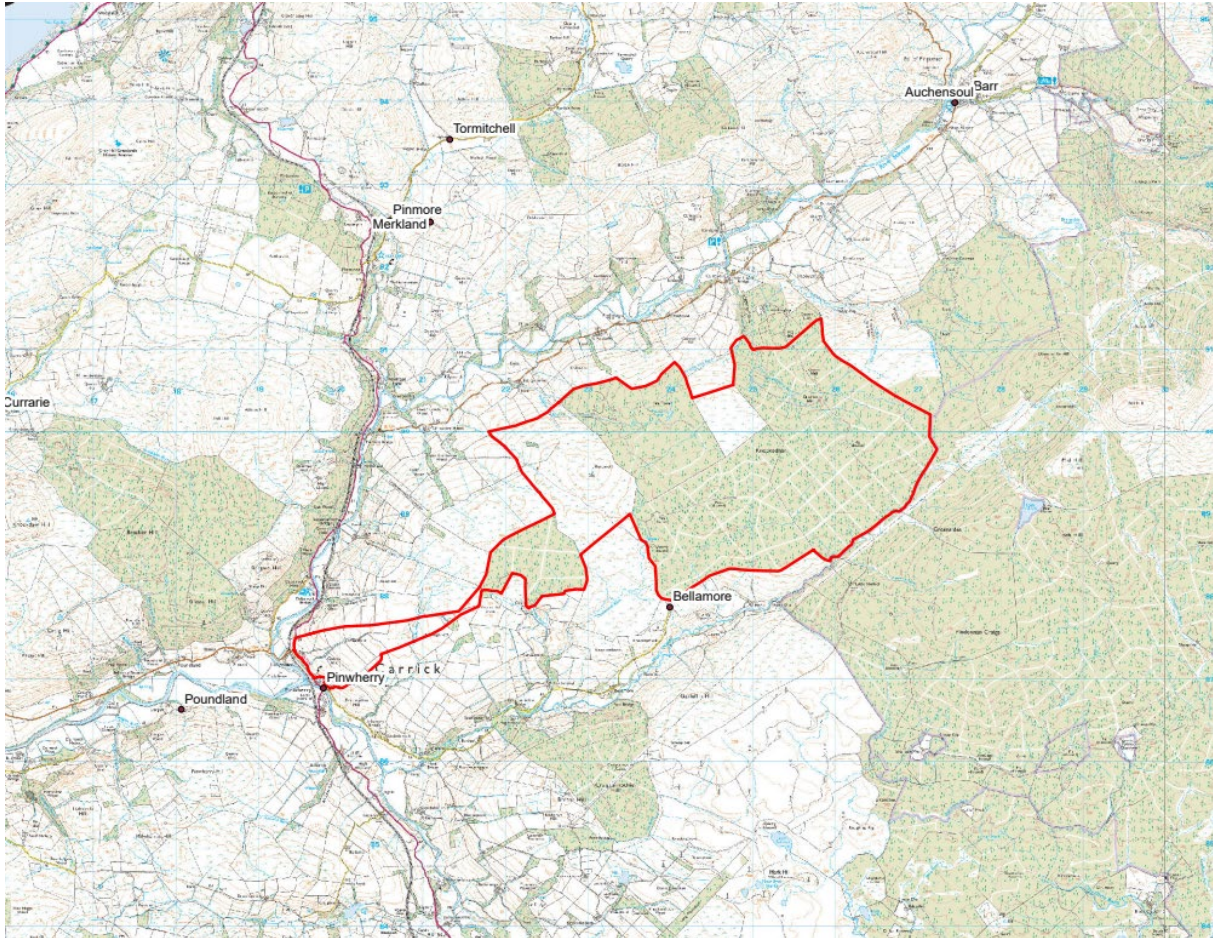


REGULATORY PANEL: 15 MAY 2025

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

KNOCKODHAR WINDFARM NEAR PINMORE AND BARR VILLAGES

LOCATION PLAN



Summary

The proposal comprises the construction and operation of 16 wind turbines, an energy storage system, substation and compound, access, and associated infrastructure. Each turbine will be three bladed with a horizontal axis. Two turbines would be 149.9m to blade tip and each have an installed capacity of approximately 4.5MW. The remaining 14 turbines will be between 180m and 200m to blade tip height will each having an installed capacity of approximately 6MW. The overall anticipated generating capacity of the wind farm would be approximately 93MW.

The site extends to approximately 1,190 hectares (ha) and is located around 3.5 kilometres (km) south-west of the village of Barr and the settlement of Pinwherry adjoins the south-western boundary of the proposed development. The site currently consists largely of commercial plantation forestry to the east where the wind turbines and associated infrastructure are proposed. Towards the west, where the site joins the A714, the land use is open agricultural land.

There are other operational and proposed wind farms in the vicinity of the site. The closest operational wind farm is Mark Hill, approximately 2km to the south of the site, comprising 28 turbines 110m to tip.

The site is not subject to any national landscape designations. Parts of the Stinchar Valley Local Landscape Area (LLA) overlaps with the northern and south-western parts of the site, although no wind turbines are proposed in either of these areas.

The site does not form part of any statutory designated site for nature conservation with qualifying ecological interests. The nearest designation is the Lendalfoot Hills Complex Special Area of Conservation (SAC), and Aldons Hill Site of Special Scientific Interest (SSSI) located approximately 1.65km to the west of the site. The site is outwith the buffer zone for the Galloway Forest and Dark Sky Park and the UNESCO Galloway and Southern Ayrshire Biosphere.

There are no designated cultural heritage assets within the site boundary itself, but there are assets located within 2km of the site boundary, including a standing stone/cairn, three Category B Listed Buildings, and one Category C Listed Building.

The site is drained by a number of tributaries of the Muck Water to the south and the River Stinchar to the north. Flood risk mapping indicates there is little risk of fluvial flooding but there is a likelihood of some surface water flooding.

One third of the site contains peat depths of less than 0.5m, principally located in the far west, centre, north-east and the south. In between, the site contains five principal bogs where there are areas of deep peat of over 1m. In addition, there are numerous smaller deep peat bogs scattered throughout the site, some with peat depths greater than 3m.

The proposal is classified as a National Development in NPF4, thereby benefitting from 'in principle' policy support. This in principle support is further reiterated by NPF4 Policy 11 which supports renewable energy projects, subject to consideration of detailed matters.

Upon detailed assessment, the majority of the proposal accords with the strategic and overarching Development Plan policies of National Planning Framework 4 (NPF4) and The South Ayrshire LDP2 in that it would make a significant contribution to the generation of renewable energy, helping to tackle the climate crisis. Based on NPF4 Policy 1, this would add significant weight in support of the proposal. The proposal is considered to meet the objectives and overarching policies of tackling the climate and nature crises which are the primary policies of NPF4 and the sustainable development policies of LDP2.

Having regard to detailed and site-specific matters, any potential effects regarding landscape and visual, aviation, ecology, cultural heritage, hydrology, hydrogeology, and residential amenity impacts can be mitigated.

Notwithstanding the above, Ayrshire Roads Alliance (ARA) as the Local Roads Authority conclude that the proposal cannot be supported due to lack of information and is therefore contrary to transport policies of NPF4 and LDP2. There is currently insufficient supporting information (in particular, Abnormal Load movements) to allow the ARA to adequately assess the impacts and feasibility for the adopted local road network to safely accommodate development trips.

Further information was requested by the Planning Service on several occasions, giving the applicant the opportunity to address the concerns of the Ayrshire Roads Alliance. However, it was not received until 29th April 2025 leaving insufficient time for review and assessment before finalising this report. As the Council must respond to this consultation by 16 May 2025, with no scope for extension, the information has not been taken into account.

Overall, when assessed against the Development Plan, the proposal aligns with the intent of primary NPF4 policies and LDP2 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. However, ARA have raised concerns that are deemed significant enough to merit an objection and which have not been addressed to date.

Having considered the application submission as a whole 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 the Council confirms a position of objection to this proposed development be submitted to the Scottish Government at this time.



REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 15 MAY 2025

SUBJECT:	CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989
APPLICATION REF:	23/00472/DEEM
SITE ADDRESS:	KNOCKODHAR WIND FARM, PINMORE SOUTH AYRSHIRE
DESCRIPTION:	APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR PERMISSION TO ERECT AND OPERATE KNOCKODHAR WIND FARM
RECOMMENDATION:	OBJECTION

1. Purpose of Report:

- 1.1 South Ayrshire Council has been consulted by The Scottish Government Energy Consents Unit (ECU), under Section 36 of The Electricity Act 1989, regarding an application by REG Knockodhar Limited for the erection and operation of a wind farm, and associated infrastructure at Knockodhar, near Pinmore, 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 13 June 2023. An extension of time to 16 May 2025 has been agreed for South Ayrshire Council to provide its consultation response.
- 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 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.

2. Recommendation

- 2.1. It is recommended that the Regulatory Panel:

Submits this report to The Scottish Government as an objection to the proposed wind farm.

3. Background and Procedural Matters

Consenting

- 3.1 On **26 May 2023**, 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 wind farm exceeding 50 Megawatts of electricity comprising of 16 turbines with variable tip heights, with the maximum up to 200 metres high. The proposal also includes an energy storage system of up to 20MW, access and ancillary development at land to the south-west of Barr in South Ayrshire.
- 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. The proposed windfarm and energy storage system will generate approximately 93MW per annum.
- 3.3 The Scottish Government formally consulted the Council on the proposed development on 13 June 2023 with the date for response being 13 October 2023. The Planning Service made an initial request for the time period for responding to be extended to the 2 February 2024 and this extension was agreed by the Applicant. Further requests were made due to the lack of information provided by the applicant on roads matters with the last and final request for an extension of time until 16 May 2025.

Environmental Impact Assessment

- 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 (EIAR). An EIA Scoping request was submitted to the ECU in November 2020 and the Council contributed to the Scoping Response issued by the ECU on 10 February 2021.
- 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, NatureScot (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 NPF4), other relevant Policy, Planning Advice Notes, the relevant Planning Authority's Development Plans and any relevant supplementary guidance.
- 3.7 An EIA Scoping Request was submitted to the ECU October 2021, and a Scoping Opinion was issued in February 2021. South Ayrshire Council provided their response in January 2021.
- 3.8 The grid connection of the proposed wind farm with the local electricity distribution network requires consent for any overhead lines under Section 37 of The Electricity Act 1989. This would be subject to a separate application to the Energy Consents Unit and consultation with South Ayrshire Council.

Section 37 EIA Screening Opinion

- 3.9 On 25 October 2021, the Scottish Ministers received an EIA Screening request under regulation 8(1) of the Electricity Works (Environmental Impact Assessment) for a proposed new 132 kV grid connection for the proposed Knockodhar Wind Farm. This comprised of 2.3km of 132kV overhead line and 578m of underground cable to connect the overhead lines to the nearby Mark Hill substation. Scottish Ministers determined on 12 April 2022 that the proposed overhead line development does not require an EIA Report under Section 37 of the Electricity Act 1989. This decision also took into account the EIA Screening Opinion response from South Ayrshire Council issued on 7th February 2022, which also concluded that the proposal is not likely to result in significant effects on the environment which require the submission of an EIA Report.

4. Development Proposal

- 4.1 The proposed development comprises the construction and operation of 16 wind turbines, an energy storage system, substation and compound, access, and associated infrastructure. Each turbine will be a three bladed with a horizontal axis. Two turbines (T3 and T10) would be 149.9m to blade tip and each have an installed capacity of approximately 4.5MW. The remaining 14 turbines (between 180m and 200m to blade tip height) will each having an installed capacity of approximately 6MW. The overall anticipated generating capacity of the wind farm would be approximately 93MW.
- 4.2 Full details of the proposed development can be summarised as the following:
- 16 wind turbines of variable tip height with the maximum being up to 200 metres (m);
 - turbine foundations;
 - areas of hardstanding at each turbine for construction purposes;
 - an Energy Storage System (ESS) compound, up to 20 MW;
 - a 132 kilovolt (kV) substation and compound, including control building;
 - a network of buried cables;
 - two accesses from the A714, one for abnormal loads only;
 - a network of new (10.7km) and upgraded (up to 7.3km) access tracks throughout the site (totalling up to 18km),
 - watercourse crossings (six new and seven existing to be upgraded);
 - up to four temporary borrow pits, located within four identified borrow pit search areas.
- 4.3 The underground electrical, fibre optic and earth cables will connect the turbines to the onsite substation which in turn will be connected to the electricity network.
- 4.4 The proposed onsite substation and ESS compounds are located to the south of the site. The substation compound will house the outdoor electrical high voltage equipment, transformer and control buildings for the Network Owner and the proposed development and will occupy an area of approximately 70m x 58m surrounded by security fencing. Underground electrical, cabling will connect the wind turbines to the substation which in turn will be connected to the National Grid network at Mark Hill.
- 4.5 The ESS compound will be situated adjacent to the substation, have a footprint of approximately 80m x 58m and be surrounded by security fencing. Inside the ESS compound there will be around 20 containerised battery units, a small control building, transformers, inverters, cooling plant and ancillary equipment.
- 4.6 The applicant has set out that the expected operational life of the wind farm is 35 years. The applicant has also requested a micro-siting distance of 75m around the wind turbines.

