number of technical appendices assessing different specific matters within these broader topic areas also supplement the main EIA Report and chapters where relevant. The document is supported by a suite of accompanying plans, drawings, visualisations and photomontages. The content of EIA Report is considered in detail within section 7 of this report.

**Non-Technical Summary:** This document provides an overview of the EIA undertaken in relation to the proposed development, outlines the site and describes the proposed development. It further outlines planning policy and various topics including landscape and visual impact, ecology/ornithology, noise, cultural heritage, shadow flicker, transport and flood risk. The document concludes by stating that the proposal is appropriately designed, sensitively located within close proximity to the energy oftaker and is in line with South Ayrshire Local Development Plan 2 and National Planning Framework 4 (NPF4).

## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 24/00063/APP)

**Pre-Application Consultation (PAC) Report:** As a 'local' development, as defined by the Scottish Planning Series Circular 5 2009: Hierarchy of Developments, the proposed development does not fall within the statutory requirements for Pre-Application Consultation. However, the developer in this instance, 'The Farm Energy Company', undertook the PAC process to ensure that the local community were made aware of the proposed development and had the opportunity to find out more about the proposal and to be able to provide feedback. Dundonald and Loans Community Councils were engaged, with the project team meeting with members of Dundonald Community Council ahead of a public exhibition. Local and National elected members were also made aware of the proposed development. Furthermore, it is stated that a flyer was sent via mail to all households in Dundonald to the north of Kilmarnock Road and also within the settlement of Drybridge (North Ayrshire), with 891 households mailed. It is outlined that a public exhibition was held between 1200 and 1900 on Tuesday 25<sup>th</sup> April 2023, with approximately 26 members of the public attending. An online exhibition was also published on Friday 21<sup>st</sup> April 2023. Issues brought up by members of the public include the following (not exhaustive): impact on the local community, proximity to housing, noise and landscape/visual impact.

**Planning Statement:** This document outlines the background to the proposed development, provides a summary of document submissions, sets out the planning-based case for the proposed development and offers the applicant's assessment of the proposal against the relevant provisions of the Local Development Plan 2, relevant national planning policy and other material considerations. The document concludes by stating that the proposed turbines will assist GSK Irvine to meet their energy needs from renewable energy and achieve their ambitious net zero energy targets, that the provision of renewable energy solutions will secure future investment into a substantial employer, that the proposal is in accordance with the general terms of LDP2, that the development is in accordance with NPF4 due to the substantial weight given to renewable energy proposals and that there are no other material planning considerations identified which indicate that the proposal should not proceed.

**Design and Access Statement:** This report sets out a description of the proposed development, outlines planning policy context and describes the site and surrounding area. The report further reasons key design considerations. The report concludes by stating that the design process has resulted in a design which avoids significant effects on sensitive habitats and protected mammals, avoids significant effects on ecological and ornithological receptors and minimises the impact on adjacent settlements whilst maximising wind yield.

#### **4. S75 Obligations:**

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

#### **5. Scottish Ministers Directions:**

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.



## **6. Representations:**

19 representations have been received, 11 of which object to the proposed development. There are 6 letters of support (one of which is from the Ayrshire Chamber of Commerce) and two neutral comments (one of which is from Dundonald Community Council). All representations can be viewed online at ([Application Summary](#)).

The objectors have expressed principal concerns relating to the following, with the points raised summarised under the topic headings:

### **Landscape and Visual Impact**

- The proposed turbines would be overbearing and out of scale/character with the locale/landscape character type due to height of turbines and proximity to village, adverse impact on visual amenity.
- There is no natural topography to lessen the visual impact of the turbines which are significantly higher than existing located within North Ayrshire and mitigation in the form of screening not possible.
- Too many assumptions made in Visual Assessment Report.
- Scottish Government Guidelines state that turbines should be 2km from settlements to minimise visual impact, these are 600m away.
- Proximity to high sensitivity receptors.
- Proposed turbines are not physically or visually associated with the existing turbine cluster to the north in North Ayrshire Council area.

### **Amenity**

- The turbines are too close to residential properties/settlement.
- The turbines would create noise/light pollution and shadow flicker.

### **Cultural Heritage/Archaeological Impact/Conservation**

- The scale of the turbines would significantly impact upon the setting of Dundonald Castle which is a Scheduled Monument and is a tourist attraction of historical, archaeological and cultural significance.
- Proposed turbines would also adversely impact upon the setting of Auchans Castle/House which is a Category A listed building and the Scheduled Monument of Wardlaw Hill Fort.
- Adverse impact on Conservation Area.

### **Ecology/Natural Environment**

- Adverse impact on wildlife – deer, foxes and badgers amongst other animals.
- Adverse impact on birds – sparrow hawks, greater spotted woodpecker, house martins and many others.
- Adverse impact on nearby Dundonald Woods (SSSI) and Smuggler's Trail.

### **Roads and Transportation**

- Construction and operational traffic increases risk of traffic accidents at an area already liable to accidents at junction of A759 and B730.
- Dundonald Main Street is already congested, proposal would exacerbate this.

### **Lack of Benefit to Local Population**

- The turbines would solely be to the benefit of a private global community located within North Ayrshire, commercial enterprise between GSK, the applicant and landowner.
- Community Benefit Fund stated as £22,000 pa to Drybridge and Dundonald – equates to £,2,588 per MW, Scottish Government guidelines are £5,000 per MW.
- Is the Community Benefit realistic? Would it result in lower energy costs?

### **Health and Safety**

- Concern over aviation safety after reading comments of Glasgow Prestwick Airport and NATS.
- Recent fires at other Wind Farms, how far would smoke travel?
- A recent academic study has found that blades could travel 700m from turbine at normal speed if detached and up to 2km at twice the normal speed – dwellings are located within these distances.

## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 24/00063/APP)

### **Other Matters**

- Prefer to see solar panels.
- Lack of information in respect of Community Benefit Fund.
- TV interference – it is stated that Freeview may stop working in TV and Telecoms Impact Assessment – a fix would be £250-300 +VAT per dwelling – who would pay for this?
- Despite being stated in submission as being located within an area in which flyers were distributed, a flyer was not received.
- Who is liable for any rise in home insurance as a result of the proposed development? (Blade detachment).
- Adverse impact on astronomy.
- If approved, the development could encourage further applications for wind turbines in the area.
- Why is there a need for further turbines so close to Dundonald?

The letters of support raise matters in respect of the proposed turbines supporting the applicant - GSK to achieve their Net Zero target, that the proposal supports national and local renewable energy targets, that they will drive economic development/support local economy and aid a more sustainable economy. Other letters state that the proposed turbines will complement the existing turbines, that there would be no adverse visual impact as the landscape is already industrial, that it is vital to move away from fossil fuels and become a greener country, that the Community Fund would support Dundonald and that the site would continue to provide food and provide a vibrant habitat for nature.

The neutral letters include one from Dundonald Community Council which states that consensus on a position relative to the development proposal could not be achieved. The points raised mirror those outlined in the objections above, whilst stating a support for the principle of sustainable energy. In addition, it is stated that this application is a test case for NPF4 in terms of proximity to a settlement and that if the proposed turbines were next to Stirling Castle that there would be a national outcry – Dundonald Castle is no less important. The Ayrshire and Arran Bat Group suggest additional mitigation should the application be approved, including curtailment of turbines at certain temperatures/wind speeds and that a post-construction monitoring condition should be attached.

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly.

A response to these representations is included within the assessment section of this report.

## **7. Assessment:**

### Development Plan

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

NPF4 and the policies which apply in the context of the development proposal subject to this application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2. Greater weighting is given to the assessment criteria for renewable energy within NPF4 than in LDP2.

A key development plan policy against which proposals for wind turbine development are to be assessed is Policy 11 – Energy of NPF4. The South Ayrshire Local Development Plan Policy: Wind Energy is also of relevance; however, as NPF4 is the newer document, any incompatibility between the two policies will result in NPF4 Policy 11 being afforded greater weight. NPF4 and LDP2 have a number of additional policies of relevance to the assessment of this planning application, which relate closely to the criteria in Policy 11 of NPF4 and the Wind Energy Policy of the LDP. For ease of reference, they are listed beneath the corresponding criterion of Policy 11 in the subsequent sections of this report.

In respect of the Wind Energy Policy within LDP2, it should be noted that this was supported by Supplementary Guidance: Wind Energy which provides a spatial strategy for wind energy, in line with the requirements of Scottish Planning Policy (SPP) 2014 (and in so doing identifies areas within South Ayrshire which are afforded significant national protection) and it provides guidance as to how the policy of the LDP will be applied in the consideration of proposals. However, it is important to note that following adoption of LDP2 (August 2022), the Supplementary Guidance has no statutory status as part of the Development Plan. The Supplementary Guidance also refers to a Spatial Strategy in line with SPP. However, SPP has been replaced by NPF4 and the Spatial Strategy no longer aligns with this. However, having gone through a full consultation and approval process, the Wind Energy guidance does remain as informal planning guidance and the guidance and associated Wind Capacity Landscape Assessment 2018 are material planning considerations to be considered for planning applications, representing the Council’s most up to date position on wind farm developments.

