

County Buildings
Wellington Square
AYR KA7 1DR
Telephone No.01292 612436



20 June 2023

To: Councillors Bell (Chair), Cavana, Clark, Connolly, Dixon, Kilbride, Kilpatrick, 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 **Tuesday, 27 June 2023 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
Head of Legal and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. Minutes of previous meetings of:-
 - (a) 4 May 2023 (Site Visits); and
 - (b) 11 May 2023(copies herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies herewith).
4. 22/01029/DEEM - Installation of a battery energy storage system and associated infrastructure with a generating capacity of up to 350MW - Camsiscan Farm Craigie - Submit report by the Housing, Operations and Development Directorate (copy herewith).

[Application Summary](#)

5./

5. 22/00654/DEEM - Application under Section 36 of the Electricity Act 1989 for permission to construct and operate Scienteuch Wind Farm, Straiton - Submit report by the Housing, Operations and Development Directorate (copy herewith).

[Application Summary](#)

For more information on any of the items on this agenda, please telephone Andrew Gibson, Committee Services on at 01292 612436, at Wellington Square, Ayr or e-mail: andrew.gibson@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

Webcasting

Please note: this meeting may be filmed for live and subsequent broadcast via the Council's internet site. At the start of the meeting, it will be confirmed if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during this webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Live streaming and webcasting takes place for all public South Ayrshire Council meetings. By entering a public Council meeting you are consenting to the possibility that your image may be live streamed on our website, be available for viewing online after this meeting, and video and audio recordings will be retained on Council Records. Further information on how we process your personal data can be found at: <https://south-ayrshire.gov.uk/59239>

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee.Services@south-ayrshire.gov.uk

Copyright

All webcast footage is the copyright of South Ayrshire Council. You are therefore not permitted to download footage nor upload it to another website nor take still photographs from this footage and distribute it without the written permission of South Ayrshire Council. Please be aware that video sharing websites require you to have the permission of the copyright owner in order to upload videos to their site.

REGULATORY PANEL (SITE VISITS)

Minutes of meeting to undertake site visits on 4 May 2023 at 2.30 p.m.

Present: Councillors Martin Kilbride (Chair); Ian Cavana and Mark Dixon.

Apologies: Councillors Kenneth Bell, Alec Clark, Mary Kilpatrick and Craig Mackay.

Councillors Brian Connolly and Duncan Townson were not present at the Regulatory Panel on 30 March 2023 so could not participate in the site visits.

Attending: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; R. Lee, Supervisory Planner; B. Seditas, Environmental Health Officer; E. Little, Environmental Health Officer; A. Porter and S. Greig, Ayrshire Roads Alliance; and A. Gibson, Committee Services Officer.

1. Declarations of Interest

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. Continued Planning Application – Crofthead Caravan Park, Ayr (Ref: 22/00483/APPM).

Reference was made to the Minutes of 30 March 2023 when it had been agreed to continue consideration of a planning application at Crofthead Caravan Park, Ayr (Ref: [22/00483/APPM](#)) to allow a site visit to be conducted.

Having viewed the site, the Panel

Decided: to continue determination of the application to the next meeting of this Panel, scheduled to take place on 11 May 2023.

3. Continued Planning Application – Crofthead Caravan Park, Ayr (Ref: 22/00929/FURM).

Reference was made to the Minutes of 30 March 2023 when it had been agreed to continue consideration of a planning application at Crofthead Caravan Park, Ayr (Ref: [22/00929/FURM](#)) to allow a site visit to be conducted.

Having viewed the site, the Panel

Decided: to continue determination of the application to the next meeting of this Panel, scheduled to take place on 11 May 2023.

The meeting ended at 3.40 p.m.

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 11 May 2023 at 10.00 a.m.

Present
In County
Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Mark Dixon, Martin Kilbride, Craig Mackay and Duncan Townson.

Present
Remotely: Councillor Mary Kilpatrick.

Apology: Councillor Brian Connolly.

Attending
in County
Buildings: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); R. Lee, Supervisory Planner; F. Sharp, Supervisory Planner; D. Clark, Supervisory Planner; A. McGibbon, Supervisory Planner; D. Hearton, Local Conservation Planner; G. Senior, Ayrshire Roads Alliance; B. Seditas, Co-ordinator (Trading Standards and Environmental Health); A. Gibson, 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 Service Lead – Legal and Licensing 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 meeting.

The minutes of 30 March 2023 ([issued](#)) were submitted and approved.

In terms of Council Standing Order No 13.3, the Panel agreed to vary the order of business as hereinafter minuted.

At this point Councillors Bell, Clark, Kilpatrick, Mackay and Townson left the meeting as they had not been present at a meeting of this Committee on 30 March 2023 when consideration was given to the two planning applications at item 3 below and/or subsequent site visits on 4 May 2023. Councillor Kilbride took the Chair at this point.

3. **Planning applications continued following site visits.**

(1) **22/00929/FURM – Crofthead Caravan Park, Ayr.**

Following consideration of a report relating to a Section 42 application to remove planning conditions 1, 2, 3, 4, 6, 8, 9, 10 and 11 of planning consent ref 15/01231/APPM in relation to Crofthead Caravan Park, C74 from B742 north-east of Bowmanston to A70 at Old Toll, Ayr at meeting of this Panel on 30 March 2023 and a subsequent site visit on 4 May 2023, the Panel

Decided: to approve the Section 42 planning application subject to the following conditions:-

- (a) no further development shall commence on site until the Planning Authority has approved in writing the terms of appointment by the applicant of a suitability qualified and professional landscape consultant/contractor to implement and undertake the approved landscape scheme within the site and thereafter provide maintenance and monitoring of the landscaping for a period of 5 year from the date of its completed implementation. The terms of appointment shall:
- impose a duty on the landscape consultant/contractor to implement the revised landscape scheme in strict accordance with approved landscape plans and arrangements subject to the Section 42 planning permission and undertake and complete these by the timescales set in Condition 2 and Condition 3 of this permission below. Thereafter, the landscape consultant/contractor will notify the Planning Authority in writing once the landscape scheme has been completely implemented in full across the site;
 - Require the appointed landscape consultant to monitoring the completed landscaping scheme on the site for a period of 5 year from the date in which the landscape scheme has been completely implemented. Inspections shall be undertaken twice a year during the first 2 years of establishment with annual checks undertaken thereafter up to 5 years from the completion planting. Following each inspection, the appointed landscape consultant/contractor will provide and submit in writing to the Planning Service, a report which confirm the findings of the monitoring programme; and
 - In accordance with approved 'Landscape Proposals Schedule (Drawing S4-P02)' any trees, shrubs, plants, or grass forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced by the appointed landscape consultant/contractor with others of similar sizes and species unless the Planning Authority gives written approval to any variation;

- (b) further to condition (a) above, within 2 months of the date of the appointment of the landscape consultant/contractor, the approved detailed landscape scheme for additional structural landscaping and diversified vegetation to be introduced within the 'as built' caravan development layout shall be implemented in full within the site. Thereafter, the approved detailed and additional landscape scheme once complete and in place shall be maintained in strict accordance with the management and aftercare arrangements as detailed on approved plan 'Landscape Proposals Schedule (Drawing S4-P02)' for the lifetime of this development, unless otherwise agreed in writing by the Planning Authority;
- (c) further to Condition (a) above and within 1 month of the date of the appointment of the landscape consultant/contractor, the approved revised scheme for the management of the hedge running along the C-class road heading east past the site shall come into full effect. Thereafter, the hedge shall be maintained in strict accordance with the approved hedge management plan as detailed on approved plan 'Landscape Proposals Schedule (Drawing S4-P02)' for the lifetime of this development, unless otherwise agreed in writing by the Planning Authority;
- (d) that all existing and proposed caravans associated with this development shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation;
- (e) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007;
- (f) within 1 month of the date of this consent, precise details of the siting and specifications of a cycle stand to be situated within the Crofthead Caravan Park boundary shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The details provided shall show a cycle stand which is lockable and covered and which accommodate a minimum of 20 bikes. The approved cycle stand shall be installed in line with the approved arrangements within 1 month of the date of the Planning Authorities approval and once installed shall thereafter be maintained as such for the lifetime of the development unless otherwise agreed in writing by the Planning Authority; and
- (g) within 1 month of the date of this consent, a Travel Plan shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan and it shall incorporate measures designed to encourage modes of travel other than private car. The approved Travel Plan and all associated measures and actions shall become effective within 1 month of the Planning Authorities approval and thereafter these measures shall be maintained as such for the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

Reasons:

- (a) to ensure that the approved revised landscape scheme for the site is implemented and monitored by a professional and suitably qualified landscape consultant with the relevant experience and expertise and to ensure that the landscape and planting is effectively monitored, and provisions are in place so that it can successfully establish within the site and serve its purpose in terms of screening;
- (b) to ensure that the revised landscape scheme is implemented in a timely manner to offer sufficient screening from the increased number of caravans that are now aligned in a different arrangement than that which was previously approved through application 15/01231/APPM;
- (c) in the interests of visual amenity, biodiversity gain and securing the health and vitality of the hedge and to ensure it can be as effective as possible in a timely manner to contributing to screening the increased number of caravans that are now aligned in a different arrangement than that which was previously approved through application 15/01231/APPM;
- (d) in order to retain full control over the development and to avoid the creation of any permanent additional dwellinghouses;
- (e) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (f) to ensure adequate provision of a lockable and covered cycle storage on the site and to encourage and facilitate more sustainable means of travel; and
- (g) to encourage and promote sustainable means of travel.

Advisory Notes:

Biodiversity and Ranger Services

- Further to Condition 1 above, this service highlights that guidance and advice can be found online from SAC Consulting, the Scottish Rural Agricultural College (SRUC), or Nectar Network all of which can assist and advise the applicant should they have any questions regarding hedge management practices associated with the approved hedge management plan.

Environmental Health Service

- All remaining work should be undertaken in compliance with legislation and guidance relating to pollution prevention, information can be found at the website of the Scottish Environment Protection agency as follows www.sepa.org.uk
- If permission is granted, then you should contact South Ayrshire Council Environmental Health Service to update your current caravan site licence before the site opens and the site must meet the conditions stated in the Caravan sites and control of Development Act 1960 and amendments therewith included in the Act.
- This response with recommendation(s) was prepared by Elaine Little, Environmental Health Officer, to whom any further enquiries can be made on 01292 616341. This includes any enquiries about an updated caravan site license.

Scottish Water

- *If the applicant is looking for a new connection to the public network, they should submit a Pre-Development Enquiry application through Scottish Water's customer portal: <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>*

List of Determined Plans:

- Location Plan;
- Planning Statement (Dated November 2022, Alan Neish Consulting Ltd);
- Landscape and Visual Impact Assessment (LVIA) (Dated November 2022, Alan Neish Consulting Ltd);
- Appendix 1 of LVIA – Appraisals/Plans submitted with 2015 application 15/01231/APPM;
- Appendix 2 of LVIA – Plan denoting pitches deleted under Condition 2 of 15/01231/APPM;
- Amended Appendix 3 of LVIA – Site Plan 'As Built' (Drawing No. Appendix 3 Revision B)
- Appendix 4 of LVIA – Cross Section A-A through the historic site and site 'as built';
- Amended Appendix 5 of LVIA (Part1) – Site Plan 'As Built' with Landscape Proposals General Arrangement (Drawing No. 64048.00.001 S4-PO3);
- Amended Appendix 5 of LVIA (Part 2) – Planting Plan 1 of 3 (Drawing No. 6408.00.002 S4-PO3);
- Amended Appendix 5 of LVIA (Part 3) – Planting Plan 2 of 3 (Drawing No. 6408.00.003 S4-PO3);
- Amended Appendix 5 of LVIA (Part 4) – Planting Plan 3 of 3 (Drawing No. 6408.00.004 S4-PO3);
- Amended Appendix 5 of LVIA (Part 5) – Planting Schedules (Drawing No. 6408.00.005 S4-PO3);
- Amended Appendix 5 of LVIA (Part 6) – Planting Details (Drawing No. 6408.00.006 S4-PO3);
- Amended Appendix 6 of LVIA – Site Plan 'As Built' with Topographical Survey (Drawing No. Appendix 6 Revision A);
- Addendum to Planning Supporting Statement and LVIA (Dated 15th February 2023, Alan Neish Consulting Ltd); and
- Copy of Decision Notice for permission 15/01231/APPM.

Reason for Decision:

The removal of conditions 1, 2, 3, 4, 6, 8, 9 and 11 of planning permission 15/01231/APPM are considered to be acceptable for the reasons set out in the Panel Report. Subject to the environmental mitigation secured through this Section 42 application which includes a revised landscape scheme for the site, the subsequent changes to the layout and density of the development are still considered to accord with the provisions of the statutory development plan framework and there is no additional significant or adverse impact on the amenity of neighbouring land or the surrounding environment and landscape to a point which would warrant refusal of the application.

(2) [22/00483/APPM](#) – **Crofthead Caravan Park, Ayr.**

Following consideration of a report relating to a planning application for the change in use of a field to form an extension to an existing holiday park to site an additional 150 holiday lodges at Crofthead Caravan Park, C74 from B742 north-east of Bowmanston to A70 at Old Toll, Ayr at meeting of this Panel on 30 March 2023 and a subsequent site visit on 4 May 2023, 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 the proposed caravans shall not be promoted, advertised, let or used for any purpose other than as holiday accommodation;
- (d) prior to the commencement of development on site, a full and detailed landscaping scheme, shall be submitted to and approved in writing by the Planning Authority. The scheme of landscaping shall indicate the siting, numbers, species and heights of all native trees, shrubs, and hedges to be planted and details as to how the existing areas of hedgerows, trees and areas of woodland are to be reinforced and enhanced. Thereafter, the landscape scheme as approved shall be implemented within the first planting season following the completion or occupation of the relevant phase of development, whichever is sooner;
- (e) prior to the commencement of development of the site, details of the future management and aftercare of the retained and proposed landscaping and planting shall be submitted to and approved in writing by the Planning Authority. As part of this, the maintenance arrangements shall confirm that any trees, shrubs, plants or grass forming part of the approved landscape scheme agreed through Condition 4, which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced by the appointed landscape consultant/contractor with others of similar sizes and species unless the Planning Authority gives written approval to any variation. Thereafter, the approved management and aftercare of the landscaping and planting shall be carried out in accordance with the approved details and be maintained on site for the lifetime of the development, unless otherwise agreed in writing by the Planning Authority;

- (f) Prior to the commencement of development on site, details of measures to protect trees and hedgerows located within or adjacent to the site boundary shall be submitted to and approved in writing by the Planning Authority. Such measures shall include the erection of fencing in accordance with British Standard BS 5837(2012) 'Trees in Relation to Construction' alongside any other means of protection deemed necessary. No storage of building materials, machinery, plant equipment or piling of soil/aggregate shall take place within the protected areas established pursuant to this condition. Thereafter, the development shall be undertaken in accordance with the approved details and the protection measures agreed shall be maintained as such for the duration of the construction works;
- (g) no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Planning Authority (in consultation with West of Scotland Archaeological Service (WoSAS)). Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the approved arrangements;
- (h) no built development shall take place below the local 40 metre Above Ordnance Datum (AOD) contour line as shown and established in the approved 'Flooding Risk Response (Dated 30/11/22)' and associated technical Appendix 4 'Site Plan as Proposed with Contours and Finished Floor Levels' (Drawing No. 22_594_P04 Rev B);
- (i) further to approved 'Flooding Risk Response (Dated 30/11/22)' and associated technical Appendix 4 'Site Plan as Proposed with Contours and Finished Floor Levels' (Drawing No. 22_594_P04 Rev B), all caravan units associated with the development with the exception of units 11 and 23 shall be constructed so that they have a finished floor level which is a minimum of 1 metre above the local 40 metre Above Ordnance Datum (AOD) contour line. For caravan units 11 and 23, these shall be specifically constructed so that they have a minimum finished floor level which is 1.5 metre above the local 40 metre Above Ordnance Datum (AOD);
- (j) prior to the commence of any development works associated with the construction of the caravan units on the site, all of the wooden fence structures situated on and across the western bank of the tributary of the Annfield Burn as identified and depicted in approved 'Appendix 5 of Flood Risk Response - Site Photographs (Dated 30/11/22)' shall be removed in their entirety. The Planning Authority shall be notified in writing once this is complete to allow the section of the watercourse to be inspected and photographed accordingly;

- (k) prior to the occupation of the first caravan unit within this development and further to the approved amended 'Transport Assessment (dated 14th October 2022)', details of the operation and arrangements of the vehicular shuttle service intended to be accessible to guests of Crofthead Holiday Park to transport them between the site and facilities on the A70 shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). Thereafter, the approved vehicular shuttle service and associated arrangements shall be implemented and come into effect in full prior to the occupation of the first caravan unit for holiday use within the site and this service shall be maintained as such for the lifetime of the development unless otherwise agreed in writing by the Planning Authority;
- (l) prior to the occupation of the first caravan unit within this development, a Guest Travel Pack/Plan shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The Guest Travel Pack/Plan shall include information on walking, cycling and public transport facilities and services within the vicinity of the development site (including journey times by sustainable modes of transport to key local destinations) as well details on how to access the vehicular shuttle service as agreed through Condition 11 above. In addition to this, the Guest Travel Pack/Plan shall include details of the contents of an information pack which will be provided to future occupants of the development to ensure that they are aware of their public transport and active travel options available within the area. Thereafter, the approved Guest Travel Pack/Plan and all associated measures and actions shall be in place and implemented in full prior to the occupation of the first caravan unit for holiday use within the site and as part of this, the approved information pack associated with the Guest Travel Pack/Plan shall be distributed to all new occupiers within the development; and
- (m) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Prior to the commencement of any development works on site, full details of the design of drainage measures for surface water (including methods to be employed and where appropriate calculations, along with details of how these measures will be maintained in perpetuity), shall be submitted to, and approved in writing by the Planning Authority (in consultation with the Council as the Flood Risk Management Authority). Thereafter, the approved drainage measures for surface water treatment arrangements including any associated on-site drainage infrastructure and features, shall be implemented as approved and maintained as such for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Reasons:

- (a) to be in compliance with Section 59 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 order to retain full control over the development and to avoid the creation of any additional permanent dwellinghouses;
- (d) in the interests of visual amenity and to secure and safeguard landscape screening in the interests of residential amenity;

- (e) in the interests of visual amenity and to ensure that the agreed landscape measures are fulfilled;
- (f) in order to ensure no damage is caused to trees within and neighbouring the site during development operations;
- (g) to establish whether there are any archaeological interests on the site and to allow for archaeological excavation and recording if it is deemed necessary;
- (h) in the interests of mitigating flood risks for the development;
- (i) in the interests of mitigating flood risk for the development and future occupants of the caravan units;
- (j) to ensure that the fence structures near the burn which could trap debris, act as a blockage and form a barrier during a flood event are removed to mitigate/avoid such a risk;
- (k) to encourage, promote and facilitate the use of sustainable means of travel situated outwith the application site;
- (l) to encourage and promote the use of sustainable means of travel; and
- (m) to ensure the site is drained in a sustainable manner that complies with the general surface water flood risk principles of Scottish Planning Policy (SPP) in that no flooding of properties could take place up to a 1 in 200-year event with an allowance for climate change.

Advisory Notes:

South Ayrshire Council Biodiversity and Ranger Services

Further to Condition 4 above, for additional landscaping of trees and shrubs, native species (especially flowering/berry producing varieties) should be included in the interests of enhancing biodiversity opportunities. In addition to this, flowering lawn mix instead of grass around the units would benefit pollinators and reduce the need for chemicals to maintain and this should be considered.

Further to Condition 5 above, it is recommended that maintenance for hedgerows to benefit biodiversity is to trim hedgerows no more frequently than every other year, preferably every third year for slow growing thorn hedges, and to adopt rotational cutting regime so no more than one third of hedges are trimmed within the same 12 months.

West of Scotland Archaeological Service (WoSAS)

Further to Condition 6 above, WoSAS would anticipate that this will be implemented in a staged manner, the first stage being archaeological evaluation of the application area. This will involve hiring a professional archaeological contractor (see list on our web site www.wosas.net) to undertake the required works. The results of these initial investigations will dictate the need for any further archaeological works on the site prior to or during further disturbance as necessary. Any significant discoveries will have to be excavated before their destruction including any post excavation analyses and publication required.

Scottish Water

Water Capacity Assessment – There is sufficient capacity in the Bradan Water Treatment Works to service the development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment – There is currently sufficient capacity for a foul only connection in the Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note – The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Drinking Water Protected Areas – A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water – For reasons of sustainability and to protect 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 development should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request.

General Notes – Scottish Water asset plans can be obtained from our appointed asset plan providers (Site Investigation Services (UK) Ltd. Telephone: 0333 123 1223. Email: sw@sisplan.co.uk).

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or wastewater infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

All proposed developments require to submit a Pre-Development Enquiry (PDE) to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer which Scottish Water can contribute towards through Reasonable Cost Contribution regulations. As network upgrades will be required to support this development, it is recommended that a PDE is submitted at your earliest convenience.

SEPA

It is recommended that the precautionary approach applied to the site layout which includes a minimum 9m buffer strip from the top of the banks of the watercourse is maintained at all times. SEPA have no objection to the access road being located in this area provided it is built at existing ground levels with no land raising taking place.

Buffer strips can allow space for natural watercourse migration and to reduce the impact of any overtopping. A buffer would also ensure adequate watercourse access for maintenance assessment and ensure bank stability as well as having multiple benefits such as a biodiversity and pollution reduction.

List of Determined Plans:

Rural Location Plan (Drawing No. 22-594-P01);
Location Plan (Drawing No. 22-594-P02);
Topographical Survey (Drawing No. 22-594-P03);
Proposed Site Plan (Drawing No. 22-594-P04);
Cross Sections (22-594-P05);
Planning Supporting Statement (Dated 06/06/22);
Pre-Application Consultation Report (Dated 06/06/22)
Pre-application Consultation – Additional Information Leaflet (Dated 06/06/22);
Pre-application Consultation – Consultee Invitation Brochure (Dated 06/06/22);
Pre-application Consultation – Copy of Notification Letter (Dated 06/06/22);
Pre-application Consultation – Copy of Press Advertisement (Dated 06/06/22);
Amended Transport Assessment (Dated 14/10/22);
Flood Risk Response and Statement to SEPA (Dated 30/11/22);
Details of Existing Watercourse – Appendix 1 of Flood Risk Response (Drawing No. 22_594_P06 Rev B, Dated 30/11/22);
Cross Section through Burn – Appendix 2 of Flood Risk Response (Drawing No. 22_594_P07, Dated 30/11/22);
Details of Existing Ditch – Appendix 3 of Flood Risk Response (Drawing No. 22_594_P06, Dated/ 30/11/22);
Site Plan as Proposed with Contours and Finished Floor Levels - Appendix 4 of Flood Risk Response ((Drawing No. 22_594_P04 Rev B, Dated 30/11/22); and
Site Photographs of Watercourse - Appendix 5 of Flood Risk Response (Dated 30/11/22).

Reason for Decision:

The siting and design of the proposed extended caravan park development is considered to accord with the provisions of the statutory development plan and there is no significant adverse impact on the amenity of neighbouring land or the surrounding environment and landscape that would warrant refusal of the application.

At this point, the Panel adjourned for a comfort break.

Upon reconvening, Councillors Bell, Clark, Kilpatrick, Mackay and Townson re-joined the meeting. Councillor Bell took the Chair.

4. Applications for Planning Permission

There was submitted reports (issued) of May 2023 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications:-

- (1) [22/00950/APP](#) – COYLTON – Land at Barclaugh, Private Road From C116 Woodhead Road to Milncraig Farm – Erection of three dwellinghouses.

The Panel heard from an interested party.

The Panel

Decided: to refuse the application for the following reasons:-

- (a) that the development proposal is contrary to National Planning Framework 4 policy 9, due to constituting greenfield development, and in relation to rural housing (policy 17 criteria i. – viii.) and due to not being suitably scaled, sited, and designed so as to be in keeping with the character of the rural area;
- (b) that the development proposal is contrary to National Planning Framework 4 policies 14, 15, and 16 due to being detrimental to the visual amenity of the locale, and given the rural location of the site outwith a settlement, there a lack of services at the site, which is accessible by a shared single track access road which does not contribute towards a sustainable liveable place. Additionally, the development makes no provision for affordable housing, and the proposals do not provide for safe sustainable travel of all types;
- (c) that the development proposal is contrary to the South Ayrshire Local Development Plan Policies in relation to Sustainable Development, Development Management, Rural Housing and Affordable Housing, by virtue of the proposals not being in being located within a cluster of residential properties, which results in the urbanisation of the countryside and the design of the development not being in keeping of sympathetic with the character of the locale. Additionally, the proposals make no provision for affordable housing and have an adverse impact on road safety at the locale and no justification has been provided for a departure from the aforementioned policies;

- (d) that the development proposal is contrary to the South Ayrshire Local Development Plan policy in relation to natural heritage due to the potential for protected species to inhabit the site, and no information or justification has been provided for a departure from this policy;
- (e) that the development proposal is contrary to the Council's planning guidance entitled Rural Housing, in that the development; is not sympathetic to the character and landscape setting of the locale, does not represent the sensitive in-filling of any available gap sites which consolidating existing dwellings, is physically, visually and functionally separate from the nearby development, is of a design which is not in keeping with the character, and built form of the nearby development, and does not accord with the Council's design guidance, and exceeds 50% of the existing building grouping as at the date of adoption of the policy (20th November 2014), and no justification has been provided for a departure from this policy guidance; and
- (f) that the development proposal shall be prejudicial to road and pedestrian safety at this location due to the existing shared single track access arrangement not meeting the requirements of the National Roads Development Guide as specified by the Ayrshire Roads Alliance.

List of Determined Plans:

Drawing - Reference No (or Description): AL(00)001;
Drawing - Reference No (or Description): AL(00)002;
Drawing - Reference No (or Description): AL(00)003;
Drawing - Reference No (or Description): AL(00)100;
Drawing - Reference No (or Description): AL(00)101;
Drawing - Reference No (or Description): AL(00)102;
Drawing - Reference No (or Description): AL(00)103;
Drawing - Reference No (or Description): AL(00)104;
Drawing - Reference No (or Description): AL(00)105;
Drawing - Reference No (or Description): AL(00)200;
Drawing - Reference No (or Description): AL(00)201;
Drawing - Reference No (or Description): AL(00)202;
Drawing - Reference No (or Description): AL(00)203;
Drawing - Reference No (or Description): AL(00)204; and
Drawing - Reference No (or Description): AL(00)205.

- (2) [22/00975/APP](#) – AYR – 116 – 122 High Street – Alterations and change of use of first and second floors from offices/retail storage to form six dwellingflats.

The Panel heard from various interested parties.

The Panel adjourned for ten minutes to allow Members to seek clarification from officers on the position of bin storage and arrangements for collection at this location.

Upon re-convening and in terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Council moved to a vote for or against the Motion.

Decided: by a majority, to approve the application, subject to the following conditions and delegated powers being given to planning officers to add an additional condition regarding a management agreement detailing the operation of bin storage (as detailed at (f) below):-

- (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 precise details and specifications, including typical 1:1 cross-sectional plans of the astragals and frames and a sample of the proposed window shall be submitted for the prior written approval of the Planning Authority prior to the commencement of work on site. Thereafter, the windows as agreed shall be installed to the satisfaction of the Planning Authority.
- (d) that, prior to the commencement of development, an acoustic consultant's report or manufacturer's specifications demonstrating that the ventilation extraction system/air sourced heat pump complies with noise rating criteria 25 when measured within a habitable room of the nearest noise sensitive dwelling with windows open sufficiently for ventilation shall be submitted for the formal prior written approval of the Council as Planning Authority. The unit shall be installed using anti-vibration mounts where it attaches to a building, the ground or other hard surface;
- (e) in the event that the air source heat pumps/ PV panels become obsolete or redundant they 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; and
- (f) that before development commences on site, a Waste Management Strategy, shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council's Waste Management Service). The Waste Management Strategy shall identify the measures proposed for the storage and collection of waste associated with the development hereby approved. Thereafter the Waste Management Strategy shall be implemented as approved.

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) to safeguard the character and appearance of the conservation area;
- (d) in order to prevent additional noise caused by vibration;
- (e) to minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard; and
- (f) to encourage suitable waste management arrangements.

Advisory Notes:-

The Council as Roads Authority advises that the residents will qualify for Residents Parking Permits in accordance with the Council's Controlled Parking Zone TRO.

List of Determined Plans:-

Drawing - Reference No (or Description): L(00)001;
Drawing - Reference No (or Description): L(01)001;
Drawing - Reference No (or Description): L(01)002;
Drawing - Reference No (or Description): L(01)003;
Drawing - Reference No (or Description): L(01)004 Rev A;
Drawing - Reference No (or Description): L(01)005 Rev B;
Drawing - Reference No (or Description): L(01)006;
Drawing - Reference No (or Description): L(02)001;
Drawing - Reference No (or Description): L(02)002;
Drawing - Reference No (or Description): L(02)004;
Drawing - Reference No (or Description): L(02)005;
Drawing - Reference No (or Description): L(02)006;
Drawing - Reference No (or Description): L(02)006; and
Drawing - Reference No (or Description): L(02)003.

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.

- (3) **23/00065/APP** – AYR – 15D Wellington Square – Change of use of existing dwellingflat for use as short-term let/holiday accommodation.

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) that the accommodation hereby approved shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation, to the satisfaction of the Planning Authority.

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 define the terms of this planning permission, and to retain proper planning control over the development.

List of Determined Plans:

Drawing - Reference No (or Description): Location Plan; and
Drawing - Reference No (or Description): Floor Plan (No change).

Reason for Decision:

The proposed change of use proposal is supported by the framework of planning policy including National Planning Framework 4 and Local Development Plan 2 in that it could bring economic benefits to the area and is not expected to have a detrimental impact on residential amenity or the character of the surrounding area. Should any residential amenity issues arise in the future, it would be for Police Scotland, the Council's Environmental Health Service or Licensing Team to pursue through their regulatory powers. The proposal would also have no adverse impact on the character of the Listed Building.

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

- (4) **[23/00067/APP](#)** – AYR – **15C Wellington Square** – Change of use of existing dwellingflat for use as short-term let/holiday accommodation.

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) that the accommodation hereby approved shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation, to the satisfaction of the Planning Authority.

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 define the terms of this planning permission, and to retain proper planning control over the development.

List of Determined Plans:

Drawing - Reference No (or Description): Location Plan; and
Drawing - Reference No (or Description): Floor Plan (No change).

Reason for Decision:

The proposed change of use proposal is supported by the framework of planning policy including National Planning Framework 4 and Local Development Plan 2 in that it could bring economic benefits to the area and is not expected to have a detrimental impact on residential amenity or the character of the surrounding area. Should any residential amenity issues arise in the future, it would be for Police Scotland, the Council's Environmental Health Service or Licensing Team to pursue through their regulatory powers. The proposal would also have no adverse impact on the character of the Listed Building.

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

- (5) **23/00068/APP** – AYR – **15G Wellington Square** – Change of use of existing dwellingflat for use as short-term let/holiday accommodation.

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) that the accommodation hereby approved shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation, to the satisfaction of the Planning Authority.

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 define the terms of this planning permission, and to retain proper planning control over the development.

List of Determined Plans:

Drawing - Reference No (or Description): Location Plan; and
Drawing - Reference No (or Description): Floor Plan (No change).

Reason for Decision:

The proposed change of use proposal is supported by the framework of planning policy including National Planning Framework 4 and Local Development Plan 2 in that it could bring economic benefits to the area and is not expected to have a detrimental impact on residential amenity or the character of the surrounding area. Should any residential amenity issues arise in the future, it would be for Police Scotland, the Council's Environmental Health Service or Licensing Team to pursue through their regulatory powers. The proposal would also have no adverse impact on the character of the Listed Building.

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

- (6) [23/00117/APP](#) – AYR – The Bothy, B743 from A77T At Whitletts roundabout to Mauchline Road, Mossblown - Erection of garden room and workshop.

The Panel heard from an interested party.

The Panel

Decided:

- (a) that the development hereby permitted must be begun within three years of the date of this permission; and
- (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.

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; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

List of Determined Plans:

Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-LP01;
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-SP01;
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-SP02;
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-AE01;
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-AP02; and
Drawing - Reference No (or Description): 577-G1-G2-XX-DR-A-AS01.

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.

- (7) **22/01021/APPM** – **MONKTON** – **Land Adjacent to 1 Dow Avenue** – Erection of facility for the manufacturing, testing and operations of electronic and telecommunication equipment and associated works.

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, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved;
- (d) prior to the occupation of any part of the development, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, after consultation with the Ayrshire Roads Alliance and Transport Scotland, as the trunk roads authority. The Travel Plan shall identify measures to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips, the system of management, monitoring, review, reporting and the duration of the plan. The Travel Plan shall be implemented as approved;
- (e) that the proposed access points to the staff car park from Dow Avenue shall be constructed in accordance with the specifications in the SCOTS National Roads Development Guide and be a minimum of 5.5 metres wide over its initial 10.0 metres, as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to completion of the development;

- (f) that the proposed access points to the visitor car park area from Station Road shall be constructed in accordance with the specifications in the SCOTS National Roads Development Guide and be a minimum of 5.5 metres wide over its initial 10.0 metres, as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to completion of the development;
- (g) that the proposed service yard access and egress points onto Dow Avenue shall be constructed in accordance with the specifications in the SCOTS National Roads Development Guide, with precise details and specifications to be submitted for the approval of the Planning Authority in consultation with the Ayrshire Roads Alliance and thereafter implemented as approved;
- (h) that junction access visibility sightline splays of 2.5 metres by 43 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (i) that prior to occupation of the development, any gates located on the staff car park accesses shall be set back a minimum distance of 10 metres from the rear of the public footway/roadway. Details of the proposed sliding gates at the service yard access/egress points shall be submitted for the approval of the Planning Authority, in consultation with the Ayrshire Roads Alliance prior to any works commencing on site and shall thereafter be implemented as approved;
- (j) that prior to occupation of the development, any gates shall require to be designed in such a manner as to avoid opening outwards towards the public roadway;
- (k) unless as may otherwise be agreed in writing by the Planning Authority, the applicant shall make provision of a new footway connection along the northern side of Station Road, from the point where the existing footway provision ends at the Station Road/Dow Avenue roundabout linking into the site via the proposed visitor car park access. The footway shall be a continuous 2 metres in width, with the precise details and specifications to be submitted for the approval of the Planning Authority, in consultation with the Ayrshire Roads Alliance. Thereafter, the footway shall be implemented as approved;
- (l) 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 the Ayrshire Roads Alliance prior to any works commencing on site. Thereafter, details approved under the terms of this condition shall be implemented on site;

- (m) that a maximum of 250 off road car parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the SCOTS National Roads Development Guide. This provision shall include the following:
- a. 208 general parking spaces;
 - b. 13 disabled parking spaces;
 - c. 29 visitor spaces; and
 - d. 13 Powered Two Wheeler (Motorbike) spaces shall also be provided in addition to the 250 off road car parking spaces.

Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide shall be submitted for the approval of the Planning Authority, in consultation with the Ayrshire Roads Alliance and implemented as approved;

- (n) that defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council;
- (o) that cycle parking accommodating a minimum of 61 staff cycles and 31 visitor cycles shall be provided within the site boundary. Precise details of the siting and specifications of the cycle stand(s) shall be submitted for the approval of the Planning Authority, in consultation with the Ayrshire Roads Alliance, prior to any works commencing on site and shall be implemented as approved;
- (p) prior to occupation of the site, the applicant/developer shall submit a Service Management Plan for the approval of the Planning Authority, in consultation with the Ayrshire Roads Alliance. The plan shall describe the methodology for the servicing of the development, including anticipated service vehicle numbers and any measures required to safely manage the exiting from, and entry onto the adjacent public road on Dow Avenue. Thereafter, the operation of the service yard within the development shall be carried out in full accordance with the approved Service Management Plan, unless otherwise approved in writing by the Council as Planning Authority, in consultation with the Ayrshire Roads Alliance;
- (q) that plans, supplemented by swept path analysis of the largest vehicle type reasonably expected to be serving the development, shall be submitted for the approval of the Planning Authority, in consultation with the Ayrshire Roads Alliance. The turning areas shall be constructed, as approved, prior to completion of the development;

(r) no development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Council as Planning Authority, in consultation with the Ayrshire Roads Alliance. The CTMP shall be required to include:

- Full conformation of the approved/agreed routes for use by construction traffic movements;
- 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;
- Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/construction details;
- Full details of all arrangements for emergency vehicle access;
- Full details of measures to minimise traffic impacts on existing road users where practicable, including consideration of avoiding busy road periods and requirements for all drivers to drive in a safe and defensible manner at all times;
- Measures to accommodate pedestrians and cyclists where appropriate and details of a nominated road safety person;
- All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads; and
- 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.

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

- (s) that prior to operation of the development, the recommendations in the Drainage Assessment Reference SAT-ARUP-ZZ-RP-CD-001 shall be implemented for the development;
- (t) that prior to the commencement of work on site, the additional information required to demonstrate that the development is not at risk of flooding from the Dow's Burn (as detailed in Appendix D of the Flood Risk Assessment) shall be submitted for the approval of the Planning Authority, in consultation with the Ayrshire Roads Alliance (as Flood Authority); and
- (u) That the submitted Bird Hazard Management Plan should be strictly adhered to during all phases of preparation, construction and operation of the site.

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 visual amenity;
- (d) to encourage sustainable means of travel;
- (e) in the interest of road safety and to ensure an acceptable standard of construction;
- (f) in the interest of road safety and to ensure an acceptable standard of construction;
- (g) in the interest of road safety and to ensure an acceptable standard of construction;
- (h) in the interest of road safety, to ensure an acceptable standard of construction and to avoid the possibility of unnecessary reversing of vehicles onto the public road;
- (i) in the interest of road safety;
- (j) in the interest of road safety;
- (k) for the purposes of road safety and the functional operation of the local road network;
- (l) In the interest of road safety and avoid the discharge of water on to the public road;
- (m) in the interest of road safety and to ensure adequate off-street parking provision;
- (n) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (o) to ensure adequate provision of cycle parking on site and to encourage sustainable means of travel;
- (p) in the interest of road safety;
- (q) to reasonably avert the reversing of vehicles onto the main road and in the interest of road safety.
- (r) In the interest of road safety;
- (s) to ensure that the site is drained in an acceptable and sustainable manner;
- (t) in order to ensure that the development is protected against flooding in an acceptable manner; and
- (u) in the interest of aviation safety.

Advisory Notes:-

Ayrshire Roads Alliance

That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits prior to works commencing on site.

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.

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.

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

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

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.

Glasgow Prestwick Airport

Cranes

Construction Crane permits in the vicinity of the aerodrome will require to be applied for and approved by Glasgow Prestwick Airport's Air Traffic Control Unit.

Notification of the use of cranes and associated equipment during the construction phase would have to be granted permission in advance by the Airport if the crane height exceeds 10m or that of the surrounding structures or trees.

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

The developer must contact Glasgow Prestwick Airport, contact details below:

Glasgow Prestwick Airport
Aviation House
Prestwick
South Ayrshire
KA9 2PL
Tel: 01292 511012
www.glasgowprestwick.com

Obstacle Limitation Surfaces (Landscaping)

Any shrubbery/trees planted around the development should be managed in height to ensure no penetration of the OLS surfaces surrounding the Airport and maintained throughout the life of the development.

Renewable Energy

The Airport would request to be further consulted on any additional renewable energy sources such as battery storage or wind generators that may have an impact on the safe provision of an air traffic service.

South Ayrshire Council Environmental Health Service

That all mechanical ventilation and air conditioning plant shall be suitably isolated from the structure of the building and fan units positioned in a ducted system shall be isolated from the ducting by means of flexible connections.

In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974.

In respect of the Lighting for the Car Park please take cognizance of the Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light".

[http://ww20.southayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution\(New2013\).PDF](http://ww20.southayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution(New2013).PDF)

List of Determined Plans:

Drawing - Reference No (or Description): MAN-NOR-XX-F00-DR-A-00001 Rev P08;
Drawing - Reference No (or Description): MAN-NOR-XX-F01-DR-A-00002 Rev P07;
Drawing - Reference No (or Description): MAN-NOR-XX-RF-DR-A-27001 Rev P06;
Drawing - Reference No (or Description): MAN-NOR-XX-ZZ-DR-A-00100 Rev P03;
Drawing - Reference No (or Description): MAN-NOR-XX-ZZ-DR-A-00200 Rev P02;
Drawing - Reference No (or Description): MAN-NOR-XX-ZZ-DR-A-90000 Rev P03;
Drawing - Reference No (or Description): MAN-NOR-XX-ZZ-DR-A-90001 Rev P03;
Drawing - Reference No (or Description): MAN-NOR-XX-ZZ-DR-A-90002 Rev P08;
Drawing - Reference No (or Description): MAN-NOR-XX-ZZ-DR-A-90210 Rev P05;
Drawing - Reference No (or Description): MAN-NOR-XX-ZZ-VS-A-00001 Rev P01;
Drawing - Reference No (or Description): MAN-NOR-XX-ZZ-VS-A-00002 Rev P01;
Drawing - Reference No (or Description): MAN-NOR-XX-ZZ-VS-A-00003 Rev P01;
Drawing - Reference No (or Description): SAT-ARUP-ZZ-ZZ-DR-E-0110 Rev P02;
Drawing - Reference No (or Description): SAT-ARUP-ZZ-ZZ-DR-E-1700 Rev P02;

Other - Reference No (or Description): PAC Report;
Other - Reference No (or Description): Planning Statement;
Other - Reference No (or Description): Planning Statement Addendum;
Other - Reference No (or Description): Design and Access Statement
Other - Reference No (or Description): Drainage Assessment;
Other - Reference No (or Description): Flood Risk Assessment;
Other - Reference No (or Description): Geotechnical and Geo-environmental Desk Study;
Other - Reference No (or Description): Transport Assessment;
Other - Reference No (or Description): Ecological Appraisal;
Other - Reference No (or Description): Noise Impact Assessment;
Other - Reference No (or Description): Glint and Glare Study;
Other - Reference No (or Description): Wind Shear and Turbulence Report;
Other - Reference No (or Description): Bird Hazard Management Plan; and
Other - Reference No (or Description): Mangata Satellite Facility Technical Assessment.

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.

- (8) **23/00071/LBC** – STRAITON – Blairquhan Castle, B741 From B7023 junction At Knockroon to Kirkmichael Road – Alterations to listed building.

The Panel

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

- (a) that the works hereby granted Listed Building Consent shall be commenced within three years of the date of this consent;
- (b) that the works hereby granted Listed Building Consent shall be implemented in full accordance with the approved plan(s) as listed below unless a variation required by a condition of the consent has been agreed in writing by the Planning Authority; and
- (c) that stonework from the down takings shall not be disposed of but rather retained and stored for the future reinstatement, re-use, repair or maintenance of the walled garden.

Reasons:

- (a) to be in compliance with section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (c) to ensure that any future repair and maintenance works are undertaken using the original stonework in the interests of the walled garden and its setting.

List of Determined Plans:

Drawing - Reference No (or Description): 500/01;
Drawing - Reference No (or Description): 500/02;
Drawing - Reference No (or Description): 500/03; and
Drawing - Reference No (or Description): 500/04.

Reason for Decision:

It is considered that the proposal does not detrimentally affect the traditional character or appearance of this statutorily listed building.

The meeting ended at 12.32 p.m.