5. Application Site

- 5.1 The proposed development site extends to approximately 1,190 hectares (ha) and is located around 3.5 kilometres (km) to the south-west of the village of Barr. The site currently consists largely of commercial plantation forestry to the east where the wind turbines and associated infrastructure are proposed. Towards the west, where the site joins the A714, the land use is open agricultural land. The site is within a sparsely populated area characterised by extensive forestry. The ground elevation rises from approximately 40m Above Ordnance Datum (AOD) in the west of the site to approximately 270m AOD in the east of the site. The proposed development is solely within the planning authority of South Ayrshire Council.
- 5.2 The nearest settlements to the site are Pinwherry, adjoining the south-western site boundary, and Barr, approximately 3.5km to the north-east. The nearest residential property to the site is Mark Farm, located approximately 500m beyond the site boundary to the south. A number of individual properties are located further west and north of the site, adjacent to the A714 and the B734, respectively. There are other operational and proposed wind farms in the vicinity of the site. The closest operational wind farm is Mark Hill, approximately 2km to the south of the site, comprising 28 turbines 110m to tip. Clauchrie Wind Farm was proposed to be located approximately 1.2km from the site, consisting of 18 turbines with a blade tip height of 200m, however this application was refused on 31 August 2023.
- 5.3 The site is not subject to any national landscape designations, and no part of the site is located within a Wild Land Area (WLA). The closest WLA to the proposed development is WLA 01. 'Merrick,' approximately 12km to the east.
- 5.4 The South Ayrshire Local Development Plan 2 (LDP2) (2022) designates a series of Local Landscape Areas. Parts of the Stinchar Valley LLA overlaps with the northern and south-western parts of the site, although no wind turbines are proposed in either of these areas. There are a number of landscape designations within the vicinity of the site boundary. These include locally valued landscapes that have been designated through the Local Development Plans of South Ayrshire, East Ayrshire, and Dumfries & Galloway.
- 5.5 The site does not form part of any statutory designated site for nature conservation with qualifying ecological interests. The nearest such designation is the Lendalfoot Hills Complex Special Area of Conservation (SAC) and Aldons Hill Site of Special Scientific Interest (SSSI) which are located approximately 1.65km to the west of the site. In terms of non-statutory local nature conservation designations, the Muck Water Provisional Local Wildlife Site (PLWS) intersects the southern site boundary while the River Stinchar (Minuntion to Pingerrach Burn) PLWS adjoins part of the northern site boundary.
- 5.6 There are no designated cultural heritage assets within the site boundary itself. There are 45 potential cultural heritage assets located within or directly adjacent to the site boundary, including the former site of a prehistoric standing stone/cairn.
- 5.7 There are three Category B Listed Buildings, one Category C Listed Building, five non-designated designed landscapes (sites of), and 114 non-designated heritage assets within 2km of the proposed wind turbine locations. Within 2-5km of the proposed wind turbine locations, there is one Category A Listed Building, two Scheduled Monuments, one Conservation Area and eight Category B Listed Buildings. Between 5- 20km of the proposed wind turbine locations, there are five Gardens and Designed Landscapes (GDLs), 33 Category A Listed Buildings, 20 Scheduled Monuments and two Conservation Areas.
- 5.8 The site is drained by a number of tributaries of larger watercourses, namely the Muck Water to the south and the River Stinchar to the north. SEPA's online flood risk mapping indicates that within the site boundary there is little risk of fluvial flooding but there is a high (10% chance of happening in any one year) to medium (0.5% chance of happening in any one year) likelihood of surface water (pluvial) flooding along the areas of some of the tributaries and lochans e.g.

the Drumneillie and Docherneil Burns. There is also a high likelihood of surface water flooding within parts of the forested areas of the site, particularly along drainage routes.

- 5.9 Peat probing surveys were undertaken by the applicant in September 2020 and in June-July 2022. The interpolated peat depth map (EIA Report Appendix 11.2) indicates that approximately one third of the site contains peat depths <0.5m, principally located in the far west, centre, north-east and the south. In between these areas, the site contains five principal bogs where deep peats >1m were encountered. These areas are located in the south-west, centre, north and north-east of the site and at Glake Plantation along the new access track from the west. In addition, there are numerous smaller deep peat bogs scattered throughout the site, some with peat depths >3m.
- 5.10 The site is located outwith the buffer zone for the Galloway Forest and Dark Sky Park and the UNESCO Galloway and Southern Ayrshire Biosphere. The proposed development is however within the transition zone of these areas.

6. Consultations

- 6.1 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 Governments Energy Consents Unit (ECU) are for noting only.
- 6.2 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.

ECU - Statutory Consultees

- 6.3 **NatureScot** – have provided a detailed appraisal of the impacts of the proposal and advice. Due to the adoption of NPF4, NatureScot have not provided advice on the landscape and visual effects of this proposal. A range of mitigation measures and conditions are advised with respect to European Protected Species, birds, deer, fish, woodland and peat. NatureScot have not objected to the proposal but advise that a significant level of enhancement and mitigation will be required across each of the subject matters. This will be secured via the submission of management, mitigation and enhancement plans and controlled by planning conditions.
- 6.4 **Historic Environment Scotland (HES)** – have considered the accompanying EIA Report and have no objection to the application. The impacts on the integrity of the setting of the scheduled monuments in the vicinity would not be significantly adverse and would not raise issues of national interest. Overall, it is content that the proposals would not raise issues of national interest for their remit.
- 6.5 **Scottish Water** – No objection, it notes however there is live infrastructure within the proximity of the development area. Any conflicts must be identified and asset impact team contacted for an appraisal of the proposals. Any conflicts with identified assets will be subject to restrictions on proximity of construction. Written permission must be obtained before any works start within its area of apparatus. There are no Scottish Water drinking water catchments or abstraction sources in the area that may be affected by the proposed development.
- 6.6 **Scottish Environmental Protection Agency (SEPA)** – Submitted an initial consultation response on 30 August 2023. Due to the agreed procedure between SEPA and ECU for Section 36 applications, a holding objection has not been issued. However, SEPA have noted concerns with the proposed layout and have highlighted areas of insufficient information to allow it to determine the potential impacts. A request for further information has been issued.
- 6.7 In terms of peat and carbon rich soil, it was requested that the Peat Management Plan (PMP) is updated to demonstrate compliance with Policy 5 of NPF4, as the submitted PMP predates the adoption of NPF4.

- 6.8 Regarding Groundwater Dependent Terrestrial Ecosystems (GWDTEs), the proposed access route crosses an area with high potential GWDTE dependency and two with high/moderate potential dependency. SEPA questioned why access cannot be achieved elsewhere to avoid adverse impacts. If the proposed route is the only viable means of access, confirmation of track floating and/or mitigation will be required. Detailed site specific qualitative and/or quantitative risk assessment will be required for any elements of excavated development that is within moderate to high areas of potential GWDTE dependency.
- 6.9 The route of the proposed track is also within the 50m of an unnamed watercourse that runs down into Pinwherry. SEPA requested that this route is amended to meet the buffer requirements. SEPA have questioned why the 'normal' access route near to the site which does appear to be unconstrained cannot be used.
- 6.10 **Transport Scotland** – Satisfied that the increase in traffic associated with construction of the development will not exceed the threshold present in the IMEA guidelines and that no further assessment is required. TS is satisfied with the submitted EIAR and has no objection to the development in terms of environmental impacts on the trunk road network. TS has requested three planning conditions in relation to abnormal loads and traffic management.
- 6.11 **Scottish Forestry** – Advise the estimated felling is inaccurate with more trees (approximately 250ha) being felled than necessary to facilitate the development. Scottish Forestry have requested that the applicant reworks the Forestry chapter of the EIA to address this.
- 6.12 **Royal Society of Protection of Birds (RSPB)** – No response received by ECU.

Internal Scottish Government Advisors

- 6.13 **Ironside Farrar (Peat)** – have technically assessed the Peat Landslide Hazard and Risk Assessment(s) (PHLRAs) submitted by the applicant. Peat landslide risk is considered to be negligible to low within the PHLRA for the majority of the proposed development therefore only generic mitigation and good practice measures have been provided. Ironside Farrar consider this mitigation to be acceptable; however, further specific mitigation will be required if Turbines 13 and 4 are confirmed to be in moderate risk areas. Ironside Farrar advise that the PLHRA requires minor revisions and has provided a list of recommendations requiring clarification from the developer.

ECU Non-statutory Consultees

- 6.14 **Defence Infrastructure Organisation (MOD)** – have no objection to the proposal subject to the conditions set out in appendix A of their consultation response. In this case, the development falls within a Tactical Training Area (TTA 20T), within which fixed wing aircraft may operate as low as 30.5m above ground level to conduct low level flight training. Given the scale and location of the development, MOD require a condition that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately chartered to allow deconfliction. The MOD also require the submission, approval and implementation of an aviation safety lighting specification that details the installation of MOD accredited aviation safety lighting. This should be approved by the Scottish Government in conjunction with the Civil Aviation Authority and the MOD.
- 6.15 **Civil Aviation Authority (CAA)** – No response received by ECU.
- 6.16 **Glasgow Airport** – No objection.
- 6.17 **Glasgow Prestwick Airport** – have lodged a holding objection on grounds of aviation safety concerns which may impact the airport as an Air Navigation Services Provider (ANSP). The Airport is actively engaged with the Developer, with an expectation that a resolution to the aviation safety issues discussed above is achievable.

- 6.18 **NATS Safeguarding** – advised that the proposed development has been examined from a technical safeguarding aspect and does not conflict with its safeguarding criteria. It there has no safeguarding objection to the proposal
- 6.19 **Ayrshire Rivers Trust (ART)** – advise that the proposed development should have appropriate risk assessments, relevant monitoring programmes and a suitable mitigation strategy in place to protect fish, invertebrates, and fisheries before any onsite work commences.
- 6.20 **Joint Radio Company (JRC)** – No objection, the proposal is acceptable with respect to radio link infrastructure operated by the local energy networks.
- 6.21 **BT (British Telecom)** – No objection.
- 6.22 **Crown Estate Scotland** – No objection.

Neighbouring Councils and Community Council responses received by the ECU

- 6.23 **Dumfries and Galloway Council** – were initially consulted in June 2023 and responded in July 2023 to advise that an initial formal response would not be issued in this instance. In August 2023, a further consultation response was received from Dumfries and Galloway Roads and Infrastructure Service. This response advised no objection to the proposal in principle, but recommended a series of conditions including the submission and approval of detailed constructions plans and traffic management plans.
- 6.24 **East Ayrshire Council** – has no objection to the application but made several points regarding the application. It notes disappointment at the omission from any of the submitted plans or modelling the potential impact on the Galloway and Southern Ayrshire UNESCO Biosphere and the Galloway International Dark Sky Park. It notes that the Merrick Wild Land Area and Loch Doon Local Landscape are unlikely to be significantly impacted by the development. The Access and Transport arrangements would not affect East Ayrshire.
- 6.25 **Dailly Community Council** – object to the application on a variety of grounds, including the cumulative impact of the development, the negative visual impact, construction traffic impacts, woodland loss and associated impacts, peat degradation, potential contamination of local watercourses, noise and tourism.

South Ayrshire Council Internal Consultees

- 6.26 **Ayrshire Roads Alliance** – Objection. Based on the submitted information, ARA have not been able to properly assess the feasibility or acceptability of the development proposals on the local road network. They do not consider that it is appropriate to cover such matters by planning conditions. Without supporting information provided which identifies a preferred AIL (abnormal loads) route, and sufficient detail to demonstrate vehicle swept path analysis, structural assessments, appropriate mitigation etc. ARA have no option but to object to the proposal.

Further information was requested by the Planning Service on several occasions (for over 1 year), giving the applicant the opportunity to address the concerns of the Ayrshire Roads Alliance. However, it was not received until 29th April 2025 leaving insufficient time for review and assessment before finalising this report. As the Council must respond to this consultation by 16 May 2025, with no scope for extension, the submitted information has not been taken into account within the assessment.

- 6.27 Council's Ecology and **Biodiversity Consultant (Stantec Ecology)** - Objection unless the conditions recommended are attached to any consent. A post consent monitoring plan of collisions including carcass searches for Goshawks is recommended. Pre-construction surveys, and species protection plans as part of a Construction Environment Management Plan (CEMP) condition are also recommended.

- 6.28 Council's **Environmental Health Service** – Objection unless the conditions in relation to water impacts, shadow flicker and construction impacts (dust) are attached to any consent.
- 6.29 Council's **Landscape Consultant (Carol Anderson Associates)** – No objection subject to mitigation. The proposal would be seen simultaneously and sequentially with a number of operational, consented and proposed wind farms; however, it would not make a major contribution to significant cumulative landscape and visual effects.
- 6.30 Council's **Noise Consultant (ACCON)** – Objection unless the conditions in relation to noise limits and controls are attached to any consent.
- 6.31 **West of Scotland Archaeology Service (WoSAS)** – Objection unless a condition for the submission of a Written Scheme of Investigation (WSI) prior to the commencement of development is attached to any consent.