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 24/00063/APP)

National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

- Policy 1 – Tackling the Climate and Nature Crises
- Policy 2 - Climate Mitigation and Adaption
- Policy 3 – Biodiversity
- Policy 4 – Natural Places
- Policy 5 – Soils
- Policy 7 – Historic Assets and Places
- Policy 11 – Energy
- Policy 22 – Flood Risk and Water Management

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of NPF4 is set out below.

A key policy consideration in the assessment of this planning application under NPF4 is Policy 11 - Energy. The policy seeks to encourage, promote and facilitate all forms of renewable energy development including energy generation, storage, transmission and distribution infrastructure. The intended policy outcome is the expansion of renewable, low-carbon and zero emissions technologies. The policy provides support for all forms of renewable, low-carbon and zero emissions technologies where they maximise net economic impact and demonstrate how impacts are addressed. Excerpt from Policy:

*a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:*

- i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;*
- ii. enabling works, such as grid transmission and distribution infrastructure;*
- iii. energy storage, such as battery storage and pumped storage hydro;*
- iv. small scale renewable energy generation technology;*
- v. solar arrays;*
- vi. proposals associated with negative emissions technologies and carbon capture; and*
- vii. proposals including co-location of these technologies.*

*b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.*

*c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*

*d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.*

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 24/00063/APP)

*e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:*

- i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*
- ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;*
- iii. public access, including impact on long distance walking and cycling routes and scenic routes;*
- iv. impacts on aviation and defence interests including seismological recording;*
- v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- vi. impacts on road traffic and on adjacent trunk roads, including during construction;*
- vii. impacts on historic environment;*
- viii. effects on hydrology, the water environment and flood risk;*
- ix. biodiversity including impacts on birds;*
- x. impacts on trees, woods and forests;*
- xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*
- xiii. cumulative impacts.*

*In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.*

*Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.*

*f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.*

Under criterion (a) of Policy 11, this proposed development would have support as it is one of the developments specifically mentioned. Criterion (b) states that energy development within a National Park or National Scenic Area will not be supported. The development site is not in either of these designations.

Criterion (c) sets out that development will only be supported where development maximises net economic impact including local and community socio-economic benefits. The EIA Report Volume 1 Chapter 4 makes reference to socio-economics in so far as to state *“it is considered that there will be no significant impact on socio-economics.....and this topic has therefore been Scoped Out of the EIAR and will not be considered further”*. In this instance it is noted that the proposed turbines would solely benefit a private company, the applicant Glaxo Smith Kline (GSK). However, the EIA Report Volume 3 Chapter 1 outlines Community Benefit Protocol. It is stated that the area of benefit would be the Dundonald Community Council area and the community of Drybridge (North Ayrshire), with the proposed development supporting an annual community benefit fund of £2,500 for every Megawatt of generation capacity. It is outlined that the funding would be subject to indexation from the point of project commissioning and would be open to applications from local bodies and initiatives focused on the following areas: community facilities, groups and activities, sports and recreation facilities and activities, environmental and biodiversity improvements, local heritage and promoting social and economic inclusion. The fund would be held by the applicant (The Farm Energy Company) on behalf of the communities involved, with applications invited very six months through advertising in the local press and notifications sent to local organisations. It is noted that the figure of £2,500 per MW falls below the figure of £5,000 per MW outlined within the Scottish Government’s Good Practice Principles (GPPS) for Community Benefits from Onshore Renewable Energy Developments (2014) – updated in May 2019.

Criterion (d) requires assessment of the impact on international or national designations to be carried out as set out in Policy 4 of NPF4. This impact will be set out within each of the sections of criterion (e) where relevant.

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Criterion (e) sets out 13 potential impacts that should be addressed by all proposals. The development proposal is assessed against each of these impacts as follows:-

**i. Impacts on communities and individual dwellings, including residential amenity, visual impact, noise and shadow flicker.**

The proposed turbines have potential to impact on residential amenity as a consequence of visual, noise and shadow flicker impacts arising from their location near to residential properties that are not owned and/or occupied by the applicant.

Residential Visual Amenity Assessment

The applicant has submitted a Residential Visual Amenity Assessment (Technical Appendix 7.4) in support of the application. The purpose of the RVAA is to identify and evaluate any likely significant environmental effects attributable to the development proposal on the visual component of residential amenity, which is referred to as the Residential Visual Amenity Threshold. The assessment considers potential amenity effects from a visual perspective only. The acceptability of effects on residential amenity are a planning judgement matter. The Landscape Institute's Technical Guidance Note 2/19 'Residential Visual Amenity Assessment (RVAA)' makes the following statement:

"It is not uncommon for significant adverse effects on views and visual amenity to be experienced by people at their place of residence as a result of introducing a new development into the landscape. In itself this does not necessarily cause particular planning concern. However, there are situations where the effect on the outlook/visual amenity of a residential property is so great that it is not generally considered to be in the public interest to permit such conditions to occur where they did not exist before."

The RVAA considered the potential effects of the proposed development on private views and private visual amenity from a select number of residential properties located in proximity to the application site, as agreed by the Council as Planning Authority at Scoping stage. There are existing groups and single dwellings situated within 1km of the proposed turbine which are potentially impacted, including individual properties at Parkthorn and 5 Ploughland and clusters of properties within Kilnford Crescent, Kilnford Drive, Parkthorn View, Wilson Place, Castleview and Old Auchans View. Whilst the applicant's LVIA identified that significant visual effects would be experienced at Parkthorn Farm, 5 Ploughland and some properties within Kilnford Crescent and Kilnford Drive, none would be affected to the degree that views would be dominated by the proposed turbines and that no home or other type of property would become an unattractive place to live.

The study states that whilst there is the prospect of unobstructed views of the proposed development from certain properties from the aforementioned streets and from Parkthorn Farm and 5 Ploughland, the presence of the proposed turbines would not be unpleasantly overwhelming or unavoidable from any property due to separation distance, property orientation, visibility of existing turbines, the intermittent presence of intervening settlement, built form and tree cover and the opportunities for views to the wider landscape from primary living spaces and curtilages. This study concludes that the level of impact will not exceed the *residential amenity threshold* (i.e. no property will be impacted to such an extent that it would become an undesirable place to live).

The RVAA predicts significant effects on the views of residents at Parkthorn Farm, 5 Ploughland, 10 dwellings at Kilnford Crescent and 6 dwellings at Kilnford Drive. Given the close proximity of these dwellings to the site and the associated prominent or dominant visual appearance of the turbines, effects are very likely to be at least major and significant, although from Parkthorn Farm and 5 Ploughland, substantial effects are more likely to be experienced. However, it is considered that the assessment and reasoning put forward in the RVAA is measured and that any effects to residential properties in respect of residential visual amenity impact would not be so great as to breach the residential amenity threshold.

## Noise

Volume 1, Chapter 9 of the submitted EIA Report (alongside associated appendices) considers operational and cumulative noise impacts associated with the proposed development. It is stated within the submission that vibration associated with the proposed development will be negligible at sensitive receptors given the distance between construction locations and receptors, therefore assessment of vibration has been scoped out. It is also outlined that detailed evaluation of construction and decommissioning noise has also been scoped out due to noise from these elements mostly occurring at locations remote from noise sensitive receptors and that they can be minimised by implementing appropriate controls on working hours and by adoption of good practices in the specification of construction plant and methods. The Council's noise consultant, ACCON UK Limited, have confirmed that they consider it appropriate that these items were scoped out of the assessment and that reasonable justification for doing so has been provided.

The EIA Report identified noise sensitive receptors at the closest properties (or clusters of properties) in each direction from the proposed development, namely: Hillhouse Lodge, Kilnford Crescent, Ploughland, Ploughland Holdings, Shewalton Moss, Tanglewood and Shewalton Lodge. One potentially cumulative wind farm has been identified within the proximity of the proposed development (four existing wind turbines approximately 1km to the north) and cumulative noise has therefore been considered at a selection of noise sensitive receptors.

The Council's noise consultant, ACCON UK Limited were consulted to review the submitted documents relating to noise in order to inform Council considerations as to whether the noise assessments have been carried out appropriately and to advise on the acceptability or otherwise of the proposals with respect to noise impact. In their response, ACCON has advised that the methodologies used in the noise chapter represent good practice and are in line with ETSUR-97 (operational noise) and the institute of Acoustics (IOA) Good Practice Guidance for wind turbines. The noise measurement survey was undertaken at two noise monitoring positions – Ploughland and Kilnford Drive, Dundonald. ACCON has confirmed these locations as being suitable and are accepting of the statement that predicted noise levels are below the residual noise limits at all noise sensitive receptors considered in the assessment. ACCON also confirm that the noise impact assessment has been undertaken in line with current guidance.

ACCON have set out that the development is unlikely to have any significant operational noise impact however they have proposed a number of planning conditions, in the event the application is approved, to ensure that the operational noise remains within acceptable limits. The planning conditions define the operational noise limits based on those derived in the applicant's noise assessment within the EIA Report and to control amplitude modulation.

As aforementioned, ACCON consider that it is an appropriate position to have scoped out construction noise and vibration due to the explanation provided in the EIA report.

Overall, it is therefore not considered that either operational or construction noise from this development would cause any significant detrimental impact to residential amenity.