DRAFT

South Ayrshire Council

List of Planning Applications for Regulatory Panel (Planning) Consideration on 27th June 2023

| List No. | Reference Number | Location | Development | Applicant | Recommendation |
|----------|--|---|--|-------------------------------|----------------------------|
| 1. | 23/00025/APP Ms Emma McKie (Objections) (Application Summary) | Land Adjacent To Number 25 Hole Road Coylton South Ayrshire | Erection of residential development | Viga Homes Ltd | Approval with Condition(s) |
| 2. | 23/00176/APPM Mr Alastair McGibbon (Objections) (Application Summary) | Land To East Of Holmston Roundabout A77T From Whitletts Roundabout To Holmston Roundabout Ayr South Ayrshire | Installation of energy storage facility - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works | Renewable Energy Systems Ltd. | Approval with Condition(s) |

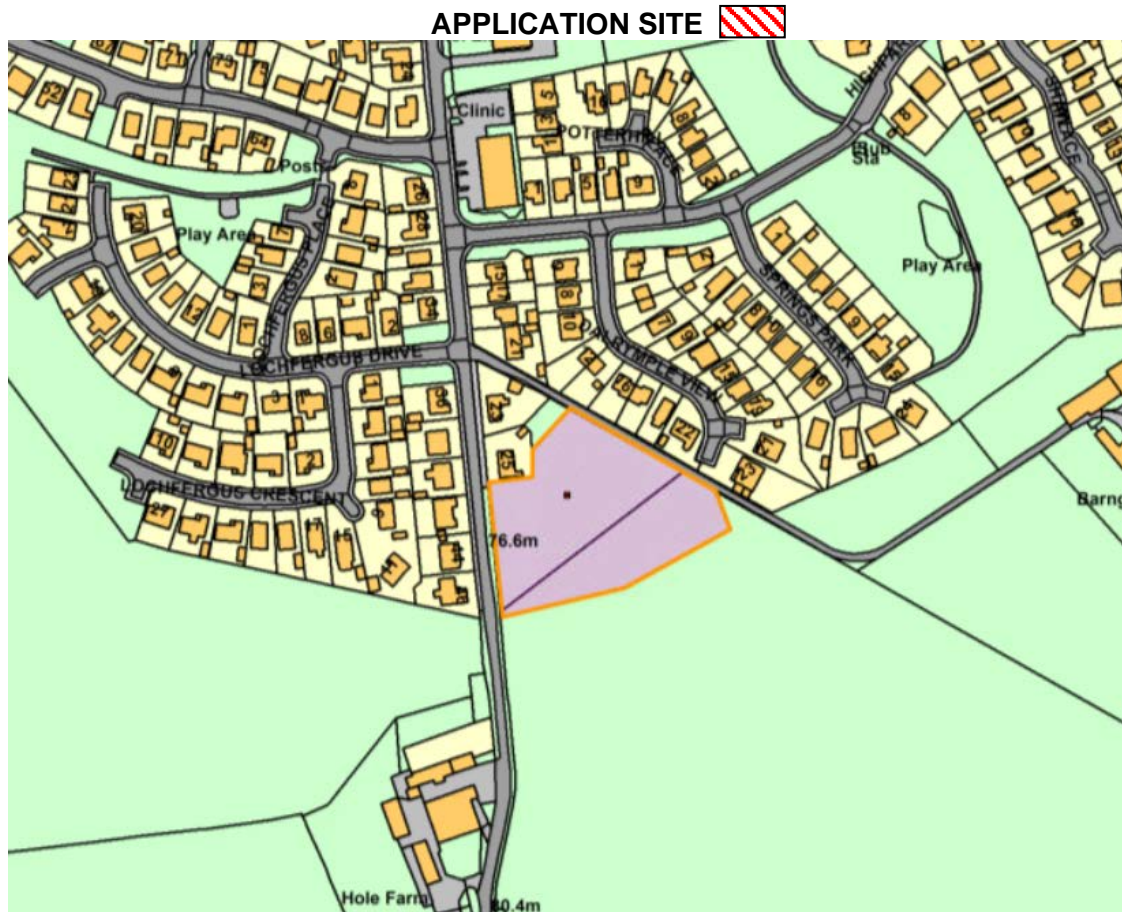
REGULATORY PANEL: 27 JUNE 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00025/APP

LAND ADJACENT TO NUMBER 25 HOLE ROAD COYLTON SOUTH AYRSHIRE

Location Plan



This product includes mapping data licensed from Ordnance Survey with permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2018. All rights reserved. Licenced number 100020765.

Summary

The application site comprises of an undeveloped agricultural field adjacent to 25 Hole Road, Coylton. The site is bounded to the west by Hole Road; to the north by existing residential properties; to the east by an access road to Barn Gore Farm and residential properties, and to the south by undeveloped fields. The site, which presents a frontage onto Hole Road, is characterised by grazing land which slopes downwards in a north-westerly direction. The site measures approximately 0.59 hectares and is roughly triangular in shape.

The application site forms the COY2 housing release site allocated in the South Ayrshire Local Development Plan 2, with an indicative capacity of 12 units.

The proposed development seeks planning permission for the erection of a residential development consisting of 11 dwellinghouses and associated works within the application site. The application submission includes full details of the proposed residential development, the formation of access roads, landscaping works and associated infrastructure on the site.

The application has been assessed against the various material planning considerations which include the provisions of the National Planning Framework 4, the Adopted Local Development Plan 2, consultations, representations received (38 in total from 32 individuals), and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly aligns with the policy provisions of both NPF4 and LDP2. The consultation responses do not raise any issues of concern and the matters raised in the representations have been fully considered, but do not raise any issues that would merit a different recommendation. Overall, it is considered that the proposal will not have an unacceptable impact on the character, setting or appearance of the site, or the wider locality. The application has been considered in this context.

Accordingly, the application is recommended for approval, subject to conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 27 JUNE 2023

| | |
|-------------------------|--|
| SUBJECT: | PLANNING APPLICATION REPORT |
| APPLICATION REF: | 23/00025/APP |
| SITE ADDRESS: | Land Adjacent To Number 25 Hole Road Coylton South Ayrshire |
| DESCRIPTION: | Erection of residential development |
| RECOMMENDATION: | Approval with Condition(s) |

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.

1. Proposal:

The application site comprises of an undeveloped agricultural field adjacent to an existing dwellinghouse at 25 Hole Road, Coylton. The site is bounded to the west by Hole Road; to the north by existing residential properties; to the east by an access road to Barn Gore Farm and residential properties and to the south by undeveloped fields. The site, which presents a frontage onto Hole Road, is characterised by grazing land which slopes downwards in a north-westerly direction. The site measures approximately 0.59 hectares and is roughly triangular in shape. The application site forms the COY2 housing release site allocated in the South Ayrshire Local Development Plan 2 with an indicative capacity of 12 units.

This application seeks planning permission for the erection of a residential development consisting of 11 dwellinghouses and associated works within the application site. The application submission includes full details of the proposed residential development, the formation of access roads, landscaping works and associated infrastructure on the site.

In summary the proposal involves the erection of 2 detached one and a half storey dwellings, 7 detached bungalows and 2 semi-detached bungalows. 2 detached dwellings are located along the frontage of the site at Hole Road, with the remainder being located throughout the site. A new access road shall be formed to/from Hole Road along the west of the site. Private parking for each unit is provided by in-curtilage parking. Each property has private garden ground, along with a central open amenity space towards the centre of the site and a smaller green space to the north east of the site. Further details of the development proposals are set out within the application submission.

2. Consultations:

Ayrshire Roads Alliance - Offer no objections, subject to conditions.

Ayrshire Roads Alliance (Flooding) - Offer no objections, subject to the flood risk mitigation measures detailed in the Risk Assessment being fully implemented.

Environmental Health - Offer no objections, subject to conditions.

Scottish Water - Offer no objections.

Sustainable Development (Landscape and Parks) - Offer no objections, subject to conditions.

Transport Scotland (Trunk Roads) - Offer no objections.

West of Scotland Archaeology Service – Offer no objections, subject to conditions.

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.

Archaeological Mitigation Report: An Archaeological Written Scheme of Investigation has been submitted in support of the application. This Report details the works appropriate (evaluation, monitoring, exclusion, excavation, post-excavation analyses and publication) for the mitigation of groundbreaking works. The identified structure of appropriate mitigation works is necessary to ensure that the development can proceed while dealing appropriately with the identified adverse impact on the archaeological resource.

Design and Access Statement: This document sets out the approach to designing the site layout and includes an assessment of the context and analysis of the character of the area. The design statement confirms that the layout has been developed with due regard to the provisions of Scottish Government Guidance entitled 'Designing for Streets' and 'Creating Places' which seeks to meet the six qualities of successful place design in terms of being distinctive, safe and pleasant, easy to move around, welcoming, adaptable and resource efficient, and provides the background to the evolution of the design of the development proposals.

Flood Risk Assessment (FRA): This report assesses the vulnerability of the proposed development site to flooding. The report outlines the flood risk and provides recommendations to ensure that the development will not be at an unacceptable risk of flooding and will not increase the risk of flooding elsewhere. Flood modelling predicts that there is a surface water flow pathway through the site, generated from rainfall landing to the south of the site. Surface water flows through the site and into properties adjacent to the site. There are also other pathways to the south of the site that result in flooding on Hole Road adjacent to the site and properties to the west of the site. Measures have been outlined within the report to mitigate against surface water flooding within the site and the diversion of water onto Hole Road, subject to a suitable drainage design. The developer intends to progress a technical and engineering solution that includes a cut-off drain on the upslope edge of the development, water attenuation via underground storage within the site and a release to the Scottish Water system, based on an approved discharge rate. The report states that the developer has submitted a Pre-Development Enquiry (PDE) to Scottish Water, which has subsequently received their approval. This confirms that the site itself can be drained to the surface water sewer on Hole Road to the immediate west of the site. With appropriate measures in place, designed by the developer's engineers in agreement with the Council, the flood risk to others would not be anticipated to be increased by the development of the site.

The FRA also concludes that the site is not at risk of flooding from any of the following nearby watercourses, the Unnamed Burn (280m to west), Bow Burn (600m to south) or Joppa Burn (180m to north), as the application site sits above the levels of these burns.

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:

38 representations have been received, from 32 individuals, all of which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by Representees can be summarised as follows.

- Parking, Traffic and Road Safety
- Flooding and Drainage
- Natural Environment and Biodiversity
- Noise Nuisance and Light Pollution
- Overlooking and Overshadowing
- Design
- Impact on Local Services
- Site History
- Loss of Property Value and Loss of View
- Loss of prime agricultural land
- Contrary to National and Local Policies and Guidance
- Impact on landscape Character

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:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

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.

(i) National Planning Framework 4 (NPF4)

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. 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.

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 \(www.gov.scot\)](http://www.gov.scot/national-planning-framework-4):

National Policies 1 and 2: Tackling the climate and nature crises, and Climate Mitigation and Adaptation

National Policies 3 and 4: Biodiversity and Natural Places

National Policy 5: Soils

National Policy 9: Brownfield, vacant and derelict land and empty buildings

National Policy 13: Sustainable Transport

National Policies 14 and 15: Design, Quality and Place and Local Living and 20 minute neighbourhoods

National Policy 16: Quality Homes

National Policy 22: Flood risk and water management

Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. A healthy natural environment is recognised as key to reducing emissions. Policies 3 and 4 protect, and seek to positively enhance biodiversity and natural assets, which in turn play a crucial role in carbon reduction. It is recognised that planting and landscaping proposals have been included within the submission which include mixed meadow and wildflower areas as part of the amenity open space within the site and a variety of hedges and trees both within and forming part of the boundaries of the application site. While the site is currently undeveloped agricultural field, cognisance and weight has to be afforded to the status of the site as a housing land allocation in LDP2. Considering this, the proposed planting and landscaping is considered to achieve nature positive biodiversity benefits in accordance with this policy.

Policy 5 seeks to protect and minimises disturbance to soils from development. The application site is not classified as prime agricultural land and is therefore in accordance with this policy.

Policy 9 seeks to direct development to the right place, maximising the use of existing assets (such as brownfield, vacant and derelict land and empty buildings), and minimising additional land take (such as greenfield developments). As noted above, the application site is presently an undeveloped agricultural field but is allocated for development by the Adopted South Ayrshire Local Development Plan 2 and the development is therefore not considered to be in conflict with this policy.

Policy 13 considers the issue of sustainable transport and active travel and is supportive of development in locations which support safe sustainable travel, and travel by means other than private vehicle. The application proposes to form a new vehicular and pedestrian access to/from Hole Road. Following consultation with the ARA, they have raised no objections to this proposed access subject to relevant conditions. The application site is within easy walking distance of existing bus stops both on Hole Road (approx. 150m distance) and the A70 (approx. 0.5 miles) to the north. Further consideration of transport matters is set out below.

Policy 14 seeks to encourage and promote the 'Place Principle' and the six qualities of successful places (i.e. healthy, pleasant, connected, distinctive, sustainable, and adaptable). Proposals which are poorly designed, detrimental to the amenity of the surrounding area, or inconsistent with the qualities of successful places will not be supported (under criterion c). Policy 15 encourages and promotes the Place Principle as a means to create connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home. In a plan-led system the development planning process is the mechanism to secure local living and 20-minute neighbourhoods, and LDP2 allocates the site as an area suitable for residential development, in this instance. It is noted the site is within 10-15 minutes walk of local shops, recreation spaces and other services.

Policy 16 seeks an on-site contribution of at least 25% of the total number of new homes for affordable homes. The development does not make provision for affordable housing; and this issue is considered further below.

Policy 22 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Under Criterion (c) development proposals are required increase the risk of surface water flooding to others, or itself be at risk, to manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure and seek to minimise the area of impermeable surface. It is noted that there are no sections of the application site which lie within a flood risk area, as identified on the SEPA Flood Hazard maps. However, it has been recognised that the area to the south east of the site slopes towards the north west and there is evidence of flooding of Hole Road and areas of the site from surface water. As such, a Flood Risk Assessment (FRA) has been undertaken to assess the vulnerability of the proposed development site to flooding. Measures have been outlined within this report to mitigate against surface water flooding within the site and the diversion of water onto Hole Road, subject to a suitable drainage design, which are addressed further elsewhere within this report.

For the reasons set out above, and elsewhere in this report, the proposals are considered to align with the policy provisions of the National Planning Framework 4.

(ii) 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):

LDP 2 Core Principle B1
LDP 2 Core Principle B3
LDP 2 Strategic Policy 1: Sustainable Development
LDP 2 Strategic Policy 2: Development Management
LDP 2 Policy: Maintaining & Protecting Land for Housing
LDP 2 Policy: Residential Policy within Settlement, Release Sites and Windfall Sites
LDP 2 Policy: Affordable Housing
LDP 2 Policy: Open Space
LDP 2 Policy: Landscape Quality
LDP 2 Policy: Flooding and Development
LDP 2 Policy: Land Use and Transport

The assessment of the proposal against the above development plan policies has identified the following matters for consideration:-

Principle of Residential Development (LDP2 Core Principle B1, LDP2 Core Principle B3, LDP 2 Policy: Maintaining & Protecting Land for Housing and LDP 2 Policy: Residential Policy within Settlements, Release Sites & Windfall Sites)

The application site forms the COY2 allocated residential development site and the principle of the proposal is consistent with the Spatial Strategy which encourages residential development on sites allocated for housing. LDP 2 Policy: Maintaining and Protecting Land for Housing requires that development on allocated sites must meet the guidance on local plan release sites. The brief for the COY2 allocation contained within the Guidance for Housing Site Design Briefs contains requirements in respect to building design & site layout, landscaping & boundaries, open space, transportation & access and education impact. The proposed layout and house designs are assessed against these requirements in the following paragraphs and are considered to be in general compliance with the Design Brief.

Number of Houses Proposed (LDP Policy: Maintaining and Protecting Land for Housing)

The application proposes to develop 11 houses within the COY2 allocation. The LDP2 (Appendix D) identifies an indicative capacity of 12 units for the COY2 allocation. It is therefore considered that the number of houses proposed can be accommodated within the application site.

Placemaking (LDP 2 Policy: Open Space, Guidance on Open Space, LDP 2 Strategic Policy 1: Sustainable Development, LDP2 Strategic Policy 2: Development Management, and Designing New Residential Developments Guidance and COY2 Design Brief)

The layout proposed is considered to be an appropriate response to the constraints and opportunities offered by the site's characteristics. The layout of the development incorporates design features which will create character and provide a good quality living environment. A 'village green' is located within the central area of the application site and is the main amenity space. This space is overlooked by plots 8-10 and 2-5 and forms a centralized space of over 500sqm. A secondary green space serves as an outlook for plots 6 and 7. No equipped play area is indicated on the submitted plans, however the Open Space Guidance confirms that for developments of between 5 and 15 units, applicants will be required to provide a financial contribution towards off site play provision in order to contribute towards the play area needs generated by the development. The Council's Sustainable Development Service has advised that the sum should be provided in relation to the provision of improved off-site play facilities with the nearby Coylton Recreation Ground. The applicant has provided the required commuted sum of £8000 as calculated by the Council's Sustainable Development Service in respect of the development proposals. The amount of public open space proposed within the site is sufficient and meets the requirements set out in the Council's Guidance on Open Space. The public open spaces are well located within the development layout, are overlooked, accessible and will add significantly to the sense of place.

Careful consideration of privacy, overlooking and plot size has been included in the current proposals. Sufficient rear garden areas and frontages have been designed into each plot. A minimum of 18m window to window separation distances are included for all proposed and existing properties to maintain privacy and amenity throughout. Minimum of 9m back gardens and 100m² of garden space will be achieved by every plot. Minimum of 4m plot separation is provided where there are no window-to-window issues (blank gable facings) to achieve a good balance of rear, side and frontage to all properties.

A highly permeable street layout is proposed which incorporates self-enforcing traffic calming features which allow for the shared access road and surfaces to be a safe area for pedestrians.

The architectural styles of the proposed houses comprise of one and a half storey detached villas and detached and semi-detached bungalows. The scale of the houses is typical of the surrounding area and is considered to be appropriate. The palette of materials proposed include slate effect concrete roof tiles, dry dash render and bash stone walls and white uPVC windows. A condition requiring the exterior finishes to be agreed prior to the commencement of development is proposed. Two detached one and a half storey houses are proposed to be situated either side of the proposed access to the site, facing outwards to continue the existing streetscape. In addition, there are no locations where there are excessive lengths of rear garden boundaries fronting the roadways. Although the rear of the properties to the south will face the countryside, it is considered that the impact of this is mitigated by way of the proposed landscaping along this site boundary.

Considering the above, the proposal is considered to accord with the aforementioned policies.

Impact on Landscape Quality (LDP 2 Policy: Landscape Quality and COY2 Site Brief)

The proposed development will be partly screened from wider viewpoints to the south due to the existing topography of the landscape. The character of the site will change from agricultural to urban and this new urban edge will be softened with proposed landscaping along the southern edge of the development, primarily comprising of a hedge row and trees. The surrounding landscape is rolling agricultural land, which is delineated, in boundary terms, by hedgerows, interspersed with occasional trees and the proposed landscaping arrangements are considered to replicate this boundary treatment to blend with the landscape of the surrounding area. The proposed landscaping will lessen the impact of the proposed development when viewed from entering the settlement of Coylton from Hole Road to the south. Having regard to the aforementioned landscaping proposals, it is considered that the proposal will not have a significant detrimental impact on the landscape and the proposals can be supported under this policy

Impact on Flood Risk (LDP 2 Policy: Flooding and Development)

It is noted that there are no sections of the application site which lie within a flood risk area, as identified on the SEPA Flood Hazard maps. However, it has been recognised that the area to the south of the site slopes towards the north and there is evidence of flooding of Hole Road, and areas of the site, from surface water. As such, a Flood Risk Assessment (FRA) has been undertaken to assess the vulnerability of the proposed development site to flooding. Flood modelling predicts that there is a surface water flow pathway through the site, generated from rainfall landing to the south of the site which has historically resulted in flooding on Hole Road adjacent to the site and properties to the west of the site. Measures have been outlined within the FRA to mitigate against surface water flooding within the site and the diversion of water onto Hole Road, subject to a suitable drainage design. The developer intends to progress a technical and engineering solution that includes a cut-off drain on the upslope edge of the development, water attenuation via underground storage within the site and a release to the Scottish Water system, based on an approved discharge rate. The report states that the developer has submitted a Pre-Development Enquiry (PDE) to Scottish Water, which has subsequently received their approval. This confirms that the site itself can be drained to the surface water sewer on Hole Road to the immediate west of the site.

The FRA also concludes that the site is not at risk of flooding from any of the following nearby watercourses, the Unnamed Burn (280m to west), Bow Burn (600m to south) or Joppa Burn (180m to north), as the application site sits above the levels of these burns.

The ARA has been consulted in their capacity as the local FRMA and has offered no objection to the proposals. The application has been considered in this context, and an appropriate planning condition can be attached to any permission to ensure appropriate technical solutions and associated mitigation measures are agreed and implemented.

Considering the above, the proposals comply with the flooding policies.

Impact on Traffic and Transportation (LDP 2 Policy : Land Use and Transportation)

Transport Scotland has raised no objection to the application in respect of the trunk road network. Ayrshire Roads Alliance (ARA) has raised no objections to the proposed development in respect of the impact on the local road network and the layout and design of the proposed road network within the site. ARA has advised that a number of planning conditions be attached to ensure that the roads and parking are constructed to appropriate standards. Provided these are imposed, the proposal can be considered consistent with the aims of this policy.

Impact on Education

The Council's Education Service has advised that there are no education issues associated with the proposed development.

Affordable Housing (LDP 2 Policy: Affordable Housing)

This policy of the LDP2 (alongside the PG outlined below) seeks a target contribution of 25% of the total number of units from all new housing developments of 15 units or more, or a site of 0.6 ha. In this instance, it is noted that the site area is noted to be less than 0.6 ha and for less than 15 units. Therefore, no affordable housing units are required to be provided as part of this proposed development.

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.

For the reasons set out above, and elsewhere in this report, the proposals are considered to align with the policy provisions of the Adopted South Ayrshire Local Development Plan 2.

(iii) Other Policy Considerations (including Government Guidance)

Scottish Government - Creating Places

This document is the Scottish Ministers' policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design. The layout of the development incorporates design features which will create character and provide a good quality living environment. The incorporation of landscaping within the new urban environment will create a strong sense of place and the proposals are considered to be consistent with the Government's advice.

Scottish Government - Designing Streets

This document is the Scottish Ministers' policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets. A highly permeable street layout is proposed which incorporates self-enforcing traffic calming features and convenient pedestrian routes and the design of the proposed development is considered to be consistent with the Government's advice.

South Ayrshire Council Planning Guidance – Housing Site Design Briefs

The LDP2 designates the land as being suitable for residential development, due to forming part of a larger area of agricultural land which is the designated land release site COY2. The Council has also prepared Guidance in the form of design briefs for housing release sites, including the COY2 site, part of which is formed by the current application. The design brief is materially significant in the consideration of the proposals and their layout and design.

The Design Brief for the application site notes various requirements, including: that as the development shall access onto an existing street (Hole Road), new dwellings should front onto that road to continue the streetscape; the boundary of the site should replicate the existing boundary to blend with the landscape and ensure development does not present suburban rear boundaries onto the rural landscape; amenity open space should be provided within the site; vehicular access should be taken to/from Hole Road and possibility of second access to/from Dalrymple View should be explored; layout should comply with Designing Streets; and any technical infrastructure issue should be addressed.

In terms of infrastructure issues, the FRA outlines that the immediate locality is affected by surface water flooding. Flood modelling presented within the FRA predicts that there is a surface water flow pathway through the site, generated from rainfall landing to the south of the site, which has historically resulted in flooding on Hole Road adjacent to the site and properties to the west of the site. Measures have been outlined within the FRA to mitigate against surface water flooding within the site and the diversion of water onto Hole Road, subject to a suitable drainage design. The developer intends to progress a technical and engineering solution that includes a cut-off drain on the upslope edge of the development, water attenuation via underground storage within the site and a release to the Scottish Water system, based on an approved discharge rate. The report states that the developer has submitted a Pre-Development Enquiry (PDE) to Scottish Water, which has subsequently received their approval. This confirms that the site itself can be drained to the surface water sewer on Hole Road to the immediate west of the site. The FRA also concludes that the site is not at risk of flooding from any of the following nearby watercourses, the Unnamed Burn (280m to west), Bow Burn (600m to south) or Joppa Burn (180m to north), as the application site sits above the levels of these burns. The ARA has been consulted in their capacity as the local FRMA and has offered no objection to the proposals. The application has been considered in this context, and an appropriate planning condition can be attached to any permission to ensure that an appropriate technical solution and associated mitigation measures are agreed and implemented.

In terms of access to/from the application site. Vehicular access is proposed to be taken to/from Hole Road. The possibility of creating a second access to/from Dalrymple View has been explored by the developer. However, it has been concluded that the lane to the north east of the site is a private access track, with no public access rights, and that a natural link with Dalrymple view is not possible as this would cross a private garden area and existing mature hedgerow. A secondary green space has been provided to the frontage of plots 7 and 6 acting as a buffer zone adjacent to the boundary with the private access track which would not preclude the formation of a pedestrian link in future if the rights of access issues were overcome.

In terms of the landscape impact, it is acknowledged that the character of the site will change from agricultural to urban. However, this new urban edge will be softened with proposed landscaping along the southern edge of the development, primarily comprising of a hedge row and trees. The surrounding landscape is rolling agricultural land, which is delineated, in boundary terms, by hedgerows, interspersed with occasional trees and the proposed landscaping arrangements are considered to replicate this boundary treatment to blend with the landscape of the surrounding area.

To conclude, it is considered that the proposed design meets the requirements of the Design Brief.

South Ayrshire Council Planning Guidance - Open Space and Designing New Residential Developments

This guidance sets out how to arrive at a meaningful design solution, key attributes of successful areas of open space, the different types of open space with residential developments, the applicable standards, private open space standards, amenity and privacy considerations and where flexibility exists. It is considered that proposed development complies with the requirements of this Guidance. The proposed dwellinghouses are generally all served by garden ground provision which meets the minimum distances as outlined with the guidance and open amenity space provided at the entrance to the site. The above policy guidance also confirms that for developments of between 5 and 15 units, applicants will be required to provide a play contribution per unit in order to contribute towards the play area needs generated by the development. The applicant has provided the required commuted sum in respect of the development proposals.

South Ayrshire Council Planning Guidance - New Housing Developments and Affordable Housing

As noted above, this policy of the LDP2 and PG seeks a target contribution of 25% of the total number of units from all new housing developments of 15 units or more, or a site of 0.6 ha. In this instance, it is noted that the site area is noted to be less than 0.6 ha and for less than 15 units. Therefore, no affordable housing units are required to be provided as part of this proposed development.

(iv) Site History

Planning Application 21/00874/APP for the erection of a residential development was withdrawn by the agent in November 2021, following concerns raised by the Planning Service regarding matters including the design and layout of the proposed development and the provision of open space within the site.

Following the withdrawal of this application, the applicant/agent entered into pre-application discussions with the Planning Service, prior to the submission of this current application.

(v) Objector Concerns

- *Parking, Traffic and Road Safety*

This matter is addressed in section 7(i) and (ii) above. Transport Scotland has raised no objection to the application in respect of the trunk road network. The Ayrshire Roads Alliance (ARA) has raised no objections to the proposed development in respect of the impact on the local road network and the layout and design of the proposed road network within the site. The ARA has advised that a number of planning conditions be attached to ensure that the roads and parking are constructed to appropriate standards. It is recommended that these be imposed.

- *Flooding and Drainage*

The seriousness of this concern is recognised and acknowledged through the representations received and photographs of flooding provided. This matter is addressed in section 7(i), (ii) and (iii) above. As set out, the ARA, as local flood prevention authority, have raised no objections to the development, subject to the mitigation measures detailed within the submitted Flood Risk Assessment being fully implemented to ensure existing flooding problems are not exacerbated by the development. The mitigation measures proposed shall not divert surface water towards third party land, thereby preventing an increase in flood risk to others. The drainage system proposed for the site is intended to prevent surface water runoff towards the existing properties to the north of the site. With regard to Hole Road, as outlined in sections 7(i), (ii) and (iii) above, the developer proposes a cut-off drain on the upslope edge of the development, water attenuation via underground storage within the site and a release to the discharge culvert/pipe associated with the Scottish Water system.

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00025/APP)

Notwithstanding, the ARA, as local flood prevention authority, has a duty to ensure that surface water management infrastructure (drainage and flooding) is designed to appropriate standards, where that infrastructure is owned by the land / homeowners rather than vested by Scottish Water or a local authority (as roads authority).

- *Natural Environment and Biodiversity*

There are no designated natural heritage areas within the application site, and it is not anticipated that the development will adversely impact on natural heritage interests outwith the site. Notwithstanding, it is recognised that planting and landscaping are proposed within the site which include mixed meadow and wildflower areas and a variety of hedges and trees. Additionally, the Council's Landscape Officer offered no objections to the proposed landscaping scheme. Information and advice for the developer is contained within advisory notes attached to the permission with regards to European Protected Species and it is for the developer to seek the appropriate licenses under the Countryside and Wildlife Act 1981 should any protected species be present at the site.

- *Noise Nuisance and Light Pollution*

Noise, vibration, and dust arising during the construction phase have the potential impact on the amenity of the residential properties that adjoin the site. All development involves a degree of temporary disruption during the construction period. Should any statutory nuisance arise regarding odours, noise and air pollution, or any other matter related to lighting or health and safety issues, it is for the Council's Environmental Health Service to address such matters under their statutory powers. The Council's Environmental Health Service have advised that they have no objections to the proposed development subject to appropriate conditions.

- *Overlooking and Overshadowing*

The potential impact of the proposed development within regard to the residential amenity of existing properties is addressed in sections 7(ii) and (vi) of this report.

- *Design*

The design and layout of the proposed development is addressed in sections 7(i), (ii) and (vi) of this report.

- *Impact on Local Services*

As noted in section 7(ii), the Council's Education Service has advised that there are no education issues associated with the proposed development.

In terms of the other matters raised regarding the capacity of other local services being insufficient to support the increase in population as a result of the development, it is not considered that this in itself would be sufficient enough reason to warrant refusal of the application noting that the principle of development has already been established.

- *Site History*

The application site is within the settlement boundary of Coylton and extends the area of housing site allocation COY2 as released by the Local Development Plan (2014) and carried through to the Adopted Local development Plan 2.

It is noted that there were two historic refusals relating to detail and outline consent respectively for a single dwellinghouse (08/00121/FUL refused April 2008; 09/00073/OUT refused April 2009). However, with regard to principle of the development, it is considered that these refusals are obsolete in terms of being regarded as material planning considerations, as they predate the adoption of the 2014 LDP which originally set the status of the site as allocated housing site COY2. Further details of the recent planning history for the application site are set out in section 7 (iv) above.

- *Loss of Property Value and Loss of View*

These matters do not constitute material planning considerations in the assessment of a planning application

- *Loss of prime agricultural land*

The application site comprises of an agricultural field. However, the land is not designated as 'prime' agricultural land and as such the development proposals shall not result in the loss of an area of prime agricultural land. This matter is further addressed in section 7(i) above.

- *Contrary to National and Local Policies and Guidance*

The proposed development is assessed against National Planning Framework 4 (NPF4) in section 7(i) of this report. A consideration of the proposed development against the policies of LDP2 and associated guidance documents is also contained within section 7(ii) and (iii) of this report.

It is noted that it has been raised within the representations that the allocation of the application site for housing has been removed from the adopted LDP2. However, as outlined above, housing site allocation COY2, as released by the Local Development Plan (2014), has been carried through to the Adopted Local Development Plan 2. As such the application site extends the area of housing site allocation COY2 as released by the Adopted LDP 2.

Representations have also referred to the application being contrary to the section of Appendix D relating to COY2 within the Local Development Plan. While this did form part of Appendix D within the previous LDP, the recently Adopted Local Development Plan 2 has not carried this section of Appendix D forward.

References have also been made to Scottish Planning Policy (SPP). However, following the adoption of National Planning Framework 4 (NPF4) in February 2023, the SPP no longer constitutes a material consideration in the assessment of planning applications. An assessment of the proposed development against NPF4 is set out in section 7(i) above.

- *Impact on landscape character*

The impact of the proposed development on the wider landscape character is considered in section 7(i) and (ii) above.

(vi) Impact on the Locality

Notwithstanding, consideration also needs to be given to the impact of the proposed development on the residential amenity of the surrounding area. The separation distances of the proposed development have been configured so as not to adversely compromise the amenity of the adjacent properties. In particular, it is noted that rear gardens of the properties towards the top (northern) section of the site are separated from the properties to the north east by a private access track. In addition, these existing properties to the north east (nos. 14-22 Dalrymple View) are noted to primarily composed of two storey dwellings. Therefore, given the topography of the site and the house style of bungalows proposed, it is considered that the development proposals shall preserve the amenity and privacy of those neighbouring properties to the north-west.

To the frontage of the site, the proposed one and half storey dwellings are separated from the existing two storey properties opposite by a public road, and therefore, given the existing and proposed public elevations onto Hole Road, it is not considered that the proposals will adversely impact on the amenity of those properties. Given the distance separation of the application site to adjacent residential dwellings, it is not considered that the proposed development will adversely compromise the amenity of the neighbouring residential properties in terms of loss of light, sense of enclosure or privacy.

In terms of the parking provision proposed to serve the residential development, it is considered that the proposal represents an appropriate development. The Ayrshire Roads Alliance has indicated that parking provision and servicing arrangements are acceptable and offer no objections, subject to conditions. Appropriate planning conditions are proposed to address matters such as, external materials, and other matters raised by consultees in their consideration of the proposals.

Overall, for the reasons noted above, and elsewhere in this report, the proposed development is considered to be appropriate in terms of its layout, scale, massing, design and materials in relation to its surroundings.

For the reasons noted above, it is considered that the development proposal broadly aligns with the provisions of National Planning Framework 4, the Adopted South Ayrshire Local Development Plan 2. Given the above assessment and having balanced the applicants' rights against the general interest, it is recommended that the application is approved, subject to the following conditions.

8. Conclusion:

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received (38 in total from 32 individuals) and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concerns that cannot be addressed by condition. Equally, the points raised in the letter of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections, and following the above assessment, it is considered that the proposal will not have an adverse impact on the residential character or amenity of the locality.

Given the above and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

9. Recommendation:

It is recommended that the application is approved with condition(s).

- (1) That the development hereby permitted must be begun within **three years** of the date of this permission.
- (2) 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.
- (3) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and implemented in accordance with the approved details.
- (4) That before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.
- (5) The approved landscaping scheme as set out in Drawing no. 22-0620-LAND-10 Rev. F shall be implemented within 3 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.
- (6) That the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as *British Standards Institution 'The investigation of potentially contaminated sites- Code of Practice' (BS 10175: 2001, or as may be amended)*. The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00025/APP)

- (7) That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with the submitted Written Scheme of Mitigation. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
- (8) That before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development.
- (9) That the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 5.5 metres wide over the initial 10 metres as measured from the rear of the public roadway and be formed with radius curves. The access shall be constructed, as approved, prior to completion of the development.
- (10) That the private access shall be surfaced for a minimum of 10 metres as measured from the rear of the public roadway, prior to occupation. Precise detail and specifications of the required surfacing shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.
- (11) 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 prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.
- (12) That a minimum of 24 off-road parking spaces and an additional 3 visitor parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide, and Designing Streets as National Policy, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority).
- (13) That cycle parking accommodating a minimum of 1 cycle per dwelling shall be provided within the site boundary prior to the occupation of the 11th dwellinghouse. Precise details of the siting and specifications of the cycle parking stand(s) shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site.
- (14) That the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Council as Planning Authority.
- (15) That a 2 metre wide public footway shall be provided along the site frontage(s) on Hole Road, to be designed in accordance with the specifications as set out within the Council's National Roads Development Guide. The footways shall be constructed, as approved, prior to completion of the development.
- (16) No work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details that shall be submitted for the written approval of the Council as Roads Authority prior to its installation, if required for that phase. When required, such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality.
- (17) The applicant/ developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority, and Police Scotland. The plan shall describe the methodology for the movement of construction traffic to and from the site, including agreement on suitable routes to and from the site, and shall require the agreement of the Council as Roads Authority and Police Scotland prior to any movement of construction traffic associated with the site.

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00025/APP)

- (18) That surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual, the updated version published by CIRIA in March 2015. At the Road Construction Consent stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Council as Planning Authority before any work commences on site.
- (19) That the flood risk mitigation measures detailed in the submitted Flood Risk Assessment v1.2 are fully implemented to the satisfaction of the Council as Planning Authority in agreement with the Ayrshire Roads Alliance as Flood Risk Management Authority.

9.1 Reasons:

- (1) 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.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) In the interests of visual amenity.
- (4) In the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.
- (5) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (6) To ensure all contamination within the site is dealt with.
- (7) To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.
- (8) To encourage sustainable means of travel.
- (9) In the interest of road safety and to ensure an acceptable standard of construction.
- (10) In the interest of road safety and to ensure an acceptable standard of construction.
- (11) In the interest of road safety and to avoid the discharge of water onto the public road.
- (12) In the interest of road safety and to ensure adequate off-street parking provision.
- (13) To ensure adequate provision of cycle parking on site, and encourage sustainable means of travel.
- (14) In the interest of road safety.
- (15) In the interest of road safety and to ensure that adequate provision is made for pedestrians.
- (16) In the interest of road safety.
- (17) In the interest of road safety.
- (18) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.
- (19) In order to ensure the development is protected against flooding in an acceptable manner.

9.2 Advisory Notes:

- (1) That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00025/APP)

- (7) Please note that Roads Construction Consent (RCC) from the Council as Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Council's National Roads Development Guide and Designing Streets as National Policy.
- (8) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

- (9) Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: www.sepa.org.uk
- (10) Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from NatureScot may be required and the ecologist should be able to determine this. Further information available at <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/>

9.3 List of Determined Plans:

Drawing - Reference No (or Description): 22-0620-LOC-01- Location Plan
Drawing - Reference No (or Description): 22-0620-SITE-01 – Site Block Plan Existing
Drawing - Reference No (or Description): 22-0620-SITE-02 – Site Layout Plan Existing
Drawing - Reference No (or Description): 22-0620-SITE-02 Rev.A – Site Layout Plan Existing
Drawing - Reference No (or Description): 22-0620-SITE-10 Rev.F – Site Layout Plan Proposed
Drawing - Reference No (or Description): 22-0620-LAND-10 Rev.F – Soft Landscape Layout & Specification
Drawing - Reference No (or Description): 22-0620-LAY-005 – Topographic Survey as Existing
Drawing - Reference No (or Description): 22-0620-LAY-010 – Topographic Survey as Proposed
Drawing - Reference No (or Description): 22-0620-LAY-10 Rev.A – Floor Plans - Aspen
Drawing - Reference No (or Description): 22-0620-LAY-20 Rev.A – Ground Floor Plans - Rowan (Plot 1)
Drawing - Reference No (or Description): 22-0620-LAY-21 Rev.A – First Floor Plans – Rowan (Plot 1)
Drawing - Reference No (or Description): 22-0620-LAY-30 Rev.A – Ground Floor Plans - Rowan (Plot 11)
Drawing - Reference No (or Description): 22-0620-LAY-31 Rev.A – First Floor Plans – Rowan (Plot 11)
Drawing - Reference No (or Description): 22-0620-LAY 50 Rev.A – Floor Plans – Elm (B)
Drawing - Reference No (or Description): 22-0620-LAY 60 Rev.A – Floor Plans – Maple Plus
Drawing - Reference No (or Description): 22-0620-ELE-10 Rev.A – Elevations - Aspen
Drawing - Reference No (or Description): 22-0620-ELE-20 Rev.A – Elevations – Rowan (Plot 1)
Drawing - Reference No (or Description): 22-0620-ELE-30 Rev.A – Elevations – Rowan (Plot 11)
Drawing - Reference No (or Description): 22-0620-ELE-50 Rev.A – Elevations – Elm (B)
Drawing - Reference No (or Description): 22-0620-ELE-60 Rev.B – Elevations – Maple Plus
Drawing - Reference No (or Description): 22-0620-SEC-AA-010 – Topographic Site Sections AA as Existing and Proposed
Drawing - Reference No (or Description): 22-0620-SEC-BB-011 – Topographic Site Sections BB as Existing and Proposed
Other - Reference No (or Description): Archaeological Mitigation – Written Scheme of Investigation
Other - Reference No (or Description): Design and Access Statement
Other - Reference No (or Description): Flood Risk Assessment v1.2

9.4 Reason for Decision (where approved):

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.

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00025/APP)

Background Papers:

1. Planning application form, plans and supporting information.
2. National Planning Framework 4.
3. Adopted Local Development Plan 2.
4. South Ayrshire Council Planning Guidance – Housing Site Design Briefs
5. South Ayrshire Council Planning Guidance – Open Space and Designing New Residential Developments
6. South Ayrshire Council Planning Guidance – New Housing Developments and Affordable Housing
7. Scottish Government – Creating Places
8. Scottish Government – Design Streets
9. Consultation Responses.
10. Representations.

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

Ms Emma McKie, Planner - Place Planning - Telephone 01292 616 203

REGULATORY PANEL: 27 JUNE 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00176/APPM

LAND TO EAST OF HOLMSTON ROUNDABOUT A77T FROM WHITLETTS ROUNDABOUT TO HOLMSTON ROUNDABOUT AYR SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



This product includes mapping data licensed from Ordnance Survey with permission of the Controller of Her Majesty's Stationery Office.
© Crown copyright and/or database right 2018. All rights reserved. Licenced number 100020765.

Summary

This application seeks detailed planning permission for the installation of a battery energy storage facility (BESS) - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works on land to the east of Holmston Roundabout, Ayr. The application site is located within an area allocated as green belt in Local Development Plan 2. 6 representations (from 5 individuals) have been received which object to the proposed development and raise issues mainly focussed around: insufficient details within submission, lack of consultation, amenity, natural heritage, health and safety, traffic/transportation and planning policy. 9 consultation responses have been received which raise no objection in respect of the development. 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 can be considered positively against the terms of the aforementioned documents. It is recommended that this application for planning permission be approved subject to planning conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 27 JUNE 2023

| | |
|-------------------------|---|
| SUBJECT: | PLANNING APPLICATION REPORT |
| APPLICATION REF: | 23/00176/APPM |
| SITE ADDRESS: | Land to East of Holmston Roundabout A77T From Whitletts Roundabout to Holmston Roundabout Ayr South Ayrshire |
| DESCRIPTION: | Installation of energy storage facility - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works |
| RECOMMENDATION: | APPROVAL WITH CONDITIONS |

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.

1. Proposal:

Site Description

The application site relates to an area of land currently used as a commercial 'Christmas Tree' field (Noble Fir plantation) and covers an area of approximately 2.19 hectares. The site is located to the east of the settlement of Ayr and is directly to the west of the existing Ayr Electrical Substation, where the proposed system will connect. Located to the south of the site is Dobbies Garden Centre, with the A70 beyond this. The River Ayr is located approximately 170m north of the site and is separated from the site by Ancient Woodland. The site is bound the east by the fir plantation, with the A77 trunk road beyond. The site boundary partly extends out to the A77 east where an existing entrance will serve as the access to the site. The topography of the site rises gently towards the east, flattening out towards the centre of the site. The site is accessible from the A77 which runs parallel along the western border of the field within which the application site is located. The existing gated access off the A77 to the site, which is used for the active commercial Christmas Tree business, forms the site entrance.

Development Proposal

The proposed development relates to the installation of a battery energy storage facility (BESS) - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works. It is stated by the applicant that the proposed system utilises proven lithium-ion battery technology which they have deployed at multiple projects at locations including England, Scotland, Ireland, the USA and Canada. Wind and solar renewable energy technologies generate electricity intermittently, depending on weather conditions which causes imbalances in the electricity network. Energy storage therefore provides a balancing role to ensure that the grid remains stable at times of stress; this proposal will allow energy to be stored at times when generation exceeds demand and then release electricity back to the national grid network when demand exceeds generation. Electricity is not physically generated on site.