7. Applicant's Supporting Information

- 7.1 The application submission to Scottish Ministers is accompanied by a range of supporting documentation. This includes a Planning Statement, an Environmental Impact Assessment Report (EIA Report), A Non-Technical Summary, a Landscape Design Strategy and Statement of Community Consultation alongside a suite of accompanying plans, drawings, visualisations, and photomontages.
- 7.2 The EIA Report considers the following principal topics: Planning and Energy Policy, Landscape and Visual, Cultural Heritage, Ornithology, Ecology, Geology, Hydrology and Hydrogeology, Forestry, Access, Traffic and Transport, Noise, Aviation, Shadow Flicker, Telecommunications, Socioeconomics and Carbon Balance. Several technical appendices assessing different specific matters within these broader topic areas also supplement the main EIA Report and chapters where relevant.

8. Planning History

- 8.1 The most notable planning history for the site is the several operational, recently determined windfarms within the surrounding landscape of the application site. Additionally, a number of wind farm proposals are currently in the planning phase with consent still to be determined.
- **Clauchrie Wind Farm** is the nearest proposed wind farm to the development but was refused by Scottish Ministers following a Public Local Inquiry (PLI) on 31 August 2023, primarily due to the significant adverse impact on the Merrick Wild Land Area.
 - The proposed **Carrick, Craiginmoddie and Knockcronal** wind farm proposals are located approximately 8.6km, 10.9km, and 13.3km respectively from the proposed Knockodhar development, respectively. These three wind farms have been subject to a conjoined PLI in 2023 and decisions from Scottish Ministers on each are pending.
 - The nearest operational wind farms are the **Mark Hill** (1.8km from proposed site), **Hadyard Hill** (4km from proposed site) and **Assel Valley** (5.6km from proposed site). A full table of all Wind Farms within 20km of the proposed site as of 30th September 2022. can be found in Table 2.2 of the applicant's EIAR Chapter 2. This date was agreed as a 'cut off' date for cumulative assessment purposes as agreed with consultees.

9. Development Plan

- 9.1 The proposal has been submitted under Section 36 of the Electricity Act 1989 and consequently Section 25 of The Town and Country Planning (Scotland) Act 1997 (as amended), which requires 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 remains a significant material consideration as deemed planning permission will be granted if Scottish Ministers approve the development.
- 9.2 Following the implementation of The Planning (Scotland) Act 2019 and the adoption of 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 2 (LDP2) (2022)
- 9.3 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 frameworks.
- 9.4 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 as it is the most up to date policy on this subject.

NPF4

- 9.5 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.
- 9.6 The primary development plan policy which the proposal will be assessed against is **NPF4 Policy 11 – Energy**.
- 9.7 The following policies of NPF4 are also applicable to the assessment of the application and can viewed in full 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 5 – Soils
 - Policy 6 – Forestry Woodland and Trees
 - Policy 7 – Historic assets and places
 - Policy 11 – Energy
 - Policy 22 – Flood Risk and Water Management
 - Policy 25 – Community Wealth Building
 - Policy 29 – Rural Development
- 9.8 It is important to note that the provisions of NPF4 must be read and applied as a whole and as such no policies should be read in isolation. An assessment of the proposal against the provisions of NPF4 and the above policies is set out below.

- 9.9 It is worthwhile to note that in assessing the proposal, the Council is not the determining authority and is providing comments as a Statutory Consultee to the Scottish Ministers
- 9.10 As NPF4 is the most recent document, the policies within it have been used as the basis for the report and relevant sections of the LDP2 Policy and Planning Guidance criteria are addressed with each relevant NPF4 Policy.

NPF4 - National Developments

- 9.11 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.
- 9.12 Six of the national developments support the delivery of sustainable places which is of most relevance to this proposed development. National Development 3 covers Strategic Renewable Electricity Generation and Transmission Infrastructure to support renewable electricity generation and associated grid infrastructure around Scotland. This sets out that any on shore electricity generation development from renewables exceeding 50MW capacity and would normally be classed as a major application, would also constitute a National Development.
- 9.13 As this proposal is an onshore wind farm exceeding 50MW, it would constitute a National Development and would help support the overarching aims of the NPF4 and spatial strategies to achieve net zero targets and provide renewable energy. National development status does not mean permission is automatically granted for the development and all require to be robustly assessed.
- 9.14 NPF4 and their designation as a National Development means that the principle of the development is considered acceptable but a full understanding of the potential impacts and required mitigation is required before any determination can be made.

South Ayrshire Council Local Development Plan 2 (LDP2)

- 9.15 The following policies of LDP2 are considered relevant in the assessment of the application can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>.
- LDP 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: Air, Noise and Light Pollution
 - LDP Policy: Renewable Energy
 - LDP Policy: Historic Environment
 - LDP Policy: Natural Heritage
 - LDP Policy: Land Use and Transport

- 9.16 As per NPF4, the provisions of LDP2 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.

10. Assessment

- 10.1 This report will be structured to assess the relevant and comparable policies within NPF4 and LDP2 together and assess any which are only in one part of the Development Plan separately. With NPF4 being the most recent Development Plan document, these policies have been used as the main structure for the report with the relevant LDP2 policies referenced and considered throughout the assessment.
- 10.2 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

- 10.3 Both 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, is a key requirement of the following NPF4 policies and Strategic Policy 1 in LDP2.
- 10.4 **NPF4 Policy 1 – Tackling the climate and nature crises:** When considering all development proposals significant weight will be given to the global climate and nature crises.
- 10.5 **NPF4 Policy 2 – Climate mitigation and adoption:** Seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- 10.6 **LDP Strategic Policy 1 - Sustainable Development:** Supports 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.
- 10.7 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.

- 10.8 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.
- 10.9 The supporting information submitted with the application sets out that the proposal will generate approximately 93MW of renewable electricity, supported by an ESS of up to 20MW, which help meet the Scottish Government's renewable energy generation targets in the post 2020 period.
- 10.10 **Chapter 7.1.5** of the applicants **Planning Statement** states that the proposed development would help meet the Scottish Government's Net Zero greenhouse gas emission target by 2045 as well as the key interim target of 2030 target of a 75% reduction compared to 1990 levels.
- 10.11 **EIAR Chapter 19 - Carbon Balance** uses a carbon calculator tool, which is designed for applications for the construction and operation of onshore wind farms in Scotland located where peat is present. It states that on the basis of potential annual CO₂ savings of 91,505t/year, the proposed development could result in a total carbon saving of 3.2 million tonnes over its 35-year operational life. It is predicted that carbon loss in developing the proposal would be paid back in approximately 2.7 years, based upon the expected outcome under the fossil fuel mix, the proposed development would have achieved the carbon balance within approximately 6.5 years.
- 10.12 It is considered that the development would comply with NPF4 Policies 1 and 2 as the proposal would assist in tackling the climate crisis and would have a positive effect in terms of greenhouse gas emission reduction targets.
- 10.13 In terms of LDP2 Strategic Policy 1, it is considered that the proposal meets the criteria specified within the policy. Detailed assessment against the specific applicable criteria within this policy are set out within other sections of the report. There is a notable overlap between the criteria of LDP Strategic Policy 1 and NPF4 Policy 11 - Energy, therefore these matters will be discussed in appropriate sections below to avoid unnecessary repetition.

Conclusion on Sustainable Places

- 10.14 The proposal is considered to meet the objectives 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. This compliance with the Development Plan is considered to add significant weight in the decision-making process for this development.

Renewable Energy

- 10.15 **NPF4 Policy 11 – Energy** is the most relevant policy for the proposed development. This policy encourages, promotes and facilitates all forms of renewable energy development onshore and offshore. This policy sets out detailed criteria for assessment of this type of development and this will be used to structure the report. The corresponding criteria from **LDP2 2022 and Wind Energy Planning Policy Guidance 2015** are also assessed under each topic.
- 10.16 NPF4 Policy 11 – Energy states:
- a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
 - i. wind farms;
 - iii. energy storage, such as battery storage;
 - 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.
- 10.17 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.
- 10.18 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.

10.19 In assessing the proposed development against the above criteria, it is found that:

Criteria (a) and (b) – Application type and location

10.20 The proposed development is a wind farm and energy storage system and therefore complies with criteria a. It is not located within a National Park or National Scenic Area, therefore criteria b is not applicable.

Criteria (c) – Socio-economic impact

10.21 Criteria c only supports development that maximise net economic impacts, including local and community socio-economic benefits. The key socio-economic benefits associated with the proposed development are set out within **EIAR Chapter 18** and are discussed under **NPF4 Policy 25 – Community Wealth Building** They are:

- Potential for £12m and £36.1m to be spent within the South Ayrshire and Scottish economies respectively;
- Creation of 213 onsite and offsite jobs during the 20-month construction period. 13 onsite and 45 offsite jobs in South Ayrshire are predicted.
- Expected benefit to the Ayrshire local economy of £82m and six jobs over the 35-year operational life of the proposed development. The operational and maintenance phase

10.22 The applicant has also arranged a community benefit fund, offering £5,000 per MW per year during the operational life of the proposed development – this is the figure recommended by the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments 2019. This would equate to a total of nearly £466,000 per annum and £16.3m over the lifetime (35 years) of the project to the local community. It should be noted that the community benefit fund is a voluntary arrangement and not a material planning consideration.

10.23 With regards to the potential impact on tourism, **EIAR Chapter 18 – Socio Economics** suggests that based on research to date, there is not considered to be a discernible relationship between the development of onshore wind farms and tourism/recreation. Consequently, it assumes that impacts on individually identified tourism receptors are negligible. This matter is discussed further in this report.

10.24 Overall, it is considered that net economic benefits of the proposed development have been maximised as far as reasonably possible, and therefore complies with Criteria c.

Criteria (d) – international and national designations

10.25 This requires detailed assessment of the impact of the proposal on any international or national designations in the area. This impact is considered within each section of Criteria e where applicable.

10.26 Criteria 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 intentions of the LDP2 which supports renewable energy development provided they do not result in harmful effects on the environment. 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. The criteria within part (e) is assessed in the subsequent sections of the report.

Criteria (e)(i) – Impacts on communities and individual dwellings.

- 10.27 In considering the appropriateness of the proposed development, NPF4 and LDP2 requires consideration of the impacts of the development on local communities including the amenity of the surrounding residents, visual impacts, noise and dust resulting from the development.
- 10.28 **Criteria (b) and (e) of LDP2 Policy: Wind Energy** seeks to protect residential amenity and states the following:
- (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*
- 10.29 **Criteria c** of Communities Quality of Life and Amenity of the Wind Farm Energy Planning Policy Guidance on Wind Energy states:
- 10.30 ***We will support proposals if:***
They do not have significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker.
- 10.31 The following LDP2 Policies are also applicable to assessing the impact on communities and individual dwellings:
- **LDP Policy: Sustainable Development**
 - **LDP Policy: Air, Noise and Light Pollution**
 - **LDP Policy: Land use and Transport**

Residential Visual Amenity

- 10.32 The SAC Planning Policy Guidance on Wind Energy 2015 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 and the extent to which the proposal will be visible. Significant visual effects on private properties should be minimised. This section relates specifically to impacts on residential visual amenity. A detailed discussion on wider landscape and visual impacts will be discussed in later sections.
- 10.33 The Wind Energy Planning Guidance advises that a minimum required separation distance of 2km from towns and villages to a turbine. It also advises that all properties within 2.5km of wind turbines should be assessed for visual amenity impacts.
- 10.34 A Residential Visual Amenity Assessment (RVAA) (EIAR Appendix 7.3) has been undertaken by the applicant for properties within 2.5km of the proposed wind turbine locations. The RVAA considers effects on 27 residential properties within this distance. The following seven receptors have the potential to be significantly visually effected.
- Lambdouhty Cottage – 1,186m from Proposed Turbine 3
 - Lambdoughty – 1,420m from Proposed Turbine 10
 - White Knowes – 1,879m from Proposed Turbine 3
 - Milk House – 1,903m from Proposed Turbine 10
 - Clash Na Croy – 1,950m from Proposed Turbine 10
 - Auchiewan 1,998m from Proposed Turbine 10
 - Tapathebrae – 2,014m from Proposed Turbine 3
- 10.35 The applicant considers that none would be affected to such a degree that the residential visual amenity threshold would be breached, due to intervening distance, partial screening and use / orientation of the properties i.e. the proposed development would not make any of the properties an unattractive place to live.

- 10.36 Carol Anderson Landscape Associates has been commissioned on behalf of SAC to review the Landscape and Visual Impact Assessment (LVIA) assessment, photomontages and visualisations submitted by the applicant. It also includes a response to the submitted RVAA by the applicant. It confirms that significant effects on views would be likely to occur 7 residential properties identified in the RVAA. The Planning Authority carried out site visits to each assess whether the Residential Amenity Threshold would be breached.
- 10.37 The RVAA Technical Guidance Note (2019) published by the Landscape Institute provides best practice guidance for assessing private views and private visual amenity. The RVAA threshold is referred to as the effect of the development on Residential Visual Amenity being of such nature or magnitude that it potentially affects living conditions or Residential Amenity. Based on the findings of the site visit, it is acknowledged that at the most sensitive receptors, there would be a visual impact. The extent of this impact however is not considered to breach the Residential Visual Amenity Threshold, with embedded landscape and visual mitigation proposed. This includes variable turbine heights proposed from between 149.9m to 200m and moving turbines away from the edge of Stinchar Valley and Muck Water.