### Shadow Flicker

The term shadow flicker refers to the flickering effect caused when rotating turbine blades periodically cast shadows over nearby properties. Shadow flicker occurs inside a property and under a certain set of conditions, including bright sunshine, when the turbines are operational and when the sun is in a particular location to cast a shadow from the wind turbines across a property. The Scottish Government's 'Onshore Wind Turbines: Planning Advice' states that shadow flicker is unlikely to be a significant impact at distances greater than ten rotor diameters (1.38km).

The submitted Shadow Flicker assessment found that 46 dwelling receptors were within 10 rotor diameters and within 130 degrees either side of north of the proposal, with one of the identified properties (Girtrig Farm) being financially involved with the proposal. There is no formal limit on the amount of shadow flicker that is considered acceptable within the UK; however, other European countries do have limits - with a typical limit being 30 hours per year with a maximum of 30 minutes per any one day. The modelling predicts that 22 dwellings would exceed the 30 minutes/30 hours reference limits when assessed to 10 rotor diameters, this is reduced to 15 with consideration of screening. If the application was to be approved, a suitably worded planning condition should be prepared to ensure that any complaints about shadow flicker effects that are received in practice would be investigated within a reasonable timescale and that rectification would be implemented promptly and effectively. This would most likely be in the form of a shutdown scheme or via the implementation of screening at the location of the receptor. It is noted that the Council's Environmental Health Service raised no objection in respect of Shadow Flicker.

### **ii. Significant landscape and visual impacts**

Under this criterion, NPF4 sets out that significant landscape and visual impacts require to be considered, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable.

The proposed turbines would be located on land to the southwest of the Olympic Business Park, Dundonald, in a low-lying area currently comprising agricultural fields made up of improved grassland for livestock grazing, semi-improved neutral grassland and small parcels of arable land. The remaining ground cover includes marshy grassland and scrub. The site is situated within the South Ayrshire Lowlands Landscape Character Type (LCT) area (as defined in the South Ayrshire Landscape Wind Capacity Study 2018) and is not located within any area designated for landscape quality.

Guidance on assessment of the landscape effects of windfarm and individual wind turbines is provided in the Council's non-statutory South Ayrshire Landscape Wind Capacity Study (updated 2018) – SALWCS. It should be noted that the guidance is general in nature and the impact of proposals requires to be individually assessed. The guidance notes that the South Ayrshire Lowlands have a variable landform which although gently undulating, forming low ridges and valleys, can be more complex and rolling in some areas, with some locally prominent low hills. The landform becomes more folded at the edge of the main river valleys (Ayr and Doon) where small interlocking hills form prominent skylines. The landscape is diverse with small pastures, enclosed by intact hedges, small woodlands and field trees and a regular pattern of small farms. Occasional small estates surrounded by wooded policies are dispersed across the landscape while higher, more open hills occur to the south-east in the Craigs of Kyle area. The landscape becomes more fragmented by larger scale built infrastructure where it abuts the settlements of Ayr, Prestwick and Kilmarnock. The generally small to medium scale of this landscape, which is influenced by the dense pattern of evenly distributed small farms, trees and woodlands, is highly sensitive to larger turbines such as those proposed.

The SALWCS outlines that there would be **high** sensitivity to the large typology (turbines 70m +) and that there is **no scope** for large and medium typologies (turbines 50m +) in this landscape.



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Volume 1, Chapter 7, and Volume 2 Figure 7 of the submitted EIA Report (alongside associated appendices) considers the Landscape and Visual Impact (LVIA) of the proposed development. The LVIA has been prepared with reference to the Third Edition of the Guidelines for Landscape and Visual Impact Assessment produced by the Landscape Institute and the Institute for Environmental Management and Assessment, 2013. In support of the above written information, the LVIA also includes various zone of theoretical visibility (ZTV) analyses within a 20 km radial study area, landscape character and seascape plans, landscape designation and recreational route mapping, cumulative plans, and from eight viewpoint locations, a suite of wire lines and photomontages. A Residential Visual Amenity Assessment (RVAA) also accompanies the LVIA (content of RVAA assessed above).

In relation to the scope and adequacy of the applicant's LVIA, the Council has consulted their landscape consultant, Douglas Harman of Douglas Harman Landscape Planning, and he has outlined that the following issues undermine the robustness of the applicant's assessment:

a. In attributing ratings of landscape sensitivity, these do not accord with the findings of the SALWCS. For example, the LVIA identifies a medium sensitivity for the Agricultural Lowlands LCT (in which the site is located), whilst the SALWCS identifies a high sensitivity for turbines of 70m+ in height. Although the baseline of operational wind farm development in this landscape has changed since the production of the SALWCS, it is considered that the LVIA provides insufficient justification for downgrading sensitivity ratings, in context of the SALWCS criteria and associated constraints;

b. In assessing visual sensitivity along road and recreational routes, the LVIA adopts an approach of attributing varied sensitivity ratings based on the degree to which the route is enclosed. For example, the LVIA states for users of the A759 "The combination of susceptibility to change and value results in a range of sensitivity levels which vary from medium sensitivity in more enclosed parts of the route assessed (i.e., when travelling through settled areas) to medium-low sensitivity for the sections of the route crossing farmland." As the nature of screening is a factor typically assessed as part of the assessment of magnitude of change/effect, this approach leads to double counting. As such, the LVIA sensitivity ratings should remain the same along each route.

c. Furthermore, many of the visual sensitivity ratings are considered to be understated. At Viewpoint 2 (Dundonald Castle & Visitor Centre) for example, the LVIA attributes a medium-high sensitivity. As the castle is a nationally important scheduled monument and a promoted tourist destination with a visitor centre, it is very surprising that the visual sensitivity of a relatively large number of visitors are not accorded a high sensitivity.

d. Although the viewpoint selection was subject to consultation with the Council (with the Viewpoints agreed by the Council's previous landscape consultant at that time) given the range of a relatively large number of significant effects that the subsequent LVIA predicts and that the purpose of an LVIA is to focus in on the likely significant effects, the viewpoint selection is considered to be disproportionate. As evidence to this, there are only 2 viewpoints within 2 km from the site and from 2 other viewpoints, there are no views of the proposed development. Considering that significant effects are predicted from the A759, the B730, the Ayrshire Coastal Path, NCN Route 73, the Smugglers Trail, and Core Paths IK42, SA7 and SA9, the LVIA should have focused in on most of these effects as part of the viewpoint assessment.

e. Although the identification of significant landscape and visual effects are broadly agreed with, it is unusual that the LVIA does not state the ratings of effects e.g. major. Although the Guidelines for Landscape & Visual Impact Assessment (GLVIA) notes that it is not essential to establish thresholds for different levels of significance for landscape and visual effects, the GLVIA also notes that ratings are often summarised in a series of categories of significance and as far possible, these should be consistent as far as possible with other EIA topics. As the Cultural Heritage chapter identifies levels of significance, it is therefore expected that the LVIA should also state that degree of significance. Furthermore, as NPF4 states that significant impacts are to be expected for some forms of renewable energy, it is considered necessary that in this instance, the LVIA should state levels of significance in order to fully inform the planning balance and the associated determination of the application.

The applicant responded to these points; however, the Council's Landscape Consultant confirmed that the response received had no material bearing on their conclusions contained in their consultation response.

However, notwithstanding the adequacy and scope of the applicant's LVIA, given that a field survey has been undertaken to inform an assessment of the likely landscape, visual and cumulative effects of the proposed development, it was not considered necessary for the applicant to produce further information in relation to landscape and visual matters.

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The following features and receptors in the local landscape are considered to be particularly sensitive relative to the proposed development. Although the flat site exhibits a relatively large-scale land use pattern, its prevailing open nature provides an important undeveloped setting to the nearby settlement of Dundonald (approximately 600m to the south), as well as a separation function from nearby industrial development and the operational Glaxo Smith Kline wind turbines. Located on close proximity to the south of the site, the relatively small scale of the low hills form an important wooded backdrop to the site and the surrounding lower-lying landscape. Moreover, the Scheduled Monument of Dundonald Castle and the associated visitor centre is located in close proximity (approximately 1.2km to the south-east). As such, the landscape setting of the castle and the views of a large number of visitors are key sensitivities to consider (this issue is assessed under point vii below). The nearby busy roads of the A759 and the B730 are important approach routes to the nearby settlement of Dundonald and a number of dwellings, including those at Kilnford Crescent and Kilnford Drive, are located in close proximity to the site. Furthermore, the surrounding local landscape accommodates a well connected and well traversed network of recreational routes, including sections of the Ayrshire Coastal Path, NCN Route 73 and the Smugglers Trail. Given the nearby GSK wind turbines, the introduction of further turbines of this size could lead to the formation of a wind farm landscape.

The site is located within the South Ayrshire Lowlands LCT and to some degree, the turbines would relate to the surrounding flat landform and the relatively large scale of the land use pattern. The prominent presence of the nearby Glaxo Smith Kline wind turbines also limit the change to rural character, as does the partial backdrop of industrial buildings. However, as the site forms an important setting to the nearby settlement of Dundonald, the introduction of the proposed development would compromise the open separation function that the site provides from the operational turbines and areas of industrial development. Despite being characteristic to the local landscape, the turbines would also detract from the pattern and scale of nearby woodlands, some of which exhibit a strong semi-natural character. With medium-high sensitivity and a medium-large magnitude of landscape change, effects on the local landscape within approximately 3 km are judged to be moderate-major and significant.