In more detail, the proposals relate to the installation of the following:

Battery Enclosures

- 36 battery storage enclosures would be installed to provide approximately 49.9 MW of capacity. The battery storage enclosures would be one of two types, with the first being modified ISO-style shipping containers set on concrete foundations with typical dimensions of 13.7m long, 2.4m wide and 2.9m high. The enclosures are generally finished in a shade of white or grey – a condition will be attached in respect of external finishes. The second type are modular battery enclosures, also set on concrete foundations, which are 'packed' together to form similar dimensions to that aforementioned. These have a white finish.

Power Conversion Systems and Transformers

- 18 power conversion systems are also proposed and these have typical dimensions of 10.3m long, 6m wide and 2.5m high and are also set on concrete block foundations and would be finished in a shade of grey or white.

Substations

- Two substation units are also proposed and these would measure a maximum of 17.5m long in total, 5m wide and 4.5m high. The units would be set on a concrete foundation and finished in a shade of grey or green.

Auxiliary Transformer

- An auxiliary transformer with typical dimensions of 1.9m long, 1.9m wide and 2.1m high would be installed adjacent to the energy storage enclosures. This would be set on concrete foundations and would be finished in a shade of grey or green.

Grid Compliance Equipment

- Two grid compliance units will be required. These will measure up to approximately 4m long, 2.8m wide and 2.7m high and be finished in a shade of grey or green. They will each be set on a concrete foundation up to approximately 4.3m long and 3.1m wide.

Spares Container

- On additional ISO-style shipping containers will be located adjacent to the battery enclosures with typical dimensions of 13.7m long, 2.4m wide and 2.9m high. It would be finished in a shade of white, grey or green.

Security

- Security fencing will be installed around all four edges of the compound. Following acoustic analysis of the proposed system, this fencing will be close board wooden acoustic fencing of up to 3m in height. Stands for CCTV will also be installed, with the CCTV cameras mounted on galvanised steel posts (or similar) measuring up to approximately 4m high and set in concrete foundations. The cameras will be located adjacent to the fencing around the edge of the energy storage compound. It is stated by the applicant that the only lighting within the proposed development would be PIR 'infrared' lighting associated with the CCTV system, which would not be visible by the naked eye, together with PIR operated external lights mounted above doorways. The proposed development does not incorporate any visible, permanent artificial lighting.

Grid Connection

- Cabling will connect all equipment within the energy storage compound to the on-site customer substation. Additional underground cabling will then connect the on-site customer substation to the existing Ayr Electrical Substation (this forms no part of the application due to this element being Permitted Development).

Drainage

- A Sustainable Urban Drainage System (SUDS) will be utilised to manage on-site surface water run-off. The proposed water attenuation pond is located to the southwest of the compound, utilising the existing topography of the site.

The battery storage enclosures and associated PCS transformer units are sited in close parallel rows to reduce the amount of cabling required between each unit and to condense the area required for the overall development.

The proposed development will see the creation of new native tree and shrub planting on earth bunds to the west of the proposed compound to provide visual enclosure to the proposed development and there will also be the provision of new native tree and shrub infill planting along the southern boundary. There will also be enhancement of other areas surrounding the compound through proposed seed mixes and an ongoing landscape management of planting during the lifetime of the proposed development.

Planning Process

Planning permission is required for generating stations including construction of a BESS.

For clarification, generating stations which have a storage capacity greater than 50MW require consent to be sought under Section 36 of the Electricity Act 1989 through the Scottish Government Energy Consent Unit (ECU). The ECU consult the Planning Authority as part of their considerations and the Service presents recommendations to the Regulatory Panel to either object or not object to the proposals and their decision determines the response to the consultation. If consent is granted under Section 36, the Scottish Government have powers to direct that planning permission is deemed to be granted and there is no requirement for a separate application for planning permission to be made to the Council.

For BESS proposals that are under 50MW, as is the case with this current application, then consent is sought directly from the Council as Planning Authority and there is no involvement from the ECU.

The application proposal is 'Major' development (as the proposed capacity is, or exceeds 20 megawatts) and the scheme of delegation requires that it be presented to the Regulatory Panel for determination. The assessment section of this report concludes that the proposal complies with the South Ayrshire Local Development Plan 2 and consequently there is no requirement for referral of the application to Full Council.

A Processing Agreement has been prepared and agreed in consultation with the applicant which agrees that the Planning Service will seek to present the application to the Council's Regulatory Panel no later than 30th June 2023.

A Proposal of Application Notice (Ref. 22/00505/PAN) described as "Installation of an energy storage facility, includes the siting of battery enclosures, power conversion units and transformers, a substation, hardstanding, fencing, vehicular access, grid connection and ancillary works" was submitted on 1st June 2022. It is considered that the nature of the scheme as submitted through the current application is such that it is clearly and recognisably linked to the proposal described in the proposal of application notice.

2. Consultations:

Ayrshire Roads Alliance - no objection subject to conditions in respect of submission of a Construction Traffic Management Plan and implementation of a Sustainable Urban Drainage System (SUDS) prior to occupation.

Transport Scotland (Trunk Roads) - no objection subject to conditions in relation to:- route to be provided for any abnormal loads, any additional signage or temporary traffic control measures to be approved by TS, submission of a Construction Traffic Management Plan and wheel cleaning facilities.

Sustainable Development (Landscape and Parks) – no objection, landscaping details in respect of proposed plant numbers and densities should be submitted.

Environmental Health – no objection subject to mitigation measures outlined in the submitted Acoustic Assessment being applied.

West Of Scotland Archaeology Service – no objection subject to a standard condition in respect of the submission of a written scheme of investigation.

SGN Pipelines Maintenance - no objection subject to condition in respect of the applicant undertaking a phase to earth study prior to energisation of the energy storage facility.

Health And Safety Executive, Per Gordon Wilson - no objection.

AECOM (Ecology Consultants) – no objection, suggest attaching a condition in relation to a Species Protection Plan for bats.

Glasgow Prestwick Airport – 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.

Pre-Application Consultation (PAC) Report: This report outlines the community engagement undertaken by the applicant during the pre-application consultation period, compliance with statutory requirements and the views expressed by the local community and how the development proposals take them into consideration. The PAC Report provides a summary of the issues raised as part of the consultation exercise and provides a response to each.

Planning, Design and Access 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, relevant national planning policy and other material considerations.

Transport Statement: This document provides details of the proposed transport management arrangements during construction of the proposed development and of transport movements during construction and operation. Access to the site will be taken from an existing left hand turning, approximately 200m after crossing the River Ayr from the north. There will be a 'no right turn rule' for all construction traffic entering/leaving the site. It is stated that the access track utilised in accessing the site begins at the existing site entrance, off the A77, which is currently used for the existing commercial Christmas tree business on site. On site hardstanding areas, tracks and equipment foundations shall be constructed using stone and concrete. It is further stated that once operational, the facility will be remotely controlled and as such would be unmanned. However, it is outlined that there would be a visit to the site approximately once a month by car, van or light goods vehicle to carry out regular inspections and maintenance, with parking accommodated on site.

Assessment of Acoustic Impact: The scope of this report included determining the baseline and predicting sound levels as a result of the proposed development in order to assess the level of impact in accordance with relevant guidance. Background sound measurements were undertaken at Holmston Farm from 12.15 on Friday 26th August 2022 until 09.45 on Monday 29th August 2022, with the survey position being located to the south-west of the site. The report concludes that the acoustic impact of the proposed development would be low during the daytime, evening and night periods, with the implementation of appropriate mitigation measures. The outlined mitigation measures are as follows -: installation of a 3m acoustic fence around the site or the fitting of silent kits, in the form of baffles, to the ESS HVAC units.

Historic Environment Desk-Based Assessment: This report considers the likely effect of the proposed development on cultural heritage (archaeology and built heritage), with the specific objectives being to: set out the cultural heritage baseline of the site, assess the archaeological potential of the site, assess the effects of the proposals on the cultural heritage resource within the context of relevant legislation and planning policy and determine whether, where any predicted adverse effects are identified, these effects can be mitigated. No known designated or non-designated assets were identified within the site. The assessment also considered the potential for the proposed development to adversely affect any designated and/or regionally significant heritage assets as a result of change to the setting and it was found that no such effects would result from the proposals.

Biodiversity Net Gain Assessment: This document outlines that the work involved a site visit to map habitats present using UKHab survey protocols and an assessment of the baseline condition of each habitat recorded. It states that the site visit revealed that the site was predominantly comprised of modified and neutral grassland and mixed woodland (mainly conifer). It is outlined that the proposed development does not affect irreplaceable habitats as the areas of Ancient Woodland are outside of the site boundary. The assessment goes on to state that the proposed development would deliver an increase in the habitat biodiversity value of the site of approximately 15.52%, result in no change in the linear habitat (hedgerow) biodiversity value and 100% increase in river habitats – thus meeting the requirement for biodiversity enhancement under Policy 3 of NPF4. This is subject to appropriate planting plans and management plans being developed to optimise the delivery of biodiversity performance on the site. 11 bat boxes, 4 bird boxes and 3 insect hotels are proposed within the landscape plan.

Construction Environmental Management Plan: The purpose of this document is to consider how noise, vibration, dust and other airborne pollutants, smoke and odour from construction work will be controlled and mitigated. It also considers the effects from the traffic movements to and from the site and the onsite construction activities, although construction traffic is considered in further detail within the Transport Statement. A dedicated person will manage deliveries, clear construction warning signs and junction proximity signage will be implemented, access to the construction site will be controlled by onsite personnel and all portacabins/machinery/equipment will be removed once construction is completed.

Flood Risk Screening and Surface Water Management Plan: This report sets out that the site is at no specific risk of flooding. An assessment of the drainage options was also undertaken, with it being concluded that drainage by infiltration is unlikely to be a viable option. As such, the proposal is to drain the site via an attenuation basin, with a restricted discharge rate into the River Ayr. It is stated that the required attenuation volume has been calculated as approximately 430 cubic metres and that this should be considered a maximum volume, based on the assumption that all permanent infrastructure (other than the access track) has an asphalt surface and that drainage by infiltration methods is not possible.

Landscape and Visual Appraisal: It is stated that the appraisal was prepared with reference to the 3rd edition of the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute in association with the Institute of Environmental Management and Assessment, 2013). Landscape and visual effects were assessed separately, although they are clearly linked. Landscape effects relate to the effects of the proposals on the physical and perceptual characteristics of the landscape and its resulting character and quality whereas, visual effects relate to the effects of specific views experienced by visual receptors and on visual amenity more generally. The appraisal outlined the methodology used, described the site context, outlined the policy context, described the proposed development, outlined landscape baseline and effects and visual baseline and effects. Overall, given the relatively low heights of the proposed development and screening by the existing mature woodland directly north-east, mature trees to the east and south and proposed mitigation measures including tree and shrub planting along the western boundary, the total extent of the landscape and visual effects would be localised and limited in nature.

Preliminary Ecological Appraisal Report: The report seeks to establish baseline conditions and determine the importance of ecological features present (or those that could be present) as far as possible, to identify potential ecological constraints to the proposed development and make initial recommendations to avoid potentially significant effects on important ecological features (where possible, to identify potential requirements for mitigation, where possible, including mitigation measures that will be required and those that may be required and to establish any requirements for more detailed surveys. The report found that 5 trees had potential to support roosting bats but that the surrounding habitats offer poor commuting and foraging potential – further survey work recommended to confirm possible presence of bat roosts. No field signs or badger setts were identified, however habitat suitable for badgers is present. The survey did not identify any field signs of otter or water vole. No amphibians were detected during the survey and no waterbodies were found with permanence, but suitable habitat was found within the site and surroundings with dense tussocky grasses, hedgerows and woodland with dead wood. The site has limited potential for nesting birds, restricted to scattered trees and the stunted coniferous woodland. The surrounding habitat provides suitable habitat for nesting and foraging birds with woodland, hedgerow and mature trees. The report recommends that prior to the commencement of works, a pre-construction site walkover take place by a suitably experienced ecologist to establish the potential presence of bat tree roosts, badger, otter field signs and breeding birds.

Protected Mammal Survey Report: This report details the results of a protected mammal survey carried out in April 2023 as a result of comment received from the Council's Ecology consultants, AECOM. Security lighting points are proposed around the perimeter of the infrastructure; however, it is understood that each security lighting unit will be positioned to face downwards into the battery storage compound and that lighting will only be activated for the purpose of illuminating electrical infrastructure when staff are required to carry out maintenance work during hours of darkness. No tree felling is proposed and assuming that there is no further requirement for tree management works on, or immediately adjacent to, the site boundary, development of a Species Protection Plan (SPP) for bats and measures to protect trees along the site boundary would be considered sufficient. Evidence of otter activity was identified along the banks of the River Ayr and a SPP should be developed and implemented. Due to lack of field evidence relation to water vole obtained within the survey area and the distance between the proposed development and nearest watercourse (River Ayr), impacts to water vole populations as a result of proposed works are considered low. While no evidence of badger and their setts were identified within the site itself, the field survey results indicate that badgers utilise the wider survey area for commuting, foraging and likely resting purposes. A pre-construction walkover survey and development of a SPP for badger should be undertaken and implemented. No evidence of red squirrel was identified within the site.

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:

6 representations have been received from 5 individuals which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised in the representations relate to the following points which have been grouped into subject matter:

Lack of consultation

- Live within 500m of the site and should have been informed of the proposed development.

Amenity

- Proposed development will create noise and light pollution.

Natural Heritage

- Adjacent to wildlife site and wildlife and fauna will be adversely disturbed.

Policy

- Site is located within Green Belt.

Plans/Lack of information

- Conflicting information within Location Plan/Site Plan.
- Insufficient information in respect of landscaping and bund.
- No noise pollution assessment documentation submitted.
- No information regarding radiation or electromagnetic risks.

Health and Safety

- Will the applicant be in contact with Scottish gas Network (SGN) in respect of their letter sent to South Ayrshire Council in relation to application 22/00302/PPPM?

Traffic and Transportation

- Will the applicant submit their Transport Statement to Ayrshire Roads Alliance, Transport Scotland, South Ayrshire Council Planning and SWECO with reference to application 22/00302/PPPM?
- Would the applicant install a footpath to their access point from the public pathway crossing at Holmston Roundabout? This would allow the local community to use the underpass at River Ayr to gain access to the footpath/cycle path to Coylton without having to navigate across the A77.

Other matters

- Will SAC arrange forward planning talks between the applicant, Icení (agent for proposed 350 dwellings – 22/00302/PPPM) and the proposed upcoming Loch Fergus solar farm? Strategic planning for heavy load traffic for all 3 sites.

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:

The material considerations in the assessment of this planning application are the provisions of the development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), other policy considerations (including government guidance), planning history of the site, representations received and the impact of the proposal on the amenity of the locality.

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.

(i) National Planning Framework 4 (NPF4)

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. 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.

The following policies of NPF4 are considered relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/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 6 Forestry, Woodland and Trees
- Policy 7 Historic Assets and Places
- Policy 8 Green Belts
- Policy 11 Energy
- Policy 14 Design, Quality and Place
- Policy 18 Infrastructure First
- Policy 22 Flood Risk and Water Management
- Policy 23 Health and Safety

NPF4 Aims

The primary policies of relevancy to the principle of development in this case generally seek to encourage all forms of renewable energy whilst ensuring that the ecology, character, landscape, natural setting and identity of the area is protected and enhanced. In this instance, it is noted that the proposed use of the site is located within the greenbelt where one of the forms of development which can be supported is renewable energy development. As such, the energy battery storage facility is classed as such a form of development.

A summary of each of the relevant NPF4 policies is set out below followed by an assessment of the proposed development against the policy consideration.

Policy 1 Tackling the Climate and Nature Crises

The purpose of this policy is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. Scotland's Climate Change (Emission Reduction Targets) (Scotland) Act 2019 targets a date of 2045 to reach net zero, with interim targets of at least 75% by 2030. Wind and solar renewable energy technologies generate electricity intermittently, depending on weather conditions which causes imbalances in the electricity network. Energy storage therefore provides a balancing role to ensure that the grid remains stable at times of stress; this proposal will allow energy to be stored at times when generation exceeds demand and then release electricity back to the national grid network when demand exceeds generation. Electricity is not physically generated on site. It is considered that the proposed development would contribute to tackling the climate emergency and therefore is in compliance with this policy.

Policy 2 Climate Mitigation and Adaptation

This policy requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change. The proposed development relates to renewable energy and the development proposal is therefore deemed to accord.

Policy 3 Biodiversity

This policy is relevant to this proposal as it sets a specific requirement for development proposals subject to 'major' applications to enhance biodiversity, not just protect it and/or avoid detrimental impacts. As part of this, the test of the policy requires it to 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. The applicant has submitted a Biodiversity Net Gain Assessment in support of the application which states that the proposed development would deliver an increase in the habitat biodiversity value of the site of approximately 15.52%; this is achieved through the planting of seeds which will improve moderate grassland to good neutral, creation of drainage ditches and the planting of native trees and shrubs (including silver birch, oak, downy birch and rowan). The proposal is thus deemed to comply with this policy aim.

Policy 4 Natural Places

This policy aims to protect, restore and enhance natural assets and make best use of nature-based solutions. Development proposals which by virtue of type, location or scale would have an unacceptable impact on the natural environment, will not be supported. The proposed development will largely retain the existing planting, trees and foliage along the northern, eastern and southern boundaries. Further planting is also proposed to the southern and western part of the application site. An Ecological Appraisal and Protected Mammal Survey Report have been submitted in support of the application and no protected species were highlighted within the site, although a condition will be attached in respect of Species Protection Plan. In light of the above, the proposed development is considered to accord with this policy.

Policy 6 Forestry, Woodland and Trees

This policy aims to protect and expand forests, woodland and trees. During construction the existing mature woodland immediately north-east of the site, the mature trees and hedgerow species to the east and south and the tree line which forms the western boundary of the wider field will be retained and protected. No part of the adjacent Ancient Woodland is to be felled. The development proposal is therefore considered to comply with this policy aim.

Policy 7 Historic Assets and Places

This policy aims to protect and enhance historic assets and places and to enable positive change as a catalyst for the regeneration of places, with a requirement for any potential impacts on such assets to be assessed. There are no historic assets near the site which would be impacted upon as a result of the proposed development and it is noted that the West of Scotland Archaeology Service offers no objection to the proposed development.

Policy 8 Green Belts

This policy seeks to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably. One of the criteria listed where development is considered to be acceptable should the land be designated as green belt within the LDP is for renewable energy developments. As the proposed development relates to a battery storage facility, the proposed use is considered to be compatible with this policy.

Policy 11 Energy

The aim of this policy is to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies. The policy states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported and this includes battery energy storage. Supporting documentation has been submitted with the application and it is not considered that the proposed development would have an adverse impact on traffic, landscape, historic environment, hydrology, biodiversity or protected trees. As such, the development proposal is considered to be in accordance with this policy.

Policy 14 Design, Quality and Place

This policy seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle', that is, a design led approach which demonstrates the six qualities of a successful place; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. It sets a standard for development proposals centred around 'quality', with an expectation for proposals to be well designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places would not be supported by the policy. It is considered that the proposed development has been well considered in respect of its impact and therefore accords with this policy.

Policy 18 Infrastructure First

This policy seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking the requires the impacts of development proposals on infrastructure to be mitigated. In this instance, no new roads infrastructure is required for the proposed development, while it is considered that the nature of the proposed development means that it would have no other significant infrastructure implications. The proposals are therefore compliant with this policy.

Policy 22 Flood Risk and Water Management

The purpose of this policy is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It sets criteria and circumstances where development proposals at risk of flooding or in a flood risk area will be supported and this includes essential infrastructure, water compatible uses and redevelopment of existing buildings or sites for an equal or less vulnerable use. The application site is not recorded as being at either fluvial, coastal or surface water flood risk within SEPA's flood risk maps. No objection has been received from the Ayrshire Roads Alliance (as Flood Authority) and it is therefore considered that the proposed drainage arrangements would not increase the risk of flooding elsewhere. Considering the above, the proposal is compliant with policy 22.

Policy 23 Health and Safety

This policy aims to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. There is a High-Pressure Gas Transmission Pipeline in the vicinity of the proposed development. The building proximity distance for high pressure gas pipeline E53 is 17 metres and pipeline E27 is 15 metres, in accordance with the recommendations of The Institution of Gas Engineers document TD/1 Edition 5. It is noted that Scotland Gas Networks (SGN) offer no objection to the proposed development subject to a condition which requires the applicant to demonstrate to SGN that the proposed installation shall not compromise or pose a threat to the integrity of the pipelines or their people. An Assessment of Acoustic Impact report has been submitted in support of the development proposal and the Council's Environmental Health Service offer no objection. It is further noted that the Health and Safety Executive offer no objection to the application. In view of the aforementioned, it is considered that the proposed development accords with this policy.

Overall, and for the reasons noted above, it is considered that the proposal accords with the provisions of NPF4.

- **Local Development Plan 2 (LDP2)**

The following policies of LDP2 are considered relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- LDP Spatial Strategy
- Core Principle B1
- Core Principle C1
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Green Belt
- LDP Policy: Landscape Quality
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Renewable Energy
- LDP Policy: Historic Environment
- LDP Policy: Natural Heritage
- LDP Policy: Land Use and Transport

However, the provisions of the Adopted South Ayrshire Local Development Plan 2 must 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 and alongside NPF4 above. An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

LDP Spatial Strategy

The Spatial Strategy sets out the general approach of the Council to development planning matters. It sets the scene for the type of development approaches South Ayrshire seeks to promote and defines 'Core Principles' that form the foundation of the plan. The Strategy also contains two 'Strategic Polices' that all development proposals require to confirm to and be justified against. Specific consideration of these is set out in the sections below.

- Core Principle B1

This states that the Council will support the principles of sustainable economic development and will: prioritise sustainable travel and development and direct development to settlements in preference to countryside areas unless an alternative location can be justified through LDP2 policy, economic benefit or site-specific need. The application site is situated immediately adjacent to an existing electricity distribution facility and the proposed development is therefore considered to represent sustainable economic development.

- Core Principle C1

This promotes the sustainable use of natural, built and cultural heritage resources and states that the Council will, among other things, ensure that development proposals safeguard protected natural and built heritage resources, follow a precautionary approach where unrecorded natural or archaeological resources may be present and protect and enhance existing green and blue networks. The application is accompanied by an Ecological Appraisal which demonstrates that the proposed development is unlikely to have any negative impacts on natural heritage resources. The West of Scotland Archaeology Service were consulted on the application and offer no objection subject to a standard condition being attached in respect of a Written Scheme of Investigation. As such, the proposed development is considered to accord with this core principle.

Strategic Policy 1: Sustainable Development

This policy provides the overarching policy for the LDP subject specific policies, and it requires to be used in the consideration of all planning applications. Certain criteria of this policy are therefore pertinent to this proposal and include (inter alia):

- Respects, protects and where possible, enhances natural, built and cultural heritage resources.
- Respects the character of the landscape and the setting of settlements.
- Incorporates sustainable urban drainage and avoids increasing (and where possible reduces) risks of, or from all forms of flooding.
- Ensures appropriate provision for waste-water treatment, avoids the proliferation of private treatment systems and connects foul drainage to the public sewerage system wherever feasible.
- Makes efficient use of land and resources.
- Embraces the principles of 'place-making' and the '6 qualities of place'.
- Does not have a negative effect on air or water quality.
- Wherever possible is in an accessible location with opportunities for the use of public transport and other sustainable means of transport.
- When considering development proposals, due weight will be given to the consideration of net economic benefit.
- Respects the Scottish Government's Zero Waste Objectives.

The proposed development is considered to generally comply with the criteria of this overarching policy noting its layout, design, scale and massing. The site is located immediately to the west of an existing electricity facility and the 36 battery storage enclosures would be one of two types, with the first being modified ISO-style shipping containers set on concrete foundations with typical dimensions of 13.7m long, 2.4m wide and 2.9m high. The enclosures are generally finished in a shade of white or grey – a condition will be attached in respect of external finishes. The second type are modular battery enclosures, also set on concrete foundations, which are 'packed' together to form similar dimensions to that aforementioned. These have a white finish. 18 power conversion systems are also proposed and these have typical dimensions of 10.3m long, 6m wide and 2.5m high and are also set on concrete block foundations and would be finished in a shade of grey or white. Two substation units are also proposed and these would measure a maximum of 17.5m long in total, 5m wide and 4.5m high. It is considered that the development will be of scale which is generally smaller in size and scale to the existing electricity facility located to the east. Consideration of each of the criteria above which relate to visual and

landscape impacts, impacts on natural resources, flooding and drainage, residential amenity and transport are assessed below in more detail in relation to the subject specific policies which focus on these topics.

In relation to the requirement of the policy to consider the 'net economic benefit' of the development and apply due weight accordingly, the supporting Planning Statement outlines that the proposed development has the potential to generate a range of economic opportunities for local businesses through the construction activities required for the proposed development as well as throughout the supply chain. Furthermore, the proposal will support the national grid by managing energy demand by storing energy during off-peak periods and releasing it during peak periods. This storage function can help by reducing demand and strain on the grid and by providing emergency back-energy which in turn can help prevent blackouts, loss of electricity provision and reduce the need for additional power generation infrastructure, all of which can be otherwise costly outcomes.

Strategic Policy 2: Development Management

This represents the overarching policy for the LDP subject specific policies for the Development Management process. As part of this, it schedules out expectations to ensure that development meets a range of criteria. Certain criteria of this policy are considered to be relevant to this development proposal, as outlined below:

- Promotes and facilitates the ability of LDP2 to deliver and achieve its aim to "make the most of sustainable economic growth that is supported by sound social and environmental objectives". It is considered that by being sited next to an existing electricity substation facility and having been designed to avoid any negative impacts on surrounding uses or the natural environment (as illustrated in supporting documentation), that the proposal accords with this aim.
- In accordance with the site's land use, as defined on the 'Proposals Maps'.
- Is appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses.
- Does not have an unacceptable impact on the amenity of nearby land uses or committed development proposals (i.e. sites with Planning Permission or allocated LDP2 development sites).
- Is appropriate to the local area in terms of road safety, parking provision and effects on the transport network.
- Makes appropriate provision for all infrastructure implications of the development.
- Includes open space and landscaping that is appropriate for the location and the use of the proposed development.

Similar to Strategic Policy 1: Sustainable Development above, it is considered that the proposed development is considered to comply with the criteria and expectations of the overarching policy noting its layout, design, scale and massing. Consideration of each of the criteria above which relate to the land use (both existing and proposed), its visual and landscape impacts, its compatibility, road safety and infrastructure and landscaping are assessed below in more detail in relation to the subject specific policies which focus on these topics.

LDP Policy: Green Belt

This policy states that the Council will only support development within the green belt if it is of a high design quality and a suitable scale and form and among several criteria, that it is required at the proposed location to provide essential infrastructure. The site is strategically located adjacent to Ayr substation and is contained by the existing and proposed vegetated boundaries. Energy storage facilities require to be located as close as possible to the substation from which its grid connection is provided in order to limit electrical losses and ensure greater efficiency of the system. Given the required need for the proposed development and its sensitive siting, the proposal is considered to accord with this policy.

LDP Policy: Landscape Quality

This policy states that the Council will maintain and improve the quality of South Ayrshire's landscape and its distinctive local characteristics. Proposals for development must conserve features that contribute to local distinctiveness, including: community settings, patterns of woodland, fields, hedgerow and tree features and the historic and cultural landscape. The application site has not been identified for its local distinctiveness and is largely contained by existing vegetated boundaries along the northern, eastern, south-eastern and western perimeters of the wider field.

While it is noted that BESS developments have potential for landscape impacts in some instances, it is considered that given the site-specific circumstances of the current application site in terms of the nature of the proposals, the location immediately adjacent to Ayr electricity substation, site topography and visibility that the development can be reasonably absorbed and there would be no adverse landscape impacts in this instance.

The proposed development will see the creation of new native tree and shrub planting on earth bunds to the west of the proposed compound to provide visual enclosure to the proposed development and there will also be the provision of new native tree and shrub infill planting along the southern boundary. There will also be enhancement of other areas surrounding the compound through proposed seed mixes and an ongoing landscape management of planting during the lifetime of the proposed development. It is therefore considered that the development proposal is in accordance with this policy.

LDP Policy: Preserving Trees

This policy states that ancient and veteran trees of high nature conservation and landscape value will be protected and that the Planning Authority will work with developers to agree a defined root protection area for all retained trees likely to be adversely affected by development. All such root protection areas will be safeguarded by condition throughout the course of development. It is noted that there are no Tree Preservation Orders within or close to the site but that there is an area of Ancient Woodland to the north-east of the site. However, the woodland to the north-east and existing tree lines on the perimeter of the site would be protected during construction and retained. As such, the development proposal is compliant with this policy.

LDP Policy: Water Environment

This policy states that the Council will support the objectives of the Water Framework Directive, with the WFD seeking to protect inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. The policy outlines that development should not harm the biodiversity of the water environment, should not pose an unacceptable risk to the quality of controlled waters and that it should provide an appropriately sized buffer strip between the development and a water course. It is noted that a Flood Risk Screening and Surface Water Management Plan has been submitted in support of the application and that the Ayrshire Roads Alliance (as Flooding Authority) offer no objection. The development proposal is therefore deemed to be in accordance with this policy.

LDP Policy: Flood and Development

This policy states that development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere and that the Council will assess development proposals against Scottish Environmental protection Agency's (SEPA) publication 'Flood Risk and Land Use Vulnerability Guidance' (2018), or subsequent updates. The proposed drainage arrangements ensure that the proposed development would not increase the risk of flooding elsewhere and the site is also not located within an area at risk of either fluvial, coastal or surface water flooding – as shown within SEPA flood maps. Again, it is important to note that the Ayrshire Roads Alliance offer no objection to the development proposal, subject to conditions. The proposal is therefore considered to accord with this policy.

LDP Policy: Air, Noise and Light Pollution

This policy outlines that the Council will not allow development which would expose people to unacceptable levels of air, noise or light pollution. It should be noted that the application site is immediately adjacent to an existing electricity substation and in close proximity to a busy trunk road, with the closest residential properties being located approximately 210m to the south-east. An Assessment of Acoustic Impact was submitted in support of the application and it is noted that the Council's Environmental Health Service offers no objection to the proposed development. The proposal is therefore considered to comply with this policy.

LDP Policy: Renewable Energy

This policy states that the Council will support proposals for generating and using renewable energy in stand-alone locations, and as part of new and existing developments, if they will not have a significant harmful effect on residential amenity, the appearance of the area and its landscape character, biodiversity, historic environment and cultural heritage associations. The proposed development would be sited immediately adjacent to Ayr electricity substation and as aforementioned, it is considered that the proposed development would not have an adverse impact on landscape character or biodiversity. The proposal is not considered to have an adverse impact on the historic environment or cultural heritage, as set out below. As such, it is considered that the battery storage facility represents an acceptable form of renewable energy in the locale and is therefore in full accordance with this policy.

LDP Policy: Historic Environment

This policy states that the Council will protect, preserve, and where appropriate, conserve and/or enhance South Ayrshire's historic environment. Development proposals that do not safeguard archaeological sites or resources in situ will not be supported unless it is demonstrated to the satisfaction of the Council that the benefit of the proposal outweighs the archaeological value of the site. The applicant submitted a Historic Environment Desk-Based Assessment in support of the application and the assessment concluded that the site has limited archaeological potential and that the proposed development would not impact upon any designated heritage assets or their setting. It is noted that the West of Scotland Archaeology Service offers no objection to the proposed development. The proposal therefore raises no issues with regards to this policy.

LDP Policy: Natural Heritage

This policy sets out protections for natural heritage sites, protected species and other features of nature conservation value – including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors, with development proposals which affect such sites or species only being permitted if certain criteria are met. The application is supported by a Preliminary Ecological Appraisal and Protected Mammal Survey Report. The appraisal confirms that adverse impacts on international, national or local designations due to the proposed development are not expected. Whilst no protected species were discovered within the site, the site and its surroundings do provide suitable habitat which may support badgers, otter, invertebrates, bats and nesting birds. Therefore, an appropriate condition will be attached in this regard. Based on the aforementioned, the proposal is therefore compliant with this policy.

LDP Policy: Land Use and Transport

This policy sets out a number of criteria for development proposals to meet, the most relevant in respect of this application states that the development should take appropriate measures to keep any negative effects of road traffic to a minimum. A Transport Assessment has been submitted in support of the application which highlights that access to the site will be taken from an existing left hand turning on the A77 trunk road, approximately 200m after crossing the River Ayr from the north. There will be a 'no right turn rule' for all construction traffic entering/leaving the site. It is stated that the access track utilised in accessing the site begins at the existing site entrance, off the A77, which is currently used for the existing commercial Christmas tree business on site. It should also be noted that Transport Scotland and the Ayrshire Roads Alliance offer no objection to the proposed development, subject to conditions. Considering the above, the proposal can be supported by this policy.

Summary of Assessment against LDP2

The proposed development is considered to support the aims of tackling the climate crisis, represents sustainable development and be of a layout, scale, massing and design which respects its surroundings and adjacent land uses. The proposed development would not have an adverse impact on the character of the landscape, natural environment, historic/cultural heritage or local transport network. Overall, and for the reasons noted in the assessment above, it is considered that the proposal accords with the provisions of LDP2.

(ii) **Material Considerations**

Planning History

03/01036/OUT – Erection of residential development - Withdrawn April 2005.

In South Ayrshire, there are two consented BESS facilities, both of which are ancillary to windfarm developments and which were considered by The Scottish Government, in consultation with South Ayrshire Council (SAC). These developments have been consented but neither have been constructed yet. In addition to this, there is currently a planning consultation (22/01029/DEEM) for a proposed BESS facility under consideration. The reference numbers and application details for the 3 projects above can be found below:

20/01085/DEEM (ECU Reference: ECU00002112)

Site: Proposed Wind Farm at Dersalloch, B741 Dalmellington Road Straiton, Council Boundary, Straiton, South Ayrshire

Proposal: Application under S36 of the Electricity Act 1989 (as amended) for the proposed battery energy storage system (BESS) with installed capacity to a maximum of 50MW including; BESS compound area; DC and Heating; Ventilation and Air Conditioning (HVAC) BESS units; Power conversion units housed in the inverter/converters and transformers; Modular, containerised substation building (containing switchgear and control room); Storage unit; vehicle access/parking spaces; security fencing and gate and underground cables at Dersalloch windfarm.

Status: Section 36 application consented by Scottish Government with SAC offering 'no objections' as a statutory consultee to process.

21/00387/DEEM (ECU Reference: ECU0005202)

Site: Proposed Wind Farm Kilgallioch, C72 From Gowlands Terrace Barrhill to Council Boundary South of Chirmorie, South from Barrhill, Barrhill, South Ayrshire

Proposal: Application for consent under section 36 of the electricity act 1989 for the proposed kilgallioch battery energy storage system (bess) & associated works including synchronous condenser (syncon)

Summary: Section 36 application consented by Scottish Government with SAC offering 'no objections' as a statutory consultee to process.

22/01029/DEEM (ECU Reference: ECU00003318)

Site: Camsiscan Farm Craigie A719 from Council Boundary South to B730 Junction at March Bridge Craigie South Ayrshire

Proposal: Installation of a battery energy storage system and associated infrastructure with a generating capacity of up to 350MW

Summary: Section 36 application with SAC currently assessing in order to provide consultation response.

Objector Concerns

6 representations from 5 different individuals have been received which object to the proposed development. The points of objection are listed below and responded to in bold.

Lack of consultation

- Live within 500m of the site and should have been informed of the proposed development.
The distance to receive neighbour notification is properties or premises within 20 metres of the application site and this is dictated by legislative requirements as set out in The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Representations can however be submitted by anyone such is the case with this representation. The development proposal was also subject to the Pre-Application Consultation process and an online event was publicised and held on Tuesday 21st June 2022.

Amenity

- Proposed development will create noise and light pollution.
The proposed development is located adjacent to the existing Ayr electricity substation, with the closest residential properties being located approximately 210m to the south-east. Residential dwellings within the settlement boundary of Ayr are separated from the site by the A77 trunk road and are approximately 225m from the application site. Moreover, existing planting, together with a proposed bund and further planting and proposed acoustic fencing would further mitigate any potential noise issues. It is also noted that the Council's Environmental Health Service offer no objection to the proposed development. It is stated within the submission that the only lighting within the proposed development would be PIR 'infrared' lighting associated with the CCTV system, which would not be visible to the naked eye, together with PIR operated external lights mounted above doorways. It is also stated that the proposed development does not incorporate any visible, permanent artificial lighting.

Natural Heritage

- Adjacent to wildlife site and wildlife and fauna will be adversely disturbed.
Reports have been submitted in support of the application which outline that the site does not contain any protected species. Nevertheless, mitigation is attached as a condition due to the surrounding habitat having the potential to support protected species.

Policy

- Site is located within Green Belt.
As outlined within the assessment, the proposed development is considered to represent an acceptable use within this green belt location.

Plans/Lack of information

- Conflicting information within Location Plan/Site Plan
It is considered that the application site boundary corresponds satisfactorily between these submitted plans.
- Insufficient information in respect of landscaping and bund
The location of the proposed bund is highlighted within the submitted plans and it is known that the bund is proposed to be 3m in height, with planting. A condition in respect of landscaping is attached.
- No noise pollution assessment documentation submitted
An Assessment of Acoustic Impact has been submitted in support of the application and the Council's Environmental Health Service offer no objection.
- No information regarding radiation or electromagnetic risks
This is not a material planning consideration in the assessment of the application.

Health and Safety

- Will the applicant be in contact with Scottish Gas Network (SGN) in respect of their letter sent to South Ayrshire Council in relation to application 22/00302/PPPM?
Planning application 22/00302/PPPM is a separate proposal for Planning Permission in Principle for the erection of a residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works. Scotland Gas Network were consulted as part of the current application and offer no objection, subject to a condition.

Traffic and Transportation

- Will the applicant submit their Transport Statement to Ayrshire Roads Alliance, Transport Scotland, South Ayrshire Council Planning and SWECO with reference to application 22/00302/PPPM?
As noted above, this is a different proposal. Transport Scotland and the Ayrshire Roads Alliance offer no objection to the current application under consideration, subject to conditions.
- Would the applicant install a footpath to their access point from the public pathway crossing at Holmston Roundabout? This would allow the local community to use the underpass at River Ayr to gain access to the footpath/cycle path to Coylton without having to navigate across the A77.
It is not considered that this proposed 'planning gain' can be reasonably achieved in this instance under this application; this is due to the nature of the proposed development and that there is no reasonable requirement for the community to access the development site which will not be publicly accessible.

Other matters

- Will SAC arrange forward planning talks between the applicant, Icenl (agent for proposed 350 dwellings – 22/00302/PPPM) and the proposed upcoming Loch Fergus solar farm? Strategic planning for heavy load traffic for all 3 sites.
The planning application currently submitted requires to be assessed on its merit. As aforementioned, Transport Scotland and the Ayrshire Roads Alliance offer no objection to the current application, subject to conditions.

Consultation Responses

It is noted that consultees either do not object to the development proposal or do not object subject to the imposition of conditions and advisory notes which are all included in the recommendation below. Two proposed conditions stated by Transport Scotland are considered to be more appropriately attached as advisory notes. This is because they would not meet the test for conditions as set out in Planning Circular 4/1998: The use of conditions in planning permissions.

Impact on the Locality

The application has been the subject of various assessments as summarised elsewhere in this report. Each of these has considered the impact of the development on the locality. The application has been subject to wide ranging consultation and the responses have been summarised in the 'Consultations' section of this report, and appropriate recommendations for conditions are included within the 'Recommendation' section. Subject to the conditions, as set out below, it is considered that the proposal will deliver a sustainable renewable energy development that accords with the Development Plan and framework of planning policy.

8. Conclusion:

The proposed development comprises the installation of an energy storage facility - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works. 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 complies with the provisions of NPF4 and LDP2 and will deliver a sustainable development which will help to tackle the climate crisis. No objections to the proposal have been received from consultees. The points raised in the letters of objection have been fully considered and do not raise any issues that would merit a recommendation of refusal of the application. It is considered that the proposal will not have an adverse impact on the amenity of adjacent properties or the character and amenity of the locality/landscape. 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 approved subject to conditions.

9. Recommendation:

It is recommended that the application is approved with conditions(s).

Conditions

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) 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.
- (3) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved.
- (4) That prior to the commencement of development, a Species Protection Plan for bats, otters and badgers shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved.
- (5) That before any works start on site, details of the number, species and density 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 the first planting season following the completion of the development, whichever is the sooner.
- (6) That before any works start on site, the developer shall submit details and specifications of the root protection area and outline measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the implementation and completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.
- (7) That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
- (8) That energisation of the Energy Storage Facility shall not occur until the applicant has undertaken a phase-to-earth study to determine the interference levels on the Scotland Gas Networks' adjacent pipelines E27 and E53 from steady state and fault conditions of the electrical infrastructure associated with the proposed development, taking into consideration the SGN pipeline(s) and associated equipment. If required, the applicant shall also design appropriate mitigation to ensure that any induced fault voltage is within appropriate limits (in accordance with BS EN 50122-1). The results of this modelling (and mitigation, if required) will be submitted for the prior written approval of the Planning Authority, in consultation with Scotland Gas Networks, before energisation.
- (9) No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Council as Planning Authority, in consultation with the Ayrshire Roads Alliance and Transport Scotland. The CTMP shall be required to include:
 - a. Full conformation of the approved/agreed routes for use by construction traffic movements, including Abnormal Indivisible Load (AIL) movements;
 - b. 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;

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00176/APPM)

- c. Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/construction details;
- d. Full details of all arrangements for emergency vehicle access;
- e. Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
- f. Measures to control the use of any direct access onto the trunk road.

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

- (10) That the development shall not become operational until vehicle wheel cleansing facilities, or other suitable facilities, have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior written approval of the Planning Authority, following consultation with Transport Scotland.
- (11) That surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual, the updated version published by CIRIA in March 2015. At the Road Construction Consent stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Council as Planning Authority before any work commences on site.
- (12) That prior to operation of the development, the recommendations in the submitted Assessment of Acoustic Impact shall be implemented for the development.
- (13) 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

- (1) 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.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) In the interests of visual amenity.
- (4) To ensure that the development has no adverse impact on Protected Species.
- (5) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (6) In order to ensure that no damage is caused to the existing trees during development operations.
- (7) To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.
- (8) In order to ensure that a mechanism is in place to assess and mitigate the effects of inducing unacceptable levels of electrical currents and voltage upon other utilities in the event they arise.
- (9) In the interests of road safety.
- (10) To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
- (11) To ensure that the site is drained in an acceptable and sustainable manner.
- (12) In the interests of amenity.
- (13) To minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory standard.

Advisory Notes

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

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00176/APPM)

- (3) 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. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.
- (4) 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 the effect, signed by the design organisation.
- (5) 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.

List of Determined Plans:

Drawing - Reference No (or Description): 04874-RES-MAP-DR-XX-001 Rev 3

Drawing - Reference No (or Description): 04874-RES-LAY-DR-PT-001

Drawing - Reference No (or Description): 04874-RES-PCS-DR-PT-001

Drawing - Reference No (or Description): 04874-RES-BAT-DR-PT-001

Drawing - Reference No (or Description): 04874-RES-SEC-DR-PT-001

Drawing - Reference No (or Description): 04874-RES-SEC-DR-PT-002

Drawing - Reference No (or Description): 04874-RES-SEC-DR-PT-003

Drawing - Reference No (or Description): 04874-RES-SUB-DR-PT-001

Drawing - Reference No (or Description): 04874-RES-SUB-DR-PT-002

Drawing - Reference No (or Description): 04874-RES-SUB-DR-PT-003

Drawing - Reference No (or Description): 04874-RES-SUB-DR-PT-004

Drawing - Reference No (or Description): P22-1768-EN-001 Rev F

Other - Reference No (or Description): PAC Report

Other - Reference No (or Description): Planning, Design and Access Statement

Other - Reference No (or Description): Transport Statement

Other - Reference No (or Description): Assessment of Acoustic Impact

Other - Reference No (or Description): Historic Environment Desk-Based Assessment

Other - Reference No (or Description): Biodiversity Net Gain Assessment

Other - Reference No (or Description): Construction Environmental Management Plan

Other - Reference No (or Description): Flood Risk Screening and Surface Water Management Plan

Other - Reference No (or Description): Landscape and Visual Appraisal

Other - Reference No (or Description): Preliminary Ecological Appraisal Report

Other - Reference No (or Description): Protected Mammal Survey Report

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00176/APPM)

Reason for Decision (where approved):

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.