Noise

- 10.38 **EIAR Chapter 14 – Noise** advises that the proposal has been prepared in accordance with ETSU-R-97 (The Assessment and Rating of Noise from Wind Farms) and the Institute of Acoustics (IoA) Good Practice Guide. The EIAR considers that subject to appropriate mitigation, operational noise due to the proposed development in conjunction with surrounding cumulative developments, would comply with the requirements of ETSU-R-97 and the Good Practice Guide at all receptor locations, therefore complying with planning policy.
- 10.39 The Council's appointed 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.
- 10.40 ACCON concluded that the methodologies used in the noise chapter have followed ETSU-R-97 and the IOA Good Practice Guidance. They do advise that the approach utilised to correct the background noise levels is not strictly in line with current guidance but considers the adopted approach to be reasonable and appropriate given the explanations provided in the EIAR. Subject to proposed conditions imposing noise limits and controls, ACCON have no objection to the proposal.
- 10.41 The Council's Environmental Health Service did not raise any concern regarding construction noise nor propose any noise related conditions. It is considered that any noise issues can be controlled via a Construction Management Plan.
- 10.42 Overall, it is considered that neither operational nor construction noise from the proposed development would result in a significant negative impact on residential amenity.

Shadow Flicker

- 10.43 Under certain conditions when the sun passes behind the rotors of a turbine a shadow can be cast on neighbouring properties. When the blades rotate a flicking on and off effect is created by the shadow, referred to as "Shadow Flicker". This can be a considerable nuisance to residents within nearby properties. Although there are no local or national UK mandatory requirements or criteria in relation to shadow effects caused by wind turbines, a report prepared for the Department of Energy and Climate Change suggests that a maximum of 30 hours of shadow flicker in a calendar year is a threshold for consideration, ideally with no longer than 30 minutes on any single occasion.

- 10.44 The incidence of “Shadow Flicker” is considered only to be an issue of significant concern if the distance between the nearest dwelling and rotor blades is less than 10 times the diameter of those blades. Additional guidance states that in the UK the limit of the zone is between 130 degrees either side of north. The Councils Wind Energy Planning Policy Guidance requires an assessment to be undertaken for all properties within 2.5 km of a proposed development (this distance threshold should take into account any screening of turbines offered by topography).
- 10.45 **EIAR Chapter 16 - Shadow Flicker** assesses the potential shadow flicker effects on identified properties within 2.5km of the proposed turbine locations. Of the 27 properties assessed, the following 15 properties have the potential to experience shadow flicker as a result of the proposed development alone and four (highlighted below) may experience cumulative shadow flicker effects in combination with other wind farms.
- **Balligmorrie Cottage – 10.7 hours per annum**
 - **Balligmorrie Farm – 8.1 hours per annum**
 - Benan Farm – 3.3 hours per annum
 - Cairnwhin Farm - 8.2 hours per annum
 - Clach Na Croy – 6.8 hours per annum
 - Kirkland Farm – 2 hours per annum
 - Lamdoughty Cottage – 20.7 hours per annum
 - Lamdoughty Farmhouse – 16.2 hours per annum
 - Lilybank Cottage – 5.1 hours per annum
 - **Mark Farm – 5.5 hours per annum**
 - Milk House – 6.9 hours per annum
 - **Minuntion Farm – 1.7 hours per annum**
 - Strawberry Fields – 5.8 hours per annum
 - Tapathbrae – 5 hours per annum
 - Traboyack Farm - 7 hours per annum
- 10.46 Subject to appropriate mitigation however, whereby the operation of a turbine(s) is paused at specific times, shadow flicker levels due to the proposed development would be within recommended limits at all potentially sensitive properties.
- 10.47 The Councils Environmental Health Service have not raised any objection with respect to shadow flicker and but have advised a condition could be imposed to prevent nuisance to residents from shadow flicker should it ever arise.
- 10.48 Overall, the assessment of shadow flicker indicates that there would be no significant detrimental effect on residential amenity, which could be ensured by appropriate planning condition.

Construction Dust

- 10.49 SAC’s Environmental Health Service have advised on conditions to limit the creation of dust during the construction and operation of the proposal, to protect residential amenity. Prior to the commencement of development, the applicant would be required to submit a Dust Management Plan to minimise the emission of dust.

Conclusion on residential amenity assessment

- 10.50 Overall, whilst there are no significant issues identified, there are sufficient controls through proposed planning conditions that can mitigate potential significant impacts on noise and dust. 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 nearest properties 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 therefore considered to accord with the Development Plan in this regard.

Criteria e(ii) Landscape and Visual Impact

- 10.51 **NPF4 Policy 4 - Natural Places:** aims to protect, restore and enhance natural assets making best use of nature-based solutions. 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. **NPF Policy 11 - Energy** also sets out that development proposals that impact on international or national designations will be assessed in relation to Policy 4.
- 10.52 **LDP2 Policy Landscape Quality** *aims to 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.*
- 10.53 The corresponding LDP2 policy outlined above seeks to maintain and preserve the local landscape qualities and characteristics by meeting criteria a-f.
- 10.54 **LDP2 Policy: Wind Energy** states the following:
- 10.55 *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.*
- 10.56 Criterion (a) and (b) of the Wind Farm Energy Planning Policy Guidance provides advice on landscape character and visual impacts, which states:
- 10.57 The Council will support proposals if:
- *They are capable 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 and;*
 - *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.*
- 10.58 The following LDP2 Policies are also applicable
- **LDP Policy: Sustainable Development**
 - **LDP Policy: Landscape Quality**
 - **LDP Policy: Dark skies**
- 10.59 Before assessing the landscape and visual impact of the development, it is important to set out the policy hierarchy and context for assessment following the adoption of NPF4 in February 2023 and LDP2 in August 2022.

- 10.60 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 Scottish Planning Policy (SPP)(2014).
- 10.61 Following adoption of LDP2, The Wind Energy Supplementary Guidance is no longer 'Supplementary' Guidance and not part of the Development Plan. It is however Planning Policy Guidance (PPG) and remains a material consideration. Following the adoption of NPF4 this now forms part of the Development Plan along with LDP 2. SPP (2014) is no longer relevant including the spatial framework within it.
- 10.62 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 because they are land use policies and this is a land use proposal. For assessing the visual and landscape effects of this development as NPF4 is the newest document in the Development Plan, and if it is any conflict with LDP2 in terms of assessment weighting or criteria, NPF4 should be given the greatest weight.
- 10.63 Unlike SPP 2014, NPF4 does not include any spatial frameworks. The policies discuss situations in which windfarms should not be supported. NPF4 also outlines that localised impacts are to be expected of energy development and generally this should not render a proposal unacceptable.
- 10.64 **NPF4 Policy 4 – Natural Places** also sets the relevant for national and international considerations that require to be considered. The assessment of landscape and visual impacts will remain consistent with recent and 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.

Proposal and Design Overview

- 10.65 The proposed development comprises 16 turbines between 149,9m and 200m high to blade tip, an Energy Storage System and other ancillary infrastructure lying approximately 4km to the south-west of the settlement of Barr. Six of the outer turbines would require visible aviation lighting comprising red 2000 candela visible aviation lights attached at the nacelle (top of the tower, connected to the rotor). These lights would be dimmed to 200 candela during clear atmospheric conditions. The horizontal angle of lighting will be restricted, reducing intensity when seen from lower elevations. The proposed development would be located in a productive coniferous forest. Advance felling of 356 hectares of forest would be undertaken to accommodate the wind farm and there would be a net loss of 72.1 hectares of coniferous forest. Several other wind farms developments are visible within the surrounding landscape.
- 10.66 The Landscape and Visual Impact Assessment (LVIA) set out in Chapter 7 of the EIAR complies with the Guidelines for Landscape and Visual Impact Assessment Third Edition. The assessment is comprehensive and well-considered. The visualisations also accord with best practice guidance and are clearly set out with detailed location maps. The Landscape Design Strategy document is useful in showing the changes that have been made to the 2020 Scoping layout which comprised 32 turbines.
- 10.67 The initial layout submitted at the Scoping stage of the proposal which contained 32 turbines has been considerably improved by a reduction in the number of turbines to 16, the increased 'set back' of turbines from key viewpoints located in the Stinchar and Duisk valleys and the use of variable turbine heights. Key improvements include the significantly reduced intrusion on views from the settlement of Barr (Viewpoint 2), on views from the B734 in the Stinchar valley (Viewpoint 1) and from the Duisk valley (Viewpoint 5). The horizontal extent of the turbines appreciated from elevated views, such as from Auchensoul and Byne Hills, has been substantially reduced and the congested appearance of the Scoping layout alleviated from key viewpoints, most notably looking east from Colmonell and in views from the A714.

- 10.68 Expert assessment of the LVIA impacts of the proposed development has been provided by the Council's appointed Landscape Consultant Carol Anderson and is detailed in her Landscape and Visual Consultation Response.

Effects on Landscape Character

- 10.69 The 2018 South Ayrshire Landscape Wind Capacity Study (SALWCS) provides strategic information and guidance on wind energy development. The proposed development would be sited within the *Plateau Moorlands with Forestry and Wind Farms* Landscape Character Type (LCT). The increased scale, simple landform and land cover and sparsely settled nature of this LCT generally reduces susceptibility to larger turbines although the outer edges of these uplands are of increased susceptibility because of their proximity to the smaller-scale and more sensitive Stinchar and Duisk valleys. The setting and character of the rugged High Carrick and Galloway Hills is noted as a key constraint to development in the eastern part of this LCT. The SALWCS concludes that this LCT has a High-medium sensitivity to turbines >130m.
- 10.70 While effects on the host landscape of the *Plateau Moorlands with Forestry and Wind Farms* 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.
- 10.71 The Proposed Development would also be likely to incur significant adverse effects on relatively small parts of the *Intimate Pastoral Valley* LCT. These effects would principally occur in the area south-west of Barr and in the Colmonell to Pinwherry area where turbines would interrupt presently open skylines and south-west of Barr. This proposal would contribute to combined cumulative effects on landscape character with the operational and consented wind farms of Assel Valley, Hadyard Hill and Arecloch extension which are seen from the Stinchar valley although the setting back of the turbines and degree of screening by landform and forestry reduces its effects on landscape character when compared with these developments.

Effects on Views

General visibility of the Proposal

- 10.72 There would be no visibility from the floor and lower slopes of the upper Stinchar valley east of Barr. There would be some relatively limited visibility from the B734 to the south-west of Barr and east of Colmonell within the Stinchar valley. This proposal would be visible from the upper Duisk valley south-east of Barrhill but would be seen behind the operational Mark Hill wind farm reducing landscape and visual effects. While the proposed wind farm would be seen in longer views from the east, for example from the High Carrick Hills, the turbines would appear 'set down' with bases largely screened by forestry which would reduce intrusion. The wind farm would be most intrusive in views from the upper hill slopes and summits of nearby hills, for example from Auchensoul and Byne Hills.
- 10.73 Views from the settlements of Barr, Barrhill and Colmonell would be limited. Significant effects would principally occur from a short section of the A714 (Viewpoint 5) where the turbines would appear in a tight group in the gap created by the Muck Water valley. There would also be significant adverse effects on a short section of the B734 (Viewpoint 1) to the south-west of Barr.
- 10.74 The proposed development would be most intrusive in views from elevated slopes and hill summits including Auchensoul and Byne Hills which lie close to the Stinchar valley. While effects on views from these hills would be significant and adverse, the proposed development would be seen together with a number of operational and consented wind farms reducing the magnitude of change to some degree.
- 10.75 While adverse effects would occur on views from the High Carrick Hills (Viewpoint 11), these would not be of sufficient magnitude of change (given the distance and the low positioning of the turbines whereby towers are substantially screened by landform and forestry) to result in these effects being significant.

- 10.76 Visible aviation lighting will extend the duration of significant adverse effects on night-time views in close-by views from some residential properties and Core Paths.
- 10.77 The assessment of effects on views due to aviation lighting is presented in EIAR Appendix 7.4. It concludes there would be no significant night-time effects on views from settlements and transport routes. There would be significant effects on White Knowes Cottage and the adjacent forestry track (Right of way SKC3) and part of Scottish Hill Track 68. These impacts however would be limited to periods of poor visibility when lights are operating at maximum intensity (2% of the time).

Effects on landscape designations and other valued landscapes

South Ayrshire Local Landscape Areas

- 10.78 The Proposed Development does not lie in a designated landscape but would be visible from parts of the *Stinchar Valley* and *The High Carrick Hills* Local Landscape Areas (LLAs). The LVIA considers effects on these LLAs and concludes that the integrity of each of these LLAs would not be compromised by the proposal. The landscape consultant agrees with the LVIA that effects on the character and special qualities of the *High Carrick Hills* LLA would not be significant.
- 10.79 The landscape consultant also considers that while there would be some adverse effects on the special qualities of the *Stinchar Valley* LLA, the association of the proposal with a simpler upland skyline together with the limited extent of visual intrusion (due to the positioning of the turbines set back from the most prominent side slopes of this valley) would result in a reduced severity of effect and I therefore consider that the integrity of the LLA would not be compromised.
- 10.80 Effects on the character and special qualities of the *High Carrick Hills* LLA would not be significant.
- 10.81 There is considered to be some adverse effects on the special qualities of the *Stinchar Valley* LLA, the association of the proposal with a simpler upland skyline together with the limited extent of visual intrusion (due to the positioning of the turbines set back from the most prominent side slopes of this valley) would result in a reduced severity of effect and I therefore the integrity of the LLA would not be compromised.