As alluded to in applicant's LVIA, the introduction of the proposed development in combination with the nearby Glaxo Smith Kline wind turbines would result in a wind farm landscape in this part of the LCT. Consequently, a major and significant cumulative effect is predicted within approximately 3 km. The site is located in close proximity to the north of the Lowland Hills LCT and although less than of this landscape area is within theoretical visibility of the proposed development, the very large height of the turbines would dwarf the landform of the nearby hills and their industrial appearance would detract from the semi-natural appearance of the dense woodlands that cover the northern slopes. As the hills form a very important backdrop to the lower-lying landscape, their containment function would also be compromised. With high sensitivity and a large magnitude of change, effects on the local landscape within approximately 3 km are judged to be major and significant.

Located in close proximity to the south of the site, the Dundonald Castle Scheduled Monument occupies a prominent position on the summit of a hill overlooking the village of Dundonald, with extensive views west to the coast and Arran beyond, and north over site to the valley of the River Irvine. This prominent hilltop location, and the views to and from it, are considered to be an important part of its setting. As evidenced in the photomontage from VP2 (Dundonald Castle and Visitor Centre), the introduction of the proposed turbines would bring development much closer to the castle, and in particular, their very large size would dominate its landscape setting. The scale of the turbines would also dwarf the prominence of the hill landform and compromise the distinctive setting of wooded hills to west. With a high sensitivity, the magnitude of change is judged to be large, resulting in a major and significant landscape effect. The proposed development would bring turbines much closer to the castle and with introduction of a windfarm landscape in combination with the existing Glaxo Smith Kline wind turbines, it is considered that its landscape setting would be compromised by widespread and dominant cumulative development. As such, a major and significant cumulative effect is also predicted. Impacts on the historic environment are considered further in section xii. below.

Located alongside the busy B730, Eden Garden Centre is a well frequented destination and from here, the nearby turbines would command and control the view over open fields towards a dramatic distant backdrop of Arran. Although the existing Glaxo Smith Kline wind turbines already detract from the wider view, the proposed development would introduce a dominant visual focus, with nearly all of the view affected. With a medium-high sensitivity, the views of a relatively large number of road users and visitors are predicted to experience a very large magnitude of change, resulting in a major to substantial and significant visual effect. In combination with the existing Glaxo Smith Kline wind turbines, nearly all of the wider view would be affected by very large turbines and as the proposed development would bring turbines much closer that appear dominant in view, a major to substantial and significant cumulative visual effect is also predicted.

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In summary, it is considered that the proposed development would: compromise the undeveloped setting to the nearby settlement of Dundonald, as well as the open separation function that the site and surrounding local landscape provides from nearby industrial development and the operational Glaxo Smith Kline wind turbines; compromise the low-lying containment and backdrop of nearby wooded hills; compromise the landscape setting of Dundonald Castle Scheduled Monument; appear dominant in views from Dundonald Castle, and from sections of nearby roads, recreational routes, and a number of dwellings; and result in the introduction of a visually overbearing wind farm landscape in the locality.

Although policy 11 of NPF4 notes that where any significant landscape impacts are localised and/or appropriate design mitigation has been applied will generally be considered to be acceptable, given that the degree of significance of most effects is at the higher end of the impact scale (i.e. major or substantial), it is advised that in considering the range of and nature of the significant effects predicted, these should not be considered as acceptable in this instance. Of particular note, the detrimental damage to the landscape setting of Dundonald Castle and the views and visual amenity of large number of visitors to this nationally important monument should carry great weight in the determination of the planning application (this issue is expanded upon under paragraph xii, below).

**iii. Public access, including impacts of long-distance walking and cycling routes and scenic routes.**

There are no core paths or recorded rights of way within or immediately adjacent to the application site; however, this is land to which the right of public access applies, as permitted by the Land Reform (Scotland) Act 2003. The track which runs along the eastern edge of the (blue – landownership) area is frequently used for informal recreation such as walking and dog walking, by many locals. Walkers would then usually walk around the fields on the west of the track, especially at times they are empty of livestock.

The surrounding local landscape accommodates a well-connected and well traversed network of recreational routes, including sections of the Ayrshire Coastal Path, NCN Route 73, and the Smugglers Trail. The LVIA predicts significant visual effects on parts of relatively large number of road and recreational routes, namely the A759, the B730, the Ayrshire Coastal Path, NCN Route 73, the Smugglers Trail, and Core Paths IK42, SA7 and SA9. From most open sections of these routes where significant effects are predicted, the turbines would generally appear very prominent or dominant in view and with a medium-high or a high sensitivity, both visual and cumulative effects are very likely to be at least major and significant.

**iv. Impacts on aviation and defence interests**

National Air Traffic Services (NATS) were consulted on the application and object to the proposed development. NATS state in their response that the terrain screening available will not adequately attenuate the signal to Lowther RADAR and that the proposed development would therefore likely cause false primary plots to be generated and that a reduction in the RADAR's probability of detection, for real aircraft, would also be anticipated. The en-route operational assessment of RADAR impact at Prestwick Centre ATC is also stated as being unacceptable.

Glasgow Prestwick Airport (GPA) were also consulted on the application and maintain a holding objection. It is stated in their response that the development previously raised aviation safety concerns (this is presumed to relate to the existing operational turbines in situ within North Ayrshire Council area) which have the potential to have an operational impact on the airport as Air Navigation Services Provider (ANSP). It is outlined that the airport has engaged in early dialogue with the developer in an attempt to address the issues and will continue to work through Technical Safeguarding Assessment(s) to consider the various impacts of the proposal and how they will be addressed.

The Ministry of Defence safeguarding organisation offer no objections, subject to conditions in relation to aviation lighting and aviation charting and safety management, following consultation.

In response to the objection received from NATS and the holding objection from Glasgow Prestwick Airport, the applicant has submitted further information in an attempt to address the aviation safety concerns.

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The applicant states that they have had difficulty obtaining timely engagement with GPA and that in light of their experience developing the turbines at the GSK site (North Ayrshire Reference: 19/00164/PP – which did require the implementation of mitigation for the Terma), that they have been working with GPA since at least May 2022, seeking to identify whether the Dundonald turbines could benefit from the same Terma mitigation as the GSK ones had benefitted. The applicant advises that they understood that the Dundonald turbines, along with a number of other developments, were to be included in a Radar Baseline PD flight trial in June 2022, only to be informed in late May 2022, that this flight trial had been reconfigured and no longer included the Dundonald turbines. It is stated that GPA subsequently advised that applicant in June 2022 confirmed that the Dundonald turbines would be included in the next tranche of Radar Baseline PD flight trials, and the applicant instructed GPA to procure the Radar Baseline PD report for the turbines. This is the report enumerated by GPA in part 4 of its objection letter of 14<sup>th</sup> March 2024.

The applicant further state that they had understood that the flight trials were to take place in early 2023; however, GPA confirmed in its objection letter that the flight trials in fact took place between 5-8 July 2023.

The applicant advises that they were led to believe that Radar Baseline PD report would be completed within three months of flight trials but that they have yet to receive this report. GPA state in their objection that this was anticipated in March/April 2024. The applicant states that they have enquired of GPA on numerous occasions as to when the Radar Baseline PD report should be forthcoming but have been provided no timeline for its completion/delivery. GPA states that the Radar Baseline PD report is a necessary input for completion of the Terma Modelling Assessment.

The applicant state that they had been hesitant to start negotiating the terms of GPA's commercial mitigation agreement before they had some certainty that the Terma could be optimised to ensure any detrimental impacts of the Dundonald turbines on GPA's air traffic service would be mitigated. To this end, they advise that they were waiting for the Radar Baseline PD report to be finalised and continue to wait for its completion.

In light of the above timeline and decisions issued by Scottish Ministers in relation to two windfarm s36 applications to which GPA objected – Clauchrie and Sanquhar II, the applicant has proposed that a condition specified by both Reporters is appropriate in this case also. The proposed condition stated by the applicant is as follows:

*"The Applicant shall not commence development until South Ayrshire Council, in consultation with the Civil Aviation Authority, is satisfied that the Applicant has put in place a binding undertaking to pay the Airport Operator such sums demonstrably and reasonably incurred by the Airport Operator in:*

- 1. Procuring Terma A/S (or its duly appointed representative in the United Kingdom) to undertake a Terma Radar Modelling Assessment to determine the Terma Probability of Detection Reduction Factor in connection with the Development and providing the results of such modelling to the Airport Operator, the Applicant and South Ayrshire Council;*
- 2. Optimising the Airport Operator's operational Terma Scanner 4002 primary surveillance radar to accommodate the Development;*
- 3. Validating any optimisation of the operational Terma Scanner 4002 primary surveillance radar undertaken in respect of the Development by way of flight trial over the Development, if such validation is reasonably required; and*
- 4. In the event of a wind turbine forming part of the Development being permanently removed, undertaking any of steps (2) and/or (3) above necessitated by the removal of such a turbine.*

*For the purpose of this condition, "Airport Operator" means Glasgow Prestwick Airport Limited or any successor as holder of a licence under Article 205 of the Air Navigation Order 2016 from the Civil Aviation Authority to operator air traffic service equipment at Glasgow Prestwick Airport."*

*Reason: To ensure the Airport Operator is reimbursed for the actual costs it incurs in optimising its primary surveillance radar as a result of the Development.*

Following receipt of correspondence from the applicant in respect of the above, the Council as Planning Authority forwarded this to both GPA and NATS for comment as it is not considered that the Council could impose such a condition whilst there are objections in place from Statutory Consultees in respect of aviation safety. No response was received from GPA and NATS advised that the condition appeared to have been drafted with the aim of addressing the GPA objection and does not offer anything to NATS – they therefore maintain their objection.