Background Papers:

- Application Form, plans and submitted documents
- National Planning Framework 4 (NPF4)
- South Ayrshire Local Development Plan 2 (LDP2)
- Representations received
- Consultation responses received
- 22/00505/PAN

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

Mr Alastair McGibbon, Supervisory Planner - Place Planning - Telephone 01292 616 177

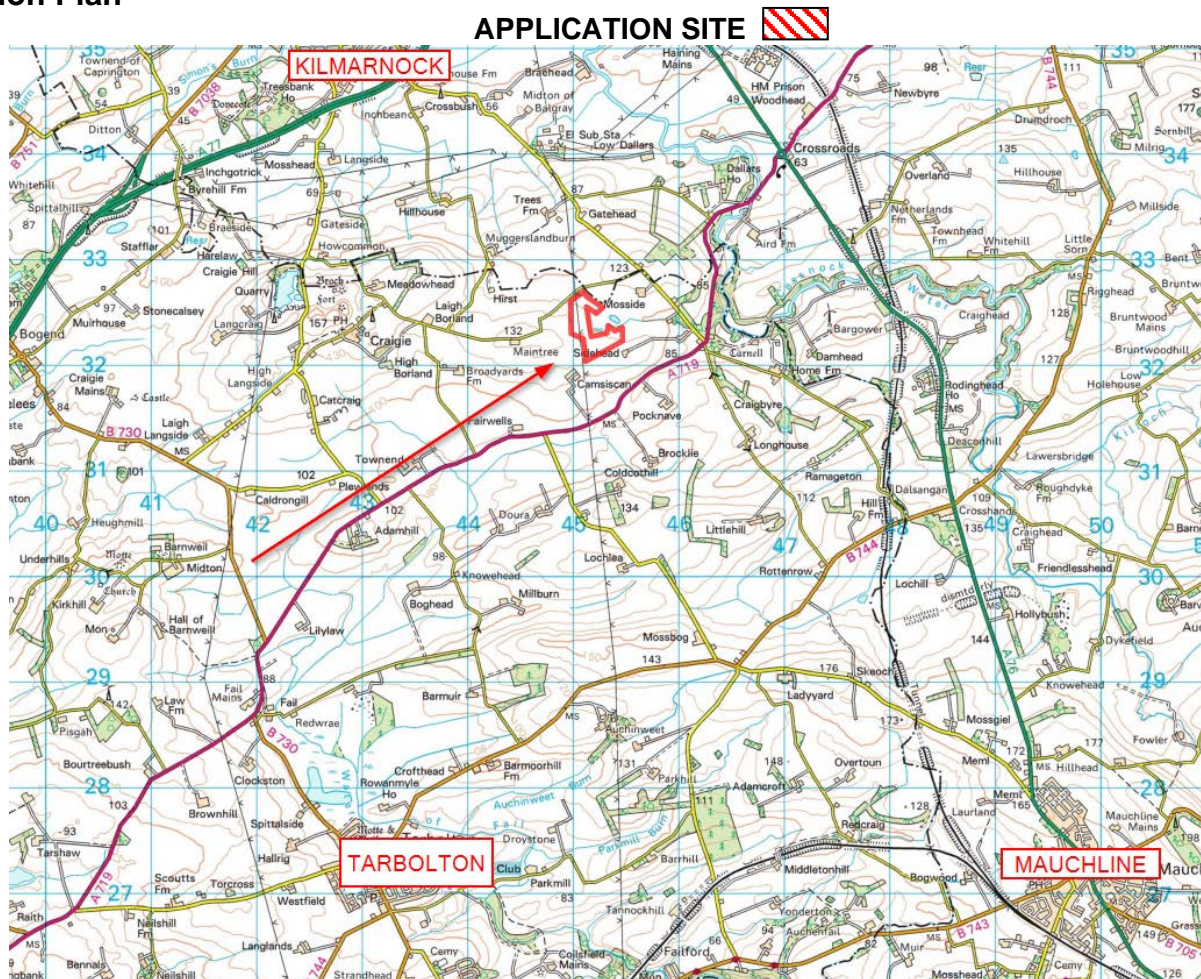
REGULATORY PANEL: 27 JUNE 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/01029/DEEM

CAMSISCAN FARM CRAIGIE A719 FROM COUNCIL BOUNDARY SOUTH TO B730 JUNCTION AT MARCH BRIDGE CRAIGIE SOUTH AYRSHIRE KA1 5JT

Location Plan



This product includes mapping data licensed from Ordnance Survey with permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2018. All rights reserved. Licenced number 100020765.

Summary

The development proposal involves the construction, operation and decommissioning of a 350MW Battery Energy Storage System (BESS) with associated infrastructure including access roads, sub-station buildings and supporting equipment, drainage and ponds, fencing and landscaping on existing rural/agricultural land at Camsiscan Farm, Craigue, South Ayrshire.

The BESS is proposed on agricultural land and there is the ability for the land to revert to this use and continue to operate post development life. The proposed development includes biodiversity enhancement measures and landscaping which will have ecological benefits and positive impacts on the natural environment. Impacts on the landscape character and visual amenity are the primary consideration. Whilst effects are identified as significant at first, it is considered to reduce overtime as landscaping establishes and would be contained to the local area and are not considered to result in widespread effects or effects on any valued landscapes or designations. Furthermore, suitable site design mitigation has been incorporated into the development and the relevant landscape consultees have agreed that this is appropriate and sufficient for the development.

On balance, the proposed development subject to this application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2. Based on the conclusions drawn in the policy assessment, there are no significant environmental effects that would warrant the balance to be shifted away from the significant benefit of the proposals in supporting renewable energy provision and reducing greenhouse gas emissions. This proposal aligns with the intent of primary policies of the NPF4 which seek to address the climate emergency through promoting development that minimises emissions to achieve zero carbon, restore the natural environment and adapts to the current and future impacts of climate change. Adverse effects regarding landscape, transport, ecology, built heritage and residential amenity can be mitigated and the proposed development would be acceptable overall.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 27 JUNE 2023

| | |
|-------------------------|--|
| SUBJECT: | CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 |
| APPLICATION REF: | 22/01029/DEEM |
| SITE ADDRESS: | CAMSISCAN FARM CRAIGIE A719 FROM COUNCIL BOUNDARY SOUTH TO B730 JUNCTION AT MARCH BRIDGE CRAIGIE SOUTH AYRSHIRE KA1 5JT |
| DESCRIPTION: | INSTALLATION OF A BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE WITH A GENERATING CAPACITY OF UP TO 350MW |
| RECOMMENDATION: | NO OBJECTION |

1. Purpose of Report:

- 1.1. South Ayrshire Council has been consulted by the Scottish Government, under Section 36 of The Electricity Act 1989, on an application by The Applicant for the installation and operation of a Battery Energy Storage System facility, associated infrastructure and associated ancillary development at Camsiscan Farm, Craigie, A719 From Council Boundary South to B730 Junction at March Bridge Craigie, South Ayrshire, KA1 5JT.
- 1.2. The Council is not the determining authority for this proposal but rather a consultee to the Section 36 process. This report sets out the proposed response to the Scottish Government's consultation request which was issued on the 9 December 2022.
- 1.3. Under the Council's Scheme of Delegation relative to planning, all Section 36 consultations from the Scottish Government Energy Consents Unit require to be referred to the Council's Regulatory Panel.
- 1.4. The applicant has agreed to a time extension to **[30th June 2023]** for the Council to provide its consultation response. It is imperative that the Council responds within the agreed time period, or its statutory rights would be affected.
- 1.5. Under the Electricity Act 1989, Schedule 8, Part 2, Paragraph 2 (a), where the relevant Planning Authority notifies the Scottish Ministers that they object to the application and their objection is not withdrawn, the Scottish Ministers shall cause a public inquiry to be held.
- 1.6. Under the Electricity Act 1989, Schedule 8, Part 2, Paragraph (3), if the Planning Authority notifies the Scottish Ministers outwith the time limit that has been agreed (i.e. **[30th June 2023]** in this case), then the Scottish Ministers may disregard a notification to object.
- 1.7. On the basis that a Planning Authority were not to respond by the agreed date then there is no mandatory requirement for a public inquiry to be held.

2. Recommendation:

2.1. It is recommended that the Regulatory Panel:

- **Submits this report to The Scottish Government as a *no objection* to the proposed BESS.**
- **Approves delegated authority to the Director of Housing Operations and Development to conclude Planning conditions with the Energy Consents Unit, should the Scottish Government be minded to grant consent.**

3. Background and Procedural Matters:

- 3.1. On **17 November 2022**, The Applicant submitted to the Scottish Government a Section 36 Application together with an application that planning permission be deemed to be granted in respect of the construction and operation of a Battery Energy Storage System (BESS) with associated infrastructure including access roads, sub-station buildings and supporting equipment, drainage and ponds, fencing and landscaping located at Camsiscan Farm, Craigie, A719 From Council Boundary South to B730 Junction at March Bridge Craigie, South Ayrshire, KA1 5JT.
- 3.2. Under Section 36 of The Electricity Act 1989, the construction of a generating station with a capacity which exceeds 50 MW requires the consent of Scottish Ministers. While BESS does not specifically generate energy, under these Regulations a generating station includes BESS.
- 3.3. The Scottish Government formally consulted the Council on the proposed development on 9 December 2022, with an original deadline for response on the application of **18 April 2023**. The Planning Service made an initial request on the 18 January 2023 for the time period to respond to be extended to the **30th June 2023** and the extension was agreed by the Applicant on **21 February 2022**.
- 3.4. The application is supported with a Planning Statement and supporting technical reports. Additional information was submitted on a number of occasions to address concerns raised by internal and external consultees resulting in the following reports being updated or submitted with the application:
 - Revised planning statement;
 - Supplementary noise assessment;
 - Revised Hydrogeological report;
 - Updated landscape ZTV maps, photomontages and visualisations;
 - Outline Habitat Management Plan.
- 3.5. Under The Electricity Act 1989 Schedule 8 and 9, Scottish Ministers are required to consider whether any proposal for a generating station is likely to have a significant effect on the environment. These Regulations stipulate that Scottish Ministers must consult the local Planning Authority, Nature Scot (formerly 'Scottish Natural Heritage'), Scottish Environment Protection Agency and Historic Environment Scotland. The Regulatory Panel are asked to note that in the event that a Planning Authority objects to a Section 36 Application, and does not withdraw its objection, a public inquiry must be held before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).
- 3.6. In reaching their decision, Scottish Ministers have to take into account the environmental information submitted with the application and supporting Planning Statement, the representations made by statutory consultative bodies and others in accordance with Schedule 8 and 9 The Electricity Act 1989, National Planning Framework 4 (NPF4) on Renewable Energy, other relevant Policy, Planning Advice Notes, the relevant Planning Authority's Development Plans and any relevant supplementary guidance.
- 3.7. The connection of the BESS with the local electricity distribution network would require consent under Section 37 of The Electricity Act 1989. This would be subject to a separate application and it is anticipated that given the location of the site and the sub-station facility this BESS would connect to (Kilmarnock South Sub-station), that the works subject to any such future Section 37 application would largely be within the East Ayrshire administrative boundary.

4. Development Proposal:

4.1. Proposal:

- 4.1.1. The Proposed Development comprises the construction and operation of a 350MW Battery Energy Storage System (BESS) with associated infrastructure including access roads, sub-station buildings and supporting equipment, drainage and ponds, fencing and landscaping on rural farmland to the east of Craigie, Kilmarnock South. BESS are developments that allow the clean, green energy generated by renewables systems such as windfarms and solar farms to be stored and released at the necessary time. A battery storage system is vital for supporting the national grid in maintaining the resilience and stability of the electricity grid, ensuring a continuous energy flow as wind and solar power naturally vary throughout the day.
- 4.1.2. The land is part of Camsiscan Farm complex and comprises of the main steading and four distinct land parcels. The development is proposed across parts of all four land parcels and is as follows: an Electricity Substation in Parcel 1, a Battery Energy Storage System (BESS) in Parcels 2 and 3, and habitat enhancement area in Parcel 4.
- 4.1.3. Full details of the proposed development can be summarised as follows:
- A BESS with a capacity of 350MW.
 - 392 battery containers placed within the compound, at 3m single height, finished in a recessive colour mid grey or olive (a brown/green tone) to be agreed pursuant to planning conditions.
 - The containers will be laid out across the site in sections with 16 containers in each section. There will be between two and four sections contained within a total of 9 terraces as outlined in the site layout drawings.
 - There will be 2 inverters and 2 transformers at the end of each section and each terrace will be provided with short access track for accessibility and maintenance.
 - A 400KV HV Switch gear apparatus will be provided at the north of the site, accommodating the infrastructure to meet National Grid Energy Networks requirements and which will comprise a Plug and Switch System (120.81m in length and no more than 14.79m in width).
 - The apparatus will vary in height up to a maximum of 11.52m. The taller components are proposed on the lower part of the site.
 - There will be 6 groups of back-up generators, auxillary transformer, LV and control container and switch gear container distributed within the site.
 - A large SUDS pond/reservoir will be provided towards the southwest of the site with a water pump room/value room located adjacent.
 - Water channel runs will be provided around each terrace and additional catchment pools will be created downstream to collect water for pumping back to SUDS pond.
 - Industrial style green or close boarded timber security fencing between 2.54m and 4m in height around the perimeter of the site.
 - Access to the site will be provided via security gates along the northern boundary from the unnamed road.
 - The road which provides access to the site runs east-west along the northern frontage of the site connecting the unnamed/Sidehead Terrace/Treeswoodhead Road. It is a single track road with no footpaths and limited passing places.
 - Road widening and improvements works will be required to accommodate large construction vehicles and equipment.
 - An underground route will be provided from the BESS facility to the Kilmarnock South substation by National Grid. It is understood this will be provided along the public highway.
 - An area for habitat enhancement will be provided in Parcel 4 in addition to a number of other biodiversity enhancement measures outlined in the HMP.
 - A Landscape Strategy is proposed incorporating trees, mix scrub, rich grassland, and meadows across the site. In addition, a new waterbody is proposed to be created and the grassland improved to better the ecological values of the site.
 - Temporary parking will be provided on-site during construction for a maximum of 35 staff.

- 4.1.3 The underground cabling route infrastructure which will directly run from the BESS facility in South Ayrshire to the substation in South Kilmarnock will largely follow the public highway which is within the East Ayrshire Local Authority boundary. The Energy Consent Unit (ECU) acting on behalf of the Scottish Ministers have consulted with East Ayrshire Council (EAC) separately for all matters within their jurisdiction. This matter is therefore not considered any further as it will be dealt with by EAC through their consultation response and future applications as required.

4.2. Application Site:

- 4.2.1. The application site covers an area of approximately 13.45 hectares and forms part of the agricultural lowland landscape in South Ayrshire. The site is located within the Craigie area approximately 2km east of Craigie village and 3km south-east of Kilmarnock and shares a portion of its eastern boundary with East Ayrshire. The proposed development is within the South Ayrshire Council administrative area and as previously set out, a separate proposal for the underground cabling route will be provided from the BESS facility to the Kilmarnock South substation by National Grid. The substation is located less than 2km away by road and is directly north of the site.
- 4.2.2. As noted in earlier sub-sections above, the site comprises four distinct land parcels within the existing farm complex and steading of Camsiscan Farm which is located to the south-east of the site. The land is bordered on all sides by hedgerows of varying diversity with the unnamed road which provides access to the site bordering the northern boundary. The A719 runs further south of the site connecting to the A76.
- 4.2.3. The land surrounding the application site contains agricultural farmland and a strong presence of farmsteads in an open landscape with occasional clusters of trees. It is an undulating pastoral landscape lying at between c. 115m and c.105m AOD and which slopes down from southwest to northeast. Overhead electricity pylons bisect the site in a north/south direction towards the western boundary of the site with these pylons terminating at the Kilmarnock South substation. There are two wind turbines located at East Mossie Farm in close proximity to the site where the unnamed road intersects with Sidehead Terrace. This is within the East Ayrshire administrative boundary.
- 4.2.4. There is a small-scale wooded river valley to the east of the site and Cessnock Water is located 1km away to the east and south-east of the site and flows near Carnell Estate and Dallars House both designated as historic gardens and landscape. There are two local nature conservation areas in this location also, located over 600m from the site at the closest point.
- 4.2.5. There are no statutory designations for landscape, built heritage or ecology within the site or directly adjacent to it.

4.3. BESS Development Proposals Planning History:

- 4.3.1. In South Ayrshire, there are two consented BESS facilities both of which are ancillary to windfarm developments and which were considered by The Scottish Government, in consultation with South Ayrshire Council (SAC). These developments have been consented but neither have been constructed yet. In addition to this, there is currently a planning application (23/00176/APPM) for a proposed standalone BESS facility and given this is below a 50MW capacity, this is being dealt with by SAC as determining authority. The reference numbers and application details for the 3 projects above can be found below:

- **Planning Ref:** 20/01085/DEEM (ECU Reference: ECU00002112)
Site: Proposed Wind Farm At Dersalloch, B741 Dalmellington Road Straiton, Council Boundary, Straiton, South Ayrshire
Proposal: Application under S36 of the Electricity Act 1989 (as amended) for the proposed battery energy storage system (BESS) with installed capacity to a maximum of 50MW including; BESS compound area; DC and Heating; Ventilation and Air Conditioning (HVAC) BESS units; Power conversion units housed in the inverter/converters and transformers; Modular, containerised substation building (containing switchgear and control room); Storage unit; vehicle access/parking spaces; security fencing and gate and underground cables at Dersalloch windfarm.
Status: Section 36 application consented by Scottish Government with SAC offering 'no objections' as a statutory consultee to process.

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 22/01029/DEEM)

- Planning Ref: 21/00387/DEEM (ECU Reference: ECU0005202)
Site: Proposed Wind Farm Kilgallioch, C72 From Gowlands Terrace Barrhill To Council Boundary South Of Chirmorie, South From Barrhill, Barrhill, South Ayrshire
Proposal: Application for consent under section 36 of the electricity act 1989 for the proposed kilgallioch battery energy storage system (bess) & associated works including synchronous condenser (syncon)
Summary: Section 36 application consented by Scottish Government with SAC offering 'no objections' as a statutory consultee to process.
- Planning Ref: 23/00176/APPM
Site: Land To East Of Holmston Roundabout, A77T From Whitlets Roundabout To Holmston Roundabout, Ayr, South Ayrshire
Proposal: Installation of energy storage facility - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works
Summary: This is a current planning application which SAC are considering and assessing as the determining authority.

4.3.2. It is relevant to note that these consented and proposed BESS developments are a considerable distance from the application site and would not be viewed within the same landscape context or be visible within the same setting.

4.3.3. Due to proximity of the site to the EAC administrative boundary, a search has also been undertaken of similar applications dealt with by EAC Planning Authority. It is relevant to note that there are and have been a number of screening/scoping requests for BESS proposals in the Kilmarnock area and one consented BESS near Kilmarnock South substation. At present, there are no formal consultations from the Scottish Government which EAC are dealing with. Details of the cases identified for EAC can be found below:

- 22/0002/S36 – Consented BESS with maximum capacity of 300MW – Treeswoodhead Road, near Kilmarnock South.
- 23/0006/EIASCR – BESS development - Inchbean Farm, Treeswoodhead Road, Shortlees, Kilmarnock.
- 22/0011/EIASCR - BESS – Aird Farm, Dallars Crossroads Hurlford Kilmarnock, Easy Ayrshire.
- 22/0004/S36SCR – BESS - Airtnoch Farm U40 Hareshawmuir From A719 At Hareshaw To Craigens Waterside Kilmarnock East Ayrshire KA3 6JJ.
- 22/0002/S36/SCP – BESS – Holmquarry Road, Kilmarnock.

5. Consultations:

- 5.1. Consultations on this application are primarily led and undertaken by The Scottish Government as the determining authority. The following consultation responses received by The Scottish Government Energy Consents Unit (ECU) are for noting only.
- 5.2. Comments arising from consultation within South Ayrshire Council (department services) are also summarised below and where appropriate these are also incorporated into the Assessment section of this panel report. These responses which have informed the Council's overall position as a consultee will be forwarded to The Scottish Government as part of the final recommendation.

5.3. Statutory Consultees:

5.3.1. **Historic Environment Scotland ('HES') (21/12/22): No objection.** HES have made no comment on the proposal.

5.3.2. **Nature Scot (formerly 'Scottish Natural Heritage') ('NS') (6/04/22): No Objection.** NS have advised they are generally supportive of the siting and design of the Proposed Development and are of the view that once the proposed development is operational, subject to the implementation of the landscape strategy, the local landscape would be affected to a moderate degree until the landscaping is established. They have made several additional recommendations that would further enhance the proposal and offer greater biodiversity benefits although they have noted the current proposal includes measures that go some way to meeting the policy requirements of the NPF4. Their additional recommendations which they consider would further enhance the proposed development with minor changes include:

- Pre-construction surveys undertaken for otter, great-crested newts and water voles.
- Opportunities to include wet grassland adjacent to the proposed wetland area to provide additional benefits for a range of species.

The Applicant has subsequently agreed to a condition relating to a revised Habitat Management Plan (HMP). The revised HMP will be in consultation with NS and SAC and will look to incorporate these recommendations where practical.

5.3.3. **Scottish Water ('SW') (13/12/22): No objection.** Scottish Water has no objection however their response includes an advisory note to the Applicant to be aware that their no objection does not confirm that the proposed development can currently be serviced and a separate process would be required to be followed to seek confirmation of this which would involve a Pre- Development Enquiry (PDE) directly to Scottish Water.

5.3.4. **Scottish Environment Protection Agency ('SEPA') (2/05/23): No objection.** SEPA initially identified a number of areas where further information was required to determine that the proposal would not impact existing groundwater abstractions and, on this basis, issued a holding objection. Following the submission of a revised Hydrological Risk Assessment (HRA) and further discussions on public and Private Water Supply (PWS) provision in the vicinity, SEPA advised that they were satisfied that this matter has been resolved and there would be no impact on the PWS supply in the area. Furthermore, the initial concerns raised around the methodology for assessing the presence of Groundwater Dependent Terrestrial Ecosystems (GWDTE) has also been resolved, allowing them to withdraw their holding objection. SEPA raised no objection on flood risk grounds.

SEPA advised informally that they no longer object to the Proposed Development in an email dated 2/05/23 following their initial holding objection.

5.3.5. **NATS Safeguarding ('NATS') (9/12/22): No Objection.** NATS have examined the proposal from a technical safeguarding aspect and advised that it does not conflict with their safeguarding criteria.

5.3.6. **Glasgow Prestwick Airport ('PIK') (11/1/23): No Objection.** Glasgow Prestwick Airport Limited (GPA) has no objection to this proposed development on statutory safeguarding grounds having reviewed the proposal in accordance with their obligations as a statutory consultee under the Safeguarding of Aerodromes: Scottish Planning Circular 2/2003.

5.4. Internal Scottish Government Advisors:

5.4.1. **Scottish Forestry ('SF') (27/1/23): No objection.** Scottish Forestry raise no objection to this proposal as it does not appear to impact any significant woodland interests. They request that the developer should be encouraged to ensure that existing hedges and trees be retained and incorporated into the landscape framework of new development. Any loss of mature trees should be avoided and where unavoidable, suitable compensatory planting arrangements should be proposed and agreed in advance of works commencing.

5.4.2. **Transport Scotland ('TS') (16/1/23): No objection subject to conditions.** Transport Scotland have advised they have no objection to the proposed development on the grounds of potential environmental impacts on the trunk road network subject to agreement on two conditions being accepted to manage potential adverse impacts of Abnormal Loads and the route taken to/from the site to ensure effects on the truck road network are minimised. The first condition they have requested is for a full Abnormal Indivisible Load (AIL) assessment be prepared identifying any key pinch points on the trunk road network. As part of this, they have advised that the proposed route would need to be approved prior to commencement of deliveries including any road modifications required to facilitate deliveries and traffic management measures. The second condition requires that should any traffic control measures, or signage be necessary, these measures must be implemented by a suitably qualified traffic management consultant to be approved by TS.

5.5. **Non-Statutory Consultees:**

5.5.1. **The Coal Authority (22/12/22): No objection.** The site lies outside the Coal Risk Area and therefore the Coal Authority made no specific comment on the application.

5.5.2. **Health and Safety Executive (HSE) (16/12/22): No objection.** The proposed development does not lie within the consultation cone of any of the major hazard sites or major accident hazard pipelines considered by HSE, therefore they had no comment to make.

5.5.3. **National Grid (14/12/22) No Objection.** The National Grid have advised that none of their grid assets will be affected by the proposal.

5.5.4. **Ayrshire Rivers Trust ('ART') (16/1/23): Not stated.** Ayrshires Rivers Trust have made a number of recommendations for the Applicant to consider potential impacts to fish populations, fish habitat and ecology within the Cessnock waterway. They have highlighted the potential for impacts on the adjacent waterways and habitats due to the scale of development and have recommended freshwater species and condition monitoring be undertaken during and after construction.

5.5.5. **South Ayrshire Council Environmental Health ('EH'): No objection.**

- **Noise** – no concerns raised.

- **Private Water Supply** – No issues with the Proposed Development with the private water supply to the Camsiscan Farm House and the two cottages (Iollan and Camsiscan Farm Cottage) on mains water for human consumption.

5.5.6. **West of Scotland Archaeology Service ('WoSAS') (12/1/23): No objection subject to conditions.** WoSAS have recommended that a programme of archaeological works is undertaken and implemented in accordance with a written scheme of investigation prior to works commencing. This is a standard condition also volunteered by the Applicant.

5.5.7. **South Ayrshire Council Ranger and Biodiversity Services ('RBD') (24/2/23): No objection subject to conditions.** The Council's Ranger and Biodiversity Services have acknowledged the Proposed Development will bring change to the open agricultural landscape, however they consider that landscape mitigation will assist with integrating the development into the local landscape. They also note that the Habitat Management Plan will include enhancement through targeted tree and hedgerow planting, improved grassland and creation of a large SUDS Pond Area. Subject to landscape mitigation, the proposal would overtime improve the biodiversity of the local landscape.

- 5.5.8. **South Ayrshire Council Design and Advice Officer (6/3/23): No objection subject to conditions.** The Council's Design and Advice Officer in their response have firstly acknowledged that, if approved, the BESS will cause a sudden change from open agricultural land to areas with substantial build elements. However, and at the same, they have also acknowledged that the site is not covered by any special environmental or landscape designations and they recognise that the proposed landscape scheme includes for significant planting of trees and hedges to soften the development and integrate it better into the local landscape. In addition to this, they specifically endorse the fact that small areas of broadleaved woodland within the site are proposed to be retained and enhanced and they welcome the measures to build in habitat creation in terms of improved grassland and the creation of a large SUDS pond area towards the southwest of the site. they conclude by advising that these mitigation measures (secured through condition), will increase local habitat and improve biodiversity and landscape corridors. They recommend a condition relating to a management and maintenance scheme for landscaping within the site.
- 5.5.9. **South Ayrshire Council Outdoor Access Officer (4/1/23): No objection.** The Council's Outdoor Access Officer confirmed following a review that there are no core paths or recorded public rights of way within or adjacent to site. They advise that while the fields are areas of land to which the right of responsible access (as permitted under the Land Reform (Scotland) Act 2003, applies, they see no obvious routes on the ground or signs of public access. On this basis, they confirm they have no comments to make from a public access view or perspective.
- 5.5.10. **Scottish Rights of Way and Access Society (Scot Ways) (11/1/23): No objection.** Made no comment on the application.
- 5.5.11. **ACCON UK Limited (ACCON) (19/5/23): No objection.** ACCON reviewed the Applicant's baseline noise survey and Noise Impact Assessments (NIA) and confirmed that this approach and methodology is in line with relevant guidance and the source sound power levels for all items of plant are identified appropriately. ACCON are satisfied that noise modelling has been undertaken to calculate the likely external and resulting internal noise levels at the closest noise sensitive receptors and ACCON agree with the findings in the NIA which concludes that the absolute noise level criteria can be achieved at all noise sensitive receptors.
- 5.5.12. **Carol Anderson, Landscape Architect of Carol Anderson Landscape Associates (13/4/23) No objection subject to conditions:** Carol Anderson Landscape Associates have assessed the potential landscape and visual effects of the proposed development recognising that effects are likely to be significant at first but localised in extent and would not result in widespread effects or effects on any valued landscapes or designations. Site containment due to landform, topography and vegetation is considered effective to limit effects to within 1.5km of the site. Carol Anderson Landscape Associates concludes that the incorporation of design and landscape mitigation would reduce these initial impacts overtime as landscaping establishes and the overall adverse impacts in the longer term are not considered to be significant. Conditions have been recommended to further enhance visual screening through advance planting and additional boundary planting if practical to achieve on-site and will be considered through the provision of an updated landscape plan.
- 5.5.13. **Ayrshire Roads Alliance (ARA) (12/05/2023) No objection subject to conditions.** ARA have not made any specific comment on the proposed development and do not object subject to conditions to ensure the safety and integrity of the local road network is maintained. This includes conditions relating to a structural assessment to monitor potential road damage from development traffic, an AIL assessment to ensure large vehicles can be accommodated and manoeuvre safely and a construction traffic management plan (CTMP) to be submitted for final approval to ensure appropriate measures are implemented to limit impacts and disturbance on local roads, the road infrastructure and the local community.
- 5.5.14. **Craigie Village Community Council:** No response available on ECU website at time of writing the report.

6. Applicant's Supporting Information:

- 6.1. The application submission to Scottish Ministers is accompanied by a range of supporting documentation. This includes a Planning Statement, a Non-Technical Summary Report, a Proposal of Application Notice Report alongside a suite of accompanying plans, drawings, visualisations, and photomontages/views. The Planning Statement is accompanied by a range of technical reports and in this includes landscape and visual, ecology, noise, cultural heritage, hydrology, air quality, geotechnical, transport and drainage impact.

7. Planning History:

- 7.1. Most notable in terms of planning history for the application site is the fact that there have been a number of planning applications made for Camsiscan Farm and within the immediately surrounding environment for small scale wind turbine proposals. All of these applications have either been withdrawn or refused with the application details outlined below:
- 13/00173/APP – erection of 2 wind turbines and associated meter house, formation of access track and hardstanding (Withdrawn).
 - 13/01259/APP – erection of 2 wind turbines and associated meter house, formation of access track and hardstanding (Withdrawn).
 - 15/1403/APP – erection of wind turbine, ancillary works and formation of associated access track (Refused).
 - 15/01054/APP – erection of wind turbine, ancillary works and formation of associated access track (Withdrawn).
 - 13/01392/APP – erection of wind turbine, associated infrastructure and formation of associated access track – application (Withdrawn).
 - 12/01279/APP – erection of wind turbine and formation of associated access track (Withdrawn).
 - 13/01464/APP – erection of wind turbine and formation of associated access track and hardstanding (Refused).

8. Statutory Development Plan Framework:

- 8.1. The proposal has been submitted under Section 36 of the Electricity Act 1989 and consequently Section 25 of the Planning Act does not apply. However, if approved, the Scottish Ministers will be granting deemed planning permission and consequently whilst there is no statutory requirement to have regard to the Local Development Plan, it is, nevertheless a material consideration.
- 8.2. Following the implementation of The Planning (Scotland) Act 2019 and the Adoption of the National Planning Framework 4 (NPF4) on 13 February 2023, the current Development Plan for South Ayrshire incorporates NPF4 and the South Ayrshire Local Development Plan (LDP2) (2022).
- 8.3. 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 LDP2, therefore NPF4 will prevail in the event of any incompatibility between the policy framework.
- 8.4. 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.

NPF4 Policy Overview

- 8.5. NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.

8.6. The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>.

- Policy 1 Tackling the climate and nature crises
- Policy 2 Climate mitigation and adaptation
- Policy 3 Biodiversity
- Policy 4 Natural Places
- Policy 5 Soils
- Policy 6 Forestry Woodland and Trees
- Policy 7 Historic assets and places
- Policy 11 Energy
- Policy 13 Sustainable Transport
- Policy 14 Design, Quality and Place
- Policy 22 Flood Risk and Water Management
- Policy 29 Rural Development

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

NPF4 Aims and Spatial Strategy Overview

8.8. National developments are significant developments of national importance that will help to deliver the Spatial Strategy for Scotland. NPF4 identifies 18 national developments that aid in supporting the delivery of this strategy and Scotland's commitment to net zero. These support the planning and delivery of:

- sustainable places, where we reduce emissions, restore and better connect biodiversity;
- liveable places, where we can all live better, healthier lives; and
- productive places, where we have a greener, fairer and more inclusive wellbeing economy.

8.9. Six of the identified national developments support the delivery of sustainable places which is of most relevance to this Proposed Development and includes Strategic Renewable Electricity Generation and Transmission Infrastructure to support electricity generation and associated grid infrastructure around Scotland. This proposal constitutes a National Development in these terms as it supports renewable electricity generation, repowering, and expansion of the electricity grid. NPF4 recognises that additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas.

8.10. The BESS would support the overarching aims of the NPF4 and spatial strategies to achieve net zero targets and provide a stable domestic energy supply. The development is designed to support the flexible operation of the National Grid and decarbonisation of the electricity supply. The physical components of the BESS are described at section 4 above.

8.11. Being a National Development, the proposed development is therefore supported in principle by the Development Plan.

Local Development Plan 2 (LDP2) Policy Overview:

8.12. The following policies of LDP2 are relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- LDP Policy Spatial Strategy
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Landscape Quality
- LDP Policy: Woodland and forestry
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Agricultural Land
- LDP Policy: Renewable Energy
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Renewable Energy

- LDP Policy: Historic Environment
- LDP Policy: Natural Heritage
- LDP Policy: Land Use and Transport

8.13. 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 and alongside NPF4 above. An assessment of the proposals against the provisions of Local Development Plan 2 is considered below.

9. Development Plan Policy Assessment

- 9.1. This report will be structured to assess the relevant and comparable policies within the NPF4 and LDP2 together and assess any which are only in one part of the Development Plan separately. With the NPF4 being the most recent planning document, the policies within it have been used as the main structure for the report with the LDP2 policies referenced and considered throughout the assessment.
- 9.2. Having regard to the Development Plan policy considerations set out above, the following matters have been identified in the proceeding sub-sections below.

Sustainable Places:

- 9.3. The NPF4 and LDP2 promote sustainable development through creating sustainable places that respect the environment and manage and adapt to the effects of Climate Change. Tackling the climate and nature crises, through climate mitigation and adaptation, sits front and centre within the policies of the NPF4 and is also a focus of Strategic Policy 1 in LDP2.
- **NPF4 Policy 1** - When considering all development proposals significant weight will be given to the global climate and nature crises.
 - **NPF4 Policy 2** - To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
 - **LDP Strategic Policy 1: Sustainable Development:** We will support the principles of sustainable development by making sure that development meets the standards set out within the policy. The relevant standards are considered to be:
 - Respects, protects and where possible, enhances natural, built and cultural heritage resources.
 - Protects and safeguards the integrity of designated sites.
 - Protects peat resources and carbon rich soils.
 - Does not have a negative effect on air or water quality.
 - Respects the character of the landscape and the setting of settlements.
 - Respects, and where possible contributes to the Central Scotland Green Network.
 - Makes efficient use of land and resources
 - Helps mitigate and adapt to the effects of climate change
 - When considering development proposals, due weight will be given to the consideration of net economic benefit.
- 9.4. The Scottish Government policies, commitments and targets for sustainable energy are set out in the ministerial statements, key policy documents and statute. The key ministerial statements and policies considered as part of the assessment of the current proposals are The Scottish Government's Declaration of a Climate Emergency (2019), the emissions reductions targets set out in the Climate Change (Emissions Reduction) (Scotland) Act 2019, The Scottish Energy Strategy (December 2017), and the Scottish Climate Change Plan 2018 to 2032 (2020 updated).

- 9.5. As set out in the policy framework referenced above, there is a clear national and local policy emphasis towards tackling the climate crisis and a drive towards reducing carbon emission and achieving net zero. NPF4 sets out that significant weight must be given to tackling the climate and nature crises and thereby proposals which support tackling these, would have significant support. NPF4 also sets out that any development should be sited and constructed in a way to minimise lifecycle greenhouse gases. These aims need to be put in the context of sustainable development to ensure that development is carried out sustainably and without significant detrimental impacts which would outweigh the developments positives and carbon reduction benefits. Policy 1 of the South Ayrshire LDP2 sets out a number of criteria for consideration when determining if a development meets the principles of sustainable development. A key difference between these policies is that the NPF4 puts forward a presumption in favour of development which will help tackle the climate and nature crises, but likewise, effects must be balanced against any detrimental impacts of a development which may outweigh these positives.
- 9.6. The supporting information submitted with the application highlights the importance of this development in facilitating the delivery of renewable energy infrastructure to achieve Scotland's target of net zero by 2045. In this regard, the Applicant highlights that The Scottish Government determined that a BESS is a generator of electricity and therefore would be classed as a National Development that supports the spatial strategy for Scotland. The proposed development would provide supplementary capacity for renewable energy storage and the Applicant has provided rationale and justification and to demonstrate there is a locational need for the development in this location as the site is in close proximity to Kilmarnock South substation facility.
- 9.7. On this basis, it is considered that the development would comply with Policies 1 and 2 of the NPF4 in that it would assist and contribute to tackling the climate and nature crises and would have a positive effect in terms of greenhouse gas emissions reduction targets.
- 9.8. In terms of LDP Strategic Policy 1, it is considered that the proposal meets the criteria specified within the policy. A detailed assessment against the criteria of this policy is set out below and notably there is an overlap with the criteria set out in NPF4 Policy 11 so for completeness these matters will be covered off in appropriate topic areas below to avoid repetition.
- 9.9. The proposal is considered to represent an efficient use of land and resources that are not covered by any sensitive designations or landscape and built heritage overlays. The site was selected for these reasons and due to its proximity to the Kilmarnock South substation, demonstrating a locational need for this specific location to provide energy storage capacity and provide greater security for domestic supply for the region. Furthermore, in terms of economic benefit, the supporting information has stated that this will be addressed through employment generation and sourcing of local materials during construction in addition to providing greater security of energy supply for the region. Overall, it is concluded that the proposed development would accord with the criteria set out within LDP Strategic Policy 1.
- 9.10. The proposal is considered to assist with the strategic and overarching policies of tackling the climate and nature crises which are the primary policies of NPF4 and the sustainable development policies of the LDP2. In line with NPF4, this is considered to be given significant weight in the decision-making process for this development.

Renewable Energy:

- 9.11. NPF4 Policy 11 specifically provides for all forms of renewable energy development acknowledging that to give effect to the overarching strategic aims and energy targets, low carbon and zero emissions infrastructure would generally be supported subject to meeting the policy criteria listed in part b) – e) of the Policy which is the starting point for this planning policy assessment.
- **NPF4 Policy 11 Energy**
 - a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported.....
 - iii. energy storage, such as battery storage
 - 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.

- 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. Landscape and visual impacts
 - iii. Public access including impact on long distance walking and cycling routes and scenic routes
 - iv. impacts on road traffic and on adjacent trunk roads, including during construction;
 - v. impacts on historic environment;
 - vi. effects on hydrology, the water environment and flood risk;
 - vii. biodiversity including impacts on birds;
 - viii. impacts on trees, woods and forests;
 - ix. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
 - x. site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans
 - xi. cumulative impacts
- **LDP Strategic Policy 1: Renewable Energy** seeks to support proposals for generating and using renewable energy in standalone locations, and as part of new and existing developments, if they will not have a significant harmful effect on residential amenity, the appearance of the area and its landscape character, biodiversity, historic environment and cultural heritage associations.
 - **LDP Policy: Renewable Energy** - We will support proposals for generating and using renewable energy in stand-alone locations, and as part of new and existing developments, if they will not have a significant harmful effect on residential amenity, the appearance of the area and its landscape character, biodiversity, historic environment and cultural heritage associations.

9.12. At the highest level, the proposed BESS is specifically provided for by Policy 11 and is recognised by the policy as being a low-carbon and zero emissions development which merits support in principle. The development site is not located within a National Park or National Scenic Area nor does it impact on international or national designations therefore meeting criteria b) and d) of this policy and ensuring that there is no immediate constraint factor which would impact this presumption of support in principle.

Criterion c) sets out that development will only be supported where development maximises net economic impact including local and community socio-economic benefits. Limited details have been provided within the Section 36 application regarding the economic impact and socio-economic benefits aside from details regarding the construction and operational arrangements. This conveys that whilst the BESS development once established will be operated remotely by 3-4 staff members with occasional maintenance visits to the site for groundworks and landscaping, the main economic benefits are during the construction phase of up to 18 months which is estimated to create 100 jobs with an effort made to fill these positions locally. The Applicant's submission also notes that there will be a preference 'where possible' for locally sourced construction materials to limit costs and reduce transportation however this is subject to competitive tendering and constrained by the specialist nature of the equipment. While there is no clear quantified details provided in support of the application which define the suite of long-term local economic benefits that will be directly delivered by the development, it is acknowledged more broadly that this development will offer economic benefits and contributions simply by virtue of its role and the way it will function. More specifically, it will support the national grid by managing energy demand by storing energy during off-peak periods and releasing it during peak periods. This storage function can help by reducing demand and strain on the grid and by providing emergency back-energy which in turn can help prevent blackouts, loss of electricity provision and reduce the need for additional power generation infrastructure, all of which can be otherwise costly outcomes. In addition to this, the short-term economic benefits such as the construction jobs which are cited in the supporting information for the Section 36 submission are also noted alongside the broader economic benefits anticipated.

9.13. NPF4 Part e) requires the project design and mitigation impacts to address a number of environmental factors which may be affected by the proposed development. This aligns with the broader policy wording of the LDP2 which supports renewable energy development provided they do not result in harmful effects on the environment. These impact criteria will be assessed, in turn, in the subsequent sections of the report and cover the same topics within the LDP2. It should be noted that the NPF4 policy criterion does not specifically state that if any of these impacts are not fully addressed that the development will be unacceptable, only that it must be demonstrated how they have sought to be addressed and suitably mitigated.

i) **Impacts on communities and individual dwellings, including, residential amenity, visual impact and noise**

- **LDP Policy: Air, Noise and Light Pollution** - We will not allow development which would expose people to unacceptable levels of air, noise or light pollution.

- 9.14. In considering the appropriateness of the proposed development, the NPF4 and LDP2 requires consideration of the impacts of the development on local communities including the amenity of the surrounding residents, visual impacts and noise resulting from the development.
- 9.15. The site is located within a rural area near to Craigie where there are residential properties and farmsteads sporadically distributed within this countryside location. The nearest sensitive receptors are residential dwellings on nearby farmsteads located to the west, east and southeast of the subject site. The nearest individual dwellings are located 145m to the south-east (Sidehead) and 130m-200m south-west (Camsiscan Farm) from the proposed development site. East Mosside Farm is 320m to the east, Bodyston is 500m to the south-east and Maintree is 560m to the west of the proposed development site.
- 9.16. Due to its scale, nature and means of operation, this BESS proposal has the potential to generate noise, nuisance, and visual amenity effects on adjacent residential properties. An noise assessment including an acoustic report and Landscape Visual Impact Assessment (LVIA) and appraisal have however been submitted to support this Section 36 application and these look to assess the potential adverse effects and outline what, if any mitigation is required to offset any effects quantified or established.