East Ayrshire Local Landscape Areas

- 10.82 The consultation response from East Ayrshire Council noted that there are areas of landscape sensitivity within their authority area that may be affected by the development which are the Merrick Wild Land Area and the Loch Doon LLA. These areas have been identified and taken into account in Zone of Theoretical Visibility (ZTV) mapping. The development is not expected to be visible from the southern shores of Loch Doon due to the shielding effect from the Merrick Hills. There is theoretical visibility expected at the Northern shores of Loch Doon but this is not considered to be of great detriment, due to presence of existing wind farms in this area. The submitted Nacelle Lighting Cumulative ZTV shows there are a number of consented wind farms already visible from the Loch Doon Local Landscape Area, and that this new development is not expected itself to be visible.

Cumulative landscape and visual effects with other consented or application stage wind farms

- 10.83 Cumulative effects with operational wind farms are considered in the description of landscape and visual effects set out above.
- 10.84 This proposal would be seen sequentially with the consented Arecleoch extension wind farm in views from the A714 and B734 in the lower Stinchar valley. The distance between these two developments is such that significant cumulative landscape and visual effects would not arise.

- 10.85 This proposal would principally be seen simultaneously and sequentially with the proposed Clauchrie, Carrick and Craiginmoddie wind farms in views from the upper Stinchar valley, from nearby hills accessed by walkers and from parts of the Barr Trails. It should be noted however that the Clauchrie Wind Farm proposal has been refused and therefore will not contribute to cumulative impacts.
- 10.86 It is considered that combined significant adverse cumulative effects would arise from this scenario in these views although this proposal would not make a major contribution to these effects when seen in lower elevation views. This proposal would make a minor contribution to cumulative effects experienced from the High Carrick Hills when compared to greater prominence of the Carrick, Clauchrie (now refused), Craiginmoddie, Knockcronal and Sclenteuch wind farm proposals.

Tourism and Recreation

- 10.87 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 LDP2
- 10.88 Assets in South Ayrshire and surrounding areas particularly sensitive to inappropriate development include areas designated for their scenic or recreational potential, such as the 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 Natura sites. The application site is located within the transition zone of the Galloway and Southern Ayrshire Biosphere and is 12km east of the Merrick Wild Land Area (WLA).
- 10.89 Within **EIA Chapter 18 – Socio Economics** considers the impacts and effects of the proposed development concerning tourism. There are several research pieces cited on the relationship between onshore wind farm development and tourism. Amongst this research the applicant advises that there is no measurable economic impact, either beneficial or adverse, of wind farms on tourism.
- 10.90 Research by Biggar Economics published in 2021, confirms that this is the case in Scotland. The number of turbines increased from 1,082 in 2009 to 3,772 in 2019. Across the same period, tourism-related sectors in Scotland also grew by 20% and strongest in predominantly rural local authority areas. Analysis of the rates of change in the number of onshore wind turbines and in tourism-related employment in local authority areas again finds that in local authorities that had seen the largest increase in onshore wind energy activity had performed just as well, if not better, than other areas in Scotland.
- 10.91 In terms of recreational use and access, NatureScot in its consultation response advised that they may have objected to the proposal if submitted in its form at the scoping stage, due to the significant adverse impacts on the Merrick Wild Land Area. Since this time, there has been a significant policy shift in relation to Wild Land. The final sentence of NPF4 Policy 4 (g) states:
- “Effects of development outwith wild land areas will not be a significant consideration”*
- 10.92 As the proposed development is not within a WLA, the effects of the proposed development on the qualities of the wild land area will not be a significant consideration. This applies to the application individually and cumulatively along with other applications affecting the Merrick WLA.
- 10.93 Dailly Community Council objected to the proposal on a variety of grounds, including effects on tourism. It considers that the area is heavy reliant on tourism and the attractions such as the Merrick WLA, UNESCO Biosphere and the Dark Sky Park. The Community Council considers that there is a lack of independent research up-to-date information to demonstrate that tourism would not be negatively impacted by the proposed development and wind farms in general.

- 10.94 The Council's Outdoor Access Officer did not object to the proposal but also noted that the area is very popular with visitors and local residents for outdoor activities, noting tourists and visitors to the area are a vital support to the fragile economies of rural communities. The Outdoor Access Officer advised that many of the wind farms in the surrounding area could offer excellent facilities for public outdoor access, however many of these are obstructed, have restricted access and do not link with other wind farms. The provision of public access, tracks and signage from public roads linking to other wind farms is recommended, which would enhance access opportunities for the public and visitors. This would be difficult for the applicant to achieve as it would require agreement from other landowners. The provision of improved signage and other features recommended by the Outdoor Access Officer could be secured via conditions, in order to ensure existing public access routes are protected and enhanced.
- 10.95 **EIAR Chapter 13 – Access, Traffic and Transport** considers that there would be a positive direct impact on informal recreation once the development is operational, as the new and upgraded tracks will improve accessibility throughout the site boundary. A condition to ensure access tracks within the site are provided and maintained plus signage to other paths and tracks will help ensure that there is no adverse impact on recreational use in the area.

Conclusion on tourism and recreation

- 10.96 As discussed within the Socio-Economic section of the report, Chapter 18 of the EIAR assumed a negligible impact on identified tourism receptors, as it finds no discernible relationship between the development of onshore wind farms and tourism/recreation.
- 10.97 It is considered that there is some 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. However, past and recent research suggests that there is no discernible relationship between the development of more onshore wind farms and tourism figures. Even though there could be some impact on tourism, it is considered unlikely to be of a level that would outweigh the overall benefit of the proposals set out in EIAR Chapter 18. Consequently, the impacts on the individual tourism receptors identified in the EIAR are considered to be negligible and the impact on the local tourism industry is also predicted to be negligible. There is no information to suggest that the proposal would not result in a net benefit as required by Development Plan Policy. Consequently, the proposal is considered to comply with NPF4 Policy 4 - Natural Places, NPF Policy 11 - Energy and LDP2 Policy Landscape Quality.

Wild Land and Dark Sky Effects

- 10.98 As previously discussed, the impact on Wild Land and specifically the Merrick WLA is not a significant consideration due to NPF4 Policy 4 part (g), which does not give significant consideration to effects of development outwith wild land areas.
- 10.99 With respect to the UNESCO Biosphere, the EIAR concluded that the Biosphere would not be negatively impacted due to being located outwith the 'core area' of the Biosphere and is supported by the conclusions of the Landscape and Visual Assessment. East Ayrshire Council in its consultation response did not object but expressed disappointment at a lack of consideration for the biosphere designation, with no evidence to suggest how the proposals supports, or otherwise, the principles of the Biosphere designation. Dailly Community Council also raised concerns that the proposed development that would potentially have a negative impact on the Biosphere.
- 10.100 LDP2 Policy Dark Skies supports the Galloway Forest Dark Sky Park designation and presumes against development proposals that would adversely affect its 'dark sky' status. The proposed development site lies outwith the Dark Sky Park boundary but is within the 'Transition Zone'. This zone is advisory and intends to protect the night time environment within the Dark Sky park itself from light pollution emanating from this zone.

- 10.101 East Ayrshire Council noted the omission of the Galloway International Dark Sky Park on any of the figures that model lighting impact. East Ayrshire Council consider that Dark Sky Park will be impacted, with figures provided by the applicant showing areas of high intensity lighting in parts of the park. East Ayrshire suggest that further consideration is needed of this impact to mitigate impact on the Merrick Wild Land Area. The consultation response from Dailly Community Council also expressed concern at the potential adverse impact on the Merrick Wild Land Area and Dark Sky Park.
- 10.102 The Dark Sky Lighting Supplementary Guidance requires development in the 'Transition Zone' to help safeguard and enhance the quality of the Dark Sky Park where possible. If turbine lighting is required, it should be demonstrated it would have no detrimental impact on the status of the Dark Sky Park and not impede reasonable astronomic observations.
- 10.103 The proposed development requires lighting on six of the outer proposed wind turbines. A reduced lighting scheme has been agreed with the Civil Aviation Authority. The impact of the lighting is assessed in EIAR Appendix 7.4. The assessment concludes that there would be no significant effects on the Dark Sky Park designation due to no views from the main attractions within the Park boundary. The assessment also notes a minor visual effect from night-time viewpoints from Benyellary, which is representative of views from the summit of the Merrick and related summits. Overall, the assessment concludes there would be no significant effects on the Dark Sky Park designation.
- 10.104 The Landscape and Visual consultation response stated that visible aviation lighting will extend the duration of significant adverse effects on night-time views in close-by views from some residential properties and Core Paths. Mitigation in the form of an Aircraft Detection Lighting System is requested to reduce the duration of significant night-time effects on the dark skies.
- 10.105 Overall, the proposal is not considered to result in a significant adverse effect on the Merrick Wild Land Area or Dark Sky Park, provided the requested mitigation is implemented.

Conclusion on landscape and visual impact

- 10.106 The Proposed Development would be located in the *Plateau Moorlands with Forestry and Wind Farms* (LCT), a sparsely settled landscape with a simple landform and landcover and a large scale. These are characteristics of this LCT which reduce susceptibility to large wind turbines. This LCT already accommodates a number of operational and consented wind farms and the South Ayrshire Wind Energy Landscape Capacity Study 2018 concluded that there was potential for wind farm development to be accommodated in this landscape. This LCT is not covered by any national or local landscape designations and therefore complies with NPF4 Policy 11 Criteria e and NPF4 Policy 4.
- 10.107 There would be some significant adverse effects on the character of the *Intimate Pastoral Valley* LCT but these would be fairly confined in extent and not of the greatest severity in terms of the magnitude of effect. There would be an adverse effect on some of the special qualities of the *Stinchar Valley* LLA but the integrity of this designated area would not be affected due to the relatively limited visibility of the proposal. It is considered by the Planning Authority that no other LLA would be significantly affected by this proposal.
- 10.108 The proposal has been carefully designed to minimise effects on the sensitive settled Stinchar and Duisk Valleys by setting turbines well back from the upland edges and varying the sizes of the proposed turbines. The Planning Authority considers that the proposal would not have widespread visibility from the most settled and frequented parts of the surrounding landscape with significant adverse effects occurring from relatively small parts of the Stinchar and Duisk Valleys and from the nearby hill summits of Auchensoul and Byne Hill.
- 10.109 A site visit was carried out to assess the potential visual impact of the development on the 7 most significantly affected residential properties (RVAA properties 2, 4, 10, 11, 12, 14 and 15). Subject to mitigation, the proposed development is not considered to breach the Residential Visual Amenity Threshold at any of these properties.

10.110 Overall, whilst the proposal would be seen simultaneously and sequentially with a number of operational, consented and proposed wind farms, it would not raise any significant cumulative landscape and visual effects. Mitigation and enhancement measures covering the following would also help reduce any adverse impact.

- Installation of an Aircraft Detection Lighting System (ADLS) to reduce the duration of significant night-time effects on the appreciation of dark skies in this landscape.
- Provision of a 'landscape scale' mitigation and enhancement plan should be drawn up to address the policies set out in NPF4 Policy 3 Biodiversity, Policy 11 Energy (particularly ix and xii).

Criteria (e)(iii) – Public access including impact on long distance walking and cycling routes and scenic routes

10.111 **NPF4** requires consideration of the impact on long distance walking and cycling routes and scenic routes.

10.112 **Part (b) of LDP2 Wind Energy Policy** states:

"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."

10.113 The following LDP2 policies are also applicable:

- **LDP2 Policy: Sustainable Development**
- **LDP2 Policy: Land use and Transport**

10.114 There are no designated recreational routes within the boundary of the site. The applicant considers that the proposal would result in a direct positive impact on informal recreation, as the new and upgraded tracks will improve accessibility within and throughout the site boundary.

10.115 **EIAR Chapter 7 - Landscape and Visual Impact Assessment** concluded that six routes would be significantly affected. The consequent impact of this is considered as negligible by the applicant, given that **EIAR Chapter 18** Socio-Economics also concluded that there is no discernible relationship between the development of wind farms and tourism and recreation.

10.116 Dailly Community Council considers that several main routes such as the Girvan Trails, Whithorn Way and Core Paths SA51 and SA61 would be negatively affected by the proposal. Viewpoints experienced by walkers on the Byne and Auchensoul would also be adversely affected. The proposed network of access tracks will be over areas of deep peat. The community council does not support any peat degradation and will be discussed in a later section of the report.

10.117 As previously mentioned, the Council's Outdoor Access Officer highlighted that the proposal is an opportunity to significantly improve outdoor access and links between other existing wind farms. The upgraded tracks proposed by the applicant within the site would partially achieve this, however there is no suggestion these tracks would link with other operational wind farms. The latter would be difficult to achieve by applicant as it would require agreement from other landowners. The provision of improved signage and other features recommended by the Outdoor Access Officer could be secured via conditions, in order to ensure existing public access routes are protected and enhanced. This is a reasonable request.