The position therefore remains that there is an outstanding objection from GPA and NATS with respect to this application.

#### **v. Impacts of telecommunications and broadcasting installations**

The applicant has submitted a Telecommunications Impact Assessment in support of the application submission. The assessment highlights that the proposed development is likely to cause unwanted television signal interference in areas to the southwest of the application site and may cause interference to an existing radio link owned by Airwave/Motorola Solutions. The assessment advises that additional attempts are made to contact Airwave/Motorola Solutions (it is outlined that repeated attempts have been made to liaise with them without a reply) and that a plan to deal with television interference complaints be formulated. It is extremely uncommon for wind developments to be blocked on the basis of telecommunications issue, largely due to the fact that technical solutions generally exist and are commercially viable. In light of the aforementioned, should Members be minded to approve the application, an appropriate condition could be attached in respect of the submission of a Television Reception Mitigation Plan which would include the investigation of complaints and that an impairment of signal found to be caused by the proposal be remedied by the developer.

#### **vi. Impacts on road traffic and on adjacent trunk roads**

The applicant submitted a Transport Statement in support of the application. The Ayrshire Roads Alliance have been consulted on the development proposal and offer no objections, subject to conditions in relation to submission of Construction Traffic Management Plan, video surveys of roads anticipated to be used for routing of abnormal loads, distance of turbines from public road, turning areas, discharge of water, junction visibility splays, any gates to open inwards, land acquisition and access construction. Due to the distance from the trunk road network and nature of the proposed development, it was not considered necessary to consult Transport Scotland. If the application was approved, then conditions are recommended by the ARA could be imposed.

#### **vii. Impacts on the historic environment**

Volume 1, Chapter 10 of the submitted EIA Report (alongside associated appendices) considers the proposed development relative to cultural heritage and archaeology matters. NPF4 Policy 7 – Historic Assets and Places is a key consideration in respect of the assessing the impact of the proposed turbines on the historic environment.

The following sections of Policy 7 are particularly relevant in this case: a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records. h) Development proposals affecting scheduled monuments will only be supported where: i. direct impacts on the scheduled monument are avoided; ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

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Report by Housing, Operations and Development Directorate (Ref: 24/00063/APP)

Historic Environment Scotland (HES) are a statutory consultee in the planning process and have been consulted on the application. HES objected initially on the grounds of lack of information and the potential for a significant impact on the setting of Dundonald Castle, which is a Scheduled Monument. The following additional information was subsequently submitted by the applicant in this regard: photomontage view from a location adjacent to the Dankeith Cemetery (approximately NS 38948 33127) to show the castle with the village adjacent and the valley of the River Irvine to the north, a photomontage view from Dundonald High Street close to the Auchans Restaurant and Bar (approximately NS 36627 34360) to show the castle above the roofline of the village a detailed description of the setting of Dundonald Castle and a detailed assessment of the impact of the proposals on the setting of Dundonald Castle.

HES have advised that they are content that the Addendum and visualisations fulfil their request for additional information and that the EIA Report now provides sufficient information to allow for a more informed assessment of the development proposals. HES advise that they are content that the environmental impact assessment process relating to cultural heritage has been undertaken with reference to appropriate policy and guidance and using an appropriate methodology. However, HES (and the Council's landscape consultant, Douglas Harman), advise that they disagree with the conclusions drawn relating to the effect of the development on the integrity of the setting of Dundonald Castle, with the LVIA attributing a medium-high sensitivity, whereas, as a nationally important monument and promoted tourist attraction, the sensitivity is considered to be high. HES note that in their supporting written statement forming part of the addendum to the original submission, the applicant refers to the impact of the turbines in the settings of heritage assets as an "indirect" impact. HES state that this is not correct and that the Environmental Impact Assessment Handbook (Appendix 1, 44c) makes it clear that setting impacts are generally direct impacts and HES state that they would expect them to be treated as such in the EIA process.

As background to the importance of Dundonald Castle, HES advise that the monument is of national importance because as a multi-period high status fortified site it makes a significant addition to our understanding of the past. It includes a well-preserved example of a late medieval castle built for Robert II, but also has evidence of two predecessor castles, an early historic nucleated fort, an Iron Age fort and settlement dating to the Bronze Age. This time depth enhances the site's importance. Although the site has been subject to some archaeological investigation, there remains high potential for occupation deposits and associated burial structures to survive. The castle and Castle Hill, on which the castle is located, are prominent features in the landscape and add to our understanding of how medieval elites used the siting of such monuments in the landscape to assert their status and dominance.

Dundonald Castle sits at the northern end of a low ridge of hills. Although Castle Hill is not the highest point in this ridge, the castle commands extensive views in a wide arc running from the west through the north round to the southeast. Key views within this arc include those across Irvine Bay towards Arran to the west and of the fertile low ground around the Irvine River valley to the north and northeast. The castle is a prominent feature in this part of Ayrshire. Although the rolling hills that make up the local terrain mean that views towards the castle are often restricted, where the castle is visible it is the dominant feature in the landscape. There are pre-existing modern features within the broader landscape around the castle, notably the industrial areas surrounding Irvine to the northwest. However, the predominant experience of being at, or of viewing the castle from the south, remains its dominant setting within a rural hinterland.

It is considered that the proposed development would have a fundamental impact on the experience of being at the monument. Currently there is a clear separation between the rural land around Dundonald village that forms the immediate setting of the castle and the industrial areas associated with the distant prospect of Irvine. The photomontage from VP2 (Dundonald Castle and Visitor Centre) highlights that siting the proposed turbines within the rural land adjacent to the village would have the effect of bringing the industrial development closer to the castle and remove this sense of separation between the monument and modern development, with their very large size dominating its landscape setting. The scale of the turbines would also dwarf the prominence of the hill landform and compromise the distinctive setting of wooded hills to west. With a high sensitivity, the magnitude of change is judged to be large, resulting in a major and significant landscape effect. The proposed turbines would command and control the view from the castle and although the existing Glaxo Smith Kline wind turbines already detract from the enjoyment of the view, the proposed development would introduce a dominant visual focus, with nearly all of the view affected. With a high sensitivity, the views of a relatively large number of visitors are predicted to be subject to a very large magnitude of change, resulting in a substantial and significant visual effect.

HES further advise in their consultation response that the scale of the turbines and their relative proximity to the monument would challenge the dominance of the castle and affect the experience of being at the castle and looking out northwards over the river valley. Overall, there would be a significant impact on the ability to experience, understand, and appreciate the castle. This would be a significant adverse impact on the integrity of the setting of the scheduled monument. The relative scarcity of unobstructed modern views towards to the castle

from the south and east makes the additional submitted visualisation from Dankeith Cemetery particularly significant. This view is not only the first view available to visitors to the castle following the current heritage signposts to the site, but also a place where local people can appreciate the monument. Figure SEI 10.1 (Dankeith Cemetery) shows that, when viewed from this location, turbine 2 would stand considerably taller than Dundonald Castle, with its blades partially backdropping the castle. This would challenge the dominance of the castle in the landscape. The proposals would have a substantial effect on the setting of the monument. This would be a significant adverse impact on the setting of the scheduled monument.

The EIA addendum produced for the applicant considers the impact of the turbines, both in views from the castle and in views to the castle from Dankeith Cemetery. In both cases, the impacts are assessed as being of medium magnitude, resulting in an adverse effect of moderate significance. It is acknowledged that these effects are significant in EIA terms. However, HES consider that the impacts have been under-estimated and do not consider that in views from the castle, the turbines would be functionally distant features. For the reasons set out above, there would be a fundamental impact on the experience of being at the monument. Likewise, in views from Dankeith Cemetery, it is not agreed that the turbines would not diminish the prominence of the castle and would not substantially detract from the way it is understood, appreciated and experienced.

In light of the aforementioned, it is considered that the proposed development would have a significant adverse impact on the integrity of setting of Dundonald Castle. In views towards the castle from the south and south-east, the development would challenge the dominance of the castle in the landscape. In views outwards from the castle to the north and north-west the development would erode the separation between the monument and the pre-existing industrial areas around Irvine. This would result in significant adverse impacts on both the experience of being at the monument and on views towards the monument from the main approach to the southeast. HES advise that these significant adverse impacts would be of sufficient magnitude to raise issues of national interest.

HES do not consider that exceptional circumstances have been demonstrated to justify the impact on the scheduled monument and its setting, or that the impacts have been minimised. As a result, it is considered that the proposed development does not comply with Policy 7 or this element of Policy 11 of NPF4 or with policies HEP2 and HEP4 of the Historic Environment Policy (please see Other Policy Considerations section of this report).