Visual Amenity

- 9.17. A detailed discussion on landscape and visual effects is undertaken below as it relates to the broader landscape character and the visual reach of development. Regarding residential visual amenity specifically, it is recognised that the proposed development would represent a significant visual change to the current rural, agricultural landscape in which several neighbouring dwellings are sited. The Zone of Theoretical Visibility (ZTV) visualisations and photomontages submitted by the Applicant provide a detailed assessment of the visibility of the development from key locations surrounding the site. This takes account of the landscape mitigation at year 1 and year 15 for comparison and this seeks to evidence how this mitigation will develop overtime to screen the development. There are several rural dwellings located within the vicinity of the site, with the closest neighbours identified in section 9.16 above, most likely to experience the visual presence of the development to the greatest extent due to proximity. The extent of visibility from these properties varies depending on the location, orientation, and proximity to the development site. There are no adjoining properties with direct views of the development that is not obstructed by intervening landscaping or landform to soften the full extent of the development.
- 9.18. The landscape assessment concludes that the site characteristics limit the extent of adverse effects to the localised area due to the site's self-containment resulting from the undulating landform and intervening landscaping. It is recognised that the site design and layout respond well to the site's context, topography and characteristics and does limit the visual impacts of the development from any one location/vantage point including nearby roads and residential neighbours. Confirmation has been provided from the applicant that recessive colours will be selected for the structures where possible to ensure the infrastructure is more sympathetic and blends into the rural environment, reducing the visual prominence of the built form. Although the aim of this is primarily to assist in minimising landscape impacts, this in turn will also reduce the impact on visual residential amenity. These factors, in combination with the landscape mitigation being proposed including additional woodland, tree and supplementary boundary planting will continually provide a greater level of visual screening of the development as the landscaping matures and establishes. Over time, this would assist with integrating the built form into the landscape, with visibility from surrounding properties further reducing after 15 years.
- 9.19. For the most part, views would be distant and suitably mitigated with the broader landscape continuing to be one that is predominantly rural in nature. Further to this, weight is also given to the fact that the site does not directly adjoin a residential boundary as it is surrounded by rural fields. Residents of East Mosside Farm, Sidehead and Boydston would experience the development to the greatest extent while topography obstructs visibility to residents of Camsiscan Farm and Maintree. Figure 10 of the ZTV indicates that more than 66% of the site would be visible from East Mosside and to a lesser extent may be visible from Sidehead and Boydston. At the same time, it is noted that these two properties are intersected by intervening land and orientated away from the site and their points of access are from Sidehead Terrace. Therefore, it is assessed that their context, orientation and physical separation will provide sufficient mitigation to ensure residential visual amenity is maintained for these properties.

- 9.20. In considering landscape and visual matters, the expertise of Carol Anderson, Landscape Architect of Carol Anderson Landscape Associates has been commissioned on behalf of SAC to review the LVIA assessment, photomontages and visualisations submitted by the Applicant prepared by Liz Lakes Associates. Whilst the assessment undertaken by the Carol Anderson Landscape Associates as the Council's external landscape advisor largely focuses on landscape and visual impacts, when considering the impacts of the Proposed Development close by neighbours and the potential residential visual amenity impacts, the following comment were made by this consultee:

The photomontage visualisations produced in the Supplementary Information illustrate the partial screening provided to many close-by views by the rolling landform but also the cluttered visual scene likely to be created by the introduction of complex infrastructure. Proposed woodland planting would be likely to provide screening from key roadside views after approximately 15 years or so and would mitigate the majority of significant effects on lower elevation views.

- 9.21. Whilst it is acknowledged by the Council that the Proposed Development would have some degree of impact on residential visual amenity, as captured in the opinion of the external landscape advisor above, the aforementioned mitigating factors would go some way to reducing these effects and limiting the visibility and presence of the BESS. When balanced with the policy framework and support for renewable energy developments in rural areas, these adverse visual impacts are not considered to be so significant that effects on residential visual amenity (particularly for East Mosside Farm) would be considered detrimental or to a point of breaching an unacceptable threshold. Effects on the other identified properties in the wider rural locality are not anticipated to be significant for the combination of reasons outlined above.
- 9.22. In reaching this conclusion, there is a need to exercise a degree of planning judgement taking into account a wide range of matters informed by the consideration of the detailed assessments, mitigation measures and the physical site visits undertaken by officers. Based on the above, it is considered that visual effects generated from the BESS would not result in significant impacts that would compromise the amenity of the surrounding residential properties and no such impacts would exceed a threshold whereby the BESS proposal would be deemed unacceptable on residential visual amenity grounds.

Noise

- 9.23. A noise report accompanied by a subsequent technical addendum assessment submitted as further information has been supplied by Pace Consulting in discussion with the Council's Environment Health Service and the Council's external noise consultant, ACCON UK Limited. In these discussions between both the Council's internal consultees and the Applicants technical consultants, it was agreed that because of the low background noise levels in the vicinity of noise sensitive receptors that assessing the noise emissions from the Proposed Development against an absolute noise limit would be the correct approach. The Council's Environmental Health Service stated that they would have no objections to the Proposed Development if it could be demonstrated that the absolute noise level limits that they specified could be achieved.
- 9.24. The noise sources stem from the plant and equipment inverters and transformers that are part of the Proposed BESS and these have been modelled accordingly in the Applicant's noise assessment. The Council's external noise consultant, ACCON UK Limited, have been internally consulted to specifically review the submitted documents relating to noise in order to inform Council considerations as whether the noise assessments have been carried out appropriately and to advise on the acceptability or otherwise of the proposals with respect of noise. In their assessment and response provided, ACCON UK Limited have reached the following conclusions:

Noise modelling has been undertaken in order to calculate the likely external and resulting internal noise levels at the closest noise sensitive receptors with windows partially open. The NIA has identified that the absolute noise level criteria should be achieved at all noise sensitive receptors considered in the assessment. On the basis of the above, ACCON consider that there would be no over-riding reason for refusal in respect of noise.

- 9.25. Based on the above, including the responses from the Council's Environmental Health Service and external noise consultant ACCON UK Limited, it is considered that noise generated from the BESS would not result in significant impacts that would compromise the amenity of the surrounding residential properties and environments.

Nuisance

- 9.26. The construction process has the potential to generate effects from increased traffic and HGV movements, dust and other construction related impacts on the local community. However, subject to suitably worded conditions to ensure traffic management and environmental best practice measures are implemented for the duration of these works, adverse effects can be managed to ensure significant effects on the surrounding residential environment do not arise.
- 9.27. An air quality assessment has also been submitted in support of the proposed development. The report concludes that as BESS sites have zero emissions during normal operation, they make a significant contribution to the Scottish Governments drive for net zero whilst ensuring that the local environment is far less impacted than other types of generation and has a negligible impact to the air quality. Significant or detrimental effects on air quality are therefore not anticipated.
- 9.28. In overall conclusion and based on the findings above, adverse effects on the local community in regard to noise and nuisance would not be significant. Regarding visual amenity impacts on individual residents and properties closest to the site, the abovementioned mitigating factors would ensure that visual amenity is maintained and as the development embeds itself into the landscape, views of the development would become less prominent over time.
- 9.29. NPF4 provides for renewable energy developments such as this subject to the project design and mitigation being appropriate and recognises that associated effects can be acceptable. LDP2 also supports these developments provided they will not have a harmful effect on amenity and the environment. Conditions are proposed which would ensure mitigation is in place for this and the Applicant has also proposed a condition to facilitate advanced planting (e.g. planting ahead of construction) if practical to do so which would expediate the implementation of the landscape mitigation, softening views from adjoining neighbouring properties.
- 9.30. Taking this into account and the intent of NPF4 and LDP2 in protecting residential amenity, it is considered that amenity effects when considered as a whole would not be significant.

ii) Landscape and visual impacts

- **NPF4 Policy 4** - Natural Places aims to protect, restore and enhance natural assets making best use of nature-based solutions.
 - **LDP Policy: Landscape Quality** - We will maintain and improve the quality of South Ayrshire's landscape and its distinctive local characteristics. Proposals for development must conserve features that contribute to local distinctiveness, including:
 - a. Community settings, including the approaches to settlements, and buildings within the landscape;
 - b. Patterns of woodland, fields, hedgerow and tree features;
 - c. Special qualities of river, estuaries and coasts;
 - d. Historic and cultural landscape;
 - e. Geodiversity of the area;
 - f. Skylines and hill features, including prominent views.
- 9.31. NPF4 sets out that significant landscape and visual impacts need 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, these developments will generally be considered to be acceptable. The corresponding LDP2 policy is outlined above seeking to maintain and preserve the local landscape qualities and characteristics by meeting the criteria a-f.
- 9.32. NPF4 criteria a) states that development proposals by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. The site is not located near any Special Areas of Conservation or Protection, National Parks or Scenic Areas important landscapes or reserves as set out in Policy 4. It is central to note that this site is not within a designated Local Landscape Area and is not subject to any other special landscape designation.

- 9.33. The proposed development would introduce a large-scale infrastructure development into the rural, agricultural landscape that already comprises various structures to support the BESS (this includes pylons, overhead lines and existing sub-stations). The height of the structures would vary across the site with the majority of the battery containers which make up a large aspect of the physical features of development will reach a height of approximately 3m. The maximum height of the tallest physical feature proposed as part of this development is approximately 11.52m with this relating to the switch gear apparatus (a vertical metal structure typically consisting of disconnect switches, circuit breakers and batteries). It is relevant to note that this feature has been carefully positioned centrally in the lowest part of the site to reduce visual prominence. The layout and design of the development overall incorporates a detailed landscape mitigation strategy to assist with integration of the development into the landscape and provide visual screening of the structures to limit impacts on public and private views and the character of the landscape.
- 9.34. The Proposed Development lies within the Agricultural Lowlands - Ayrshire Landscape Character Type (LCT) as defined in Nature Scot's online landscape character classification. This LCT is characterised by its gently rolling landform, small to medium sized pastoral field pattern enclosed by hedgerows and fences, dispersed farms and narrow rural roads. As previously set out, there are existing infrastructure features within the immediate landscape including electricity pylons and wind turbines which do contribute to the character and experience of the area around the site.
- 9.35. The layout and height of the proposed BESS has been designed to minimise visual impacts where possible. The structures are not proposed to break the ridge of the hill behind; containers will be single storey with new planting dispersed throughout and the taller elements, as noted above, (switch gear apparatus and also transformers and invertors) will be positioned centrally and in the lowest part of the site to reduce the visual prominence and reach.
- 9.36. As previously set out, in considering landscape and visual matters, the expertise of Carol Anderson, Landscape Architect of Carol Anderson Landscape Associates has been commissioned on behalf of SAC to review the LVIA assessment, photomontages and visualisations submitted by the Applicant prepared by Liz Lakes Associates.
- 9.37. Firstly, Carol Anderson Landscape Associates acknowledges that the Proposed Development would introduce an incongruous feature to the rural landscape and that there would be effects on the fabric and character of the site as reasonably intact rolling farmland which would be disrupted by the BESS development. Notwithstanding this and at the same time, Carol Anderson Landscape Associates recognises the sites containment as a mitigating factor making the following observations in their assessment:

These effects would not be widespread due to the containment provided by the rolling landform however and proposed woodland planting would additionally provide screening of the BESS after approximately 15 years or so.

Theoretical visibility of the Proposed Development is shown in the Zone of Theoretical Visibility map in Figure 9. Slightly higher knolls lying to the south-west at Maintree Farm, near Craigie to the west and to the north-east above Easter Mosside would limit the extent of visibility of the Proposed Development.

- 9.38. In Carol Anderson Landscape Associates expert opinion, views of the BESS would be limited to a maximum of 1.5km from the site. The position is reached partly on the basis that the location of the taller components of the Proposed Development would be located to the lower part of the site, together with the containment provided by landform which would reduce widespread intrusion. Whilst Carol Anderson Landscape Associates acknowledges the significance of effects, they quantifies these effects in light of the landscape mitigation strategy which in their view is well considered together with the intervening landform visually containing the site. The landscape assessment concludes that whilst there would be short-term (0-15 years) significant effects on the landscape extending 1.5km, once the effective screening is established, these significant effects would substantially lessen. Carol Anderson Landscape Associates as the Council's external landscape expert and advisor goes on to finalise that these significant adverse effects would be localised in extent and no formally valued landscapes would be adversely affected by the proposed development. Reference is made in their response to the proposed woodland and hedgerow planting which would mitigate the majority of significant landscape and visual effects in the medium term. Taking this in account, the overall position they reach is that the landscape effects of the BESS proposal would continually reduce overtime once the landscaping and planting has matured.

- 9.39. In addition to the assessment provided, Carol Anderson Landscape Associates in their response have made several recommendations that they consider would add to and strengthen the proposed boundary planting as well as reduce the presence of the development (colour of cladding of the structures). As part of this, it should be noted that some of these considerations go over and above the mitigation which is considered acceptable for this development and seeks for earlier and additional planting programme to expediate and enhance the overall screening effect. Notwithstanding this, the Applicant has sought to accommodate these and agreed in principle to the recommendation for early planting as requested and has agreed to engage in further discussions regarding submitting a further landscape strategy and plan at post permission stage and prior to commencement stage, when there is a clear and defined construction plan in place. This would ensure that there is no conflict between the development and any advanced planting that can be incorporated into the site. Regarding the request for supplementary hedgerow planting, the Applicant has confirmed they would agree to further discussions prior to construction and consider the possibility of incorporating this planting within the leasing area that's within the Applicant's control. Conditions to this effect would be recommended by the Council if this Section 36 is to be granted and the Council would look to work with The Scottish Government on such conditions to ensure that the wording is flexible and takes into account the practicalities of facilitating this additional and advanced planting and what is achievable within the Applicant's control whilst at the same time maximising the opportunities for this to be undertaken in line with the recommendations provided.
- 9.40. The Council's Design and Advice Officer who have also been consulted as an internal consultee to review landscape impacts have firstly acknowledged that, if approved, the BESS will cause a sudden change from open agricultural land to areas with substantial build elements. Notwithstanding this and at the same time, they also acknowledge that the site is not covered by any special environmental or landscape designations and they recognise that the proposed landscape scheme includes for significant planting of trees and hedges which will soften the development and integrate it better into the local landscape. As part of this, they welcome endorse the fact that small areas of broadleaved woodland within the site are proposed to be retained and enhanced as they consider this will assist greatly in terms of screening the development. They conclude by confirming that they have no objections to the BESS development subject to the inclusion of a condition relating to details of the management and aftercare of the proposed landscaping. This can be covered by a suitably worded planning condition should The Scottish Government decide to grant consent.
- 9.41. Taking into consideration the opinion of the external landscape advisor alongside the observations of the Council's Design and Advice Officer, it is considered that the design and mitigation of the BESS development has utilised the landform to its advantage and the landscape strategy proposed will provide sufficient levels of mitigation in the long term. NPF4 Policy 11 recognises that landscape impacts are expected for some forms of renewable energy giving the typical scale and nature of these types of development. In this instance, the landscape advisor has concluded the landscape and visual impacts would be localised and there is general agreement that appropriate design mitigation has been proposed that is commensurate to the proposed development to ensure the overall adverse impacts in the longer term are not significant. Crucially, the Council note that no valued landscapes would be adversely impacted, and the site is not highly visible from any major roads with access and its primary frontage onto a local, unnamed road.
- 9.42. In this landscape context, adverse effects are deemed to be localised and temporary. Widespread significant impacts are not anticipated due to the sense of containment and enclosure provided by the landform combined with the proposed boundary treatment, site design and layout and landscape mitigation. While there is likely to be significant effects during the early stages following construction for the local context, these effects are able to be mitigated by the proposed woodland and hedgerow planting in the medium term and the overall effect will lessen as landscaping becomes more established within the site.
- 9.43. Separately, the Council notes that Nature Scot have been consulted on the proposal by The Scottish Government and have found that once the proposed development is operational, there will be moderate effects on the local landscape character until the landscape mitigation establishes. Particular weight is given to the fact that they are in agreement with the Applicants rationale in relation to the siting and design of the development as the landform and topography will assist with reducing the landscape and visual effects to a level that this acceptable in the context of the local landscape character.

9.44. When considered in light of Policy 11 and the overarching aims of the NPF4 in promoting renewable energy developments, any landscape and visual impacts need to be weighed up against the positive benefits of energy development such as battery storage which is provided for by this policy. The Service concludes that the context and characteristics of the local landscape including landform lends itself to containing the full extent of visual impacts and in combination with the design and landscape mitigation effects will not be so significant to warrant objecting to the proposed development when weighted against the positive benefits of this development. In conclusion, it is considered that the adverse effects identified, would, in their entirety be acceptable.

iii) Public access including impact on long distance walking and cycling routes and scenic routes

9.45. The site is proposed to be accessed from an unnamed local road and is not adjacent to any core path and there is no public right of way across the site. The road is a single-track road with no dedicated footpaths and in addition there are no bus stops within close proximity to the site. From a review of the surrounding area, there is limited provision for walking and cycling with most roads leading to agricultural land. Therefore, outside of recreational use, it is unlikely that the area would experience a high level of pedestrian and cyclist activity, nor would any scenic routes be interrupted by the proposed development. Scot Ways have been consulted on the application and have made no comment or objection in regard to public access. Additionally, the Council's Access Officer has confirmed there are no core paths or recorded public rights of way within or adjacent to the site and no obvious routes or signs of public use in the area have been observed. On that basis, Council's Access Officer has not raised any objection from a public access perspective.

9.46. Based on the above assessment, it is concluded that the development would have no significant effect on public access that would warrant an objection to the application and the application is in accordance with the Development Plan in this regard.

iv) Impacts on road traffic and on adjacent trunk roads, including during construction;

- **NPF4 Policy 13 – Sustainable transport** - To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- **LDP Policy: Land Use and Transport** – b) Take appropriate measures to keep any negative effects of road traffic on the environment to a minimum.

9.47. The Applicants transport assessment prepared by Velocity Transport Planning Limited focuses on the primary transport related effects during the construction phase of the development. This is when traffic generation associated with the BESS development would be at its highest with potential for adverse road safety and operational impacts to occur. The temporary increase in traffic generation on the surrounding road network would be construction vehicles transporting machinery and equipment to and from the site and staff. During the operational lifetime of the development and noting the operating model of the BESS facility, vehicle movements would be infrequent and limited to occasional cars and larger vehicles accessing the site, which would not result in any noticeable adverse impacts on the surrounding road network.

9.48. The construction phase is estimated to take around 18 months with potential for up to 10 heavy goods vehicle (HGV) movements to and from the site daily in addition to the estimated 35 staff and various mobile construction equipment being transported to/from the site on a regular basis for the duration of the construction project. The main access route on the strategic road network is likely to be the A76 which connects Kilmarnock to the north to Dumfries in the south and is located approximately 3.6km east of the site. The main routes along the local road network are via the A76 and the A719 located approximately 1.5km south of the site, which provides a vehicular link between the M77 via Galston to the east and Ayr to the west.

- 9.49. The Applicant has identified indicative routes for HGVs to travel along the A179 and Sidehead Terrace, before joining onto the unnamed access road leading onto the site. However, these access routes will be reviewed and further developed to feed into the preparation of the Construction and Traffic Management Plan (CTMP) in consultation with Transport Scotland and the Council's Roads Authority, Ayrshire Roads Alliance (ARA) alongside any other necessary mitigation measures including signage, one-lane road closures and temporary traffic management procedures, speed limits etc. In addition, the Applicant has advised that all construction movements will be carefully monitored and planned outside of peak traffic times to limit impacts on strategic roads and the local community. Once works commence, the contractors engaged will be responsible to ensure that the CTMP is followed at all times and mitigation measures implemented where required.
- 9.50. The Council's Roads Authority, Ayrshire Roads Alliance (ARA) have been consulted internally to inform the Council's overall considerations. ARA have advised that they do not object to the proposal, subject to conditions to ensure the safety and integrity of the local road network is maintained. This includes requiring a CTMP to be submitted for final approval to ensure appropriate measures are implemented to limit impacts and disturbance on local roads, the road infrastructure and the local community.
- 9.51. Transport Scotland (TS) have also been consulted and have not raised any concerns with the temporary traffic generation on the truck roads during construction. They have raised concerns with the suitability of the route proposed for Abnormal Indivisible Loads (AILs) but advised this can be dealt with via a condition requiring the submission of further details to agree a suitable route for AILs to ensure the operational efficiency of the Truck Road is not adversely impacted. TS have also recommended a condition requiring implementation of supervised traffic management control measures during delivery of materials to site by a recognised QA traffic management consultant approved by Transport Scotland. These conditions would ensure that construction traffic is carefully managed with safety measures being implemented as required to ensure the proposed development would not have a detrimental effect on the strategic road network.
- 9.52. Subject to the recommended conditions from TS and ARA and mitigation measures put forward by the Applicant, it is considered construction traffic can be managed to limit significant effects on the local and strategic road network. Nuisance effects from increased traffic, road closures etc on the local community are likely during this temporary period, however several measures have been proposed to minimise effects on road safety for these users. Once the BESS facility is operational, it is not a high traffic generating development with limited movements to and from the site and therefore, adverse effects in the long-term on the road network and for road users would be negligible.
- 9.53. On the whole, it is considered that the proposed development would meet the intent of LDP2 and NPF4 policies in relation of transport.

v) Impacts on historic environment

- **NPF4 Policy 7** - aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.
 - **LDP Policy: Historic Environment** - We will protect, preserve and, where appropriate, conserve and / or enhance South Ayrshire's historic environment. This includes the heritage asset types identified below.
 - **LDP Policy: Archaeology** - Development proposals that do not safeguard archaeological sites or resources in situ will not be supported unless it is demonstrated to the satisfaction of the Council that the benefits of the proposal outweighs the archaeological value of the site.
- 9.54. A Heritage Impact Assessment (HIA) prepared by AOC Archaeology Group has been submitted with the application to assess the potential impacts on the historical and cultural landscape within the vicinity of the development. No effects of significance have been identified within this report provided. From review, the Council notes that the site is not located near or within a Conservation Area, Historic Garden or Designated Landscape and it does not contain any listed buildings or Scheduled Monuments with the closest being over 2km and 1km respectively. The intervening landform of rolling hills and vegetation will limit adverse effects on these historic features and their setting as the proposed development would not be viewed in the same context to detract from the values and importance of these historic features. Historic Environment Scotland have been consulted by the Scottish Ministers and have offered no objection to the proposed development.

- 9.55. The West of Scotland Archaeology Service (WoSAS) has reviewed the HIA and are in general agreement with its findings subject to the imposition of a relatively standard condition to implement a programme of archaeological works to be agreed by WoSAS and South Ayrshire Council. This is required as Mosside/Big Mosside is identified as a site with potential for below ground historical remains associated with the settlement which could be disturbed by the proposed development due to proximity. Such a condition would ensure mitigation measures are in place should sub-surface archaeological remains be encountered during excavation and an appropriate response is undertaken to investigate and accurately record these findings.
- 9.56. Given the above, including the assessments undertaken combined with the relevant consultee input, the Proposed Development is not considered to unduly impact any historic assets and places and any potential impact on archaeological findings can be appropriately mitigated by conditions. Overall, the historic environment will be preserved, and the proposed development would comply with Policy 7 of NPF4 and the related policies in the LDP2.

vi) Effects on hydrology, the water environment and flood risk:

- **NPF4 Policy 22** - Flood risk and water management - to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
 - **LDP Policy: Water Environment** - We support the objectives of the Water Framework Directive (2000/60/EC). We will only allow development that meets these objectives and shows that:
 - a. It will protect, and where possible, improve the water environment;
 - b. It will not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water); and
 - c. It will not harm the biodiversity of the water environment.
 - d. It seeks to avoid (or remove) instances of construction works and structures in and around the water environment;
 - e. It provides an appropriately sized buffer strip between the development and a water course.
 - **LDP Policy: Flood and Development** - Development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere. We will assess development proposals against the Scottish Environmental Protection Agency's (SEPA) publication 'Flood Risk and Land use Vulnerability Guidance' (2018), or subsequent updates.
- 9.57. The overall intent of these policies is to ensure the water environment and ecological features are protected and improved where possible and flood risk is understood and managed to accord with SEPA's advice. Furthermore, the policies require that risks to others is not exacerbated as a result of new development in flood prone areas.
- 9.58. The proposed development has the potential to impact on the water environment (including having effects on groundwater and surface water) at construction, operational and decommissioning stage. The application is accompanied by a Drainage Impact Assessment and a Preliminary Hydrogeological Risk Assessment prepared by McCloy Consulting to assess the water environment and conditions in terms of flooding, ground water resources and surface water receptors that have potential to be impacted by the proposed development.
- 9.59. In terms of flood risk, the assessment has reviewed SEPA's online Flood mapping database and considered how the development design would impact existing drainage patterns as a result of the introduction of impermeable areas across the site. The site is not identified within a floodplain and the proposed development has been designed to a 1 in 200 year return period to accommodate climate change without increasing flood risk to the site. The report considers the pre and post development run off scenario and assesses the impacts of the proposed stormwater drainage system to manage and treat run-off and limit flood risk through ensuring the surface water is appropriately discharged into the retention ponds.
- 9.60. Based on the drainage assessment, it is accepted that overall the proposed development would not exacerbate flooding or negatively impact on drainage patterns and stormwater management can be discharged without compromising the water environment.

- 9.61. The groundwater assessment studies has looked at the groundwater receptors, groundwater protection areas and private water supply sources within the vicinity of the site. Following discussions with the Applicant and SEPA an updated preliminary Hydrological Risk Assessment (HRA) was submitted identifying 1 Private Water Supply (PWS) in the locality at Camsiscan Farm. Council's Environmental Health Service reviewed this information and undertook a site walkover. Following this, they advised that the borewell at Camsiscan Farm was no longer in use as it sustained fire damage and is now unusable, therefore meaning the properties in the area are serviced by mains water supply. As there is no PWS in use for human consumption, the Council's Environmental Health Service have confirmed there is minimal risk to human health and they therefore have no objection on these grounds. Relying on this assessment undertaken by the Council's Environmental Health Service, SEPA confirmed they no longer object to the proposed development on matters relating to PWS.
- 9.62. The report identifies the nearest watercourses in terms of proximity to the development site with the nearest being an undesignated watercourse beginning at the site's eastern border flowing in an easterly direction and discharging into the Cessnock Waterway approximately 1km east of the site. Subject to standard construction and environmental management measures being implemented on-site, the proposed development is not considered to negatively impact on these watercourses. This was raised as a matter for consideration by Ayrshire Rivers Trust and it would be a matter for the Scottish Government as determining authority to decide how the recommendations of this consultee are incorporated into the overall assessment
- 9.63. In conclusion, the Proposed Development is not considered to result in significant impacts on the water environment and it is considered that it would meet the relevant policies in NPF4 and LDP2.

vii) Biodiversity including impacts on birds:

- **NPF4 Policy 3 Biodiversity** - highlights the importance of nature protection, restoration and securing biodiversity enhancements to reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.
 - **LDP Policy: Natural Heritage** - Planning Permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.
- 9.64. There are no special nature designations in the site or within the immediately surrounding locality. Similarly, there are no Ramsar Sites, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs) within 1km of the site.
- 9.65. A Preliminary Ecological Appraisal (PEA) and Habitat Management Plan (HMP) has been submitted in support of the proposed development to assess the likely presence or likely absence of protected or notable ecological species, identify statutory and non-statutory designated sites for nature conservation in the vicinity of the proposed development and evaluate the overall conservation status of the land within the site boundary. The assessment considers the ecological benefits of the proposal habitat enhancement areas across the site to improve biodiversity values as part of the overall development. The findings in this assessment have been informed by a number of studies undertaken by Land Use Consultants Limited and an extended Phase 1 Habitat Survey (including a desk and field study) and Preliminary Bat Roost Assessment (PBRA) undertaken at the Site in August 2022.
- 9.66. These field surveys did record several habitats on the site including nesting birds and bats and evidence of badger and non-native species was also found during field work. The HMP sets out a number of mitigation measures to protect species recorded on-site.
- 9.67. As part of initial discussions with Nature Scot an Outline HMP (oHMP) was agreed to be submitted to demonstrate the Applicant's commitment and maintenance of new biodiversity measures in accordance with Nature Scots current guidance and the details would be used to inform and secure these measures through a condition. This includes:
- An overview of the site's current ecological baseline.
 - A review of relevant national and local policy (as it relates to development-led habitat creation and management).
 - An outline and justification of the HMP's aims and objectives.
 - An outline of habitat creation and management prescriptions.

- An overview of appropriate long-term maintenance and management, along with relevant roles and responsibilities.
- 9.68. The site is located within a lowland agricultural landscape comprising of species-poor semi-improved or improved grassland which has been heavily modified by agricultural practices. In its current state, the grassland habitats identified within the HMP provide very limited nature conservation value, therefore there is an opportunity to restore these degraded habitats as required by criterion (a). There are no statutory designated sites or records of protected species with 1km of the subject site. Four ancient woodlands are within a 1km radius however the findings note they are suitably distanced to avoid being affected by the proposed development.
- 9.69. NPF4 states national development proposals would only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity. In addition to the landscape strategy and ecological protection mitigation, a number of biodiversity enhancement measures are also proposed to conserve, restore and enhance biodiversity of the development site. This includes:
- Enhancement of grassland and monoculture pasture crop through introducing diverse meadow grasslands which will create positive benefits for biodiversity. This will include selecting native species reflective of lowland Scotland and a long-term maintenance scheme making the HMP area more desirable for protected species and nesting birds by increasing the diversity and variety of species.
 - The creation of a meadow habitat would also benefit bats and badgers as it would result in increased invertebrate populations.
 - The HMP also proposes to incorporate species-rich hedgerows, retain existing trees with bat roosting potential and include targeted tree planting to enhance the ecological values of across the site.
 - Furthermore, the applicant proposes to establish a new waterbody habitat in parcel 4.
- 9.70. A combination of these measures would go some way towards improving and enhancing biodiversity across the site and therefore align with the Policy intent of the NPF4, part b) in particular.
- 9.71. The PEA and HMP has been reviewed by the Council's external ecological consultant AECOM and the Council's Ranger and Biodiversity Services and neither have raised any objections to the Proposed Development. In particular, AECOM are satisfied that all mitigation put forward is appropriate based on the information presented in the PEA. Whilst AECOM have advised that there was scope to provide Ecological Impact Assessment (EclA), given the nature of the Proposed Development and the ecological features which could be present and impacted by the proposed development, they have advised that the approach and information submitted with the inclusion of an OHMP is acceptable. AECOM have recommended conditions to manage construction and pollution impacts in accordance with SEPA guidelines to minimise potential adverse impacts on ecological values on a waterbody approximately 20 m east of the site boundary and should consent be granted, the Service would expect these to feature.
- 9.72. The Council's Ranger and Biodiversity Services have recommended that the CEMP and HMP be submitted to the Service for approval prior to works commencing which is standard practice for developments of this scale and nature. They highlight that evidence of badger has been recorded within the site with an active sett identified and regular use of the site for foraging determined in the ecological report and annotated on the HMP however the proposed development is not within 30m of the sett which has been identified. In response to this, pre-construction surveys for badger will be undertaken prior to works to confirm if any new setts are created within 30m of the development to ensure that no disturbance occurs, or the appropriate licences are obtained from Nature Scot. The Council's Ranger and Biodiversity Services has reiterated the need for a Badger Protection Plan to detail specific mitigation measures to minimise any potential impact on badgers if setts are found within the 30m distance of the development and this could be covered as a condition should consent be granted.
- 9.73. Nature Scot have responded to The Scottish Government separately as a consultee to the application and the Service notes that following ongoing discussions with the Applicant have not raised any objection to the proposed development. While they approve of the measures put forward to enhance biodiversity, they have made additional recommendations for further biodiversity enhancements across the site which could be included with relatively minor changes to the proposal. The Applicant has advised they would accept a detailed HMP condition to facilitate post consent discussions to include additional habitat improvement areas taking these recommendations onboard. It is considered that the proposal sufficiently provides for biodiversity enhancement within the landscape strategy and OHMP that achieves the intent of the policy criteria of NPF4.

9.74. Based on the input from the Council's Ranger and Biodiversity Services and AECOM as the Council's external Ecological advisor, subject to the targeted mitigation measures proposed as part of the planning and design of the development and measures to limit impacts on protected species found onsite, it is considered that adverse impacts on ecological values can be avoided, remedied or mitigated. In addition, given the low conservation values of the site at present, it is considered that the proposal would contribute to biodiversity enhancement improving the current situation by creating new habitats and offering opportunities for increased biodiversity across the site.

9.75. The Proposed Development is considered to be in accordance with the relevant NPF4 and LDP2 policies.

viii) Impacts on trees, woods and forests;

- **NPF4 Policy 6 Forestry, woodland and trees** - aims to protect and expand forests, woodland and trees
- **LDP Policy: Preserving Trees** - When assessing proposals for development that might involve loss of, or work to trees, we will consider how much it would affect the local area and will take measures to protect trees, especially those covered by a provisional or confirmed Tree Preservation Order. Ancient and veteran trees of high nature conservation and landscape value will be protected.
- **LDP Policy: Woodland and Forestry** - We will support proposals for woodland and forestry that are: a. Consistent with the objectives and main actions of the Ayrshire and Arran Woodland Strategy; and b. Sympathetic to the environmental (including landscape and visual impacts), nature and wildlife interests of the area, and, wherever appropriate, provide recreational opportunities for the public. Relevant advice contained within The Scottish Government's Policy on Control of Woodland Removal will be taken into account when determining planning applications

9.76. The development site contains existing trees and hedgerow planting along the boundaries of the site, the majority of which are proposed to be retained or strengthened as part of the mitigation incorporated in the landscape strategy and HMP.

9.77. In assessing the development's impact on trees, woods and forests, it is noted that the proposed development would not result in the loss of ancient woodlands or veteran trees or impact on native woodlands, hedgerows and individual trees of high biodiversity value in line with this policy. One of the key aims of the HMP is to increase species diversity and the connectivity of green corridors through the provision of species rich hedgerows and targeted tree planting in suitable locations across the site to expand and maintain existing habitats for birds and bats. Additional targeted tree planting proposed to increase tree cover and create and maintain green corridors for bats, badger and birds and supplement the established boundary planting across the site to meet criteria a) of NPF4.

9.78. The existing woodland area in parcel 4 will be preserved and two trees within this same area are proposed to be retained due to their bat roosting potential. The site has not been identified in the Forestry and Woodland Strategy as being suitable for woodland creation however, the tree planting proposed as indicated in the landscape strategy has been designed to integrate into the established woodland area to enhance and extend the vegetation cover across the site and improve ecological connectivity.

9.79. Overall, the proposed development would not significantly impact on the existing woodland and trees and weight is given to the fact that it aims to provide enhanced tree cover that integrates with the existing woodland and hedgerow planting across the site.

9.80. The Proposed Development is in accordance with the relevant NPF4 and LDP2 policies.

ix) Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.

9.81. The Applicant's intention is that the site will be fully decommissioned at the end of its operational life and the land will be restored and returned to its former agricultural use. Traffic associated with the decommissioning and restoration of the site are likely to be similar to those associated with the construction period, though would likely be lesser in volume.

- 9.82. Limited details of the decommissioning phase have been included in the planning statement; however the applicant has volunteered the following measures:
- Approval of decommissioning programme of works prior to the site becoming non-operational and implementation of those works after operations cease.
 - Habitat Restoration Plan and method statement prior to the site becoming non-operational and implementation of those works after operations cease.
- 9.83. These details would be agreed with SAC at a time specified in conditions (likely six months prior to decommissioning) and would set out details of the removal of the proposed Development, the removal of all components for reuse, recycling or disposal, the treatment of ground surfaces, the management and timing of the works and environment management provisions. In terms of site restoration, it is intended that the site would be restored to its current condition to be used for agricultural purposes.
- 9.84. On that basis, it is not considered there would be any unacceptable impacts associated with the decommissioning period. Site restoration plans would be implemented including the measures in place to safeguard or guarantee the effective implementation of those plans.

x) Cumulative impacts

- 9.85. Cumulative effects have not been identified in any of the above assessments. The proposed development is not located in close proximity to any other proposed or consented BESS developments or other notable energy developments such as substantial windfarms. Therefore, there is considered to be absorption capacity within the landscape for this development without generating adverse cumulative effects. In particular, the BESS developments identified in the initial sub-sections of this report, are suitably distant from the site and would be physically and visually separated by the rolling landform that is evident within the broader rural environment. Equally, there are no substantial windfarms or other notable renewable generating stations, existing or proposed within the local landscape or visible from the site. For these reasons, these developments would not be viewed within the same setting or landscape context of any other development, ensuring that the Proposed Development would not give rise to any cumulative effects.

10. Policy 11 Conclusion

- 10.1. Policy 11 states that in considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. Each of these potential environmental impacts have been considered in detail in Section 9 above. Based on the conclusions drawn, there are no significant environmental effects that would warrant the balance to be shifted away from the proposal's significant benefit to enhancing renewable energy provision and reducing greenhouse gas emission. This aligns with the intent of primary policies of the NPF4 which seek to address the climate emergency through promoting development that minimises emissions to achieve zero carbon, restore the natural environment and adapts to the current and future impacts of climate change.
- 10.2. In terms of LDP2, a similar conclusion can be reached. The key issue is narrowed to landscape effects and while identified as significant at first, will lessen overtime and are anticipated to be contained to the local area and are not considered to result in widespread effects or effects on any valued landscapes or designations. Furthermore, the landscape experts agree that suitable design mitigation has been incorporated into the development. All other effects identified above can be suitably mitigated, whereby adverse effects would not be significant and compliances with the LDP 2 policy framework achieved.
- 10.3. The Proposed Development is therefore considered to accord with the Development Plan.

11. Other Impacts:

Agricultural land/Soils:

- **NPF4 Policy 5 Soils** - aims to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development and sets out that development on peatland, carbon rich soils and priority peatland can be acceptable where the development is for generation of green energy and aids the reduction in green house gases.
- **LDP Policy: Agricultural Land** - seeks to protect prime agricultural land and where it is essential be used for the generation of energy from a renewable source, all development proposals must make secure provision for restoration to return the land to its former status once generation has ceased.

- 11.1. A Geotechnical Report prepared by Raeburn Drilling & Geotechnical (Northern) Limited on behalf of the applicant was submitted with the planning application outlining the results of intrusive ground investigations undertaken across the site to determine ground and groundwater conditions and identifying any potential engineering constraints to inform the foundation design of the Proposed Development. Soil testing and peat probing surveys formed part of the investigations. Peat was not encountered during these site works. It was determined that the underlying natural soils comprised glacial till of sandy slightly gravelly or gravelly clay.
- 11.2. The site is not designated as prime agricultural land (Class 1, 2 or 3.1) in the land capability classification for agriculture (James Hutton Institute) instead it is grade 4.1 agricultural class and is not classed as a highly valued soil that requires additional protection (NPF4 Policy 5b)). The land has been primarily used for grazing and has not been identified as highly productive rural resource. The Proposed Development would be decommissioned at the end of the life span of the BESS operations allowing the land to be returned to its former agricultural use. On this basis, it is considered that the development is in compliance with NPF4 in this regard.
- 11.3. Based on the above assessment and the conclusions drawn in sections 9.79 - 9.82, it is considered that the development is in compliance with NPF4 and LDP 2 policies as there would be no significant effect on soils as the site is not identified as prime agricultural land or a highly valued soil resource.

Rural Development/Design:

- **NPF4 Policy 29 Rural Development** - To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.
 - **NPF4 Policy 14 Design, quality and place** - Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale and will be consistent with the six qualities of successful place – Health, Pleasant, Connected, Distinctive, Sustainable, Adaptable.
- 11.4. These matters have been traversed within the policy assessment above and within the Applicant's Planning Statement. The benefits of Proposed Rural Development and design and can be summarised as follows:
- The Proposed Development has been found to be in generally accordance with the Development Plan and is designed to support the flexible operation of the National Grid and decarbonisation of electricity supply in support of UK targets and national planning policy.
 - The Proposed Development is located in close proximity to the existing Kilmarnock South substation, avoiding the need for lengthy transmission cables, ensuring an efficient and straightforward connection to the grid when required;
 - The Development Site is not in a sensitive location in respect of critical environmental considerations including landscape designations, natural and cultural heritage, noise, air, hydrology and flood risk considerations;
 - The Proposed Development is located with an isolated, rural location, and is sufficiently mitigated to limit impacts on sensitive receptors;
 - The Proposed Development is relatively well contained due to landform, topography and landscape will not result in any wider cumulative impact;
 - The Development will result in the creation of jobs for the local community during the construction period; and

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 22/01029/DEEM)

- The design of the Proposed Development buildings and structures and landscape strategy have been taken into great consideration, and overall while there will be landscape effects, the majority of these have been suitably designed in response to the sites characteristics.

12. Overall Conclusion:

- 12.1. The Proposed Development is considered to accord with the Development Plan being the NPF4 and LPD 2. The report sets out several matters which can be addressed by condition to mitigate the degree of adverse effects to an acceptable level.

13. Recommendation:

- 13.1. It is recommended that no objection be raised to this BESS development and that the Regulatory Panel delegate authority to the Director of Housing Operations and Development to conclude Planning conditions with the Energy Consents Unit regarding, but not limited to, the following matters, should the Scottish Government be minded to grant consent as determining authority.

- All conditions requested by statutory consultees.
- All mitigation proposed within the Planning Statement.
- Appropriate noise condition to ensure development operates in accordance with findings and levels of revised Noise Impact Assessment Report.
- Restrictions on construction hours and days.
- Updated Landscape Strategy Plan including consideration for advance planting in line with construction and supplementary boundary planting.
- Scheme of protection/maintenance for all existing/proposed landscaping within and on the boundaries of the site.
- Final details of the design, material and colour finishes for all physical components of the development.
- Habitat Management Plan (HMP) to comply with Nature Scot requirements.
- Pre-construction habitat, protected species and bird surveys with necessary associated mitigation.
- Restriction on work times of the year in relation to findings in the HMP.
- Archaeological Watching Brief and Written Scheme of Investigation.
- Construction Environmental Management Plan (CEMP) including a Construction Method Statement (CMS) and various other supporting plans.
- Removal of infrastructure/physical components in the event they become obsolete or redundant.
- Decommissioning Programme of Works and Restoration Plan (including Habitat Restoration Method Statement).
- Restriction on signage or illumination of infrastructure except for those required by law under other legislation.
- Conditions requested by Ayrshire Roads Alliance as Council's Roads Authority (Implementation of Traffic Control Measures, Construction Traffic Management Plan (CTMP), Abnormal Indivisible Load and Access Road Assessment, Land Acquisition and Structural Assessments and Video Surveys).

Background Papers:

1. Application form plans and supporting documentation including the Planning Statement supporting technical assessments, additional technical assessments/further information and supplementary appendices and figures.
2. Consultation responses to the ECU
3. National Planning Framework 4
4. Adopted South Ayrshire Council Local Development Plan 2
5. Historic Environment Scotland Managing Change in the Historic Environment - Setting
6. Planning Advice Note 2/2011 ' Planning and Archaeology'
7. South Ayrshire Local Landscape Designations Review (2018)
8. Residential Visual Amenity Assessment Technical Guidance Note 2/19 (Landscape Institute)
9. The Control of Woodland Removal Policy 2019
10. Forestry and Woodland Strategy – 2019 (Scottish Government)
11. Land Use Planning System SEPA Guidance Note 31
12. SEPA Flood Maps
13. Technical Advice Note: Assessment of Noise (TAN)

Person to Contact:

Mrs Erin Goldie, Coordinator (Place Planning) - 01292 616 367

REGULATORY PANEL: 27 JUNE 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

SCLENTEUCH WINDFARM BY STRAITON

Location Plan

APPLICATION SITE 



This product includes mapping data licensed from Ordnance Survey with permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2018. All rights reserved. Licenced number 100020765.