10.118 Overall, the development has considered the impact of the development on walking, cycling and scenic routes and would not have a significant negative impact on public access and there will be enhancement through new tracks within the application site and increased signage to other nearby routes. The proposal therefore complies with NPF4 Policy 11 Part (e)(iii).

Criteria (e)(iv) – Impacts on aviation and defence interests including seismological recording

10.119 **NPF4** requires applicants to set out how the project design and mitigation will address impacts on aviation and defence interests including seismological recording.

10.120 **LDP2 Wind Energy Part (h):**

“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.”

10.121 The Wind Energy Planning Guidance 2015 requires developers to demonstrate agreement between them and airport operations that a technological or other mitigation solution is in place which would not threaten the current operation of the airport or expansion aspirations. LDP2 Policy on Wind Energy states that the Council will only support proposals if they do not adversely affect aviation. NPF4 does not require mitigation to be agreed with the aviation authorities or airport operators but does require the proposal to set out how these matters will be addressed or mitigated.

10.122 **EIAR Chapter 15 – Aviation** advises that the proposed development could potentially affect the operation of Glasgow Prestwick Airport (GPA) on the basis that six of the turbines will be visible to the Primary Surveillance Radar and the turbines may impact on Instrument Flight Procedures. No other aviation-related issues have been identified.

10.123 GPA lodged a holding objection on grounds of aviation safety concerns, however they are currently engaged with the developer, with an expectation that a resolution to the aviation safety issues will be achievable. EIAR Chapter 15 confirms that technical solutions are available to mitigate the potential impacts and such matters can be appropriately managed through suitably worded planning conditions.

10.124 At the time of writing the Civil Aviation Authority (CAA) have not responded to Scottish Ministers’ consultation request. NATS Safeguarding and Glasgow Airport did not raise any objection to the proposal. EIAR Chapter 15 confirms that the applicant has proposed visible aviation lighting in accordance with a CAA approved lighting strategy, and details of this are contained in EIAR Appendix 7.4. All 16 proposed wind turbines require non-visible infra-red aviation lighting to satisfy MOD low flying requirements.

10.125 The Defence Infrastructure Organisation (DIO) does not object to the proposal, subject to the conditions set out within their consultation response. The MOD require a condition that the development is fitted with aviation safety lighting, approved by the Scottish Government in conjunction with the CAA and the MOD.

10.126 The MOD also confirmed that the proposed development lies outwith the 50km consultation zones in relation to the Eskdalemuir seismic array. Impacts on seismological recording is therefore not an issue for consideration.

Conclusion on aviation and defence interests including seismological recording

10.127 It is considered that the proposed development has set out how these matters will be addressed and mitigated in accordance with NPF4. The lack of agreed mitigation is not considered a matter which should result in South Ayrshire Council objecting to this application. If the mitigation measures were found to be unachievable in the future then this would be a matter for the ECU to resolve or revert back to the South Ayrshire Council for further comment. A resolution between the applicant and GPA is expected and the only other mitigation required can be controlled through planning conditions. The proposal at this stage is therefore considered to comply with Criteria (e)(iv)

Criteria (e)(v) – Impacts on telecommunications and broadcasting installations

10.128 **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.

10.129 **LDP2 Wind Energy Part (h):**

“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.”

10.130 **EIAR Chapter 17 – Telecommunications** outlines the consultation undertaken with infrastructure and telecommunications network operators. No telecommunication links within the search area have been identified. A utility search identified assets belonging to Scottish Power Energy Networks (SPEN) running along existing tracks within the site boundary. Appropriate management measures will be put in place during construction to ensure that these electricity lines are not affected by the proposed development.

10.131 Consultation responses from the Joint Radio Company and British Telecom raised no issues of concern. In the unlikely event that issues do arise, it is a matter that may be mitigated by appropriate planning conditions.

Conclusion on telecommunications and broadcasting

10.132 Overall, there are no significant impacts on telecommunications and no consultees have raised any significant concerns. The proposal therefore complies with NPF4 Policy 11 part (e)(v).

Criteria (e)(vi) – impacts on road traffic and on adjacent trunk roads, including during construction

10.133 The relevant policies are:

- **NPF4 Policy 13 – Sustainable Transport** - Seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- **LDP2 Policy: Land use and Transport part (b)** - Take appropriate measures to keep any negative effects of road traffic on the environment to a minimum.
- **Wind Energy Planning Policy Guidance part (c)** – aims to protect residential amenity in terms of traffic and transport routes.

10.134 **EIAR Chapter 13 – Access, Traffic and Transport** concludes that there will be no significant traffic effects associated with the proposed development with the incorporation suitable mitigation measures such as a Construction Traffic Management Plan (CTMP) prior to works commencing.

10.135 Construction access to the proposed development will be taken from the A714 corridor. The A714 provides local access between the A75 and A77 trunk roads to the north and south respectively. All three roads will feature construction traffic activity. The applicant advises that development traffic at the peak of construction would result in 100 HGV movements per day and 63 car/LGV movements. The applicant does expect road capacity issues on any of the roads within the study area as a result of the proposed development due to the low background traffic movements, reasonable existing transport links and the implementation of appropriate mitigation.

10.136 The applicant also advises that the Abnormal Indivisible Loads (AIL) access route to the site will be confirmed once the turbine model has been selected. A detailed route review and mitigation is expected to be secured by planning condition. This will also examine access from the trunk roads of the A75 corridor to the site via the A714 from Newton Stewart.

- 10.137 Transport Scotland (TS) is satisfied that the increase in traffic associated with construction of the development will not exceed the threshold present in the IMEA guidelines and no further assessment is required. With respect to the Abnormal Loads Assessment, TS will require a detailed route review and necessary mitigation works to be secured by planning condition, given that the abnormal indivisible load access route for the site will be confirmed once the turbine selection has been confirmed. In conclusion, TS is satisfied with the submitted EIAR and has no objection to the development in terms of environmental impacts on the trunk road network. TS has requested three planning conditions, the first is the submission of the proposed route for any abnormal loads on the trunk road network, to be approved by TS prior to the commencement of development. The second is the approval by TS of any required abnormal load accommodating measures prior to the movement of any abnormal load. The third is the approval by TS of a QA traffic management consultant for any additional sign or temporary traffic control measures prior to the movement of any wind turbine components.
- 10.138 However, Ayrshire Roads Alliance (ARA) as the Local Roads Authority have raised an objection to the proposal. The supporting information states that the AIL access route for the site will be confirmed once the turbine selection has been made, and that the detail could be secured by planning condition. This approach is considered unacceptable to ARA, as this requires an acceptance of the general principle of the development without having any detail on the potential impacts that a preferred AIL route may have on local roads or adopted structure. ARA expected submitted information to be accompanied by AIL route detail, swept path analysis, AIL vehicle loadings, based on turbine components of comparable size to demonstrate the feasibility of the proposals.
- 10.139 Whilst the applicant advised that a detailed route review and the necessary mitigation works would be provided and delivered by way of planning condition, this would necessitate the use of a number of adopted road structures which have never been subjected to the magnitudes of loads that would be associated with AIL trips carrying turbine components.
- 10.140 Based on the submitted information, ARA had no means to accurately assess the feasibility or acceptability of the development proposals on the local road network. Given the scale of uncertainty and risk that this represents, ARA do not consider that it is appropriate to cover such matters by planning conditions.
- 10.141 ARA notes that Transport Scotland are satisfied with an approach which allows the AIL route and potential mitigation measures to be covered by condition, however that is due to the differences in impact levels. The trunk road network is more likely to be able to accommodate AIL movements, at a local road level (in particular in the vicinity of the application site) the local roads are far more constrained, and potential impacts far more pronounced.
- 10.142 ARA also advised on the need for other permits and consents such as Road Opening Permits and a Section 96 Agreement of the Roads Act to allow any extraordinary maintenance costs due to construction traffic be reclaimed by the Roads Authority.
- 10.143 Dumfries and Galloway Council have no objection to the proposal in principle with respect to Transport, subject to the submission and approval of detailed construction and traffic management plans. This forms part of a series of planning conditions recommended by Dumfries and Galloway Council.
- 10.144 East Ayrshire Council are aware of the Access and Transport Study and understand that the main access and transport for the site does not affect East Ayrshire.

- 10.145 Dailly Community Council raised concerns at the suitability of the A714 for AIL and other general and construction traffic. Pinwherry Bridge is also considered to be unsuitable. The number of HGV journeys required as detailed in the EIAR is considered to be significant for the rural community.

Conclusions on road traffic and trunk road impact

- 10.146 The proposal has the potential to have adverse effects on the local road network with an increase in vehicles including HGVs during the construction phase. The traffic would largely utilise the trunk road network within Dumfries and Galloway and South Ayrshire. Mitigation is proposed for the trunk road to allow for wind turbine component deliveries and these would be agreed with Transport Scotland. This is considered to be acceptable from a trunk road perspective.
- 10.147 However, ARA advise that the lack of AIL access route assessment for the site is considered unacceptable. Without having any detail on the potential impacts that a preferred AIL route may have on local roads or adopted structures. ARA have had no means to fully assess the proposed developments impact on the local road network. In light of this, the proposal is not considered to comply with Policy 11 of NPF4 and LDP2 Policy: Land Use and Transport.

Further information was requested by the Planning Service on several occasions, giving the applicant the opportunity to address the concerns of the Ayrshire Roads Alliance. However, this further information was not received until 29th April 2025, leaving insufficient time for review and assessment before finalising this report. As the Council must respond to this consultation by 16 May 2025, with no scope for extension, the further information submission has not been taken into account.

Criteria (e)(vii) – impacts on historic environment

- 10.148 The relevant policies are:

- **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.
- **LDP2 Policy: Historic Environment** - We will protect, preserve and, where appropriate, conserve and / or enhance South Ayrshire's historic environment.
- **LDP2 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 benefit of the proposal outweighs the archaeological value of the site.

- 10.149 **EIAR Chapter 8 - Cultural Heritage** assesses potential direct and indirect physical effects and setting effects on heritage assets during construction, operation, and decommissioning. A physical impact on one known asset of low importance was identified. The proposed AIL delivery track where it leaves Main Street would impact the remains of Pinwherry Tollhouse. This asset is non-designated, and the effect would not be significant. No consultees raised any concern with respect to this impact. The applicant will agree a Written Scheme of Investigation (WSI) prior to construction works to mitigate any impacts on unknown archaeological remains within the site. The EIAR identified residual effects of minor significance of three heritage assets including the Dinvin Motte SM, Bargain Hill Fort, and Cairn Hill Cairn. The latter two assets are non-designated currently but considered to be of probable schedulable quality. On decommissioning, these non-significant operational effects would be reversed. The assessment did not identify any significant cumulative impacts.
- 10.150 HES have no objection to the application. They are satisfied that the methodology used in the assessment is appropriate. The impacts on the integrity of the setting of the scheduled monuments in the vicinity would not be significantly adverse and would not raise issues of national interest.

- 10.151 The response from HES focuses on the impact on Divin Motte. It is generally satisfied from the contents of the EIAR Chapter that the effect of the proposed development on the setting of the castle will not be significant. The proposed development would not disrupt key views or other key factors in the setting of the scheduled monument. HES notes that level of impact may have been underestimated for three of the turbines (T14, T15 and T16), however it is satisfied these turbines would not backdrop the motte which would remain the most prominent feature in this view. HES is content that there will not be significant cumulative effects on the setting of the scheduled monument.
- 10.152 The Council's Archaeological Advisor, West of Scotland Archaeology Service (WoSAS) agree with HES comments regarding the setting of designated sites within their remit. The effect on the setting of Divin Motte SAM is considered to have been slightly underestimated. WOSAS do not object to the proposal however and will agree a programme of mitigation to offset physical applicants with the applicant. A planning condition has been proposed to address this.
- 10.153 The Council's Conservation Planner (Built Heritage) was consulted and raised no objection, on the basis that the proposals will not have a detrimental impact on the character, appearance or setting of any designated or undesignated historic assets in the locale of the proposed windfarm.

Conclusion on historic environment impact

- 10.154 Overall, taking into the responses from HES, WoSAS and the Council's Conservation Planner it is considered the proposed development does not raise any significant issues with respect to the historic environment and complies with policy 11 part (e)(vii).

Criteria (e)(viii) – Effects on hydrology, the water environment and flood risk

- 10.155 The relevant policies are:

- **NPF4 Policy 22: Flood risk and water management** - 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.
- **LDP2 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
- **LDP2 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.

- 10.156 The intent of the relevant NPF4 and LDP2 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.
- 10.157 **EIAR Chapter 11 – Geology, Hydrology and Hydrogeology** considers the potential impacts of the proposed development upon geology, hydrology and hydrogeology. It is accompanied by associated appendices addressing peat landslide risk, peat management, ground dependent terrestrial ecosystems (GWDTE), private water supplies and watercourse crossing. A comprehensive suite of embedded mitigation and best practice measures has been incorporated into the design of the proposed development. Key features that had a considerable influence on site layout included peat areas and peat depth, water courses and waterbodies, potential GWDTE and private water supplies.