#### **viii. Impacts on hydrology, the water environment and flood risk**

The application site lies within an area that the SEPA flood mapping indicates is potentially affected by river and surface water flooding, with Dundonald Burn running through the site from south-east to north-west. NPF4 Policy 22 – Flood Risk and Water Management states that development proposals at risk of flooding or in a flood risk area will only be supported if they are for a) essential infrastructure where the location is required for operational reasons b) water compatible uses c) redevelopment of an existing building or site for an equal or less vulnerable use or d) redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice. Considering the criteria outlined above, SEPA were consulted on the application and have confirmed that they have no objection to the development proposal on flood risk grounds. SEPA advise that peak flow values for the catchment are in line with comparative analysis (12m<sup>3</sup>/s). The applicant has limited the peak flow arriving on site in the Flood Risk Assessment to 3.1m<sup>3</sup>/s as they say that an approximately 120m culvert upstream of the site limits the volume of flood waters in a 200yr + cc event that would be able to enter the site.

SEPA further state that only the westernmost turbine was shown to be in the flood risk area but the applicant has indicated that the displacement of flood waters from the turbine plinth only equates to a roughly 0.02m depth increase to flood waters and that even under flows of 12m<sup>3</sup>/s, depth increases would remain low and as there are no nearby receptors SEPA do not have any concerns here. The turbines themselves are raised on these plinths and so would remain safe and operational. ARA (Flooding) have raised no concerns in respect of flood risk.

The application submission outlines that different types of marshy grasslands are present at the site, which according to SEPA guidance, are considered highly groundwater dependent and moderately groundwater dependent. It is stated that signing groundwater dependency based on the National Vegetation Classification (NVC) communities as outlined by SEPA guidance has been known to have limitations and that habitats could be attributed to the cessation of grazing, winter flooding from the nearby water courses and poor drainage rather than a dependency on groundwater. As a result, it is stated that further Groundwater Dependent Terrestrial Ecosystems (GWDTE) assessments were completed by a hydrologist on the potential GWDTEs highlighted by the NVC, which confirmed that none of the potential moderate and high GWDTE classifications were valid. It is noted that SEPA offer no objection in this regard.

The Council's Environmental Health Service has confirmed that there are no private water supplies within the application site or in the vicinity and therefore have no objection to the development proposal in this regard.

#### **ix. Biodiversity including impacts on birds**

A Preliminary Ecological Appraisal Report (PEAR), Bat Survey Report and Environmental Impact Assessment Report (EIAR) were submitted in support of the application. Volume 1, Chapter 8 of the submitted EIAR (alongside associated appendices) considers ecological and ornithological impacts associated with the proposed development. The document outlines that there are no Special Protection Areas within 20km of the application site. Important ecological features identified during the undertaking of surveys including: River Irvine, Shewalton Road and Drybridge Local Nature Conservation Sites, Shewalton Wood Scottish Wildlife Trust Reserve, Shewalton Moss pLNCS, hedges and scattered broad-leaved woodland, Dundonald Burn, otter and breeding birds. It is stated within the submission that there would be no likely significant effect on any of these features as a result of the proposed development.

In respect of protected species, the submitted documentation states that two potential otter resting sites were found along the Dundonald Burn with a further spraint nearby on the boundary of the application site. Three mammal holes were identified which were of suitable size for badger but had no indicative field signs such as badger hairs present; the closest mammal hole to a proposed turbine is 220m and it is therefore outlined that the mammal holes would not be impacted as a result of the proposed development. It is further outlined that no evidence of water vole, pine marten or red squirrel was found during surveys. In relation to bats, soprano pipistrelle and common pipistrelle are commonly occurring and widely distributed in the locale. It is stated that recorded activity levels across the survey period were low for both species and that there would therefore be no significant adverse impact. It is further outlined that there are no records of great crested newts within 2km of the application site but that there are two waterbodies located within 500m. The first is located within the Hamilton Tarmac recycling centre to the north, 200m from the nearest proposed turbines. The second is located within Hillhouse quarry on the other side of the A759, 700m from the nearest turbine. Due to these distances, along with the potential dispersal barrier of the A759 and activity within the recycling centre, it is reasoned that the proposed development would not impact on great crested newts should they be present within the waterbodies.

The Council's Ecological Consultant, AECOM, were consulted on the planning application and commented that the EIAR states that NatureScot guidance in relation to small-scale wind developments was followed during the assessment, and as such, an assessment of existing data was considered sufficient and that no bird surveys were required. However, it is noted in the following text within the more general NatureScot guidance for onshore windfarms: "A number of small-scale developments, will either not require an EIA or, if they are only just over the thresholds, require a limited environmental assessment. Typically, these very small developments (including 'domestic' turbines of 15m or less) are not considered to be a significant risk to birds, exceptions to this being proposals on or near designated sites, or where the location is very close to the nest site of a Schedule 1 bird. Assessment of existing bird data for the area may be all that is needed in many of these cases and simple mitigation such as relocating the turbine further away from a designated site or a Schedule 1 bird nest site may be sufficient to overcome any issues without the need for further survey". The proposed development, which involves the installation of two turbines of approximately 150m height, may be considered larger than the "very small developments" (turbines up to 15m) referred to by this guidance. AECOM therefore advised that assessment of existing bird data may be insufficient to assess the possible impacts to birds from the proposed development, and that they would normally expect some level of ornithological survey to have been carried out for a development of this nature. However, it is noted that NatureScot did not appear to raise concerns regarding ornithology during the Scoping stage of the application and that NatureScot also raise no objection to the planning application following consultation.



It should be noted that should Members be 'minded to grant' the application, contrary to recommendation, that the following statement is provided in the 'Mitigation During Construction' section of the EIA: "Pre-works protected species surveys will be undertaken to update the baseline conditions within 18 months of works commencing at the Application Site". Pre-works (also known as pre-construction / pre-commencement) surveys for protected species should be undertaken not more than three months prior to works commencing. This is in line with NatureScot guidance and ensures the results are up-to-date as possible at the time works begin. Regardless of the above, NatureScot consider ecological data out-of-date after two years. The surveys carried out to inform the PEAR and EIA therefore only remained valid until 15 May 2024. The applicant should update these surveys prior to the three-month pre-works survey window mentioned above to ensure any licensing requirements etc. can be considered in sufficient time. This would not negate the need for the pre-works surveys mentioned above. The EIA specified mitigation measures to be implemented during construction and suitably worded planning conditions would be required in this regard should the planning application be approved.

NPF4 Policy 3 – Biodiversity states that development proposals for national or major development, or development that requires an Environmental Impact Assessment (as is the case in this instance) will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. It is outlined within the submission that the installation of the proposed turbines and associated infrastructure would result in the loss of discrete areas of improved, semi-improved neutral and marshy grassland. Due to the complexities involved with restoring rush pastures, it is anticipated that the habitat will be permanently lost and the area restored to semi-improved neutral grassland. It is stated that the temporary habitat loss would last approximately 9 months as the grasslands would be restored during the construction phase of the development. The applicant reasons within their submission that the permanent loss of a discrete area of grassland habitat and the potential short-term adverse impact associated with the temporary habitat loss and disturbance during construction is adequately compensated through the restoration of the grassland habitats and the planting and improvement of hedgerows. The hedgerows are considered a measurable gain and would enhance the connectivity through the site and increase suitable nesting habitat for farmland birds, leaving the habitat in a better state than before.

#### **x. Impacts on trees, woods and forests**

The application site is located adjacent to the southwest of Shewalton Wood Reserve and the Dundonald Woods SSSI is located approximately 300m to the south. No trees require to be felled in connection with any aspect of the proposed wind turbine development and the proposals are therefore considered to be consistent with this aspect of NPF4 Policy 11.

#### **xi. Proposals for the decommissioning of developments, including ancillary infrastructure and site restoration**

The applicant states within their submission that once the turbines reach the end of their operational phase, they would be decommissioned and that all turbine components would be removed from the site. The turbines are proposed to be operational for a period of 25 years. It is considered that a condition requiring the reinstatement of the site following the expiration of the consent or the permanent cessation of power generation would be possible, should Members decide to approve the application contrary to the recommendation of the Planning Service.

#### **xii. The quality of the site restoration plans including measures in place to safeguard or guarantee availability of finances to effectively implement those plans**

Detailed restoration plans were not submitted with the application and if the application is approved a condition could be attached requiring a plan to be submitted prior to the expiry of the permission or following permanent cessation of power generation. Consideration has been given to whether a restoration bond will be necessary to ensure that a sufficient sum of money is available to complete the restoration work. In this regard, it is considered that a condition could also be attached to ensure that the developer delivers a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained within any decommissioning condition.

### **xiii. Cumulative impacts**

The application site is located to the south of 4 existing wind turbines associated with Glaxo Smith Kline (these are located between approximately 1.2 and 1.5km to the northwest), it understood that two of these turbines are approximately 110m in height, with two being approximately 150m in height. In relation to the landscape and visual receptors scoped into the cumulative assessment by the applicant, the LVIA predicts no significant effects. However, the Council's Landscape Consultant, Douglas Harman Landscape Planning, has stated that the assessment of cumulative effects is not considered to be fit for purpose as in establishing the scope of the cumulative assessment, para. 7.4.94 of the LVIA states that " Given the surrounding topography, visual screening influence provided by urban and industrial development, and the locations of other wind energy developments within the 20km study area, there is predicted to be limited potential for significant cumulative effects." As such, the LVIA only provides an assessment of the planned wind farm scenario, with a detailed assessment of the operational development scenario omitted from the LVIA scope. However, given that para. 7.8.99 of the LVIA states (underlining added for emphasis) "the proposal would increase the localised influence of wind energy development, potentially leading to the formation of a windfarm landscape in the immediate landscape setting", the failure to provide an assessment of this factor is considered to be a fundamental flaw in the LVIA.