Summary

The proposed development that covers two Council areas (East and South Ayrshire) comprises of 9 wind turbines, battery storage and ancillary development. Each turbine would be a three bladed horizontal axis type machine with a generating capacity of 6MW. 5no. wind turbines would be up to 200m in height to blade tip with 4no. up to 180m in height to blade tip. The overall generating capacity of the wind farm would be up to 54MW.

While the proposed development is largely situated within East Ayrshire, 4 of the 9 turbines and associated access tracks are situated within South Ayrshire. All four turbines would have a tip height of 200m. It is the 4 turbines and access tracks that SAC has been consulted on that form the focus of considerations and conclusions as set out in this report.

The proposed wind farm and battery storage are largely situated on commercial forestry and agricultural land. The site is situated to the north east of Straiton on the boundary with East Ayrshire. The proposal is not sited within an area designated for landscape value although is close to the Water of Girvan Local Landscape Area.

The proposal would accord with the strategic and overarching policies of National Planning Framework (NPF) 4 in that it would contribute significantly to the creation of renewable energy and help to tackle the climate crisis. Based on NPF4 Policy 1, this would add significant weight towards supporting the proposal. Along with this, the proposal is considered a National Development in line with NPF4 and therefore has 'in principle' support. This in principle support is also reiterated by Policy 11 which states that renewable energy projects should be supported subject to consideration of detailed matters.

In terms of potential impacts, it has been found that impacts on residential amenity from operational noise and shadow flicker are unlikely. Planning conditions are proposed to ensure the assessments set out within the Environmental Impact Assessment (EIA) Report are adhered to. No significant effects in terms of outdoor access or existing paths are identified. The EIA Report has set out mitigation in terms of aviation and defence interests and the principle of the mitigation measures have been deemed appropriate by the aviation authorities. The final details and resolution to these mitigation measures will require agreement with the aviation authorities and this would be agreed separately. No significant effects on telecommunication and broadcasting equipment have been identified. The proposal has the potential to have some adverse effects on the road network with an increase in vehicles including HGVs during the temporary construction phase. However, even at the peak period these would not have any significant environmental effects. The traffic would largely utilise the trunk road network within South Ayrshire with some early HGV traffic movements through Straiton prior to a new access being formed near Waterside in East Ayrshire. The traffic movements through Straiton would be short term and not significant as a result. The windfarm has the potential to have some limited adverse effects on the setting of Straiton which is a historic settlement with a Conservation Area and a large number of Listed Buildings. The greatest impact would be from the wind farms elevated position which would see it sit above the settlement in views from the west. This has the potential for an adverse effect in some views where the settlement can be seen in combination with the wind farm. Overall, the historic setting of the settlement is likely to be preserved in the majority of views given the separation distance between the development and the settlement. No other significant impact on historic or cultural heritage has been identified. The proposed development would have no significant effects on hydrology or the water environment and the development would not be at any significant flood risk. Controls will be needed through a Construction Environmental Management Plan to avoid any significant pollution on the water environment during the construction process.

The proposal has met the policy criteria of NPF4 in that the proposal includes biodiversity enhancement through proposed peat habitat improvement which will also help in tackling the climate crisis. The detail of this would be provided through a Habitat Management Plan. The proposal would have no significant effects on International, National, Regional or local ecological designations and will generally have no significant effect on ecology or ornithology. Mitigation is set out to ensure pre-start surveys are undertaken along with continued monitoring by an Ecological Clerk of Works during construction to avoid any significant ecological effects.

The windfarm would see the removal of a large area of commercial woodland which, while scheduled for removal, would have been replaced with commercial forestry as part of a restocking programme. However, the proposed development includes a plan to provide 57.1Ha of compensatory planting for the lost trees, the detail of which could be secured through condition if the Scottish Government were minded to approve the development. This would mitigate for the loss of trees and create a neutral effect. There is an abundance of peaty soil on site. The windfarm layout has been designed in a way to avoid deep peat and priority habitat as much as possible. Where this could not be avoided, 'floating tracks' (a track road constructed directly on top of the peat, relying on the strength of the in-situ peat for its support) are proposed to avoid peat removal. Policy 5 sets out that development on peatland, carbon rich soils and priority peatland can be acceptable where the development is for generation of green energy and aids the reduction in greenhouse gases. This development would meet that requirement and in turn avoids impact on the peaty soils and priority habitat as much as possible.

Significant effects are likely in terms of residential visual amenity on properties within Gass as they would have views towards the wind turbines. The impact however would not be so significant as to be unacceptable particularly when weighted against the benefits of renewable energy in tackling the climate crisis. The adverse effects would not be considered so significant to be detrimental to the enjoyment of the properties given the closest turbine would be at a distance of 1.2km. The proposal is considered to accord with the Development Plan in this regard.

There is the potential for significant adverse effects on the landscape from this development given its scale and height of turbines. It is noted in the planning application previously considered for this area (Ref: ECU00003110) that the Reporter concluded that this area was suitable for wind turbine development (however, that historic scheme was overall not acceptable for other reasons). The proposed development has a lesser landscape impact than the previous application even although the turbines are higher. The previous application had a larger number of turbines and were positioned so as to create more significant landscape effects, particularly on East Ayrshire. This current development proposal would not have a significant adverse effect on the landscape character of South Ayrshire.

The proposed development would have some significant adverse effects on the Carrick Hills Local Landscape Area (LLA) given it would be viewed from that LLA. In these views however, the existing Dersalloch wind farm would already be visible and sit in front of this wind farm. The proposed development would therefore not significantly increase the existing landscape effects to the degree that it would outweigh the benefits of the proposal in terms of tackling the climate crisis. This would be subject to a planning condition requiring aviation lighting to only be required when aircraft were detected in the area. The effects of the proposed development on the Water of Girvan LLA could be significant, particularly where the LLA is closest to the development. This could however be considered to be localised in nature and not widespread across the whole LLA. With a development of this scale, NPF4 sets out that significant local effects are likely and should generally not render a development unacceptable. This is considered to be the case for this development. The effects would not be widespread with the windfarm screened from views within the LLA by topography, vegetation and distance so as to avoid any significant effects in many areas. The proposed development would not alter the overall character of the LLA and while some significant effects are likely, these would not outweigh the benefits of the proposal towards tackling the climate crisis as set out within NPF4 Policies 1 and 11. No significant visual effects have been identified outside of the LLA's which have already been assessed.

The Carrick, Craiginmoddie and Knockcronal applications are currently at Public Local Inquiry and therefore it is unclear what the likely cumulative effect with these windfarms is likely to be until those are determined. The Council is required to respond to the current consultation in a timely manner and before end of June 2023 and therefore is not in a position to consider this further; this will be a matter for the Scottish Government Energy Consent Unit. The proposal alone with all constructed and consented wind farms would have no individual or cumulative significant adverse landscape and visual effects that would render the proposal unacceptable.

On balance, the proposed development subject to this application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2. Based on the conclusions drawn in the policy assessment, there are no significant environmental effects that would warrant the balance to be shifted away from the significant benefit of the proposals in supporting renewable energy provision and reducing greenhouse gas emissions. This proposal aligns with the intent of primary policies of the NPF4 which seek to address the climate emergency through promoting development that minimises carbon emissions and tackle the climate and nature crises.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 27 JUNE 2023

| | |
|-------------------------|--|
| SUBJECT: | CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 |
| APPLICATION REF: | 22/00654/DEEM |
| SITE ADDRESS: | SCLENTEUCH WIND FARM, STRAITON, SOUTH AYRSHIRE, KA19 7NJ |
| DESCRIPTION: | APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR PERMISSION TO CONSTRUCT AND OPERATE SCLENTEUCH WIND FARM |
| RECOMMENDATION: | NO OBJECTION |

1. Purpose of Report:

- 1.1. South Ayrshire Council has been consulted by The Scottish Government, under Section 36 of The Electricity Act 1989, on an application by RES for the erection of a windfarm and associated ancillary development at Scienteuch Wind Farm, Straiton, South Ayrshire
- 1.2. The Council is not the determining authority for this proposal. This report sets out the proposed response to The Scottish Government's consultation which was issued on 16 August 2022.
- 1.3. Under the Council's Scheme of Delegation relative to planning, all Section 36 consultations from the Scottish Government Energy Consents Unit require to be referred to the Council's Regulatory Panel.
- 1.4. The applicant has agreed to a time extension to **30 June 2023** for the Council to make its response. It is imperative that the Council responds within the agreed time period, or its statutory rights would be affected. Under the Electricity Act 1989, Schedule 8, Part 2, Paragraph (3), if the Planning Authority responds to the Scottish Ministers outwith the time limit that has been agreed (i.e. **30 June 2023** in this case), then the Scottish Ministers may disregard the response.
- 1.5. Under the Electricity Act 1989, Schedule 8, Part 2, Paragraph 2 (a), where the relevant Planning Authority notifies the Scottish Ministers that they object to the application and their objection is not withdrawn, the Scottish Ministers shall cause a public inquiry to be held.
- 1.6. On the basis that a Planning Authority were not to respond by the agreed date then there is no mandatory requirement for a public inquiry to be held.

2. Recommendation:

2.1. It is recommended that the Regulatory Panel:

- **Submits this report to The Scottish Government as no objection to the proposed wind farm.**
- **Approves delegated authority to the Director of Housing Operations and Development to conclude Planning conditions with the Energy Consents Unit, should The Scottish Government be minded to grant consent.**

3. Background and Procedural Matters:

- 3.1. On 12 July 2022, RES submitted to The Scottish Government a Section 36 Application together with an application that planning permission be deemed to be granted in respect of the construction and operation of a 54MW windfarm comprising of 9 wind turbines with an anticipated maximum height at tip of 200m and potential battery storage compound of up to 45MW located at land north east of Straiton.
- 3.2. Under Section 36 of The Electricity Act 1989, the construction of a generating station with a capacity which exceeds 50 MW requires the consent of Scottish Ministers.
- 3.3. The Scottish Government formally consulted the Council on the proposed development on 16 August 2022, with the date for response being 30 June 2023.
- 3.4. The proposed development constitutes a Schedule 2 development as classified by the Electricity Works (EIA) (Scotland) Regulations 2017 and the application is supported with an Environmental Impact Assessment Report.
- 3.5. Under The Electricity Works (Environment Impact Assessment) (Scotland) Regulations 2017, Scottish Ministers are required to consider whether any proposal for a generating station is likely to have a significant effect on the environment. These Regulations stipulate that Scottish Ministers must consult the local Planning Authority, Nature Scot (formerly 'Scottish Natural Heritage), Scottish Environment Protection Agency and Historic Environment Scotland. The Regulatory Panel are asked to note that in the event that a Planning Authority objects to a Section 36 Application, and does not withdraw its objection, a public inquiry must be held, before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).
- 3.6. In reaching their decision, Scottish Ministers have to take into account the environmental information submitted with the application and supporting Environmental Impact Assessment, the representations made by statutory consultative bodies and others in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Scottish Planning Policy on Renewable Energy (now superseded by NPF 4), other relevant Policy, Planning Advice Notes, the relevant Planning Authority's Development Plans and any relevant supplementary guidance.
- 3.7. The connection of the wind farm with the local electricity distribution network may require consent under Section 37 of The Electricity Act 1989. This would be subject to a separate application. Details of this have not been provided with this application.

4. Development Proposal:

4.1. Proposal:

- 4.1.1. The proposed development that covers two Council areas (East and South Ayrshire) comprises of 9 wind turbines, battery storage and ancillary development. Each turbine would be a three bladed horizontal axis type machine with a generating capacity of 6MW. 5no. wind turbines would be up to 200m in height to blade tip with 4no. up to 180m in height to blade tip. The overall generating capacity of the wind farm would be up to 54MW.
- 4.1.2. While the proposed development is largely situated within East Ayrshire, 4 of the 9 turbines and associated access tracks are situated within South Ayrshire. All four turbines would have a tip height of 200m. It is the 4 turbines and access tracks that SAC has been consulted on and that form the focus of the considerations and conclusions as set out in this report.
- 4.1.3. The full package of development proposals relative to South Ayrshire Council include:
 - 4 wind turbines
 - Wind turbine foundations
 - Permanent crane hardstanding areas
 - Low to medium voltage transformers and related switchgear located adjacent to wind turbines
 - Network of access tracks.
 - Network of buried electrical cables
 - Signage

- Felling and replanting of forestry
- Temporary construction compounds, working areas and laydown areas
- Restoration of blanket bog
- Watercrossings

- 4.1.4. New site tracks would be created between turbines 1, 3 and 4 and between turbines 4 and 8, with this track crossing into East Ayrshire Council boundary. Existing track between turbines 2 and 1 would be upgraded. The temporary construction access from the B741 is just outside the South Ayrshire Council area.
- 4.1.5. The applicant has set out that the expected operational life of the wind farm is 50 years. The applicant has also requested a micro-siting distance of 100m around the wind turbines.
- 4.1.6. The site is largely located within a rotationally felled commercial conifer plantation and therefore tree removal is frequently undertaken in the site. The proposed development will require additional tree removal beyond the current forestry plan for the area. 2.9Ha of commercial woodland would be removed around turbines 1-4 and a further 1.76Ha is required for associated infrastructure at each turbine and further tree removal is required for a 30m corridor proposed for new and upgraded access tracks. Overall, across the whole site there would be a net loss of 57.1Ha of commercial woodland relative to current tree felling plans. The applicant proposes to directly replace the removed woodland with mixed planting but the nature of this is yet to be determined.

4.2. **Application Site:**

- 4.2.1. The site is roughly 1000Ha in area and located largely within an area of commercial forestry and sheep grazing. The site is located across Keirs Hill, Green Hill and Lamdougherty Hill, situated approximately 3km to the north east of Straiton. The Water of Girvan is also to the west of the site. Loch Spallander Reservoir is situated at the north west corner of the site. The River Doon runs through the valley below the proposed development and there are a number of smaller watercourses within the site. An existing forestry access is taken from the B741 which runs along the southern boundary. The A713 is situated to the north east of the site and connects Waterside and Patna, both of which are within East Ayrshire. The settlements of Straiton and Kirkmichael in South Ayrshire lie to the south west and north west of the site, respectively. The closest property to the proposed development is High Keirs Cottage in East Ayrshire which is 1.2km from the nearest turbine (T9). Gass Farmhouse (1.25km from nearest turbine) and the other properties within a group of three properties at Gass are the closest properties to the development within South Ayrshire.
- 4.2.2. Ground elevations within the area range between approximately 160 m Above Ordnance Datum (AOD) at the proposed site entrance from the A713 rising to a maximum of 306 m AOD at Green Hill, in the centre of the Proposed Development Area. The proposed turbines are located across Lamdoughty Hill (in the west), Green Hill, and Keirs Hill (in the centre) and are located at elevations of between 250 – 280 m AOD. Areas of peat and organic material are present across parts of the Proposed Development Area. Class 5 peat predominantly underlies the development area although areas of Classes 1 and 3 are also noted. The EIA Report notes that following site investigations the peat thickness has been found to vary from 0.5 m to 5.9 m. Approximately 80 % recorded peat less than 1 m thick.
- 4.2.3. There are no statutory designations within the development site which are specific to South Ayrshire. The site is located within the Doon Valley Local Landscape Area (LLA) as designated by East Ayrshire Council. Also, Keirs Glen is listed on the Ancient Woodland Inventory (AWI) and is described as of semi-natural origin. This is also situated in East Ayrshire. Provisional Wildlife Sites (PWS) are located at Wallace Moor/Keirs Hill and Loch Spallander/Cloncaird Moor. In terms of the wider area, the following designations are noted:
- Galloway Dark Sky Park (DSP), which has a core area approximately 11 km from the proposed wind turbines and a buffer zone approximately 2 km away from the proposed wind turbines;
 - Merrick Wild Land Area (WLA) approximately 12 km to the south;
 - Various Local Landscape Areas (LLA) across South Ayrshire, the closest (Water of Girvan Valley) borders the development site on the south west;

- Garden and Designed Landscape (GDL) designations at Craigengillan and Blairquhan;
- Dalmellington Moss Site of Special Scientific Interest (SSSI) and Scottish Wildlife Trust (SWT) reserve, approximately 2.6 km to the south east;
- Bogton Loch SSSI, designated for its breeding bird assemblage, lies within 3.2 km; and
- Sited within the Galloway and Southern Ayrshire Biosphere transition zone.

4.3. **Surrounding Windfarms and Windfarm Proposals:**

- 4.3.1. The site is directly to the north of an operational wind farm at Dersalloch. This is a 23 turbine windfarm with a blade tip height up to 125 metres and a generating capacity of 69MW.
- 4.3.2. Within 5km of the development site is Knockkippen proposed windfarm. This has recently been submitted to the Energy Consents Unit and is situated to the north east of this site and is located wholly within East Ayrshire. It comprises of 12 wind turbines with a maximum height to blade tip of 180m, solar array, battery storage and ancillary infrastructure.
- 4.3.3. Between 5-10km of the site is Knockcronal (21/00993/DEEM) and Carrick (22/00094/DEEM) wind farm proposals, with Craiginmoddie (21/00069/DEEM) just over 10km. These are all situated to the southwest of the application site and are currently subject of a joint Public Local Inquiry with South Ayrshire Council objecting to the proposals. Knockcronal proposes 9 wind turbines at 200m in height at tip. Carrick wind farm proposes 13 wind turbines with a tip height of up to 200m. Craiginmoddie windfarm proposes 14 wind turbines with a tip height of up to 200m and battery storage (92.4MW capacity). All of these application sites are in close proximity to one another and South Ayrshire have objected on a number of grounds but the primary reason being landscape impact, including the impact on tourism and recreation resources as a consequence. Other reasons include impact on residential visual amenity and impact on aviation interests.
- 4.3.4. Within 5-10km of the site and to the north-east is Poquhairn wind farm which is at application stage and North Kyle Energy Project which has been consented. Both of these are within East Ayrshire. There are a number of other windfarm developments beyond 10km distance from the development site and these are largely within East Ayrshire and have lesser cumulative effect with this proposal. Given the proposal's position, the wind farms at around 15km distance within South Ayrshire also have less cumulative effect. Those windfarm development set out in sections 4.3.2 and 4.3.3 are considered most relevant.

5. **Consultations:**

- 5.1. Consultations on this application are undertaken by The Scottish Government. Comments arising from internal consultation within South Ayrshire Council (department services) including Carol Anderson Landscape Associates, The Ayrshire Roads Alliance, AECOM Ecological Advisers, ACCON operational noise consultant, South Ayrshire Council Environmental Health Service and Access Officer are incorporated into the assessment section of this report and will be forwarded to the ECU. The following consultation responses are for noting only.

5.2. **Statutory Consultees:**

5.2.1. **Nature Scot ('NS'): - No objection**

- 5.2.1.1. It is important to note that Nature Scot (previously Scottish Natural Heritage) typically objected to windfarm proposals in South Ayrshire that had any potentially significant landscape impacts however in this case Nature Scot have not objected. Since the adoption of NPF4 by the Scottish Government, Nature Scot have also had to re-focus their assessments given the relaxation of the weight to be afforded to localised landscape impacts and this was reflected in an updated response from Nature Scot on this application.

- 5.2.1.2. **Landscape effects:** Nature Scot provide an initial detailed response which highlights a number of potential landscape impacts from the development. Nature Scot set out that they consider the development is likely to lead to an intensification of the influence of wind farm development experienced from the lower lying interior of the north east of the Wild Land Area; weakening the sense of naturalness, remoteness and sanctuary attributed to Wild Land Qualities 1, 3 and 4. They also set out that the proposed turbine lighting could introduce night-time effects to the Wild Land Area which would significantly affect the sense of remoteness and sanctuary. Nature Scot set out a cumulative assessment which is complex and will be discussed later in this report.
- 5.2.1.3. Following the adoption of NPF4, Nature Scot submitted a further response to the Energy Consents Unit. They set out that as a consequence of NPF4 Policy 4(g) on assessing development outwith a Wild Land Area, they consider that the effects of the proposed development on the qualities of the Wild Land Area would not be a significant consideration for Scottish Ministers in making their determination. They reiterate however that this position does not change their landscape assessment of that issue.
- 5.2.1.4. **Ornithology and Ecology effects:** Nature Scot noted that the collision risk for goshawk and great backed gull was low enough to be acceptable. Similarly, they considered the collision risk for bats to be acceptable. Nature Scot have proposed conditions be imposed for these species on top of mitigation already proposed by the applicant. This includes a Breeding Bird Protection Plan and for the turbine blades to be feathered while idling in order to reduce their rotation speed. They also ask for post construction monitoring to review effectiveness of measures. They agree with the EIA Report that there would be no significant effect on other species. In terms of habitats and peat, again Nature Scot expressed no objection but requested further details of floating tracks and the construction methodology to be provided through planning condition. In addition, a Habitat Management Plan for protection and enhancement of peat has been requested along with micrositing of turbines away from areas of peat deeper than 1m.
- 5.2.2. **Historic Environment Scotland ('HES'): - No objection.** HES agree with the conclusion of the EIA Report that none of the impacts on historic assets within their remit (e.g., nationally important heritage designations) are likely to be significant.
- 5.2.3. **Scottish Water ('SW'): - No objection.** Scottish Water in their response includes a number of advisory points and other legislative references all of which relate to asset impact assessment, drinking water protection areas and surface water.
- 5.2.4. **Scottish Environment Protection Agency ('SEPA'): - No objection** –SEPA is satisfied with the detail provided through the EIA report and supplementary information in relation to private water supply, peat, access and micrositing. SEPA propose a planning condition limiting the micrositing from areas of deeper peat or brining turbines closer to watercourses. SEPA also recommend that T9 is microsited west to prevent impact on Ground Water Dependant Terrestrial Ecosystems.
- 5.2.5. **NATS Safeguarding ('NATS'): Objection.** The response includes a report which covers their technical assessment of the proposed development impacts on radar, communication and navigational equipment and features. Whilst no impact is anticipated for NATS navigational aids or their radio communication equipment, NATS Safeguarding as part of the 'En-route RADAR Technical Assessment' have determined that the terrain screening available will not adequately attenuate the signal on the Lowther RADAR and therefore this development is likely to cause false primary plots to be generated. They also set out that a reduction in the RADAR's probability of detection of real aircraft is anticipated. NATS safeguarding conclude that the proposed development has been examined by technical and operational safeguarding teams and a technical impact is anticipated and this has been deemed to be unacceptable.
- 5.2.6. **Glasgow Prestwick Airport ('GPA'): Objection:** GPA set out concerns in relation to the impact of the development on their Primary Surveillance Radar (PSR). The GPA objection remains until all technical and operational aviation safety matters are addressed to the satisfaction of GPA and a mitigation agreement put in place.

- 5.2.7. **Coal Authority ('CA'): - No objection.** Coal Authority require a planning condition requiring site investigations to be carried out prior to any works on new or upgraded tracks and that stabilisation works would be implemented if required.
- 5.3. **Internal Scottish Government Advisors:**
- 5.3.1. **Marine Scotland Science ('MSS'): No objection.**
- 5.3.2. **Ironside Farrer (Peat Slide Risk Assessment) ('IF'): No objection**
- 5.3.3. **Transport Scotland ('TS'): No objection.** Transport Scotland confirm that they are satisfied with the relevant chapters in the EIA Report and more broadly the acceptability of the development in terms of environmental impacts on the trunk road network. They note that some trunk road mitigation is required on the A77(T) at Sandyford Toll Roundabout where loads will over-run and over-sail the eastern side of the central island and one set of chevron signs will require to be removed and a load bearing surface will be required. In addition, vegetation clearance is required from this area. At the A77 (T) Holmston Roundabout, a lighting column will require to be removed, while a lighting column and one road sign will require to be removed at the A77(T) Bankfield Roundabout. TS have requested two planning conditions. One requiring agreement of the route of abnormal roads and any mitigation measures for this being agreed prior to any deliveries being made and the second requiring approval of any signing or temporary traffic control measures needed for the delivery period.
- 5.3.4. **Crown Estate ('CE'): No objection.**
- 5.4. **Non-Statutory Consultees:**
- 5.4.1. **South Ayrshire Council Biodiversity Officer ('BD'): No objection.** The EIA Report sufficiently assessed the impact of the development on ecology and sufficient mitigation has been proposed. They also confirm that the proposed enhancements would meet the requirements of NPF4.
- 5.4.2. **British Telecom ('BT'): No objection.**
- 5.4.3. **Defence Infrastructure Organisation ('MOD'): No objection.** The MOD also ask for a condition being imposed which requires details of any repositioning of turbines (through micro-siting) to be notified to them.
- 5.4.4. **Edinburgh Airport: No objection.**
- 5.4.5. **Glasgow Airport: No objection.**
- 5.4.6. **Scottish Rights of Way Society ('ROW'): No objection.** Set out that there is Right of Way, Heritage Path and Scottish Hill Path running through the site boundary however these are none close to the proposed wind turbines.
- 5.4.7. **Joint Radio Company ('JRC'): No objection.**
- 5.4.8. **West of Scotland Archaeology Service ('WOSAS'): No objection subject to condition.** The condition would require a scheme of archaeology to be undertaken prior to development occurring on site.
- 5.5. **Community Councils:**
- 5.5.1. **Crosshill, Stration and Kirkmichael Community Council: No objection.** The response sets out that they consider their members may have been influenced by a RES leaflet which offered to pay the communities energy bills.
- 5.5.2. **Neighbouring Dalmellington Community Council (East Ayrshire): No objection.** They set out that they support the community benefit package proposed by the applicant.

Note: Community benefit is covered elsewhere in this report.

6. Applicant's Supporting Information:

- 6.1. The application submission to Scottish Ministers is accompanied by a range of supporting documentation. This includes an Environmental Impact Assessment Report (EIA Report), a Non-Technical Summary, a Planning Statement, a Proposal of Application Notice Report alongside a suite of accompanying plans, drawings, visualisations and photomontages. The EIA Report produced in this case considers the following principal topics: landscape and visual, ecology, ornithology, noise and vibration, cultural heritage, hydrology, hydrogeology and geology, traffic and transport, socio-economics, tourism and recreation, aviation and radar, telecommunications, shadow flicker and forestry. A number of technical appendices assessing different specific matters within these broader topic areas also supplement the main EIA Report and chapters where relevant.

7. Planning History:

- 7.1. The most notable planning application for this area relates to a historic application made under section 36 of the Electricity Act 1989 for a windfarm of 17 wind turbines (Keirs Hill Wind Farm (13/0002/S36)).
- 7.2. The application was subject to a Public Local Inquiry (PLI) and was refused by a Reporter on 22 November 2016. The Reporter noted that the area was suitable for wind farm development of some nature however the windfarm proposed was not acceptable. They also noted that many parties involved in the PLI also agreed on the suitability of the site for wind farms. It should also be noted that the Reporter did not consider it likely that there would be any significant effects on the Girvan Valley or settlements and historic interests in South Ayrshire. Their concern was the impact on Craigeengillan and the ironworks in East Ayrshire. On the point of impact in terms of residential amenity, the Reporter concluded that this related to properties in Doon Valley especially at Waterside and Keirs Hill Cottage in East Ayrshire.

8. Development Plan:

- 8.1. The proposed development has been submitted under The Electricity Act and the statutory requirement under Section 25 of The Town and Country Planning (Scotland) Act 1997 (as amended) – i.e., decisions to be made in accordance with the development plan unless material considerations indicate otherwise – does not apply in this instance. However, the Development Plan is a significant material consideration.
- 8.2. Following the implementation of The Planning (Scotland) Act 2019 and the Adoption of the National Planning Framework 4 (NPF4) on 13 February 2023, the current Development Plan for South Ayrshire incorporates NPF4 and the South Ayrshire Local Development Plan (LDP) 2 (2022).
- 8.3. 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 between the policy framework.
- 8.4. 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 will be given to the assessment criteria for renewable energy within NPF4 than in LDP2.
- 8.5. In terms of assessment, the primary development plan policy against which proposals for wind farm development are to be assessed is Policy 11 of NPF4. The South Ayrshire Local Development Plan Policy: Wind Energy also is of relevance; however, as NPF4 is the newer document, any incompatibility between the two policies will result in NPF4 Policy 11 being given the greatest weight. NPF4 and the LDP has a number of additional policies of relevance to the assessment of the 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.

- 8.6. In terms of the Wind Energy policy within the LDP, 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 on how the policy of the Local Development Plan will be applied in the consideration of proposals. However, it should be noted that following adoption of LDP2, 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 (2014). However, SPP (2014) has been replaced by NPF4 and the Spatial Strategy no longer aligns with this. With the Wind Energy guidance having been through a full consultation and approval process, it does remain as informal planning guidance, and the guidance and associated Wind Capacity Landscape Assessment 2018 are material considerations for planning applications, representing the Council's most up to date position on wind farm developments. The criteria within this document therefore will be considered along with the Development Plan in each section of the report.
- 8.7. The following policies of NPF4 are relevant in the assessment of the application.
- 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 6 Forestry Woodland and Trees
 - Policy 7 Historic assets and places
 - Policy 11 Energy
 - Policy 22 Flood Risk and Water Management
- 8.8. The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. An assessment of the proposals against the provisions of NPF4 is set out below.

9. Assessment:

- 9.1. In assessing the proposal, it is important to note that South Ayrshire Council is not the determining authority and has been asked to provide comments as a Statutory Consultee.
- 9.2. As previously stated, a number of comments from consultees have already been submitted directly to The Scottish Government. Where consultee responses are especially important in South Ayrshire Council's assessment of the proposal, they are referred to in the following assessment, and where appropriate, have been incorporated into the recommendations made with regard to suggested comments proposed to be sent to The Scottish Government. The full text of the submissions made to The Scottish Government can be found at The Scottish Government [Energy Consents Unit website](#) (case reference ECU00003318).
- 9.3. With NPF4 being the most recent document, the policies within it have been used as the basis for the report and the relevant Sections of the LDP Policy Wind Energy and the relevant Planning Guidance criteria addressed with each relevant NPF4 policy:
- 9.4. Other Policies: There are primary policies within NPF4 which aim to address the climate change crisis and biodiversity crisis. These will be assessed individually in the report. As stated above, a number of policies throughout the Local Development Plan are also relevant in the assessment of the proposed development. They are listed beneath the NPF4 policy and relevant Wind Energy policy criterion.
- 9.5. **National Development**
- 9.5.1. National developments are significant developments of national importance that will help to deliver the Spatial Strategy for Scotland. NPF4 identifies 18 national developments that aid in supporting the delivery of this strategy and Scotland's commitment to net zero. These support the planning and delivery of:
- sustainable places, where we reduce emissions, restore and better connect biodiversity;
 - liveable places, where we can all live better, healthier lives; and
 - productive places, where we have a greener, fairer and more inclusive wellbeing economy.

- 9.5.2. Six of the identified national developments support the delivery of sustainable places which is of most relevance to this proposed development. National Development 3 is Strategic Renewable Electricity Generation and Transmission Infrastructure to support renewable electricity generation and associated grid infrastructure around Scotland. This sets out that any development which is on shore electricity generation from renewables exceeding 50MW capacity and would otherwise be classed as a major application, would constitute a National Development.
- 9.5.3. As this proposal exceeds 50MW and is an onshore wind farm, it would constitute a National Development and would support the overarching aims of the NPF4 and spatial strategies to achieve net zero targets and provide renewable energy. National development status does not grant planning permission for the development and all relevant consents are required. Their designation means that the principle of the development does not need to be agreed and therefore the NPF4 sets that this development is supported in principle by the Development Plan.

9.6. **Sustainable Places:**

- 9.6.1. Excerpt from Policy 1 Tackling the climate and nature crises of NPF4:

When considering all development proposals significant weight will be given to the global climate and nature crises.

- 9.6.2. Excerpt from Policy 2 Climate mitigation and adaptation of NPF4:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change:
a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. b) Development proposals will be sited and designed to adapt to current and future risks from climate change. c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

- 9.6.3. Related LDP Policy:

LDP Strategic Policy 1: Sustainable Development:
We will support the principles of sustainable development by making sure that development meets the standards set out within the policy. The relevant standards are considered to be:

- Respects, protects and where possible, enhances natural, built and cultural heritage resources.
- Protects and safeguards the integrity of designated sites.
- Protects peat resources and carbon rich soils.
- Does not have a negative effect on air or water quality.
- Respects the character of the landscape and the setting of settlements.
- Respects, and where possible contributes to the Central Scotland Green Network.
- Makes efficient use of land and resources
- Helps mitigate and adapt to the effects of climate change
- When considering development proposals, due weight will be given to the consideration of net economic benefit.

- 9.6.4. The Scottish Government policies, commitments and targets for sustainable energy are set out in the ministerial statements, key policy documents and statute. The key ministerial statements and policies considered as part of the assessment of the current proposals are the Scottish Government's Declaration of a Climate Emergency (2019), the emissions reductions targets set out in the Climate Change (Emissions Reduction) (Scotland) Act 2019, The Scottish Energy Strategy (December 2017), and the Scottish Climate Change Plan 2018 to 2032 (2020 updated). The onshore Wind Policy Statement 2022 sets out an ambition of achieving 20GW of onshore wind capacity in Scotland by 2030.

- 9.6.5. There is a clear national and local policy emphasis towards tackling the climate crisis and a drive towards green energy and reduction of carbon. NPF4 sets out that significant weight must be given to tackling the climate and nature crises and thereby proposals which support tackling these, would have significant support. Discussion on the nature crisis will be set out later in the report with this section focussing on the climate crisis impact. NPF4 also sets out that any development should be sited and constructed in a way to minimise lifecycle greenhouse gases. These aims need also be put in the context of sustainable development which aims to ensure that development is carried out sustainability without significant detrimental impacts which would outweigh the developments positives and carbon reduction benefits. Policy 1 of the South Ayrshire Local Development Plan 2 sets out criteria in this regard. NPF4 puts forward a presumption in favour of development which will help tackle the climate and nature crises, but this must be balanced against any significant detrimental impacts of a development which may outweigh these positives.
- 9.6.6. The supporting information submitted with the application sets out that the proposal supports the transition to green energy and meeting the Government's aspirations for achieving onshore wind generation capacity and tackling the climate crisis. A carbon calculator has been carried out which calculates that the carbon payback from manufacture, construction, impact on habitat such as peat and decommissioning would be around 2.5 years if it replaced fossil fuel-mix electricity generation. The proposed lifespan of the development is around 50 years and therefore the proposal would contribute at least 47 years' worth of carbon-free energy potentially resulting in over 3.1 million tonnes of net CO2 emission savings.
- 9.6.7. On this basis, it is considered that the development would comply with Policies 1 and 2 of the NPF4 in that it would assist in tackling the climate crisis and would have a positive effect in terms of lifecycle carbon.
- 9.6.8. In terms of LDP Strategic Policy 1, it is considered that the proposal meets the criteria specified within the policy. Assessment against most of the criteria will be set out within other sections of the report. For those criteria which do not apply to other assessment criteria the following is noted. The proposal makes efficient use of land and resources with the wind farm largely being positioned on commercial forestry and agricultural land which will continue to largely operate post consent where possible. The development will require the removal of forestry; however, replanting will occur in areas where there would be no conflict with the wind turbines. Some peat may need to be removed however areas of deep peat and good quality peat would be avoided as much as possible. The proposal helps mitigate and adapt to the effects of climate change as noted in previous paragraphs. The supporting information indicates that there are economic benefits from the construction of the wind farm along with a potential £9.6 million benefit to the local economy and £30.4 million benefit to the Scottish economy, Overall, it is concluded that the proposed development would accord with the criteria set out within LDP Strategic Policy 1.

Conclusions

- 9.6.9. Overall, the proposal is considered to assist with the strategic and overarching policies of tackling the climate and nature crises which are core policies of NPF4 and the sustainable development policies of the Local Development Plan. In line with NPF4, this is considered to add significant weight in the decision-making process.

9.7. Energy

- 9.7.1. Policy 11 of NPF4 is the most relevant policy within NPF4 for a proposal of this nature. This policy aims to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. The policy sets out criteria for assessment for this type of development and this will be used to structure the report. The corresponding criteria from the LDP and Wind Energy Planning Policy Guidance will also be assessed under each topic. 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.
- 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.

9.7.2. 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 is not in either of these designations.

- 9.7.3. 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 13 assesses the socio-economics of the proposal. In summary, this sets out that the development and construction value of the wind farm is around £81.4 million of which £9.6 million could benefit the local economy and £30.4million could benefit the Scottish economy. In addition, it sets out that the development could sustain up to 72 jobs and contribute £4.4 million in Gross Value Added at the local level and across Scotland £14.3million and 232 jobs. In addition, the operation and maintenance phase are also expected to generate positive economic impacts. In this respect, the local economy could benefit by £1.4 million per annum and the wider Scottish economy by £1.9 million. The application also proposes two forms of community benefit. Either by providing £5000 per MW annually to a community benefit fund which could equate to £270,000 annually or providing a fund which would result in the energy bills for local residents to be paid.
- 9.7.4. There is potential for tourists and visitors to be dissuaded from visiting the area due to the presence of this wind farm and cumulation with the others. This can be seen in the studies presented in the EIA Report which indicate that 20% would not choose a location for a holiday if windfarms were present. The weight of evidence suggests that UK holiday makers would not be dissuaded from choosing a location in this area due to the presence of the windfarm. However, the evidence in the EIA Report provides less information on the impact to those who choose this location for hill walking and outdoor leisure specifically for the views and the wilderness aspect. On balance and in line with the policy, even although there could be some impact on tourism, this is unlikely to outweigh the economic benefit of the proposals as set out. This is also reinforced by the Reporter's decision on the Keir's Hill wind farm application previously on this site. The Reporter in that application concluded that the application was unlikely to have any significant adverse effects on local tourism within South Ayrshire and this included an assessment of Straiton and wider South Ayrshire interests. There is no information to suggest that the proposal would not result in a significant net socio-economic benefit as required by this policy.
- 9.7.5. 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.
- 9.7.6. Criterion (e) These impact criteria will be assessed in turn in the subsequent sections of the report.

9.8. **Criteria (i): impacts on communities and individual dwellings:**

- 9.8.1. Criteria (b) and (e) of LDP Policy: wind energy looks to protect Residential Amenity. Excerpt from Policy:

All proposals will be assessed against the following criteria:

- (b) They do not have a significant detrimental visual impact, taking into account views experience from surrounding residential properties and settlements, public roads and paths, significant public viewpoints and important recreational assets and tourist attractions.
- (e) They would have no other unacceptably detrimental effect upon the amenity of nearby residents, including from noise and shadow flicker.

- 9.8.2. Criterion (c) of communities quality of life and amenity sets out the following:

We will support proposals if:

- They do not have significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker.

These impact criteria will be assessed in turn in the subsequent sections of the report.

- 9.8.3. Additional LDP Policies:

- LDP Policy:** Sustainable Development
LDP Policy: Air, Noise and Light Pollution
LDP Policy: Land Use and Transport

Noise:

- 9.8.4. Volume 1, Chapter 12 of the EIA Report (alongside associated appendices) considers construction, operational, decommissioning and cumulative noise and vibration impacts associated with the proposed development. The operational noise assessment within the EIA Report considers the impact from the wind turbines and associated equipment and not the energy storage facility as following initial assessment it was identified that this was too distant from noise receptors to cause any significant effects in South Ayrshire.
- 9.8.5. The EIA Report identified the properties within Gass (1.2km from nearest turbine) and five properties (at least 1.8km from nearest turbine) to the east of Straiton to be at most significant risk of noise impact from the development when considering impacts relating to South Ayrshire. The five properties east of Straiton were only identified to be at risk as a result of cumulative effects while the properties at Gass were potentially impacted by the proposed windfarm alone. All other properties within South Ayrshire were found to be too distant from the windfarm to be adversely affected by noise.
- 9.8.6. The Council's noise consultant, ACCON UK limited, have been internally 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. As part of this, they also endorse the approach to deriving cumulative noise limits and subsequent site-specific noise limits which they conclude are also in line with the same guidance reference above. In terms of cumulative effect, the main receptors of note were the properties at Gass given they would be sited between Dersalloch wind farm and the proposed wind farm. Even in a worst case, scenario which assumed that the properties would be down wind of both wind farms (which is not possible), the sound level at these properties was found to be within acceptable limits. ACCON agree with the conclusions of the EIA Report in this regard.
- 9.8.7. 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 to ensure that the operational noise remains within acceptable limits. The planning conditions define the noise limits for the residential receptors within the area based on the assessment within the EIA Report. These planning conditions would be presented to the Energy Consents Unit for adding to any planning decision.
- 9.8.8. Both ACCON and the Council's Environmental Health Service raise no concerns in terms of the conclusions of construction noise, however the Council's Environmental Health Service have asked for planning conditions relating to blasting and control of dust on site along with the need for a Construction Management Plan.
- 9.8.9. Overall, it is not considered that either operational or construction noise from this development would cause any significant detrimental impact to residential amenity.

Shadow Flicker:

- 9.8.10. 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. The Council's Planning Policy Guidance for Wind Energy, however, requires that any property within 2.5km of a turbines should be assessed and both distances have been assessed as part of the EIA Report.

- 9.8.11. In terms of potential impact on properties within South Ayrshire, only Gass would be within 10 rotor diameters of the wind turbines and these receptors would be directly south of the development. By extending the study area to 2.5km there would be an additional 5 properties within South Ayrshire potentially affected and they would be to the south west of the development. This would include Scienteuch Farm, Largs Farm, Glenash Bungalow, Hazel Lodge and Glenhead. The EIA Report sets out that no significant effects are expected to any properties beyond 10 rotor diameters. For the properties within 10 rotor diameters the applicant proposes to provide mitigation where any instances of shadow flicker are reported and this would include such measures as planting trees, installing blinds or shutting down offending wind turbines when shadow flicker would likely occur. The Council's Environmental Health Service have set out a planning condition to ensure this mitigation is provided.
- 9.8.12. With the inclusion of a planning condition, there would no significant detrimental impact on residential amenity in terms of shadow flicker.

Residential Visual Amenity Assessment:

- 9.8.13. The SAC Planning Policy Guidance on Wind Energy states that the design process for wind farms should take into account local residential properties and the extent to which the proposal will be visible. The design process should seek to minimise significant visual effects on private properties. It states as a general rule, that a separation distance of 2km should be maintained between turbines and settlements. Individual dwellings should be sufficiently distant to minimize significant visual effects. An assessment of all residential properties within 2.5km from the proposed wind farms should be undertaken. The Residential Visual Amenity Assessment (RVAA) (Appendix 5.4 of the EIA Report) identifies 3 groups of properties within 2km of the site which are within South Ayrshire. This includes Scienteuch Farm (individual property), Glenash (individual property) and Gass Farm group (three properties). The RVAA did not carry through any detailed assessment on Scienteuch Farm as the Zone of Theoretical Visibility (ZTV) indicates a limited visibility of the windfarm with only one wind turbine blade likely to be visible. Similarly, no detailed assessment of Glenash was undertaken as an intervening tree belt to the north of the property was likely to screen views to the development and main views from the proposed development are not towards the development. The Council's Landscape Consultant has considered this assessment and agreed that effects on visual amenity would not be significant for those properties.
- 9.8.14. A detailed assessment was carried out for the group of three properties at Gass (at 1.2km distance). All three properties take access from the B741 and have windows which would directly face towards the development site and thereby views of the development are likely from within the properties. The RVAA notes that all 9 wind turbines are likely to be visible in differing views. It states that the wind farm will occupy up to approximately 80 degrees of the view north. In views directly north, turbines will be seen extending from the mature forestry below. The array will appear as a relatively even, level spread of turbines. Retained forestry will screen the proposed development infrastructure. The gardens of the properties however are situated to the south of the properties and views from these would be limited particularly given the high boundary treatment around them. There is also a vegetable garden to the east of properties on the north of the B741. There is an operational farm in the location and views to the wind farm from around the farm yard will be possible. The RVAA concludes that the magnitude of change of the visual amenity of this property group is high as there will be direct views of the turbines and aviation lighting in views north from the north-facing windows of each of the properties. Views from Glentaggan Bungalow will be effectively filtered by the adjacent mature trees. Notwithstanding the visibility, the EIA Report concludes that the turbines will occupy an open section of the views from these properties however the distances which are 1.2km to the nearest turbine and 2.5km to the furthest turbine and spread of turbines is such that the proposed development will not appear overwhelming or oppressive from the residential properties and will not breach the residential visual amenity threshold.