- 10.158 EIAR Chapter 11 considers that subject to the successful implementation of the mitigation measures identified, no likely significant adverse effects relating to the proposed development in isolation are identified. No cumulative impacts were also identified. Subject to adherence to best practice construction methods to be set out in a Construction Environmental Management Plan (CEMP) and a suitable site-wide drainage strategy, the proposed development is considered to not be at risk from flooding, nor would it lead to increased flood risk elsewhere during the construction, operational or decommissioning periods.
- 10.159 Scottish Water has no objection to the proposal but noted the presence of live infrastructure within proximity of the development area. Any conflicts with identified assets will be subject to the restrictions on proximity of construction. There are no Scottish Water drinking catchments or abstraction sources in the area that may be affected by the proposed development.
- 10.160 Dailly Community Council have raised concerns that the proposal will have a negative impact on the local hydrological environment. Felling of the commercial forestry may result in contamination of the River Stinchar and Muck. Concern was also raised in respect of the potential for contamination of private water supplies due to the amount of reinforced concrete required for the turbine bases.
- 10.161 The Council's Environmental Health Service also did not raise an objection but provided a series of planning conditions to minimise impacts on groundwater quality and hydrology. These conditions including the submission of a water management plan covering water control and drainage, a site-specific hydrological report and an Emergency Action Plan for impacts on private water supplies.

Conclusion on hydrology, water and flood risk

- 10.162 Overall, the proposal would not have any significant effects on hydrology or the water environment and the development would not be at significant risk of flooding or increase flood risk elsewhere. Planning conditions controls via the CEMP will avoid any significant pollution on the water environment during the construction process. The proposal is therefore considered to comply with Policy 11 Criteria (e)(viii).

Criteria (e)(ix) biodiversity including impacts on birds

- 10.163 The relevant policies are:
- **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
 - **LDP2 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. Criterion (f) requires development to not have an unacceptably detrimental effect upon natural heritage, including wild land, birds and carbon rich soils.
- 10.164 The site does not form part of any statutory designated site for nature conservation with qualifying ecological interests. The nearest such designation is the Lendalfoot Hills Complex Special Area of Conservation (SAC) and Aldons Hill Site of Special Scientific Interest (SSSI) which are located approximately 1.65km to the west of the site. In terms of non-statutory local nature conservation designations, the Muck Water Provisional Local Wildlife Site (PLWS) intersects the southern site boundary while the River Stinchar (Minuntion to Pingerrach Burn) PLWS adjoins part of the northern site boundary.
- 10.165 **EIAR Chapters 9 and 10 – Ornithology and Terrestrial Ecology** considers that following mitigation such as the appointment of an Ecological Clerk of Works (ECow), pre-construction surveys, preparation of a CEMP and habitat enhancement post construction, there would be no significant adverse residual effects on any identified important ecological and ornithological receptors during construction.

- 10.166 The applicant proposes to develop a Habitat Management Plan (HMP) in consultation with relevant stakeholders and landowners and as a condition for the proposed development. An outline HMP has been prepared and is presented within EIAR Appendix 10.5. The three key aims of the HMP are to enhance moorland habitats, fisheries habitats and opportunities for nesting and foraging birds.
- 10.167 Following consultation with NatureScot, potential effects on qualifying gull species associated with the Ailsa Craig SPA/SSSI were initially included in the assessment as a precaution. These were subsequently scoped out following further assessment. Notwithstanding, information to inform a Habitats Regulation Appraisal (HRA) of the proposed development in relation to the Ailsa Craig SPA is provided in EIAR Section 9.10.
- 10.168 The consultation response from NatureScot provides a detailed appraisal of the impacts of the proposal and advice. Due to the adoption of NPF4, NatureScot have not provided advice on the landscape and visual effects of this proposal. Considering International and National Natural Heritage Designations, the proposal is unlikely to have a significant effect on the qualifying interests of the Ailsa Craig SPA and SSSI and therefore an appropriate assessment is not required.
- 10.169 With respect to European Protected Species, bat activity has been recorded across the site. NatureScot consider the site is more likely to be considered a medium risk of impacting bats compared to low/medium risk as indicated in the EIA Report. NatureScot therefore believes the EIA Report has underestimated the potential impacts on bats and the significant habitat change that will result from the proposed development. Mitigating the potential effects of the development on bats is therefore a key requirement for this development. A series of mitigation measures are proposed including a 50m buffer between the turbines and potential bat habitats, feathered turbinised blades and 3 years-post construction monitoring to determine the efficiency of the mitigation.
- 10.170 Based on the findings of surveys carried out to date, there is currently no requirement for any species licenses to be obtained prior to commencement of development. Given the mobile nature of species and likely time elapsed between the survey work reported in the EIA Report and commencement of any development, pre-construction surveys for protected terrestrial mammals is welcomed.
- 10.171 With respect to fish and fresh water pearl mussels, the applicant has identified potential indirect impacts to fish through pollution or sedimentation resulting from construction works and commits to implementing a pollution prevention plan and sedimentation control measures, alongside a water quality and fish monitoring plan. NatureScot is content these measures will minimise any potential impact on these species.
- 10.172 Further explicit justification for excluding golden plover birds from further consideration is required or alternatively a collision risk assessment and cumulative impact assessment should be carried out. Pre-construction surveys for birds should also be carried out immediately prior to and during construction, rather than within three years prior to commencement as suggested in the EIA Report.
- 10.173 NatureScot also advise that low density native broadleaf planting should be considered in preference to conifer planting to enhance the ability of the site to act as a key component of a nature network. The 16 turbine keyhole areas also represent a good opportunity for undertaking habitat restoration in these areas.
- 10.174 SAC's appointed ecologist confirmed that the respective EIA Chapters 9 on Ornithology and 10 on Terrestrial Ecology are detailed and provide sufficient information.

Chapter 9: Ornithology

- 10.175 In terms of impact on Goshawk in the area a predicted upper potential mortality rate of 2.64% is noted. It is recommended that the potential collision mortality risk posed to Goshawk is monitored within the Site, via Carcass Search Methodology, as detailed within the Guidance on Methods for Monitoring Bird Populations at Onshore Wind Farms (NatureScot, 2009).
- 10.176 The Carcass Search Methodology (along with other post-consent monitoring commitments) should be issued to statutory stakeholders for consultation/agreement prior to the production of the final monitoring document. The production of a post-consent monitoring plan (including carcass searches) could be delivered by way of a planning condition.

Chapter 10: Terrestrial Ecology

- 10.177 The assessment is reasonable, however there were some limitations to the bat surveys which require further explanation as to how this has been accounted for in the analysis. The ecologist agrees with NatureScot's response that the conclusions around bat risk may not be sufficiently precautionary.
- 10.178 Losses of valuable habitats appear relatively minor in extent, and the Outline Habitat Management Plan (OHMP) includes habitat restoration and enhancement which should be adhered to.
- 10.179 There is acceptable information on proposed mitigation measures to align with legislation for protected species including pre-construction surveys, and species protection plans as part of a Construction Environment Management Plan (CEMP) which would need to be subject to a pre-commencement of development planning condition.
- 10.180 SEPA advised the proposed access route will cross an area of high potential Ground Water Dependent Terrestrial Ecosystems (GWDTE) dependency and two with high/moderate potential dependency. SEPA would prefer the site access to be achieved without intersecting any areas of potential GWDTEs and question why this cannot be achieved via the public road that runs past Bellamore and the estate track that access the site from the south. Mitigation is required if the proposed route is shown to be the only viable means of ensuring access to the site. A similar issue is raised with respect to the same access route, which is within a 50m buffer of a watercourse that runs down into Pinwherry. SEPA again question why the same access route cannot be used to avoid these impacts.
- 10.181 The Ayrshire Rivers Trust (ART) and the River Stinchar District Salmon Fishery Board advise that the proposed development should have appropriate risk assessments, relevant monitoring programmes and a suitable mitigation strategy in place to protect fish, invertebrates and fisheries before any onsite work commences. This is to ensure best practice and presents an opportunity to demonstrate work has been carried out to the highest environmental standards. Monitoring should include before, during and after surveys to understand and quantify and impact, if any, on the habitat or fish populations. ART also advise note that the period between November and May is especially sensitive in a watercourse context due to fish spawning.
- 10.182 GWDTE Survey indicates other elements of infrastructure will be located within the 250m buffer required for exactions over 1m deep. Detailed assessment and mitigation of these elements is required.

Conclusion on biodiversity

- 10.183 The proposal would not have any significant effects on overall biodiversity of the area and the development would not be at significant risk to any nearby ecological designations or protected species. Planning condition controls via the CEMP for pre-construction surveys and species protection plans will help avoid any significant impact on the ecological environment during the construction process. The proposal is therefore considered to comply with NPF4 Policy 11 Criteria (e)(vix), NPF4 Policy 3 – Biodiversity and LDP2 Policy: Natural Heritage.

Criteria (e)(x) impacts on trees, woods and forests

10.184 The relevant policies are:

- **NPF4 Policy 6: Forestry, woodland and trees** – aims to protect and expand forests, woodland and trees
- **LDP2 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.
- **LDP2 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.

10.185 **EIAR Chapter 12 – Forestry** quantifies the extent of permanent and temporary felling and compensatory planting requirements. 356.2HA of felling would be required in advance of constructing the proposed development. This is a combination of keyholding for development infrastructure and clear felling back to management boundaries. Of the 356.2ha cleared, 284.1ha will be replanted. The species composition of the forest would change as a result of the proposed forestry replanting. The area of conifer woodland would decrease by 73.9ha. The area of unplanted ground would increase and as a result there would be a net loss of 72.1ha of woodland area.

10.186 Dailly Community Council have expressed disappointment and that the overall loss of woodland and subsequent carbon loss.

10.187 The applicant expects the extent, location and composition of the compensatory planting to be agreed with Scottish Forestry prior to commencement of development, via planning condition. Scottish Forestry advised that an excess area of 250ha of felled woodland is proposed to facilitate the development. Scottish Forestry have requested that the applicant rework the forestry chapter of the EIA to address this. The ECU has also issued an instruction to the applicant to provide the information requested by Scottish Forestry. This information will be assessed by the ECU and falls within their determination. The information when received may be deemed supplementary environmental information and may formally request feedback from consultees including South Ayrshire Council.

Conclusion on trees, woods and forest impact

10.188 With 356.2ha proposed to be cleared, and 284.1ha to be replanted, the area of conifer woodland would decrease by 73.9ha. However, with area of unplanted ground proposed to woodland a net loss of 72.1ha of woodland is predicted. With further information requested to be provided by the applicant, the ECU as the determining authority will determine the proposals compliance with NPF4 Policy 11 - Energy Criteria (e)(x) impacts on trees, woods and forests; NPF4 Policy 6 - Forestry, woodland and trees; LDP2 Policies: Preserving Trees and Woodland and Forestry. The ECU will also determine the proposals compliance with Scottish Forestry's Policy on Control of Woodland Removal. The further information when submitted by the applicant may require further consultation with South Ayrshire Council.

Criteria (e)(xi) – proposals for the decommissioning of developments, including ancillary infrastructure and site restoration

- 10.189 The applicant has provided limited detail on the decommissioning of the development and proposed site restoration. The applicant proposed that this matter would be dealt with in the form of planning conditions, to be agreed with the ECU and South Ayrshire Council. Chapter 4 of the EIAR 'Description of the Proposed Development' provides some detail with respect to this matter.
- 10.190 The applicant has committed to a site restoration plan for approval by South Ayrshire Council before construction begins. The key elements will include the reinstatement of the borrow pit working areas, the construction compounds, the laydown areas, site tracks and cable trenches.
- 10.191 With respect to decommissioning, if it is decided to decommission the proposed development, this will result in the removal of all the turbine components, transformers, the substation, ESS facility, compound fences and associated buildings. A Site Decommissioning plan will set out environmental protection measures and restoration principles which will be implemented. This plan will be agreed with South Ayrshire Council
- 10.192 Access tracks where required for forestry use and underground cables will be left in place and foundations to a depth of 0.5m below ground level to avoid environmental effects from removal. Crane hardstanding's and sections of access track no longer required will be removed or partially removed and restored in accordance with industry guidance.
- 10.193 Traffic and noise produced during decommissioning of the proposed development is likely to be of a similar nature to that during construction, although the duration of decommissioning will be shorter than that of construction, and traffic volumes would be lower. Any legislation, guidance or best practice relevant at the time of decommissioning would be complied with.
- 10.194 Details of the decommissioning would be agreed with SAC at a time specified in conditions 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.

Conclusion on decommissioning and restoration

- 10.195 Overall, it is not considered there would be any unacceptable impacts associated with the decommissioning period. Site restoration and decommissioning plans would be implemented including the measures in place to safeguard or guarantee the effective implementation of those plans. This will be controlled via planning conditions in agreement with the ECU and SAC. The proposal therefore complies with NPF4 Policy 11 Part (e)(xi)

Criteria (e)(xii) - the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans

- 10.196 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.
- 10.197 As previously discussed, full details of the site restoration has not yet been submitted and will need to be agreed with the Council. Planning conditions and agreement by the Council will ensure that the restoration plan is high quality.
- 10.198 The proposal is therefore considered to comply with Policy 11 part (e)(xii).