The essential importance of fully assessing the operational cumulative scenario is made very clear in NatureScot's guidance on Assessing the cumulative landscape and visual impact of onshore wind energy developments (2021) which states "*The CL VIA should separately identify the sensitivity of the landscape and visual amenity resource and the predicted magnitude of cumulative change arising from each of the relevant scenarios, for example: the proposed wind farm with existing operational wind farm developments and those under construction.....*".

As alluded to in the applicant's LVIA, it is considered that the introduction of the proposed development in combination with the nearby Glaxo Smith Kline wind turbines would result in a wind farm landscape in this part of the South Ayrshire Lowlands Landscape Character Type. The proposed development would bring turbines much closer to the hills and with the introduction of a windfarm landscape in close proximity to them, the containing edge of the hills and the transition between the Lowland Hills and the Agricultural Lowlands Landscape Character Type would be compromised by widespread cumulative development in the nearby lower-lying landscape. As such, a major and significant cumulative effect is predicted within approximately 3km.

As with the cumulative effects predicted on the Lowland Hills LCT, the proposed development would bring turbines much closer to Dundonald Castle and with the introduction of a windfarm landscape in combination with the existing Glaxo Smith Kline turbines, its landscape setting would be compromised by widespread and dominant cumulative development. As such, a major and significant cumulative effect is also predicted to Dundonald Castle.

A major to substantial and significant cumulative visual effect is also predicted from Eden Garden Centre and residential dwellings at Ploughland as in combination with the existing GSK turbines, nearly all of the wider view would be affected by very large turbines, with the proposed development bringing turbines much closer.

As referenced elsewhere within this report, the LVIA predicts significant visual effects on parts of a relatively high number of road and recreational routes, namely the A759, the B730, the Ayrshire Coastal Path, NCN Route 73, the Smugglers Trail and Core Paths IK42, SA7 and SA9. From most open sections of these routes where significant effects are predicted, the proposed turbines would generally appear very prominent or dominant in view and with a medium-high sensitivity, both visual and cumulative effects are very likely to be at least major and significant.

## **Summary of proposed development against provisions of NPF4**

Having regard to the aforementioned, it is considered that the proposed development is contrary to NPF4 Policy 7 – Historic Assets and Places and elements of NPF4 Policy 11 – Energy. Although Policy 11 of NPF4 notes that where any significant landscape impacts are localised and/or appropriate design mitigation has been applied will generally be considered to be acceptable, given that the degree of significance of most effects is at the higher end of the impact scale (i.e. major or substantial), it is regarded that in considering the range of and nature of the significant effects predicted, that these are not considered to be acceptable or capable of being mitigated in this instance. Of particular note, the detrimental damage to the landscape setting of Dundonald Castle and the views and visual amenity of large number of visitors to this nationally important momentum carry significant weight in the determination of the planning application, even more so given the objection by Historic Environment Scotland in this regard. Given the objections from NATS Safeguarding and Glasgow Prestwick Airport, the proposed development is also considered to introduce aviation safety concerns.

### South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/local-development-plan-2):

- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP2 Policy: Landscape Quality
- LDP2 Policy: Flood and Development
- LDP2 Policy: Air, Noise and Light Pollution
- LD2P Policy: Renewable Energy
- LDP2 Policy: Wind Energy
- LDP2 Policy: Historic Environment
- LDP2 Policy: Natural Environment
- LDP2 Policy: Land Use and Transport

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

The primary policy for assessment of this type of development is LDP2 Policy: Wind Energy. This policy has in part been superseded by NPF4 Policy 11. The references to Group 1 and Group 2 areas that were designated under the former Scottish Planning Policy are no longer applicable. The assessment criteria (a) to (i) cover the same range of issues as criteria i to xiii of NPF4 Policy 11 and therefore remain relevant. The proposal, having been assessed against the criteria of NPF4 Policy 11 is also considered to raise the same issues under LDP2 Policy: Wind Energy; it can therefore be concluded that the proposal is contrary to this policy. The criteria contained in NPF4 Policy 11 also covers the matters considered by the remaining LDP2 policies with the exception of LDP2 Policy: Land Use and Transport. In this regard, the Ayrshire Roads Alliance have offered no objections subject to conditions (if the application is approved) and the proposal is therefore considered to be consistent with this aspect of LDP2.

## **Material Considerations**

### Planning History

- 03/00342/COU – Part change of use of agricultural land to form model aircraft flying field and car parking – Approved September 2003.
- 07/00746/FUL – Amendment to condition 11 of planning application 03/00342/COU – Approved August 2007.

### Other Policy Considerations (including Government Guidance)

LDP2 Policy: Wind Energy requires all proposals to be assessed against the South Ayrshire Landscape Wind Capacity Study 2018 and the South Ayrshire Local Landscape Review 2018. An assessment of the proposal against the Council's Guidance is provided in the assessment of the proposal under criterion ii of NPF4 Policy 11, above (landscape and visual impact). In view of the assessment of the proposal against NPF4 Policy 11 criterion ii, the proposal is not considered to be consistent with the Council's guidance.

The Historic Environment Policy for Scotland is also relevant in this case, particularly the following policies:

- HEP1: Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.
- HEP2: Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.
- HEP4: Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored and mitigation measures should be put in place.

In view of the assessment against NPF4 Policy 7 and NPF4 Policy 11 criterion vii, the proposal is considered contrary to the aforementioned policies within the Historic Environment Policy for Scotland.

### Representations Received

The representations in objection to the application have been summarised into topic areas as captured in section 6 above and are responded to below.

### **Landscape and Visual Impact**

The issues raised in respect of landscape and visual impact concerns are fully addressed within the assessment section of this report, above.

### **Amenity**

- *The turbines are too close to residential properties/settlement.*
- *The turbines would create noise/light pollution and shadow flicker.*

<b>Planning Service response: These issues are considered within the assessment section of this report, above.</b>
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### **Cultural Heritage/Archaeological Impact/Conservation**

- *The scale of the turbines would significantly impact upon the setting of Dundonald Castle which is a Scheduled Monument and is a tourist attraction of historical, archaeological and cultural significance.*

**Planning Service response: The impact on the setting of Dundonald Castle has been assessed within section xii above.**

- *Proposed turbines would also adversely impact upon the setting of Auchans Castle/House which is a Category A listed building and the Scheduled Monument of Wardlaw Hill Fort.*

**Planning Service response: Historic Environment Scotland, the Council's Built Heritage Officer and the Council's Landscape Consultant do not raise a concern in respect of the impact to the aforementioned Listed Building and Scheduled monument. As such, the proposal is not considered to significantly impact upon the setting of these features.**

- *Adverse impact on Conservation Area.*

**Planning Service response: As above, no mention has been made by consultees of a significant adverse impact on Dundonald Conservation area itself, other than when considering the context of views of Dundonald Castle.**

### **Ecology/Natural Environment**

- *Adverse impact on wildlife – deer, foxes and badgers amongst other animals.*
- *Adverse impact on birds – sparrow hawks, greater spotted woodpecker, house martins and many others.*
- *Adverse impact on nearby Dundonald Woods (SSSI) and Smuggler's Trail.*

**Planning Service response: As reasoned within section ix of this report above, it is not considered that the proposed development would create any significant effect on any of these features.**

### **Roads and Transportation**

- *Construction and operational traffic increases risk of traffic accidents at an area already liable to accidents at junction of A759 and B730.*
- *Dundonald Main Street is already congested, proposal would exacerbate this.*

**Planning Service response: The Ayrshire Roads Alliance were consulted on the planning application and offer no objection to the proposal, subject to conditions. The requirement to submit a Construction Traffic Management Plan would be attached as a condition should the application be approved. Any existing traffic problems within Dundonald Main Street should be taken up directly with the Ayrshire Roads Alliance.**

### **Lack of Benefit to Local Population**

- *The turbines would solely be to the benefit of a private global community located within North Ayrshire, commercial enterprise between GSK, the applicant and landowner.*

**Planning Service response: The applicant has stated within the planning submission that the turbines would serve GSK directly.**

- *Community Benefit Fund stated as £22,000 pa to Drybridge and Dundonald – equates to £2,588 per MW, Scottish Government guidelines are £5,000 per MW.*

**Planning Service response: This point is noted and acknowledged within this report.**

- *Is the Community Benefit realistic? Would it result in lower energy costs?*

**Planning Service response:** This would be matter directly between the applicant and the local community to address, should the application be approved.

### Health and Safety

- *Concern over aviation safety after reading comments of Glasgow Prestwick Airport and NATS.*

**Planning Service response:** Both Glasgow Prestwick Airport and NATS object to the proposed development on aviation safety grounds and this is a key material planning consideration.

- *Recent fires at other Wind Farms, how far would smoke travel?*

**Planning Service response:** The direction and distance of any smoke travel would depend upon the direction and wind speed at the time. It should be noted that wind turbines are required to be constructed in accordance with industry standards and regulations and this is not controlled by the Planning Service.