- 9.8.15. A matter for consideration on the impact on these properties is the existing Dersalloch wind farm which is currently visible from their properties. This is situated to the south west of their properties. In the viewpoint provided for Gass within the Landscape and Visual Assessment it is shown that, should this development be approved, wind turbines would be visible in views in most directions from these properties (where they are not screened). The extent of visibility will differ depending on screening and distance. It is noted however that views to the Dersalloch wind farm are currently screened to some extent by the topography of the upland area to which the wind farm is sited. In most views to the turbines, the turbine tower is obscured by the topography reducing the visual impact and disguising the overall scale of turbine to some degree. This lessens the visual impact of these turbines on residential amenity and leads to them not have an overbearing presence.
- 9.8.16. The Council's landscape consultant has considered the assessment and carried out a site visit to the area. They agree with the EIA Report that the magnitude of change would be high for the three properties within the Gass group however they disagree with the EIA Report conclusion that these effects would not be overwhelming due to the visibility of the operational Dersalloch wind farm to the south west as well as the closer proximity and number/vertical extent of turbines of this proposal seen to the north. The Council's landscape consultant concludes that there would be significant adverse effects on residential properties centred on Gass Farm where the addition of the proposed development to a baseline which includes the existing Dersalloch wind farm would be likely to result in an overwhelming effect.
- 9.8.17. When examining the above assessment from a planning perspective, it is noted that the rear elevation and rear gardens of two properties (Glentaggan Bungalow and Gass Farmhouse) would face in the general direction of the windfarm while the other property would front towards the windfarm. In terms of impact, the nearest turbines would be T1 and T4 (located in South Ayrshire) which would be directly viewed by windows on the rear elevation and gardens of the two nearest properties (Glentaggan Bungalow and Gass Farmhouse) and would be seen from habitable windows on the property to the south of the B741. The turbine would be at a distance of around 1.2km. T2 (located in South Ayrshire) would be positioned to the right of this view with all other turbines further to the right again and not in direct line of sight. The views to the left (west and north west) would remain open and unaffected. The majority of the windfarm thereby would not be within direct line of site of windows of the properties with only one turbine relatively close and even then, it would be over 1km from the property. It is likely that at most 1-2 of the turbines would be in direct line of sight from the windows of all three properties. All of the turbines would be visible from the gardens where possible although it is noted that some views will be obscured by existing boundary treatment. For these reasons, the planning assessment is that the magnitude of change for these properties from a residential visual perspective would be significant but not be overwhelming to the extent that would justify an objection in its own right. It is considered that the impact of the windfarm would not be so great that it would cause these properties to be places where people would not want to live which is the ultimate test on residential visual amenity. The windfarm would form part of the properties wider setting but would not have a significant detrimental impact on the outlook or views from the properties as there would still be views possible where the windfarm was not in view. When weighing the impacts the windfarm would have on these residential properties against the policy focus of NPF4 policies 1, 2 and 11, the effects on residential amenity, while significant, would not be unacceptable, especially when considered against the weighting afforded to the benefits that the proposed development would provide in terms of tackling the climate crisis.
- 9.8.18. As noted earlier in the report, the previous Keirs Hill Wind Farm (13/0002/S36)) was refused partly for reasons of impact on residential visual amenity. However, the impact identified related to the properties within East Ayrshire and not South Ayrshire. The Reporter did not conclude that there were any significant detrimental effects on properties within South Ayrshire that would warrant refusal of the application. This previous decision is a material consideration in this assessment with some weight. It is noted however that the previous proposal did not include wind turbines within South Ayrshire and therefore the wind turbines in this proposal are closer to the properties at Gass when compared to this historic application. However, importantly, the wind turbines are not considered to be significantly closer than in that historic application particularly when a larger number of turbines would have been visible in the historic application albeit at a slightly greater distance.

- 9.8.19. The EIAR sets out a 2000 candela (cd) medium intensity redlight would be added to the turbine hubs of the majority of the turbines. The EIA Report notes that CAA guidance permits 2000cd lights to be dimmed to 10% of the minimum peak intensity when horizontal meteorological visibility exceeds 5km in all directions. In addition, the EIA Report sets out that the intensity of the light to a viewer looking up at it is reduced significantly (depending on angle). Consequently, the EIAR concludes that the proposed aviation lighting would have no significant detrimental impact on residential amenity.
- 9.8.20. The Technical Appendix of the EIAR sets out the full mitigation which could be incorporated in terms of aviation lighting including that the applicant is willing to explore aircraft detection lighting systems (ADLS). This would essentially involve the lighting only being operational when an aircraft was detected in the area. This is being explored more widely by the Civil Aviation Authority. Given the potential significant adverse effects on amenity (and landscape discussed later) that the lighting could have on the properties at Gass, it is considered necessary that this mitigation is incorporated and a planning condition is suggested to secure this.

Conclusions on Residential Amenity Assessment:

- 9.8.21. Overall, sufficient controls through planning condition can be put in place to mitigate potential significant impacts on noise, in addition, a planning condition is proposed which would ensure mitigation is provided for any property which might experience an impact with regards shadow flicker. The impact on the properties at Gass would not be so significant as to be unacceptable particularly when weighted against the benefits of renewable energy in tackling the climate crisis. The proposal is considered to accord with the Development Plan in this regard.

9.9. Criteria (ii): Significant landscape and visual impacts:

- 9.9.1. Under this criterion, NPF4 sets out that significant landscape and visual impacts needs 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. Policy 11 also sets out that development proposals that impact on international or national designations will be assessed in relation to Policy 4.
- 9.9.2. Policy 4 of NPF4 aims to protect, restore and enhance natural assets making best use of nature-based solutions. Excerpt from Policy:

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where: i. The objectives of designation and the overall integrity of the areas will not be compromised; or ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified;

or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

i. will support meeting renewable energy targets; or,

ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild

land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

- 9.9.3. The LDP policy: wind energy sets out the following:

All proposals will be assessed against the following criteria:

- a. They consider and respect the main landscape features and character through careful site selection, layout and overall design. Potential impacts will be mitigated appropriately to ensure that significant effects on the landscape and the wider area are minimised;
- b. They do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions.

- 9.9.4. Criterion (a) and (b) of the Wind Farm Energy Planning Policy Guidance consider landscape character and visual impact. Excerpt from Policy:

We will support proposals if:

They are cable of being accommodated in the landscape in a manner which respects its main features and character (as identified in the South Ayrshire Landscape Wind Capacity Study or in any subsequent updates to that study), and which keeps their effect on the landscape and the wider area to a minimum (though careful choice of site, layout, and overall design;

We will support proposals if:

They do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints and important recreational assets and tourist attractions

- 9.9.5. In considering landscape and visual matters, the expertise of Carol Anderson, Landscape Architect of Carol Anderson Landscape Associates has been commissioned. Carol Anderson Landscape Associates is the author of the South Ayrshire Landscape Wind Capacity Study, the original version of which was used to inform South Ayrshire Council's Supplementary Guidance: Wind Energy.

- 9.9.6. Additional relevant LDP policies include:

LDP Policy: Sustainable Development

LDP Policy: Landscape Quality

LDP Policy: Dark skies

- 9.9.7. Before assessing the landscape and visual impact of the development, it is important to set out the policy hierarchy and context for assessment taking into account the introduction of NPF4 and adoption of LDP2. Prior to 2023, the main policy assessment was based on the LDP (2017) and the Supplementary Guidance: Wind Energy (now non-statutory Planning Policy Guidance (PPG)) which formed part of the Development Plan at that time. The LDP and PPG contained a spatial framework which was drafted in accordance with the criteria for wind farm capacity set out within SPP (2014). At that time, the SG and LDP formed the Development Plan considerations for wind farm assessment. Following adoption of LDP2, The Wind Energy Supplementary Guidance is no longer 'Supplementary' Guidance and does not form part of the Development Plan. It is however Planning Policy Guidance (PPG) and is a material consideration of significant weight. Following the adoption of NPF4 this now forms part of the Development Plan and SPP (2014) is now no longer relevant including the spatial framework within it. While section 25 of the Planning Act does not apply to the determination of this application, the policies within the Development Plan are significant material considerations and used as the basis for assessment. For reference, the Development Plan for assessing the visual and landscape effects of this development would be NPF4 and LDP2 with the Wind Energy Planning Policy Guidance a non-statutory material consideration of significant weight. As NPF4 is the newest document in the Development Plan, where there is any conflict in assessment weighting or criteria, NPF4 should be given the greatest weight.

- 9.9.8. NPF4 does not include the need for spatial frameworks and only sets out where windfarms should not be supported as set out in section 9.7.1 and 9.7.2 of this report. As noted in section 9.7.1 and 9.9.1 of this report, NPF4 outlines that localised impacts are to be expected of energy development and generally this should not render a proposal unacceptable. NPF4 also sets out that Policy 4 is of relevance for national and international considerations. To conclude, the assessment of landscape and visual impacts will remain consistent with previous reports identifying where significant effects may exist however the consideration of whether these impacts would result in the proposal being unacceptable will be different based on the new weighting given to each relevant policy document.
- 9.9.9. The 2018 South Ayrshire Landscape Wind Capacity Study (SALWCS) provides strategic information and guidance on wind energy development from a landscape perspective and provides a good baseline for landscape and visual assessment. The proposed development would be sited within the Foothills with Forest West of Doon Valley Landscape Character Type (LCT) identified in this study. The increased scale, simple landform and land cover and sparsely settled nature of this LCT generally reduces susceptibility to larger turbines although potential landscape and visual constraints relate to the relative narrowness of this upland landscape and its proximity to adjacent smaller-scale and more sensitive valleys, including the Girvan valley in South Ayrshire which is classified as the Middle Dale LCT. The SALWCS concludes that the Foothills with Forest West of Doon Valley LCT has a high sensitivity to turbines greater than 130m in height. The potential effects of turbine lighting on the little modified Rugged Uplands with Lochs and Forest LCT are additionally noted as a constraint to larger turbines. This high-level review would not support wind turbines of this height in this location however this is subject of detailed assessment of this particular proposal.

Effects on Landscape Character

- 9.9.10. While effects on the host landscape of the Foothills with Forest West of the Doon Valley LCT would be significant and adverse, the larger scale and generally simple landform and landcover and the lower value associated with this landscape reduces sensitivity and the severity of these effects on its character.
- 9.9.11. Within South Ayrshire, the Proposed Development would result in significant adverse effects on the eastern part of the Middle Dale LCT (the Girvan valley) where the very large turbines of the proposal would form a prominent feature seen on low skylines on the edges of Scienteuch and Cloncaird Moors. Although visibility will be restricted in places by woodland and the rolling landform in the Middle Dale LCT, where visible, the turbines would appear very large in relation to the scale of this landscape and could detract from its richly diverse and harmonious character. While there would be views of the wind farm across much of the LCT, these would be screened by topography and woodland to some degree and the most significant effects would largely be confined to the edge of the LCT where proximity to the wind farm would create greater effects. It is not considered that the development would adversely affect the landscape character of the area to the degree that it would alter the characteristics or qualities of the landscape.

Effects on landscape designations and other valued landscapes

South Ayrshire Local Landscape Areas

- 9.9.12. The Proposed Development does not lie in a designated landscape but would be visible from the Water of Girvan Valley, The High Carrick Hills and the Brown Carrick Hills and Coast Local Landscape Areas (LLAs) which lie in South Ayrshire. The LVIA considers effects on these LLAs in Technical Appendix 5.2 and concludes that the integrity of each of these LLAs would not be compromised by the proposal. The Council's landscape consultant has considered this assessment and agrees with the LVIA that significant adverse effects would not arise on the special qualities and key characteristics of the Brown Carrick Hills and Coast LLA due to the distance of the proposed development from these designations.

- 9.9.13. The Council's landscape consultant considers that the proposed development would have some significant adverse effects on the special qualities and character of the High Carrick Hills LLA, notably on the sense of wildness associated with this landscape and affecting views from popular hill summits. The Council's landscape consultant also notes that the proposed development would be situated behind the operational Dersalloch wind farm (and would therefore be seen in close association with this development) and that the substantially larger turbines of this proposal would exacerbate existing negative effects on character and views from this LLA. While these comments are noted, the Dersalloch windfarm has already created a significant landscape effect which now creates the baseline. While this proposed development would exacerbate this to a degree by extending the visibility of the windfarm vertically due to the higher turbines, it would not extend the landscape effects horizontally and would be seen in the extent of the current expanse of Dersalloch windfarm. The proposed development would not significantly extend the visual influence of windfarm development. The proposed development would have an awkward relationship with Dersalloch windfarm however this impact would not be considered to adversely affect the integrity of the LLA or be so significant on the landscape to outweigh the positive benefits of green energy created by the development. As set out within Policy 1 and 11 of NPF4, the benefits of development which tackle the climate crisis should be weighted towards approval and it is not considered that this adverse landscape effect would tilt the balance of acceptability towards refusal of the application as the effects are not significant.
- 9.9.14. The Council's landscape consultant raises a concern that during night-time, the proposed development would introduce new sources of light into this LLA and lit turbines could diminish the experience of wildness for some receptors walking at dusk/dawn or those who choose to stay in these uplands overnight. As set out within section 9.8.20 of the report, the applicant has set out that they would be willing to accept a condition looking at the technology which limited when the turbines were lit. This condition is necessary to ensure there would be no significant detrimental impact on the landscape from this development.
- 9.9.15. The Water of Girvan Valley LLA lies closest to the proposal. This LLA has been designated because of its outstanding assemblage of historic houses, castles, designed grounds and policy landscapes and historic villages and its scenic qualities which in part are related to the contrast that exists between the diverse pastoral and wooded valley floor and lower slopes and the backdrop of open moorland hills. This LLA is a popular area for walking and cycling and there are promoted walking routes including to the Colonel Hunter Blair Monument above Straiton which offers exceptional panoramic views. The Council's landscape consultant sets out that the turbines would be seen on a relatively low section of skyline, associated with a simple moorland and forested backdrop with no pronounced hills present. The well-wooded nature of the LLA would limit visibility of the proposal, but where open views are possible, the turbines of the proposal would significantly detract from the scenic qualities of the LLA. They set out however that the operational Dersalloch wind farm is already seen in a similar part of the LLA although the closer proximity and increased size of the proposed turbines would increase prominence and would have a greater detractive effect on the scenic composition of the eastern part of this LLA. They conclude that there would be a significant adverse effect on some of the key qualities and characteristics of this LLA including on promoted walking routes close to Straiton and on the landscape setting to Straiton.
- 9.9.16. It is agreed that the proposed development would have significant effects on the Water of Girvan LLA and views from the Girvan valley in particular. This would be based on the scale of the wind farm and its position. The eastern boundary of this LLA is relatively close to the site boundary of the proposed development and therefore views in those locations would be closer and more likely to be significant although there are less public viewpoints. It is noted by the Council's landscape consultant with regards the Water of Girvan LLA that while extensive visibility is indicated across the Girvan valley, the well-wooded character of this landscape would result in intermittent visibility of turbines with significant effects occurring on occasional open views up to approximately 6-7 km from the nearest turbine. Where views to the proposed development are possible the windfarm will be obvious and sitting prominent. The nature of the Girvan LLA however is that many of the views would be limited by topography and existing vegetation and woodland. Therefore, while the Proposed Development would have significant effects on the LLA where fully visible, this would not be across the whole LLA with many of the views not likely to result in significant effects with the windfarm likely to be seen at quite a distance and less prominent. Further assessment of the character features and historic features of this LLA are set out within section 9.14 of this report.

9.9.17. Policy 4 of NPF4 sets out that development will only be supported where there would not be significant adverse effects on the integrity of local landscape areas or their qualities or any of the significant effects are clearly outweighed by social, environmental or economic benefits of at least local importance. As noted, there will be some significant adverse effects on the Water of Girvan LLA but these would not be across the whole LLA with the windfarm positioned out with the LLA and in an area of different landscape character. The proposed turbines would not fundamentally change or effect the qualities and character of the LLA as a whole and the effects identified are considered to be outweighed by the environmental benefits of the scheme in terms of the contribution the windfarm can make to tackling climate change as set out within NPF policies 1, 4 and 11. It is also noted that the proposed development would only significantly adversely affect one LLA and in areas of close proximity and locality to the windfarm. The more distant parts of the LLA are unlikely to be so significantly affected given the change in landscape character and intermittent views. These impacts could be considered to be local to the windfarm and expected as set out within Policy 11 which outlines that local effects should not generally render a proposal unacceptable. The benefits of the proposal are considered to outweigh the significant effects on the LLA which are considered to not be wholesale or fundamental.

9.9.18. The Keirs Hill Section 36 decision is a material consideration on this point as the Reporter on that application included an assessment of the potential impact of that development on the Water of Girvan LLA. While the turbines in that development were smaller, they also were of greater number. The greatest difference between the two schemes is that wind turbines in the current proposal are further west than in the original with T1 positioned considerably more into South Ayrshire. In the Keirs Hill decision, the Reporter concluded that:

“From the Girvan Valley, a dark band of forest trees forms the horizon and for this valley also the windfarm has been set back so that although the turbines would be visible on the skyline, the bases of the turbines would not be visible, and they are understood to be beyond the skyline. From more distant viewpoints the development is designed to appear as a coherent group with a regular array of turbines with overlapping of turbines occurring for limited viewing directions.

And,

It is clear from this viewpoint that the proposal is in a recognisably different LCT with commercial forestry plantation in front. The turbines occupy a small part of a wide panoramic skyline with the landmark hills some distance to the south unaffected by the proposal.”

9.9.19. There are differences between the Keirs Hill proposal and this proposal in that the turbines are taller and that four turbines are located more within South Ayrshire. However, the general impacts of the development on the LLA are similar to that assessed in Keirs Hill. The windfarm will be visible as the Reporter set out but when viewed in the overall context of the LLA, the site is in a less sensitive location and would be seen within a different context. Like Keirs Hill, the base of the wind turbines will not be visible due to topography and commercial forestry. This decision is considered a material consideration as it sets out a previous landscape assessment carried out in the decision-making process of an application under the Electricity Act (1989) to which has relatively similar considerations as this development. While that application was refused, the reasons did not include impact on this LLA. In addition, the planning policy context has since changed with NPF4 being considerably more supportive of renewable energy and development which supports the tackling of the climate crisis. This gives greater material weight towards approval of the application and the need for more significant landscape effects than the localised effects on the LLA identified in this assessment.

9.9.20. Overall, it is considered that the Proposed Development will have some significant landscape effects on Girvan Valley LLA, however they would not be extensive given the screening afforded by the topography and woodland within the LLA. While some of the characteristics and qualities of the LLA may be affected, this would be limited to small areas of the LLA and would not fundamentally alter the LLA. NPF4 sets out a presumption in favour of development which contributes towards tackling the climate crisis and support for green energy development is also set out within Policy 11 with this policy indicating a tilted balance. It is not considered that the effects identified on the Girvan Valley LLA would be sufficient to outweigh the presumption in favour given the overall integrity of the LLA would be retained.

General visibility of the proposal

- 9.9.21. While extensive visibility is indicated across the Girvan valley lying to the west of the proposal, the well-wooded character of this landscape would result in intermittent visibility of turbines with significant effects occurring on occasional open views up to approximately 6-7 km from the nearest turbine. There are areas in this direction which are likely to have more open views such as B7023 between Maybole and Crosshill.
- 9.9.22. Views from within the settlements of Kirkmichael and Crosshill would be limited, although open views would be possible from nearby roads approaching these settlements. There would be restricted visibility from the densely built-up main street of Straiton, although Turbine 1 would be particularly prominent in views on the approach. The Council's landscape consultant disagrees with the LVIA that effects on some views from Straiton would not be significant in this respect. They also consider that significant adverse effects would occur on the promoted footpaths (some based on minor roads) which provide popular walking routes around Straiton. There would be significant adverse effects at times in and around Straiton where turbines are visible, however the visualisations evidence that only those turbines within South Ayrshire are likely to be visible due to topography and vegetation cover. The effects while significant, would not be severe and unacceptable.
- 9.9.23. There would be more distant views beyond 10km of the proposal from the Maybole area and surrounding higher ground to the south-east, including from the Brown Carrick Hills. While the Proposed Development would introduce much more noticeable larger wind turbines into these views (with the full vertical extent of turbines commonly visible) the increased distance and generally broader panoramas seen in these elevated views would result in effects not being significant.

Key visual effects

- 9.9.24. The Council's landscape consultant considers that from the open northern fringes of Straiton and the eastern part of the Girvan Valley, the very large turbines of the proposal may overwhelm the scale of small buildings, enclosed farmland and woodlands. The proposed development would often be seen in conjunction with the operational Dersalloch wind farm in views from the valley although the much larger turbines of this proposal would significantly increase intrusion. As noted earlier in this report, these effects are considered to be local in nature as they are most significant closest to the proposed development given the reduction in potential views as distance increases. The significant effect is therefore limited to closer proximity and when open views are achievable, but the overall impact would not be so severe as to outweigh the positive benefits of proposal.
- 9.9.25. The Council's landscape consultant considers that significant adverse effects would arise from Craigengower Hill and Colonel Hunter Blair Monument where the size and proximity of turbines will result in them being a prominent feature and while they would be located in a less scenic part of the panoramic views which are possible from the hill, they would be a distracting presence seen on the periphery of focal views down the Water of Girvan valley to the Firth of Clyde and Ailsa Craig. The view of the proposed development would only be in one direction however and be seen in the context of that landscape. Wider views and views in other directions from this viewpoint would be unaffected. The visual effect is therefore not considered to be significantly adverse overall.
- 9.9.26. The proposed development would be seen in conjunction with the operational Dersalloch wind farm when viewed from the high Carrick Hills including routes to and from, the summit of Cornish Hill and the Corbett of Shalloch on Minnoch reducing the magnitude of change to some degree by the landscape already having a baseline presence of wind turbines. The substantially larger turbines of the proposal would appear much closer than the existing Dersalloch turbines reducing the sense of space experienced in views from these popular hills. As noted earlier in the report when considering the effects on the High Carrick LLA which this viewpoint is from, the effects from this viewpoint and area are not considered to be significant.
- 9.9.27. Overall, a large-scale wind energy development is proposed which will have some significant adverse visual effects. However, these effects would not be so severe as to be unacceptable and the proposal meets the requirements of Policy 11 of NPF4 and Wind Energy Policy of the LDP2 in this regard.

Wild Land and Dark Sky effects

- 9.9.28. Nature Scot advises that the proposal would result in significant day-time and night-time effects on Wild Land Qualities (WLQs) 1, 3 and 4 of the Merrick Wild Land Area (WLA) as experienced from Cornish Hill and the lower lying north-eastern interior area around Loch Girvan Eye; on the perception of naturalness and sense of remoteness and sanctuary which underpin WLQs 1, 3 and 4. While this concern was raised, Nature Scot did not object to the proposal. These comments were made prior to the adoption of NPF4. NPF4 now sets out that renewable energy development within Wild Land Areas can be considered acceptable. As this development is not within a Wild Land Area, Nature Scot have set out that they consider this impact to be of less material weight in the assessment process.
- 9.9.29. On the point of aviation lighting and the night-time effects of the wind turbines, these concerns were reiterated by the Council's landscape consultant more generally and also by The Dark Sky Laboratory. However, mitigation is available in this regard through the use of a ADLS which would limit the duration of aviation lighting and the impact on dark skies. A planning condition in this regard is essential to ensure no significant adverse effects.

Effects on Tourism Attractions and Recreational Assets

- 9.9.30. The tourism sector is important to the South Ayrshire economy with a significant potential for growth. This expansion will be dependent on the maintenance and enhancement of environmental quality whilst ensuring that the assets on which the sector is based are protected from the impacts of inappropriate development. These objectives are reflected within the policy framework of the Local Development Plan.
- 9.9.31. Assets in Ayrshire and surrounding areas particularly sensitive to inappropriate development include areas designated for their scenic or recreational potential, including the Merrick Wild Land Area, Galloway Hills, the Galloway Forest Park, the Dark Skies Park and the Galloway & Southern Ayrshire Biosphere and its associated ecosystem centred around a series of core Nature sites. The application site is located within the Transition Zone of the Galloway and Southern Ayrshire Biosphere.
- 9.9.32. The landscape and visual impacts of the proposal are the primary considerations with regard to the potential impacts on tourism and recreation for this particular application. As noted earlier in the report, the proposed development would not have any significant adverse effects on the landscape including the Local Landscape Areas, Carrick Hills and Galloway Forest Park. Mitigation is proposed in terms of aviation lighting which could affect the dark skies and Dark Sky Park. Based on the landscape and visual assessment carried out, it is not considered that the wind farm would have a significantly detrimental impact on the tourism assets with South Ayrshire or significantly alter the landscape so as to make the area unattractive for tourists to visit.

Cumulative Effects

- 9.9.33. No consented wind farms would be likely result in significant adverse cumulative effects with this proposal because of their distance. The Dersaloch wind farm would not create any significant cumulative effect. However, there are many wind farm developments at application stage lying relatively close to this proposal including the Carrick, Craiginmoddie and Knockcronal applications that are currently at Public Local Inquiry and therefore it is unclear what the cumulative effect is likely to be. At this stage, it is considered that the proposal alone with all constructed wind farms would have no individual or cumulative significant adverse landscape and visual effects that would render the proposal unacceptable. The combination of these other windfarms however could lead to a significant adverse landscape effect. As South Ayrshire are required to respond to the consultation at this time, it would be for the Energy Consents Unit to make a judgement on the cumulative effects of these windfarms in their determination depending on their status at that time. The concern around these cumulative effects are raised through this report so that this can be noted in that assessment process.

Conclusion on Landscape and Visual effects

9.9.34. **Within the 2018 South Ayrshire Landscape Wind Capacity Study (SALWCS) the site is in an area which is considered to be able to accommodate wind turbines up to around 130m in height. While these turbines would be up to 200m in height, on detailed assessment of the potential landscape and visual effects of the proposed development, it is considered that the significant adverse effects would not be so severe as to conclude that the application is unacceptable. The most significant adverse landscape effects would be on the Water of Girvan LLA where significant effects are likely in closer proximity to the development and where views are possible around Straiton. These effects would not be severe to the overall LLA as views from the LLA will be screened by topography and vegetation limiting a wholesale adverse effect across the whole designation. The greatest effects are considered to be local to the development and in line with NPF4 policy 11 would not warrant the application to be unacceptable when considered against the support given to renewable energy by policies 1 and 11 of NPF4. All other landscape and visual effects are not considered to be significant to a degree that would warrant refusal of the application. Impacts on the dark sky and landscape from aviation lighting can be mitigated through planning condition. The cumulative effects of this development with other proposed wind farms is a matter for the Energy Consents Unit as noted above.**

9.10. **Criteria (iii): public access:**

9.10.1. Under this criterion, NPF4 requires consideration of the impact on long distance walking and cycling routes and scenic routes.

9.10.2. Criterion (b) of LDP2 looks to protect visual amenity from public roads and paths. Excerpt from Policy:

All proposals will be assessed against the following criteria:

They do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions.

9.10.3. Additional relevant LDP policies include:

LDP Policy: Sustainable Development
LDP Policy: Land Use and Transport

9.10.4. This is an area of South Ayrshire which is very popular with locals and visitors for walking and cycling and horse riding in the countryside. The area around Straiton and the hills to the south are particularly popular. There is a core path (D6) which runs between Straiton and Patna on the north-west corner of the development site. While it runs through the site, it is more than 370m from any infrastructure or turbine. A recorded Right of Way (SKC11), Heritage Path (Old Road through Straiton (HP 13) and Scottish Hill Track (Route 82 Barr to Straiton and Patna (HT385) all follow a similar route through the site as Core Path D6. There are other Core Paths further afield however no significant effects on the enjoyment of these have been identified.

9.10.5. As part of the Proposed Development, there is the intention of creating a footpath connection between the site access and existing High Keirs access to create a recreational trail. The applicant sets out that a Path Management Plan condition should be added to agree the detail of this and future management. This path is fully within East Ayrshire but would be usable by residents of South Ayrshire given that the border is close to the site. The Council's outdoor access officer has commented on the application and sets out that they believe that greater outdoor access provision could be provided as part of this development. The planning condition on the Path Management Plan is acceptable but should be written to reflect that the developer should be encouraged to increase the provision of accessibility and outdoor paths around the windfarm. The Council's outdoor access officer also sets out that waymarkers and signage should be used to designate any paths or the designated paths that already exist. This will also be added to the Path Management Plan condition.

9.10.6. In terms of impact on the designated paths, the development would be situated far enough away to avoid any direct impact. The Proposed Development would not place any restrictions on public access to these paths or the wider area post construction. During the construction period there would likely be some restriction to the areas of construction for health and safety reasons. In terms of the visual effects on the designated paths the submitted LVIA predicts moderate and significant effects on local Core Paths within the Doon Valley and around Straiton, on short sections where there are clear views of the proposed development. The most significant visual effects would be where the paths travel near to or through the site and thereby the wind turbines are at their closest distance. Views to the turbines would be varied given the path is through commercial forestry and on varying topography. The visual effects of the wind farm on these routes would not be so significant so as to deter people from using the route. The Councils outdoor access officer has not raised any concern with regards to direct impact from the development on the Core Path.

Conclusions on impact on public access

9.10.7. **Based on the above assessment, it is concluded that the development would have no significant effect on public access that would warrant refusal of the application and the application is in accordance with the Development Plan in this regard.**

9.11. **Criteria (iv): impacts on aviation and defence interests:**

9.11.1. Under this criterion, NPF4 sets out that it should be set out how the project design and mitigation will address impacts on aviation and defence interests including seismological recording.

9.11.2. Criterion (h) of LDP2 looks to protect aviation, defence interests and broadcasting installations.

All proposals will be assessed against the following criteria:

They would not adversely affect aviation safety or defence interests, as well as telecommunications and broadcasting installations, ensuring in particular that transmission links are not compromised.

9.11.3. Additional relevant LDP policies include:

LDP Policy: Sustainable Development

LDP Policy: Spatial Strategy

LDP Policy: Wind Energy

9.11.4. Criterion (f) of the Wind Energy Planning Policy Guidance sets out the following:

We will support proposals if:

they do not adversely affect aviation, defence interests and broadcasting installations

9.11.5. The Wind Energy PPG requires developers to demonstrate agreement between the developer and airport operators that a technological or other mitigation solution is in place which demonstrates their development would not threaten the current operation of the airport or the expansion aspirations sought by the Council and Government. The LDP2 Policy on Wind Energy states that the Council will only support proposals if they do not adversely affect aviation. As mitigation has not been fully agreed with the aviation authorities and airport operators, this would suggest that the proposed development is not in accordance with the Wind Energy PPG.

9.11.6. NPF4 however does not require mitigation to be agreed with the aviation authorities or airport operators. Instead, it requires for the proposal to set out how these matters will be addressed or mitigated. EIA Report Volume 1 Chapter 15 sets out the mitigation measures for the potential impact on aviation interests. This includes agreeing the aviation and infra-red lighting for the wind turbines with the MOD and CAA and resolving the impact on aviation RADAR and telecommunication systems with GPA and NATS who currently object to the proposal. The EIA Report sets out it is considered that sufficient mitigation is available and discussions with the operators will continue to agree these mitigation measures.

9.11.7. NPF4 and LDP2 are considered to have priority over the Wind Energy PPG on this point and the lack of agreed mitigation is not considered a matter which should result in South Ayrshire Council objecting to this application. The applicant has successfully set out within the EIA Report how these matters could be mitigated and ensure no adverse effects in line with NPF4 and LDP2. It would be for the Energy Consents Unit to determine whether this should be resolved during the course of the application or use an appropriately worded planning condition. If mitigation was not achievable, then the application would be considered unacceptable however that would be a matter for the Energy Consents Unit to resolve.

Conclusions on impacts on aviation and defence interests

9.11.8. **The EIA Report has set out mitigation in terms of aviation and defence interests and the principle of the mitigation measures have been deemed appropriate by the aviation authorities. The final details and resolution to these mitigation measures will require agreement with the aviation authorities and this would be agreed separately. As mitigation measures have been proposed with the application which could be deemed acceptable, the application is considered to comply with the Development Plan. If the mitigation measures were found to be unachievable in the future then this would be a matter for the Energy Consents Unit to resolve or revert back to the South Ayrshire Council for further comment.**

9.12. **Criteria (v): impacts on telecommunications and broadcasting installations:**

9.12.1. Under this criterion, NPF4 sets out that it should be set out how the project design and mitigation will address impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.

9.12.2. Criterion (h) of LDP2 looks to protect telecommunications and broadcasting installations.

All proposals will be assessed against the following criteria:

They would not adversely affect aviation safety or defence interests, as well as telecommunications and broadcasting installations, ensuring in particular that transmission links are not compromised.

9.12.3. Additional relevant LDP policies include:

LDP Policy: Sustainable Development

LDP Policy: Spatial Strategy

LDP Policy: Wind Energy

9.12.4. Volume 1, Chapter 15 of the EIA Report sets out a full assessment of the potential effects telecommunication and broadcasting infrastructure from the proposed development. This concludes that the proposed development does not directly affect microwave fixed links and the potential effect on microwave fixed links is not significant. In addition, the potential effect of the proposed development is considered to be not significant with respect to other television or radio communication networks.

9.12.5. BT and the Joint Radio Company (JRC) on behalf of the UK Fuel and Power Industry have responded to the consultation. Both have no objections to the proposal and outline that they do not consider that the Proposed Development would have any significant effect on their telecommunications equipment or signal.

Conclusions on impacts on telecommunications and broadcasting installations

9.12.6. **The EIA Report has established that there would be no significant effects in this regard and none of the consultees have raised any significant concerns. On this basis, the proposal is considered to comply with the Development Plan.**

9.13. **Criteria (vi): impacts on road traffic and trunk roads:**

9.13.1. Under this criterion, NPF4 sets out that significant impacts on road traffic and on adjacent trunk roads, including during construction needs to be assessed and the proposal should set out how this has been addressed in the project design and mitigation.

9.13.2. NPF4 policy 13 Sustainable Transport sets out the following

a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:

i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.

ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.

iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

ii. Will be accessible by public transport, ideally supporting the use of existing services;

iii. Integrate transport modes;

iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;

v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;

vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and

viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

- 9.13.3. Criterion (c) of the Wind Energy PPG aims to protect residential amenity in terms of traffic and transport routes

We will support proposals if:

They do not have any other significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker.

It also states that the construction of windfarms can have significant short term impacts on local road networks. During the assessment of a proposal applicants will be required to provide a transport assessment of possible impacts, and will require to show the suitability of the route for future construction traffic. In the interests of safety and amenity the Council will request that all turbines are set back a minimum of 180m (or 1.5m turbine height, whichever is the greater) from rail, road routes and active travel routes.

- 9.13.4. Additional relevant LDP policies include:

LDP Policy: Sustainable Development

LDP Policy: Land Use and Transport

- 9.13.5. Volume 1, Chapter 11 of the EIA Report carries out assessment of traffic and transport effects of the proposed development. As set out, there are two potential options for access into the development. The primary access point would be located at Waterside within East Ayrshire and therefore is not assessed any further. The alternative access point is an existing access onto the B741 which is also in East Ayrshire although closer to the boundary with South Ayrshire. The alternative access would only be utilised for initial site preparation works until the access track and site entrance from the A713 are constructed. This will allow access to the borrow pit search areas where working of the borrow pits can commence. As this would be a temporary arrangement this is not considered likely to have any significant effects on South Ayrshire interests.

- 9.13.6. The assessment recognises that the proposed development has the potential to affect the surrounding transport network during the construction period with a temporary increase in traffic on the road network both locally and regionally. The EIA Report sets out that the construction project is expected to commence in 2025 and take up to 14 months. The peak of construction would occur in month 3 with 88 HGV movements per day (44 inbound and 44 outbound) and 35 Car/ LGV movements (18 inbound trips and 17 outbound trips). These equate to on average approximately four HGVs arriving every hour at peak period. The Transport Assessment submitted with the application which forms Appendix 11.1 sets out that the total traffic movements for the construction period would be in the region of 24,295. This takes into account the need for construction materials, workers and turbine components to be brought to and from the site but also the need for tree felling with an estimated 5000 trips required to export the forestry materials.

- 9.13.7. The EIA Report sets out potential routes for the delivery of materials and turbine components and an Abnormal Indivisible Load Route Survey Review has been included as Technical Appendix 11.2. There are two main routes which have been explored. The turbine components are likely to be brought to KGV Dock in Glasgow and onto the site due to constraints at Port of Ayr. With exception to the turbine components, loads will come from the Port of Ayr. Both routes from KGV Dock and Port of Ayr Dock would follow the same route with loads continuing south on the A77 and at Bankfield Roundabout would turn left onto the A713 and continue to the main site entrance to the north of Waterside.
- 9.13.8. It should be noted that this route would be for when the primary access is established. The alternative access from the B741 would be used until the primary access was formed and HGVs may temporarily have to route from the West through Straiton as there is a weight restriction on Doon Bridge to the east. All other vehicles would be able to use the Doon Bridge until the primary access is formed. Thereby there will be a temporary traffic impact on Straiton while the site setup works are carried out which would include HGVs. Post construction of the primary access, the secondary access may continue to be used by staff depending on the direction they are travelling from and they would not need to travel through Straiton as they will be able to utilise the Doon Bridge. The TA estimates that this could be 10% of total staff movements.
- 9.13.9. The Ayrshire Roads Alliance (ARA) have assessed the proposals and outline that they have no objection to the proposed accesses or traffic movements as set out within the EIA Report. They did however ask that the applicant explore the potential use of the access track constructed for the Dersalloch wind farm which provides access from the B7045 at Black Ridge to the B741 to allow the village of Straiton and the constrained junction of the B7045/ B741 to be by-passed by any HGV traffic. This could be a matter for exploration through the Construction Traffic Management Plan (CTMP) which has been requested by the ARA. This would be communicated to the ECU as forming part of the CTMP condition. The use of Straiton would be for a limited short-term period and would not lead to any significant adverse effect on residential amenity.
- 9.13.10. It should be noted that SEPA have asked the applicant to explore the use of the B741 as the primary access to avoid any potential impact on peat from the primary access. The alternative being that a floating road design be used as the primary access. The use of the B741 as a primary access would not be considered acceptable as it would require the routing of HGVs and turbine components through Straiton for a long period of time. This route is considered too constrained for that purpose. A condition is proposed that states that the B741 should not be used as the primary access and can only be used by HGVs until a primary access is created.
- 9.13.11. The ARA have no objection to the proposal but have asked for planning conditions relating to a Staff Travel Plan and CTMP. They have also set out advisory notes around the need of other permits and consents such as Road Opening Permit(s) (would be for East Ayrshire) and Section 96 Agreement to allow the Council to reclaim any extraordinary maintenance costs on the road incurred by the construction traffic.
- 9.13.12. Transport Scotland also have no objection to the proposal. They note that the additional trips on the Trunk Road network would equate to an increase of 0.1% cars/ LFGVS and increase of 6% in HGV levels. Both of these they consider to be within acceptable thresholds and no further assessment necessary for environment effects. Transport Scotland have assessed the Abnormal Indivisible Load Route Survey and note that there are constraints on the network which require Trunk Road mitigation. This includes on the A77(T) at Sandyford Toll Roundabout where loads will over-run and over-sail the eastern side of the central island and one set of chevron signs will require to be removed and a load bearing surface will be required. In addition, vegetation clearance is required from this area. At the A77(T) Holmston Roundabout, a lighting column will require to be removed, while a lighting column and one road sign will require to be removed at the A77(T) Bankfield Roundabout.
- 9.13.13. These alterations would be needed on the trunk road system within South Ayrshire however Transport Scotland confirm that these mitigation measures would be acceptable subject to agreement with the Network Manager. They have requested that a planning condition be added requiring details of the changes to be agreed with them prior to any deliveries taking place.
- 9.13.14. In terms of sustainable transport methods, given the rural and remote location of the site, it will be difficult to access via sustainable transport methods. The proposed Staff Travel Plan will be able to consider how staff could share trips or utilise more sustainable methods of travel.

Conclusions on impacts on road traffic and trunk roads

9.13.15. **The proposal has the potential to have some adverse effects on the road network with an increase in vehicles including HGVs during the construction phase. However, even at the peak period these would not have any significant environmental effects. The traffic would largely utilise the trunk road network within South Ayrshire with some early HGV traffic movements through Straiton prior to a new access being formed near Waterside in East Ayrshire. The traffic movements through Straiton would be short term and not significant as a result. Mitigation is proposed for the trunk road to allow for wind turbine component deliveries and these would be agreed with Transport Scotland. The proposal is considered to comply with Policy 11 of NPF4 and the South Ayrshire Local Development Plan in this regard.**

9.14. **Criteria (vii): impacts on historic environment:**

9.14.1. Under this criterion, NPF4 sets out that impacts on the historic environment needs considered.

9.14.2. Also, Policy 7 of NPF4 aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Excerpt from Policy:

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.

b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:

- i. building is no longer of special interest;
- ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
- iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
- iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

- i. reasonable efforts have been made to retain, repair and reuse the building;
 - ii. the building is of little townscape value;
 - iii. the structural condition of the building prevents its retention at a reasonable cost; or
 - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- 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.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
 - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
 - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

- 9.14.3. Criterion (g) of the Wind Energy Policy within LDP2 aims to protect the historic environment and archaeology from significant adverse effects. Excerpt from policy:

All proposals will be assessed against the following criteria

Taking into account the criteria in LDP policy: historic environment and LDP policy archaeology, they would not have an unacceptably detrimental effect upon the historic environment.

- 9.14.4. Additional LDP Policies:

LDP Policy: Sustainable Development

LDP Policy: Historic Environment

LDP Policy: Archaeology

- 9.14.5. Excerpt from Criterion (e) of Wind Energy PPG :

We will support proposals if:

They do not have a significant detrimental effect on the historic environment, taking into account the criteria in LDP Policy: Historic Environment and LDP Policy: Archaeology;

- 9.14.6. The EIA Report contains an assessment of Cultural Heritage (Volume 1, Chapter 6 alongside associated figures and appendices) and includes consideration of direct and indirect (including setting impacts) effects from the construction, operation, and decommissioning phases of the development alongside a consideration of any cumulative impacts from this development along with other operational, consented or proposed developments. This is in line with Policy 7 criterion (a) of NPF4. It should be noted that the previous Keirs Hill wind farm proposed in this area, was partly refused for the potential impact of that development on historic sites, notably that of the Waterside ironworks complex. It should be noted that the Waterside ironworks complex is within East Ayrshire. No cultural heritage within South Ayrshire was considered likely to be significantly adversely affected.
- 9.14.7. The EIA Report sets out that an assessment was carried out looking at the site and a 500m extent around the site and this was considered an inner zone. This looked at local and national historical features. An outer zone of up to 10km beyond the inner zone was also considered but this only considered statutory features and those of national importance. The EIA Report identifies that there is one Conservation Area, three Scheduled Monuments, one category A listed building, three Category B Listed Buildings and two Category C Listed Buildings within the inner zone. None of these are within South Ayrshire. There are around 15 non-statutory local historic features within the inner zone and within South Ayrshire. West of Scotland Archaeology Service (WOSAS) indicated to the applicant that two of the non-statutory designations within the inner zone could be considered to be worthy of being Scheduled Monuments. Both of these are not within South Ayrshire. The EIA Report concludes that these features have low significance and would not be significantly affected by the development. Given their position relative to the development and the nature of these historic features, it is agreed that the development would have no significant effect. The features would not be directly impacted and their low value would mean that the effect on their setting would also not be of any significant concern. No areas of development would be positioned directly next to these features. In line with Policy 7 and 11, the non-designated assets would be protected and retained in-situ.
- 9.14.8. In the outer zone, there are five Scheduled Monuments, four Conservation Areas, seven Category A Listed Buildings, ten Category B Listed Buildings and three Gardens and Designed Landscapes (GDL). The closest of these are a cluster of Listed Buildings and Conservation Area within Straiton at about 2.5km from the site. The majority of the designations are too distant to be adversely affected by the proposed development and therefore the assessment concentrates on those designations with potential significant effects.