Criteria (e)(xiii) – Cumulative impacts

- 10.199 The cumulative impact of the proposal has been considered throughout each section of the report and the individual assessment criteria within Policy 11 of NPF4. The potential and significance of cumulative impacts have also been considered in each chapter of the applicant's EIAR.
- 10.200 The applicant has identified significant residual landscape and visual effects within the Landscape and Visual assessment, when the proposal is considered in combination with other, operational, consented and proposed wind farms. It concludes that the applicant has taken reasonable steps to mitigate and address the cumulative effects through the iterative design process. Subject to careful siting and design and adherence to best practice measures, the applicant has not identified any other residual significant cumulative effects within the EIAR.
- 10.201 At the time of the Knockodhar S36 application submission, the proposed Clauchrie Wind Farm was a significant consideration for the landscape and visual assessment and was raised in several consultee response. This is due to the proposal being sited adjacent to the Knockodhar development and the potential for cumulative impact. The Clauchrie windfarm application was refused on 31st August 2023, therefore it reduces the overall cumulative impact of the Knockodhar proposal, especially with respect to Landscape and Visual effects. Further the Carrick, Craiginmoddie and Knockcronal windfarm applications are being decided at a public local inquiry. Therefore, the cumulative impact may vary depending on the outcome of this.

Conclusion on cumulative impact

- 10.202 This proposal would be seen sequentially with the consented Arecleoch extension wind farm in views from the A714 and B734 in the lower Stinchar valley. However, the distance between these two developments is such that significant cumulative landscape and visual effects would not arise.
- 10.203 This proposal would principally be seen simultaneously and sequentially with the proposed Carrick, Craiginmoddie and Knockcronal wind farms in views from the upper Stinchar Valley, from nearby hills accessed by walkers and from parts of the Barr Trails. It should be noted however that the Clauchrie Wind Farm proposal has been refused and therefore will not contribute to cumulative impacts.
- 10.204 It is considered that this proposal would make a minor contribution to cumulative effects experienced from the High Carrick Hills when compared to greater prominence of the Carrick, Craiginmoddie, Knockcronal and Sclenteuch wind farm proposals.

11 Other Policy Considerations

Soils and peat

- a. **NPF4 Policy 5** aims to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.
- b. 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. Part (d) of Policy 5 requires applicants to carry out a detailed site specific assessment and submit a peat management plan to avoid adverse impacts and minimise negative effects through best practice.
- c. As previously discussed in the site description section, Peat probing surveys were undertaken by the applicant in September 2020 and in June-July 2022. The interpolated peat depth map (EIA Report Appendix 11.2) indicates that approximately one third of the site contains peat depths <0.5m, principally located in the far west, centre, north-east and the south. In between these areas, the site contains five principal bogs where deep peats >1m were encountered. These areas are located in the south-west, centre, north and north-east of the site and at Glake Plantation along the new access track from the west. In addition, there are numerous smaller deep peat bogs scattered throughout the site, some with peat depths >3m.
- d. The applicant has provided a peat management plan (PMP) in accordance with the requirements of Policy 5. A site-specific Peat Landslide Risk Assessment (PLRA) has also been prepared to inform the proposed development design.
- e. Dailly Community Council have raised concern about the loss of peat and consider that there should be no peat degradation as a result of the proposed development.
- f. SEPA have welcomed the fact its previous comments have been taken on board from the scoping stage but still have concerns with the proposed site layout. Various elements of the proposed development infrastructure will be located on areas of deep peat including five turbines, hardstandings and the temporary access compound. Significant additional development will be located on peat with a depth of 0.5m to 1m.
- g. SEPA have advised that the PMP is outdated due to being issued in December 2022, prior the adoption of NPF4. SEPA require the PMP to be updated to demonstrate compliance with Policy 5 of NPF4. Any development on deep peat, except for floating tracks, will need to demonstrate that there is overriding locational requirement for the element of the proposal to be in that location. Likewise, all development on 0.5m to 1m of peat needs to demonstrate why it cannot be located elsewhere. This is likely to result in amendments to the site layout. Additional survey points around the borrow pits will be required to get a better understanding of peat depths across the entire area of proposed excavation. The ECU has instructed the applicant to submit information to deal with the issue raised by SEPA and this is awaited. The ECU will determine the proposals compliance with Scottish Forestry's Policy on Control of Woodland Removal. The further information when submitted by the applicant may require further consultation with South Ayrshire Council.
- h. NatureScot considered that the impacts on peatland habitats as a result of the proposal are unlikely to be of national interest. The applicant has generally demonstrated the avoidance of impacts on peatland habitats. A significant level of enhancement is also required in accordance with NPF4 Policy 3b. The provisional land management and mitigation proposed in the EIA Report Technical Appendix 10.5 is broadly supported by NatureScot in this respect. Measures identified in the EIA Report to minimise impacts on peatland habitats should be formalised through the submission of a finalised Construction Environmental Management Plan, Peat Management Plan & Peat Landslide Risk Assessment for approval by the Planning Authority prior to development commencing. The CEMP should also contain full details of the measures required to restore habitats on completion of construction.

- i. Ironside Farrar have technically assessed the Peat Landslide Hazard and Risk Assessment(s) (PLHRAs) submitted by the applicant. Peat landslide risk is considered to be negligible to low within the PLHRA for the majority of the proposed development therefore only generic mitigation and good practice measures have been provided. Ironside Farrar consider this mitigation to be acceptable. Some areas of the site have not been probed in line with available guidance. The applicant's PLHRA concluded that the proposed development is entirely within areas of negligible to low risk of peat landslide failure, however Ironside Farrar noted that the hardstanding areas associated with Turbines 13 and 4 appear to intersect with areas of moderate risk, which needs to be assessed further. Specific mitigation will be required if Turbines 13 and 4 are confirmed to be in moderate risk areas. Ironside Farrar advise that the PLHRA requires minor revisions and has provided a list of recommendations requiring clarification from the developer.

Conclusion on soil and peat

- 11.2 Whilst SEPA are seeking an updated Peat Management Plan to be submitted to the ECU neither NatureScot nor the Scottish Governments Advisor on peat landside risk no issues have been raised in terms of potential significant adverse impact on soil and peat in particular.
- 11.3 Overall, it is considered that the proposal complies with NPF4 Policy 5 as the proposal seeks to protect carbon-rich soils and minimise disturbance to soils from the proposed development.

Socio-Economic Impact including Community Wealth Building

- 11.4 The relevant policies are:
- **NPF4 Policy 11 (c) - Energy** states that "development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated benefits and supply chain opportunities".
 - **NPF4 Policy 25 – Community Wealth Building** states that "development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting new community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets".
- 11.5 **EIAR Chapter 18 – Socio-Economics** and the Planning Statement considers the socio-economic impact of the proposed development of Knockodhar Wind Farm. The construction phase is predicted to support around 28 net additional construction jobs during the construction period of 20 months. The construction phase employment impact is anticipated to generate a minor beneficial effect.
- 11.6 The impact of the operational phase of the proposed development is predicted to have a beneficial effect. It is predicted that the equivalent of six full time jobs will be supported in South Ayrshire during the operational phase of 35 years. This was assessed to be a minor beneficial effect.
- 11.7 It is estimated that the decommissioning phase of 6 months would generate the equivalent of four job years' of employment for local residents in South Ayrshire. This equates to eight full-time jobs for the duration of the decommissioning period.
- 11.8 The business rates revenue over the lifetime of the proposed development is estimated to be around £24m. The proposed CBF is expected to generate up to £16.3m over the lifetime of the proposed development. This is assessed as being of minor beneficial effect.
- 11.9 The proposed development's impact on the local tourism industry is expected to be negligible. Therefore, the proposed development's economic and employment effect relating to tourism is assessed to be negligible.

- 11.10 Cumulative wind farm developments within a 20km radius of the proposed development were considered relevant to the assessment. In total, 21 cumulative wind farms were identified. The economic impacts of the cumulative developments were investigated. It is considered likely that the socio-economic impacts of the cumulative developments would be similar to those assessed for the proposed development. Therefore, the delivery of the cumulative developments is anticipated to generate beneficial economic effects.
- 11.11 In relation to Policy 25 in particular, it is recognised that Community Wealth Building (CWB) does not just encompass the economic impact of a development in terms of jobs created; increased expenditure in the region (as some of it leaves the area) plus the impact of a Community Benefit Fund (CBF).
- 11.12 CWB is an alternative approach that looks to limit the leakage of wealth out of the local area and that The Scottish Government has adopted the following internationally recognised 5 Pillar approach as part of its National Strategy for Economic Transformation (NSET).
1. **Inclusive Ownership** – develop more local and inclusive enterprises
 2. **Workforce** – Increase fair work and local labour markets that benefit local communities
 3. **Finance** – Ensure investment work for local people, communities and businesses
 4. **Land & property** – Growth of social, ecological and economic opportunities for local communities from land and property assets;
 5. **Spending** – maximise community and business benefits with procurement and commissioning including shorter supply chains

Inclusive Ownership

- 11.13 Implementing the CBF will see £16.3m funding made available to the local community over the 35-year lifetime of the project. This funding will be used to fund local priorities which could address inequalities, the provision of local services/amenities and a range of other issues. This funding will enable the community to take ownership and make investment decisions for the betterment of the locality and region.

Workforce

- 11.14 The proposed development is predicted to create approximately 213 temporary construction jobs within South Ayrshire over the 20-month construction phase.
- 11.15 The project lifetime is 35-years and over which there is likely to be maintenance and site visits by technicians (to the infrastructure and turbines). It is anticipated that the operation and maintenance of the proposed development could support up to 28 Person Year Equivalent (PYE) jobs across the UK in total with 6 based in South Ayrshire.

Finance

- 11.16 Direct funding opportunities for community projects through the CBF will provide accessible finance for communities based in the region. This could support start up and grow enterprises and contribute to a sustainable local economy.

Land & property

- 11.17 Direct funding opportunities for community projects through the CBF are set out within the submission and they can be used to redirect benefits back into the local economy and this includes local development projects that will benefit the wider community.

Spending

- 11.18 The proposed development is predicted to generate £12m net GVA within the area over the construction phase. It is predicted that the operation phase and maintenance of the proposed development could support up to £2,337,142 GVA.
- 11.19 Proposals for the direct funding of community projects through a the CBF will redirect benefits back into the local economy.

Conclusion on Socio-Economic Impact including Community Wealth Building

- 11.20 Overall, the socio-economic impact of the proposal during both the construction and operational phases is considered to be beneficial. To ensure compliance with NPF4 Policy 25, that benefits from the scheme are retained and redirected back into the local economy as much as possible during construction and operation, will require a Community Development Strategy (CDS) to be agreed prior to the commencement of development. This should include a commitment from the Applicant to use local supply chains wherever possible. The CDS should also commit that community benefit clauses will be considered in any procurement contracts wherever there is an appropriate legal basis to do so.

12. Overall S36 Consultation Conclusion

- 12.1 In conclusion, having considered the applicant's EIA Report and supporting documentation, the identified benefits of the scheme, the consultation responses received and having balanced the developers' interest against the wider community interest it is recommended that a position of objection be submitted to the Scottish Government. The uncertainty of the proposed developments impact on the local road network and adopted structures is considered to be of sufficient material consideration to warrant an objection by the Council.

Recommendation

- 12.2 It is recommended that an objection be raised to the proposed Knockodhar Wind Farm development. Should the Energy Consents Unit and Scottish Ministers be minded to grant consent as determining authority, the following list are the subject areas that South Ayrshire Council recommend should form S36 and deemed planning conditions.
- All conditions requested by statutory consultees
 - All mitigation proposed within the EIA Report, its appendices and the Planning Statement
 - Standard noise conditions for wind turbines
 - Condition covering shadow flicker mitigation should complaint(s) be received
 - Condition requiring a Construction Environmental Management Plan (CEMP) and including a Construction Management Plan (CMP) and Construction Traffic Management Plan (CTMP)
 - Condition requiring a Water Management Plan (can be contained in CEMP)
 - Condition requiring a Dust Management Plan (can be contained in CEMP)
 - Condition requiring review of private water supply sources (can be contained in CEMP)
 - Condition requiring water quality and quantity assessment to properties in area (can be contained in CEMP)
 - Condition requiring an Emergency Action Plan (can be contained in CEMP)
 - Condition requiring installation of Aircraft Detection Lighting System (ADLS)
 - Condition requiring a Landscape Mitigation and Enhancement Plan
 - Condition requiring an Archaeological Written Scheme of Investigation (WSI)
 - Condition requiring access track provision and signpost improvements
 - Condition requiring Staff Travel Plan
 - Pre-commencement updated ecological surveys including any Species Protection Plans
 - Collision monitoring of protected bird species
 - Pre-commencement surveys in any areas where micro-siting is required
 - Details of compensatory tree planting including net gain.
 - Community development strategy
 - Decommissioning, Restoration and Aftercare Plan including financial guarantee

13. 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 Framework (NPF) 4 - February 2023
5. Historic Environment Scotland Policy Statement
6. Planning Advice Note 2/2011 'Planning and Archaeology'
7. South Ayrshire Council Local Development Plan 2 - August 2022
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. Scottish Government Control of Woodland Removal Policy.

14. Person to Contact:

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