- *A recent academic study has found that blades could travel 700m from turbine at normal speed if detached and up to 2km at twice the normal speed – dwellings are located within these distances.*

**Planning Service response:** Noted. Residential dwellings are located approximately 550m from the proposed development and whilst this is close, it is understood that the 'topple distance' of a 150m turbine (to tip height) in normal conditions should not be breached.

### Other Matters

- *Prefer to see solar panels.*

**Planning Service response:** The submitted planning application relates to the erection of 2 wind turbines and this is what is required to be assessed.

- *Lack of information in respect of Community Benefit Fund.*

**Planning Service response:** The details of any Community Benefit Fund would be for the applicant and the local community to address should the planning application be approved.

- *TV interference – it is stated that Freeview may stop working in TV and Telecoms Impact Assessment – a fix would be £250-300 +VAT per dwelling – who would pay for this?*

**Planning Service response:** This matter is addressed under point x within the assessment section of this report, above.

- *Despite being stated in submission as being located within an area in which flyers were distributed, a flyer was not received.*

**Planning Service response:** This is noted. However, the individual is aware of the development proposal as a representation has been submitted.

- *Who is liable for any rise in home insurance as a result of the proposed development? (Blade detachment).*

**Planning Service response:** This is not a material planning consideration in the assessment of this application.

- *Adverse impact on astronomy.*

**Planning Service response: It is not considered that the proposed development would have an adverse impact on astrology as the settlement of Dundonald is located in close proximity to the south of the application site, thus light pollution already emanates in the locale.**

- *If approved, the development could encourage further applications for wind turbines in the area.*

**Planning Service response: Every planning application is assessed on its individual merit; however, cumulative impact is a material planning consideration.**

- *Why is there a need for further turbines so close to Dundonald?*

**Planning Service response: The applicant states within the submission that GSK have ambitious targets to reach 100% imported renewable electricity by 2025 and 100% renewable electricity (imported and generated) by 2030, as well as net zero greenhouse gas emissions across their full value chain by 2045 - with the wind turbines required to help achieve this. The energy generated would be fed directly to the factory through a private wire agreement into the existing substation at the GSK facility which has an existing connection.**

### Consultation Responses

This report has outlined that objections to the proposed development have been received from Historic Environment Scotland, the Council's Landscape Consultant and the Council's Built Heritage Officer in relation to concerns over the impact that the proposed turbines would have on the settling and character of Dundonald Castle Scheduled Monument, from the Council's Landscape Consultant in respect of landscape and visual impacts and from NATS Safeguarding and Glasgow Prestwick Airport in relation to aviation impacts. As such, the Council as Planning Authority recommend that the application be refused on these grounds.

### Impact on the Locality

An assessment of the development proposal in respect of its impact on the locality is outlined within section 7 of this report. In summary, it is considered that the proposed development would:

- Compromise the undeveloped setting to the nearby settlement of Dundonald, as well as the open separation function that the site and surrounding local landscape provides from nearby industrial development and the operational Glaxo Smith Kline wind turbines;
- Compromise the low-lying containment and backdrop of nearby wooded hills;
- Compromise the landscape setting of the Dundonald Castle Scheduled Monument;
- Appear dominant in views from Dundonald Castle, and from sections of nearby roads, recreational routes, and a number of dwellings; and
- In the locality, result in the introduction of a visually overbearing wind farm landscape.

In context of LDP2, it also advised that the proposed development conflicts with all landscape-related policy as the proposed development:

- does not conserve and enhance landscape character, and the associated cultural, natural and perceptual key characteristics of the Agricultural Lowlands landscape character type (LCT) and surrounding LCTs
- does not demonstrate sensitive siting nor is at a scale that is proportionate to the surrounding landscape;
- does not protect the landscape setting of Dundonald Castle Scheduled Monument;
- does not protect important views, skylines and landmarks, particularly those to and from the nearby lowland hills to the south of the site;
- is visually dominant from the sensitive viewpoint and tourist attraction of Dundonald Castle, important recreational routes such as the National Cycle Network (NCN) Route 73 and the inland Ayrshire Coastal Path, the nearby roads of the A759 and the B730, and from some nearby dwellings; and
- results in overbearing cumulative landscape and visual effects.

**9. Conclusion:**

The proposal under consideration is for the erection of two wind turbines up to a maximum height of 150m to blade tip and associated infrastructure, including: Access tracks, foundations (approximately 20m x 7.5m at a depth of 3.2m), Crane Pads (approximately 42m x 26m), and temporary construction compounds. It is stated within the application submission that the envisaged maximum generating capacity of the proposal will be 8.5MW, depending on the turbine model being used. The proposed turbines are for the benefit of the nearby Glaxo Smith Kline complex within the neighbouring North Ayrshire Council area. The application site extends to approximately 10 hectares and would be accessed from an upgraded track from the A759. The application has been assessed against the Statutory Development Plan (which includes NPF4 and LDP2) and various material planning considerations which include consultation responses, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development is not in compliance with the provisions of NPF4 and LDP2 due to: having a significant adverse impact on the settling of Dundonald Castle Scheduled Monument, appearing dominant in views from Dundonald Castle, sections of nearby roads, recreational routes and residential dwellings, compromises the undeveloped setting to the nearby settlement of Dundonald, as well as the open separation function that the site and surrounding local landscape provides from nearby industrial development and the operational Glaxo Smith Kline wind turbines, results in the introduction of a visually overbearing wind farm landscape in the locality due to cumulative landscape and visual effects and could result in aviation safety issues. The points raised in the letters of objection have been fully considered and it is agreed that some of the issues raised merit a recommendation of refusal for the application. In light of the aforementioned issues, it is considered that the proposal would have an adverse impact on the landscape character of the area. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be refused for the reasons outlined below.

If Members are minded to grant the application, contrary to officer recommendation, it would require to be referred to the Scottish Ministers as there is an outstanding objection from a statutory consultee - Historic Environment Scotland. The Scottish Ministers can 'call in' the application for their own determination or instruct the Planning Authority to determine the application as they see fit.

**10. Recommendation:**

It is recommended that the application is refused for the reasons noted below.

Reasons:

**Impact on Landscape**

1. The proposed development is contrary to NPF4 Policy 11: Energy and LDP2 Policies: Strategic Policy 1: Sustainable Development, LDP2 Policy: Wind Energy and LDP Policy: Landscape Quality in that the proposed development would introduce significant landscape and visual effects to nearby receptors, compromise the undeveloped setting of the nearby village of Dundonald, compromise the open separation function that the site and surrounding local landscape provides from nearby industrial development and the operational Glaxo Smith Kline wind turbines, result in the introduction of a visually dominant wind farm landscape to the locality, does not protect important views, skylines and landmarks – particularly those to and from the nearby lowland hills to the south of the site and that the proposal would introduce development which would result in overbearing cumulative landscape and visual effects.

**Impact on Historical and Cultural Heritage**

2. The proposed development is contrary to NPF4 Policies: 7- Historic Assets and Places and 11: Energy, LDP2 Policies: Strategic Policy 1: Sustainable Development, LDP2 Policy: Wind Energy and LDP2 Policy Historic Environment and The Historic Environment Policy for Scotland in that the proposed development would have a detrimental impact to the landscape setting of Dundonald Castle Scheduled Monument and the views and visual amenity of large numbers of visitors to this nationally important Monument.



**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 24/00063/APP)

**Impact on Aviation Interests**

3. The proposed development is contrary to NPF4 Policy 11: Energy and LDP2 Policy: Wind Energy in that the proposed development has the potential to adversely affect aviation interests and this has not been addressed.

**List of Determined Plans:**

Drawing - Reference No (or Description): 501-DRW-0004-Dundonald-Site Plan – v4.0

Supporting Information - Reference No (or Description): PAC Report

Supporting Information - Reference No (or Description): Planning Statement

Supporting Information - Reference No (or Description): Transport Statement

Supporting Information - Reference No (or Description): Design and Access Statement

Supporting Information - Reference No (or Description): Television and Telecommunications Impact Assessment

Supporting Information - Reference No (or Description): Flood Risk and Drainage Assessment

Supporting Information - Reference No (or Description): Shadow Flicker Impact Assessment

Supporting Information - Reference No (or Description): Environmental Impact Assessment (EIA) Report and associated Figures and Appendices

**Background Papers:**

- Application form, plans and supporting documents.
- Environmental Impact Assessment Report (and associated figures and appendices)
- National Planning Framework 4 (NPF4).
- South Ayrshire Local Development Plan 2 (LDP2).
- South Ayrshire Landscape Wind Capacity Study 2018
- Scottish Government's 'Onshore Wind Turbines: Planning Advice'
- Historic Environment Policy for Scotland
- Representations received.
- Consultation responses received.
- 22/00594/EIASC - EIA Screening Opinion request to determine whether an Environmental Impact Assessment (EIA) is required to be submitted for a proposed wind turbine development and related infrastructure
- 22/00827/EIASCO - EIA Scoping request for proposed construction and operation of 2 wind turbines (blade tip height approx. 150m) and associated infrastructure. The generating capacity of the proposed development is not expected to exceed 20MW

**Integrated Impact Assessment:**

The consideration of this planning application sits within a policy framework of the Council's Local Development Plan 2 and National Planning Framework 4. These have been the subject of Equalities Impact Assessments which considered how the policies may impact on protected characteristics. Therefore, no separate Integrated Impact Assessment is required.

**Person to Contact:**

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