- 9.14.9. The EIA Report assesses the potential impact of the development on Blairquhan House (Category A Listed Building) and associated GDL. Category B Listed Buildings are also found within the GDL. The EIA Report notes that the turbines would be visible from a limited number of windows within Blairquhan House and would be visible from areas of the GDL. The EIA Report however concludes that given the majority of windows face north and south and not in the direction of the proposed windfarm and the distance between the development and the House, there would be no significant effects. In addition, the House is set within extensive grounds with large areas of woodland which would have a screening effect. The proposed development would not adversely affect the setting or experience of the historic asset. With this, no significant effects are considered likely.
- 9.14.10. The EIA Report also considers the Colonel Hunter Blairs Monument which is a Category B Listed Building on Highgate Hill to the south of Straiton. A visualisation provided with the EIA Report shows the potential impact of the development on the Monument. The windfarm would be clearly visible from the area of the Monument; however, the EIA Report sets out that the development would not interfere with the intervisibility between Straiton and the monument which is considered its most important context. Views to the monument would not be affected however views from the monument would as set out above. The EIA Report concludes that the impact on the Monument would not be significant. The conclusions of the EIA Report are accepted. The wind farm would be visible from the monument in one direction and would appear quite substantial in the views however the actual context and setting of the Monument would not be significantly affected, particularly in views from lower lying areas around the Monument. The development therefore would comply with Policy 11 and Policy 7(c) of NPF4 and LDP Policy: Historic Environment.
- 9.14.11. The EIA Report includes visualisations of the development from Straiton and from locations to the west of Straiton which are indicative of how the setting of the settlement would be affected by the development. The windfarm would sit elevated above Straiton with commercial forestry and topography currently screening the location of the site from Straiton at present. With the development in place, it is likely that a top half of turbine 1 in the windfarm would be visible from Straiton along with potentially the blades of some of the others. From some locations around the settlement this will form the backdrop. The majority of the Listed Buildings and Conservation Area are to the south-east of the settlement and the view of wind turbines above these would not be readily possible. Views from the Listed Buildings to the wind turbines may be possible but again this will largely be screened by topography and existing forestry. On this basis, the direct impact of the development on the settlement would not be significant with views from the Listed Building and Conservation Area not significantly affected. Views of the wind farm will be possible, particularly wind turbine 1, however this will not significantly alter the historic context of the settlement given the distance between the site and the settlement.
- 9.14.12. The impact on historic assets can be more than just the direct effects on setting from a development being close to those assets. It can also include the effect of a development on the setting and character of the assets if the context or environment of the assets is adversely affected. Many of the visual effects of the development (in South Ayrshire) will be in views from the west. Straiton may be in many of these views and thereby it is important to consider how the environmental setting of the settlement will be affected by the position of the development. In long distance views from the west, the wind farm will sit elevated and set within commercial forestry. The position of Straiton will be apparent in some views but given the topography and woodland throughout the Girvan valley, direct views with Straiton and the wind farm above will be sporadic and fleeting. In views where both are seen together, there may be adverse effects on the setting of the settlement however in the visualisations provided in the EIA Report, there is distinction between the immediate setting of the settlement and the commercial forestry of the development site. The wind farm would be a distraction in these views and would have some influence over the backdrop and setting of the settlement, however it is not considered that this would be significantly adverse or the defining feature. In most views the wind farm would appear quite detached from the settlement and the immediate setting and context unaffected. Overall, it is clear that the setting of the historic settlement would not be affected to a degree that would be considered unacceptable, particularly when the benefits of the proposal and other planning policies are weighted in the assessment and the proposal is therefore considered to comply with Policy 7 (c) and (d) and policy 11 of NPF4 and LDP Policy: Historic Environment.

- 9.14.13. The EIA Report sets out the potential cumulative effects of the proposal on historic assets. This assessment largely looks at assets within East Ayrshire due to the cumulation of wind farm development relative to the assets potentially impacted by this development. This cumulative assessment is reasonable as the historic assets within South Ayrshire at most significant risk by this development have a lesser interaction with any windfarm development proposed within South Ayrshire or any cross boundary effects. Overall, there are no likely significant cumulative effects identified.
- 9.14.14. Historic Environment Scotland have been consulted on the proposal and have raised no objection. They consider that the development would have not significant impact on any historic assets of national importance.
- 9.14.15. As noted in the assessment of the inner zone, there are some undesignated assets some of which are in South Ayrshire. The site is considered to have a low archaeological potential. The evidence of recorded heritage within South Ayrshire are in areas not proposed for development or within the wider development area and therefore this is not considered a constraint of the development. WOSAS have also been consulted and request a condition which would see a scheme of archaeology prior to development taking place.

Conclusions on Historic Assets and Places

- 9.14.16. **The overall historic setting of the settlement is likely to be preserved in the majority of views given the separation distance between the development and the settlement. While there would be effects given the windfarms elevated position above the settlement when viewed from the west, this would not outweigh the positive benefits of the proposal and other assessment criteria set out within Policy 11 of NPF4. Less significant effects have been identified towards other historic assets in South Ayrshire of all of which would be considered to be acceptable. With this the proposed development would comply with Policy 7 of NPF4.**

9.15. **Criteria (viii): effects on hydrology, the water environment and flood risk**

- 9.15.1. Under this criterion, NPF4 sets out that the effects on hydrology, the water environment and flood risk should be assessed.
- 9.15.2. Also, Policy 22 of NPF4 aims strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Excerpt from Policy:

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or
- iv. 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.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
 - that the proposal does not create an island of development and that safe access/egress can be achieved.
- b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.
- c) Development proposals will:
- i. not increase the risk of surface water flooding to others, or itself be at risk.
 - ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
 - iii. seek to minimise the area of impermeable surface.
- d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
- e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

9.15.3. Relevant LDP2 policies

LDP Policy: Sustainable Development
LDP Policy: Water Environment
LDP Policy: Flooding and development

9.15.4. There are a number of watercourses which run through the site or are within the vicinity of the site. None of the development is at significant risk from flooding. The focus of the EIA Report is on the impact on these watercourses and other areas of hydrology. The EIA Report does set out that SUDS will be incorporated to assist in reducing the runoff speed to local watercourses and water crossings will be designed to pass the 200year flood event. Final details of these would be agreed with the relevant Council's and SEPA.

9.15.5. The proposed development has embedded design mitigation to help protect the water environment. This includes a 50m buffer from any watercourse along with measures such as permeable access tracks and regular cross track drains to allow existing water flow paths to be maintained. A Construction Environmental Management Plan will be agreed through planning condition to protect the watercourses and water environment from construction pollution, erosion and sedimentation. Good practice measures will be required during the construction process to avoid detrimental impact on the water environment and control of this through a CEMP is essential. An Ecological Clerk of Works is also proposed and they will help manage and monitor effects on the environment. Water Quality monitoring will be undertaken during construction to identify instances of pollution or any continuing issue.

9.15.6. SEPA have been consulted and have no objection to the proposal. The Council's Environmental Health Service also offers no objection in respect of private water supplies.

Conclusions on hydrology, the water environment and flood risk

9.15.7. The proposed development would have no significant effects on hydrology or the water environment and the development would not be at any significant flood risk. Controls will be needed through a Construction Environmental Management Plan to avoid any significant pollution on the water environment during the construction process. The proposed development is in compliance with the Development in this regard.

9.16. Criteria (ix): biodiversity including impact on birds:

- 9.16.1. Under this criterion, NPF4 sets out that impacts on biodiversity needs to be assessed and considered in terms of the design and mitigation.
- 9.16.2. Also, Policy 3 of NPF4 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Excerpt from Policy:

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment 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. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;

ii. wherever feasible, nature-based solutions have been integrated and made best use of;

iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;

iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and

v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration

- 9.16.3. Policy 4 of NPF4 aims to protect, restore and enhance natural assets making best use of nature-based solutions. Excerpt from Policy:

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where: i. The objectives of designation and the overall integrity of the areas will not be compromised; or ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified;

or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of any application. Part 2 – National Planning Policy National Planning Framework 4

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

- i. will support meeting renewable energy targets; or,
- ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

9.16.4. Criterion (f) Natural Heritage of LDP2 aims to protect natural heritage. Excerpt from Policy:

All proposals will be assessed against the following criteria:

Taking into account the criteria in LDP policy natural heritage, they would not have an unacceptably detrimental effect upon natural heritage, including wild land, birds and carbon rich soils

9.16.5. Additional LDP Policies:

LDP Policy: Natural Heritage
LDP Policy: Sustainable Development
LDP Policy: Water Environment

9.16.6. The Wind Energy PPG criterion (d) Natural Heritage sets out relevant assessment considerations. Excerpt from Policy:

We will support proposals if:

They do not have a significant detrimental effect on natural heritage features, including protected habitats and species, and taking into account the criteria in LDP Policy: Natural heritage;

Ecology and Habitats

9.16.7. Volume 1, Chapter 8 of the EIA Report provides an assessment which seeks to establish the likely presence or likely absence of protected or notable ecological species, identify statutory and non-statutory designated sites for nature conservation in the vicinity of the proposed development and evaluates the overall conservation status of the land within the site boundary. Thereafter, the potential for the proposed development to have an adverse effect on designated sites and protected and notable ecological species and habitats is considered at construction, operational and decommissioning stage along with the setting out of committed mitigation measures where applicable and required. Opportunities for biodiversity enhancement are also outlined as part of this. The assessment in this chapter is informed by a desk study, and an extended Phase 1 habitat survey, NVC surveys, terrestrial mammal surveys, fish surveys and bat surveys which it considers enables the informed determination of the likely ecological effects of the proposed development to be set out and predicted.

- 9.16.8. The site is located within an upland landscape and comprises mostly of conifer plantation which is routinely felled. There are areas of existing conifer plantation, areas of felled plantation, acid, neutral and marshy grassland with collections of broadleaved trees. There are also small areas of wet heath and blanket bog. Lochhead Burn, Lamdoughty Burn and Keirs Burn are watercourses within the development site. Loch Spallander borders the development site at the north-west corner and Lochhead Burn flows into this. Within 10km of the site, there are 5 Sites of Specific Scientific Interests (SSSI). Four of these are within East Ayrshire with the only SSSI in South Ayrshire being Auchalton. This SSSI is 6.8km from the site and no direct or indirect effects have been identified from the development on this designation. The site is also within the Galloway and Southern Ayrshire Biosphere transition zone. The EIA sets out that there are one Local Wildlife Site and One Scottish Wildlife Trust reserve within 5km of the development and four provisional wildlife sites within 1km of the development. It is noted however that the site would be partly within the Loch Spallander and Cloncaird Moor Local Wildlife Site (LWS) within North Ayrshire and also border Straiton Hills Local Wildlife Site. These local habitat designations have not been assessed as part of the EIA Report.
- 9.16.9. The Loch Spallander and Cloncaird Moor LWS is a high-quality moorland area with breeding birds and includes a reservoir used by wintering wildfowl. While the designation is within the site boundary, no works are proposed within the designation and therefore direct effects are unlikely. Indirect effects from pollutants entering Lochhead Burn could lead to a detrimental impact on Loch Spallander. The EIA report includes measures to avoid impacts in this regard through a Construction Environmental Management Plan. On this basis, indirect effects of this nature are unlikely. The impact on birds will be considered later in the report, however overall, it is not considered that there would be significant impacts on this designation. This is confirmed by the fact that both Nature Scot and the South Ayrshire's ecology consultee (AECOM) have not raised any concerns on this point. The site is outwith the Straiton Hills LWS which links to the Doon Valley Wetlands Proposed Wildlife Site in East Ayrshire. The EIA notes no significant effects on the Doon Valley Wetlands and no indirect effects on the wetland habitat which forms part of the designation. Similarly, given the distance between actual development and the designation itself, it is unlikely that there would be any significant effects. On this basis, the development is considered to comply with Policy 4 and Policy 11 of NPF4 with there being no significant impact on ecological designations.
- 9.16.10. The ecology assessment considers both the direct and in-direct loss of habitats and vegetation. The EIA report notes that the majority of habitat lost would be coniferous, broadleaved and mixed plantation at around 4.51Ha or 0.75% of the total of that habitat in the area. Areas of felled forestry would make up a large proportion of land temporarily lost to the development (4.65Ha (8.8%)) however this would be replaced with additional forestry. In terms of habitats of note small areas of unimproved neutral grassland (0.03Ha), improved grassland (0.18Ha), marshy grassland (0.77ha), wet heath (0.11Ha), wet heath/acid grassland mosaic (0.07Ha), blanket bog (0.28Ha) and wet modified bog (0.14Ha) would be permanently lost. In terms of the overall total of each habitat, this would only result in small percentages of habitat loss with the maximum being 2.43% loss of wet heath from the area.
- 9.16.11. In terms of priority habitat, the peat depth probes found around 65% of the site to have peaty soils with 80% of the probes that intersected peat recording peat of less than 1m thickness. Many of the site underlain by peat soils are currently afforested with conifer plantation. Within 250m of the proposed infrastructure 56.22Ha of blanket bog was identified. The design of the development is such that these areas are largely avoided. One area of access track to Turbine 9 (within East Ayrshire) is mapped as being Class 1 nationally important carbon-rich soils. The National Vegetation Classification (NVC) surveys confirmed this area to be priority peatland habitat and the loss of this area accounts for the 0.28Ha specified above. This area however shows evidence of peat haggling and historical drainage and Nature Scot conclude that the loss of the peat in this area does not raise issues of national interest. Nevertheless, SEPA have requested that this area is avoided, or a floating road used. Nature Scot state that where access must be provided over blanket bog then floating road are acceptable but full details of specification and construction method must be provided in the Construction Environmental Management Plan.

- 9.16.12. With the minor peat loss proposed, the applicant also proposes that a Habitat Management Plan be provided with the aim of improving and restoring areas of bog within the development area. Two areas of improvement have been suggested including management to restore blanket bog in areas where deep peat is found in areas of conifer plantation to be felled and improvement of the M17 blanket bog between the proposed access track and conifer plantation. That area could be managed through ditch blocking, peat hag reprofiling and reseeding of bare peat. These measures could provide biodiversity enhancement for the overall scheme. With the Habitat Management Plan, both the Council's ecology consultee and Nature Scot raise no objections to the impacts on the peat habitat or any other habitat of interest.
- 9.16.13. The EIA Report considers the potential effects of the proposed development on a number of species. Signs of badger (including three active badger setts), pine marten and otter (potential otter couches) were found within the proposed development area. No signs of other protected mammal species were found during baseline surveys. Two records of red squirrel were reported within the proposed development area as part of the desk study and it is therefore considered likely that a small population of red squirrel is present. It is assumed that other protected mammal species (e.g., water vole) are absent from the proposed development area or are only present in very low numbers. All of the badger setts are more than 100m from any area of development and the development would be more than 30m from any otter couch. The EIA Report states that pre-construction mammal surveys included in the embedded mitigation will confirm the status of badger setts and otter couches and identify those that need to be protected during the construction phase. Signs and resting places of other protected mammals (such as pine marten and water vole) will also be recorded during pre-construction protected mammal surveys. Works will not be carried out within specific buffers of protected mammal resting places unless done so under licence from Nature Scot. Water crossings will also be built to ensure safe access for otters and water voles up and down stream of the track. The EIA Report states that no felling will be undertaken in the vicinity of the badger setts and it is considered that there will be sufficient forest habitat maintained to support badgers and other protected mammals identified. Nature Scot and the Council's Ecology consultant have confirmed that they agree with the conclusions of this assessment. They both reiterate the importance of pre-construction surveys due to the mobile nature of the species involved and mitigation may be needed should they be encountered during these surveys. The Council's Ecology Consultant has also set out that Species Protection Plans should be prepared taking into account any potential interactions.
- 9.16.14. In terms of bats, the site offers some foraging and commuting corridors along the Lochhead Burn corridor to Loch Spallander. Bats were recorded on site and the overall collision risk for bats was considered to be medium within the EIA Report. Two bat species recorded on site (Nathusius's pipistrelle and Leisler's bat) are considered to be rare in Scotland and are only found in the south west of the country. Due to the high levels of bat activity and the rarity of some of the bat species, bats were considered to be Important Ecological Features on the site, particularly as they were at risk of colliding with the turbines particularly the rotating blades. The EIA Report sets out an assessment for each bat species and concludes that the effects would be negligible to medium negative for the different species based on the turbine design and likelihood of collision. As mitigation, the development would include felling all commercial trees within 75m or 96m (depending on turbine hub height) of the wind turbines which is in compliance with the Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation: Nature Scot et al (2021). This would be through a keyhole process where possible but may require more extensive tree removal over a larger area where areas of tree removal around a turbine combine with another area. The EIA Report outlines that with this mitigation the likelihood of collision would be lower and impact on the species no more than a local level significance. Nature Scot and the Council's ecology consultant have agreed with the conclusions on the potential impact on bats and agree the necessity for tree felling to reduce potential impact. They note however that there is still some uncertainty around the potential impact on bats from wind turbines and therefore Nature Scot and the Council's ecology consultant have asked for additional mitigation by requesting that the turbine blades be feathered while idling in order to reduce their rotation speed. This has the potential to reduce bat fatalities by 50% if bats were at risk.

- 9.16.15. As noted, the development includes water crossings, one of which would be within South Ayrshire. The EIA Report sets out that watercourse crossings will be designed so as to not impede otters, water voles, fish or their food sources. In addition, a Construction Environmental Management Plan (CEMP) will be created which include a Pollution Prevention Plan and measures to protect the watercourses during construction. All turbines and other infrastructure would be more than 50m from any watercourse. The EIA Report includes an assessment on potential impact on fish, freshwater pearl mussel and Great Crested Newt. There was no evidence of Great Crested Newt on site. Suitable freshwater pearl mussel habitat was found in River Doon which runs adjacent to Waterside and Burnfoot in East Ayrshire. None of the tributaries in South Ayrshire which are within the application boundary interact with this river. In terms of fish, sub-optimal habitat for fish spawning, nursery and feeding areas were found within Lochhead Burn within South Ayrshire. The EIA Report sets out that the mitigation for fish would include pollution prevention and designing the water crossings to allow continued access. In addition, a Water Quality and Fish Monitoring Plan (WQFMP) would be produced to ensure that water quality in the watercourse is not adversely affected and the fish populations are adequately protected. This would also help ensure that the water quality within Loch Spallander Reservoir is not adversely affected.
- 9.16.16. Marine Scotland Science has requested that fish surveys be carried out at this stage of assessment to help inform the EIA assessment of potential impacts on fishes. There has been some correspondence in response to this from the applicant. The Council's ecological consultant has set out that in terms of South Ayrshire's interest, this is not a significant consideration as the water courses in the South Ayrshire boundary are sub-optimal for fish. On this basis, the additional information request is not considered to be a significant material consideration for this consultation response to the Scottish Government. Overall, it is concluded that the impact on water habitat and relevant water species would not be significant.
- 9.16.17. The applicant has requested that micro-siting of the wind turbines be allowed up to a distance of 100m from where they are shown on the submission. The Council's ecology consultant has assessed the potential impact of this and considered it to be acceptable subject to the micro-siting not resulting on additional impacts of areas of higher quality habitat such as bog. They note that an Ecology Clerk of Works will be present during the construction process and consider that they should be consulted on any micro-siting of wind turbines to avoid any impacts. They also request that pre-start surveys are carried out in areas of micro-siting.

Ornithology

- 9.16.18. Volume 1 Chapter 8 of the EIA Report provides a detailed assessment of the potential impacts of the development on ornithology with this undertaken through combination of consultation feedback and dialogue with ornithological organisations, desktop studies (informed by comprehensive baseline data), and targeted ornithological field surveys.
- 9.16.19. The surveys identified a number of birds flying over the site and present during the bird breeding season. The assessment only considered further any species of conservation concern and protected species and these are termed as Target Species. Of the Target Species present during the surveys only goshawk and great black-backed gull were considered to be at risk from the development in terms of direct collision with the turbines. Collision risk modelling was completed for these species. The predicted annual collision risk for goshawk was 0.18 birds per year or one every 5.5 years. The EIA Report states that the effect of collision risk on goshawk conservation status would be of low negative magnitude and not significant and Nature Scot have agreed with this assessment. The predicted risk of collision for great black-backed gull was low at 0.07 collisions annually and therefore not significant.
- 9.16.20. Embedded mitigation for birds would include pre-construction bird breeding surveys to ensure that no birds are breeding in the areas of development. The Ecological Clerk of Works would carry these out and be on site to ensure that birds are not affected by the construction works. Nature Scot has also requested that a Breeding Bird Protection Plan (BBPP) be created alongside the CEMP. This would be requested a planning condition of approval. The Council's ecology consultant had no additional comments to make. On this basis, it is concluded that subject to the proposed conditions and mitigation, there would be no significant effects on ornithology.

Cumulative Effects

9.16.21. Both the Ecology and Ornithology chapters of the EIA Report consider potential cumulative effects with other wind farms constructed, consented and proposed and find no significant effects. This has been accepted by the consultees and raises no significant issues.

Conclusions of Biodiversity

9.16.22. **The proposal has met the policy criteria of NPF4 in that the proposal includes biodiversity enhancement through proposed habitat improvement and as this includes the improvement of peat/ bog habitat this would also meet other criteria within this policy. The detail of this would be provided through a Habitat Management Plan. The proposal includes access enhancements which would also provide community benefit of biodiversity. The proposal would have no significant effects on International, National, Regional or local designations and will generally have no significant effect on ecology or ornithology. The development also would have no significant effects on ecological designations. On balance, and reflecting the positions submitted by Nature Scot and the Council's ecology consultant it can be concluded that the development is in accordance with NPF4 Policies 3, 4 and 11 and LDP Policy Sustainable Development, LDP Policy Water Environment and LDP Policy Natural Heritage along with the relevant criteria within the LDP Policy Wind Farms and SG. This is subject to the mitigation measures outlined in the EIA Report being implemented and the planning conditions proposed by the consultees.**

9.17. Criteria (x): impacts on trees, woods and forests

9.17.1. Under this criterion, NPF4 sets out that impacts on trees, woods and forests need assessed in terms of the design of the development and any proposed mitigation.

9.17.2. Policy 6 of NPF4 aims to protect and expand forests, woodland and trees. Excerpt from Policy:

- | |
|--|
| <p>a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.</p> <p>b) Development proposals will not be supported where they will result in: i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy; iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.</p> <p>c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.</p> <p>d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.</p> |
|--|

9.17.3. Relevant LDP2 Policies:

| |
|--|
| <p>LDP Policy: Natural Heritage LDP Policy: Sustainable Development LDP Policy: Woodland and Forestry</p> |
|--|

- 9.17.4. The Control of Woodland Removal Policy 2019 is directly referenced in the NPF4 policy and LDP2 Woodland and Forestry policy and is a material consideration. The guiding principles behind the policy include a strong presumption in favour of protecting Scotland's woodland resources and only allowing woodland removal where it can achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. The Policy states that Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to:
- helping Scotland mitigate and adapt to climate change;
 - enhancing sustainable economic growth or rural/community development;
 - supporting Scotland as a tourist destination;
 - encouraging recreational activities and public enjoyment of the outdoor environment;
 - reducing natural threats to forests or other land; or
 - increasing the social, economic or environmental quality of Scotland's woodland cover.
- 9.17.5. Volume 1, Chapter 10 of the EIA Report provides an assessment of the impact of the development on forestry. This chapter carries out a comparison of proposed tree and woodland removal as a consequence of the development relative to the current woodland removal plan of the area. The EIA Report sets out that there are two areas of commercial forestry within the study area owned by two different landowners. These are High Keirs Forest and Scienteuch and Lamerty Forest.
- 9.17.6. In terms of tree removal, the EIA Report considers the impact of the development on the overall area of forestry and it is difficult to extract the potential impact on South Ayrshire alone and so this assessment considers the overall impact of tree and woodland removal. As a matter of note however 2.9Ha of woodland would be removed around turbines 1-4 which all fall within South Ayrshire. A further 1.76Ha is required for associated infrastructure at each turbine and a 30m corridor proposed for new and upgraded access tracks.
- 9.17.7. The EIA Report sets out the proposed baseline felling plans for the site along with the proposed baseline restocking plans. This is from the period 2019-2033 and would be the forest plan if the development did not take place. The EIA Report sets out how much of this can be achieved with the development in place and concludes that the development would:
- Advance forestry removal by 113.5Ha with there being significantly more trees removed between 2024-2028 compared with the current forest plan;
 - There would be a net reduction in the area of conifer woodland of 52Ha.
 - Broadleaf woodland would decrease by 0.6Ha
 - Open ground as part of the forest design would increase by 3.6Ha;
 - Long term wind farm permanent open ground would total 53.5Ha; and
 - The net reduction in stocked woodland area would be 57.1Ha
- 9.17.8. With this, there would be an overall loss of 57.1Ha of woodland once the development is complete. The EIA Report sets out that compensation planting will be provided as mitigation for this tree removal. The EIA Report sets out that the extent and location of compensatory planting will be agreed with Scottish Forestry. It should be noted that the ecological sensitivity of the woodland has already been considered in the earlier sections of this report. None of the trees for removal as part of this development are within the ancient woodland inventory but is part of the native woodland network which Forestry Scotland would consider as part of their scoring matrix when considering removal of trees. Given that this area is already part of an established forest management plan which includes tree removal, this is not considered a constraint and the woodland is considered to be of low value in terms of conservation.

9.17.9. In assessing the development against Policy 6 of NPF4, it is noted that the development would not result in the loss of trees which are ecologically sensitive or part of the ancient woodland inventory. The trees are considered to be part of a native woodland habitat network however their removal and replacement is already planned and the proposed development would not adversely affect the ability for a habitat network to be retained with the keyholing technique proposed allowing the continuation of woodland corridors. The proposal would have some impact on restocking of the area with the turbines sites and development areas reducing the ability for areas to be restocked. The development however includes a commitment to provide 57.1Ha of compensatory planting as mitigation for those areas which cannot be restocked. This would be in line with criterion (c) of Policy 6 and the Control of Woodland Removal Policy 2019. In terms of public benefits under criterion (c) of Policy 6 of NPF4, the Control of Woodland Removal Policy 2019 sets out that this would include social, economic and environmental benefits including carbon considerations. As this proposal is for green energy generation which would help Scotland mitigate and adapt to climate change, it is considered to comply with the Control of Woodland Removal Policy 2019 and Policy 6 criterion (c) as a development where tree removal would be acceptable subject to compensatory planting.

Conclusions on trees, woods and forests

9.17.10. **The windfarm would see the removal of a large area of woodland which, while scheduled for removal, would have been replaced as part of forestry restocking. The proposed development also advances the tree removal relative to the current forestry plans. The proposed development however includes a plan to provide 57.1Ha of compensatory planting for the lost trees. The trees are of little conservation value and were scheduled for removal. While the proposed development would impact on the restocking plans for the forestry area, there would be no overall loss of trees as a result of the development subject to insurance that the compensatory planting is provided. With this the proposed development would comply with Policy 6 of NPF4 and the Control of Woodland Removal Policy 2019.**

9.18. **Criteria (xi): proposals for the decommissioning of developments and site restoration**

9.18.1. Under this criterion, NPF4 sets out that information on proposals for decommissioning of developments, including ancillary infrastructure and site restoration should be provided.

9.18.2. The Wind Energy Planning Policy Guidance sets out that restoration and decommissioning statements are often brief, vague lack adequate environmental or ecological appraisal of preferred methods and evidence to inform decommissioning options. The Council wish to introduce best practice in this area. The Planning Policy Guidance sets out what is considered good practice in this regard.

9.18.3. The EIA Report sets out detail on restoration of the site following the construction phase including the removal of the temporary construction compounds and lay down areas. Where a re-turfing method is appropriate, such as along access track verges, the surface layer of soil and vegetation will be stripped and stored separately from the lower soil layers and replaced as intact as possible once construction is complete. Local restoration will be carried out to retain the structure and composition of the original plant communities, as well as forming a stable area over reformed ground. Bare soil areas will be allowed to re-vegetate naturally in combination with reseeding using a low density seed mix which mirrors local vegetation to help bind the soil more quickly. The temporary compounds will be reinstated into the surrounding landscape and restored to its original condition. Where practicable, vegetation over the width of the cable trenches would be lifted as turves and replaced after trenching operations to reduce disturbance.

9.18.4. The proposed reinstatement plans are considered acceptable although further detail of these works would be incorporated into a Construction Environmental Management Plan required through planning condition.

- 9.18.5. The EIAR has limited information on the final site restoration plans. The windfarm is proposed to have an operational lifetime of 50 years and therefore any site restoration plans agreed at this stage are likely to be out of date by the time the site comes to the end of its operation. The EIAR states that in the event of decommissioning, or replacement of the wind turbines, it is anticipated that the likelihood of effects is similar to, or less than, that expected during construction. Decommissioning would be undertaken in line with best practice processes and methods at that time and will be managed through an agreed CEMP. Decommissioning will involve the dismantling and removal of wind turbines and electrical equipment; restoration of the wind turbine areas, hardstands and access tracks; and dismantling and removal of the substation and battery storage compounds. Wind turbine components and electrical equipment will be dismantled and removed in a similar manner to their delivery and erection. The wind turbines will be split into sections which will then be transported from the proposed development by HGVs unless the components are sold on, in which case, they will be removed as AILs. Wind turbine components will be cut up offsite in controlled environments ready for reuse, recycling or appropriate disposal. The removal of the top of the turbine base will be undertaken requiring an excavated trench around the upstand to provide a working area. Breakout of the top part of the upstand will be undertaken using an excavator mounted jack hammer. The cables will be cut level with the remaining concrete. Once the broken-out concrete has been removed, the area will be reinstated by backfilling with topsoil /peat. The cables will be left in place to avoid unnecessary ground disturbance.
- 9.18.6. While no details on the restoration of the site have been provided, the final restoration plan can be agreed through planning condition. Given the length of time the development could be in place, the restoration plan needs to be fit for purpose and therefore be iterative to changes to the site and environment over time. This is best controlled and addressed through planning condition. This will also be the subject of a restoration guarantee to be agreed with the ECU.

Conclusions on proposals for decommissioning

- 9.18.7. **The EIA Report has set out some information on restoration of the site following construction and some minimal information on decommissioning following the end of life of the development. The impacts identified are considered to be minor. The actual restoration plans are best controlled through planning condition as this will ensure they are relevant and up to date for when restoration is needed. The proposal is considered to comply with the Development Plan in this regard.**
- 9.19. **Criteria (xi): Quality of site restoration plans**

- 9.19.1. Under this criterion, NPF4 looks to ensure that the site restoration plans are of high quality and include any measures or guarantees of the financial viability of the restoration proposals.
- 9.19.2. As noted above, details of the restoration plans have not yet been agreed but can be agreed through planning condition. South Ayrshire Council should be involved in the agreement of these restoration plans for the areas of site within the Council boundary. This will ensure the restoration plans are of high quality.

9.20. **Criteria (xiii) Cumulative effects**

- 9.20.1. Under this criterion, NPF4 sets out that cumulative effects of the proposals should be a matter of design and mitigation.
- 9.20.2. Criterion (i) of the Wind Energy Policy within LDP2 sets out the following:

All proposals will be assessed against the following criteria

Their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted is acceptable.

- 9.20.3. Additional relevant LDP policies include:

LDP Policy: Sustainable Development
LDP Policy: Landscape Quality

- 9.20.4. The Wind Energy PPG criterion (G) Cumulative Impact sets out relevant assessment considerations. Excerpt from Policy:

We will support proposals if:

Their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted, is acceptable

- 9.20.5. The cumulative effects of the proposal have been set out and assessed within each topic area however it is worth reiterating the potential significant cumulative effects on landscape and visual impacts in relation to this proposal and the three windfarm applications currently at Public Local Inquiry (PLI). The cumulative effects with these proposed windfarms are complex as all applications are currently at determination stage with this application at the Energy Consents Unit and the three at PLI with the Reporters. It is therefore difficult to take a full and proper cumulative assessment of this windfarm proposal with those, as it is unknown as to what the outcome of the PLI will be. It will be for the Energy Consents Unit to determine this, taking account of the assessment in this report and particularly the character of the Water of Girvan Valley LLA covering the upper Girvan where this proposal would be seen sequentially from roads and promoted footpaths with the proposed Carrick, Craiginmoddie and Knockcronal wind farm.
- 9.20.6. The Merrick WLA, the High Carrick Hills LLA and the Rugged Uplands, Lochs and Forest LCT where this proposal would be seen with the operational Dersalloch wind farm and the proposed Knockcronal, Carrick, Craiginmoddie and Clauchrie wind farms from key hill walking routes. The combined effects of turbine lighting associated with this proposal and the Knockcronal and Craiginmoddie wind farms (noting the proposed mitigation) From roads within the Girvan valley west of the proposal and from the popular walking route to the Colonel Hunter Blair Monument where the Proposed Development would tend to be seen in conjunction with the Dersalloch wind farm and/or seen sequentially with the application-stage Craiginmoddie, Carrick and Knockcronal wind farms.

Conclusions on cumulative effects

- 9.20.7. **The proposed development has no significant cumulative effects with consented and constructed windfarms. The current situation with cumulative effect is complex with three windfarms currently at PLI This is not a matter which would result in an objection to the proposal as the outcome of the PLI is not yet known, but the concern is flagged as a significant material consideration for the assessment of this application by the Energy Consents Unit.**

9.21. **Soils**

- 9.21.1. Policy 5 of NPF4 aims to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. Excerpt from Policy:

a) Development proposals will only be supported if they are designed and constructed: i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for: i. Essential infrastructure and there is a specific locational need and no other suitable site; ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite; iii. The development of production and processing facilities associated with the land produce where no other local site is suitable; iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for: i. Essential infrastructure and there is a specific locational need and no other suitable site; ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets; iii. Small-scale development directly

linked to a rural business, farm or croft; iv. Supporting a fragile community in a rural or island area; or v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify: i. the baseline depth, habitat condition, quality and stability of carbon rich soils; ii. the likely effects of the development on peatland, including on soil disturbance; and iii. the likely net effects of the development on climate emissions and loss of carbon

- 9.21.2. Criterion (f) Natural Heritage of LDP2 aims to protect natural heritage. Excerpt from Policy:

All proposals will be assessed against the following criteria:

Taking into account the criteria in LDP policy natural heritage, they would not have an unacceptably detrimental effect upon natural heritage, including wild land, birds and carbon rich soils

- 9.21.3. Chapter 9 of the EIA Report sets out that the principal soil types underlying the Proposed Development Area are peaty gleys across the higher ground and the forested area within which the turbines would be located. Lower lying land in the east and south-east are described as mineral gleys. None of the site is considered to be Prime Agricultural Land. Where practically possible, areas of deep peat have been avoided by the proposed development design and a site-specific peat landslide and hazard risk assessment has been prepared to inform the proposed development design. As noted in section 9.16 of the report, there are small areas of bog and priority peatland on site which may be impacted by the development. The impact however is considered low and mitigation is proposed in the form of floating roads on the areas of priority habitat. It should also be noted that the Class 1 peatland (priority habitat) that would be potentially affected by the development is not within South Ayrshire. There is some class 1 peatland within the development site and within South Ayrshire however this would not be impacted based on current turbine locations. This may alter if the turbines were micro-sited however the EIA Report sets out that these areas would be avoided.
- 9.21.4. Areas of potential Ground Water Dependent Terrestrial Ecosystems were identified on site. Following further assessment as to the hydrological connection to these areas, it was concluded that areas of potential GWDTE are not sustained by groundwater but by surface water. Buffers around those areas are therefore not required as consequence. Even with this, safeguards will need to be included in the proposed development design to maintain existing surface water flow paths so that existing habitats are sustained. Measures, such as permeable access tracks and regular cross track drains, have been proposed to safeguard existing water flow paths and maintain existing water quality. It is considered therefore that the water dependent habitats identified by the NVC mapping can therefore be sustained. This would be confirmed, in accordance with good practice, by the Ecological Clerk of Works (ECoW) at the time of the construction of the proposed development who would ensure existing surface water flow paths and water flushes are maintained.
- 9.21.5. A Peat Management Plan has been submitted with the application which states that around 32,650m³ of peaty soils would be excavated during the works. As noted, this would avoid areas of deep peat and priority peatland habitat. Floating roads would be used in the area of deep peat identified at risk. The Peat Management Plan states that all of the peaty soils can be reused on site. A finalised Peat Management Plan would be created once the final siting of the wind turbines are identified.
- 9.21.6. A Peat Landslide Hazard and Risk Assessment has been submitted by the applicant and assessed by Ironside Farrar consultants on behalf of the ECU. In their assessment they requested minor revisions and information to be submitted. This has been provided and no further assessment was required necessary.

Conclusions on Soils

9.21.7. **The windfarm layout has been designed in a way to avoid deep peat and priority habitat as much as possible. Where this could not be avoided, floating roads are proposed to avoid peat removal. Policy 5 sets out that development on peatland, carbon rich soils and priority peatland can be acceptable where the development is for generation of green energy and aids the reduction in greenhouse gases. This development would meet that requirement and in turn avoids impact on the peaty soils and priority habitat as much as possible. The EIA Report has also carried out the assessment required within part (d) of Policy 5 of NPF4 and shown that there would be no significant effect on these soils. On this basis, it is considered that the development is in compliance with NPF4 and LDP2 in this regard.**

9.22. Other Significant Policy Considerations:

National Climate Change Policy, Energy Policy, and Planning Policy:

9.22.1. The Scottish Government policies, commitments and targets for sustainable energy are set out in the ministerial statements, key policy documents and statute. The key ministerial statements and policies considered as part of the assessment of the current proposals are The Scottish Government's Declaration of a Climate Emergency (2019), the emissions reductions targets set out in the Climate Change (Emissions Reduction) (Scotland) Act 2019, The Scottish Energy Strategy (Position Statement 2021), Consultative Draft Onshore Wind Energy Statement Refresh 2021, and the Scottish Climate Change Plan 2018 to 2032 (2020 updated).

Conclusion on National Policy:

9.22.2. **Along with NPF4, National Policy has a significant drive towards supporting development which aims to reduce carbon and tackle the climate crisis. These are material considerations which favour approval of the application and should be weighted against any significant effects of the proposal.**

9.23. Benefits of Proposed Scheme:

9.23.1. The EIA Report and the Planning Statement set out that the proposed development would deliver and contribute towards the following key benefits:

- The proposed development would contribute to the attainment of the UK and Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government targets for renewable electricity generation. The proposed development, with an installed capacity of approximately 54 MW along with storage capacity of 45MW would make a valuable contribution to meeting such targets.
- The proposed development would help advance the Governments policy objective in terms of its long-term commitment to the decarbonisation of electricity generation. More specifically, the proposed development is expected to save approximately 33,000 tons of carbon dioxide per year, resulting in a total saving of 3.1 million tonnes over the 50-year lifetime, through displacing carbon-emitting generation.
- The proposed development will increase indigenous production of renewable energy in Scotland while contributing towards reducing the country's reliance on foreign fossil fuels, generating wealth from natural resources, and improving the country's energy security.
- The proposed development comes a time when the country requires to meet the demand for the transition to heat homes and the demand for electricity to increase with the move to electric vehicles. The proposed development will contribute towards providing additional generation capacity to meet the demands from new renewable sources.
- The proposed development will deliver approximately £270,000 per annum in Community Benefit Funding, equating to £13.5million in total over its 50-year operating life.

- During the operation and maintenance stage the input to the economy would be in the region of £2.8 million. Of this, £1.4 million could benefit the local economy and £1.9 million could benefit the Scottish economy on an annual basis. At the Scottish level, the proposed development could sustain 15 jobs and contribute £806k GVA per annum. At the local level, the operation and maintenance phase of the Proposed Development is expected to sustain 11 jobs, contributing £584k in GVA per annum.
- In terms of development and construction impact, of the £81.4 million wind farm development and construction value, there is potential for £9.6 million to benefit the local economy and £30.4 million to benefit the Scottish economy. Applying industry assumption provides an estimate on the level of development and construction employment at the Scottish level for the wind farm development as 232 jobs contributing £14.3 million in GVA. At the local level, the development and construction phase of the proposed development could sustain up to 72 jobs and contribute £4.4 million in GVA.
- The proposed development will be capable of meeting targets set by the Scottish Government for the onshore wind industry in Scotland to start building wind farms without public subsidy.

10. Conclusions:

- 10.1. In conclusion, having considered the applicant's EIA Report and supporting documentation and notwithstanding the identified benefits of the scheme, together with the responses received and having balanced the developers' interest against the wider community interest it is recommended that no objection be submitted to the Scottish Government

11. Recommendation:

- 11.1. It is recommend that South Ayrshire Council confirm no objection to the Scottish Government subject to planning conditions to be agreed with the Scottish Government including, but not limited to, the following matters:
- All conditions proposed by statutory consultees.
 - All mitigation proposed within the EIA Report.
 - Standard noise condition for wind turbines
 - Requirement for shadow flicker mitigation should complaint be received
 - Dust management plan
 - Construction Environmental Management Plan
 - A monitoring scheme for blasting
 - No blasting to take place outwith specified hours (10:00 -12:00 and 14:00 -16:00 Mondays to Fridays and 10:00– 12:00 Saturdays)
 - Path Management Plan to incorporate additional access enhancements and waymarkers for the Core Path and ensuring the Core Path is not obstructed during construction.
 - Scheme of archaeology
 - Staff Travel Plan
 - Construction Traffic Management Plan
 - Access from the B741 shall not be used as the primary access or for turbine deliveries.
 - Pre-start ecological assessments
 - Micro-siting to be agreed with Ecological Clerk of Works and South Ayrshire Council.
 - Species Protection Plans
 - Pre-start surveys for any areas of micro-siting.
 - Restoration Plan and Restoration Guarantee
 - Incorporation of Aviation Detection Lighting System
 - Details of compensatory tree planting

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 22/01029/DEEM)

12. Background Papers:

1. Application form plans and supporting documentation including the Planning Statement and the Environmental Impact Assessment Report and supplementary appendices and figures.
2. Consultation responses to the ECU
3. Representations to the ECU
4. National Planning Policy 4
5. Historic Environment Scotland Policy Statement
6. Planning Advice Note 2/2011 ' Planning and Archaeology'
7. Adopted South Ayrshire Council Local Development Plan 2
8. South Ayrshire Council Planning Policy Guidance: Wind Energy
9. South Ayrshire Landscape Wind Capacity Study 2018
10. South Ayrshire Local Landscape Designations Review (2018)
11. South Ayrshire Planning Policy Guidance: Dark Sky Lighting
12. SNH Guidance – Siting and Design of Windfarms 2017
13. Residential Visual Amenity Assessment Technical Guidance Note 2/19 (Landscape Institute)
14. Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation: Nature Scot Et al (2021).
15. The Control of Woodland Removal Policy 2019

13. Person to Contact:

Mrs Erin Goldie, Coordinator (Place Planning) - 01292 616 367