RWE

Enoch Hill 2 Wind Farm Planning Application Planning Statement August 2023

Report for

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Executive Summary

Purpose of this Report

This Planning Statement has been prepared on behalf of RWE Renewables UK Onshore Wind Limited ('the Applicant'), to provide a detailed assessment of the planning application submitted to East Ayrshire Council ('EAC') under the Town and Country Planning (Scotland) Act 1997 (as amended) in relation to the Enoch Hill 2 Wind Farm ('the Proposed Development'), located within the EAC boundary.

The Proposed Development would comprise up to two wind turbines (each with a rated capacity of up to 5MW) and a battery storage facility (up to 11MW), which would provide a combined installed capacity of up to 21MW.

This Planning Statement assesses the Proposed Development against the applicable Development Plan, national planning policies and other material considerations. The document details the development context and rationale, before setting out the relevant policies and guidance against which the application will be determined.

The Proposed Development has been subject to an Environmental Impact Assessment and the findings of the assessment are summarised within an Environmental Impact Assessment Report ("EIA Report"), which accompanies the planning application, and other associated documents submitted to EAC. This Planning Statement also addresses the planning implications of the technical assessments presented in the EIA Report and assesses the compliance of the Proposed Development with Development Plan, national planning policies and other material considerations.

It is concluded that, overall, the Proposed Development complies with relevant Development Plan, national and other relevant planning policies as a whole and is supported by other relevant material considerations, and, as such, provides the justification for the granting of planning permission.

Terminology

For the purposes of this report, the following terminology is used:

- The 'Proposed Development' - the two turbines, battery storage and associated infrastructure of Enoch Hill 2 wind farm for which planning permission is being sought;
- The 'Development Site' - means the site of the proposed Enoch Hill 2 wind farm, located approximately 6km south-west of the settlement of New Cumnock and approximately 9km to the east of the settlement of Dalmellington in East Ayrshire (see **Figure 1.1**). It is centred at coordinates E 258250 and N 606680;
- The 'Applicant' is RWE Renewables UK Onshore Wind Limited; and
- 'EAC' is East Ayrshire Council.

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1. Introduction

1.1 Overview

1.1.1 This Planning Statement has been prepared by WSP (the 'Agent') on behalf of RWE Renewables UK Onshore Wind Limited (the 'Applicant'). It supports a planning application submitted to East Ayrshire Council ('EAC') under the Town and Country Planning (Scotland) Act 1997 (as amended).

1.1.2 The planning application is for the construction and operation of a wind farm generating station and battery storage facility, overall providing a combined installed capacity of up to 21MW. In particular, the Proposed Development comprises:

- Up to two wind turbines - of up to 149.9m to blade tip height;
- Wind turbine foundations;
- Access tracks connecting infrastructure elements;
- Upgraded vehicular access track from the public road;
- Crane hard standings;
- Temporary working areas e.g., construction compound;
- Control building and substation compound[1];
- Electrical cabling between the control building and turbines;
- Battery storage facility; and
- Infrastructure required to provide a connection point to the 132/33kV substation, to be located at the consented Enoch Hill Wind Farm[2]; this connection is to be constructed by Scottish Power Energy Networks ('SPEN').

1.1.3 The Development Site is located approximately 6km[3] to the south-west of New Cumnock and approximately 9km east of Dalmellington, just to the north of the border with Dumfries and Galloway. The Development Site comprises commercial forestry situated in the northern part of Carsphairn Forest. The Development Site is centred at coordinates E 258250 and N 606680.

[1] Required to house an auxiliary transformer.

[2] The connection between the control building of the Proposed Development and the consented Enoch Hill Wind Farm SPEN substation would be by overhead line. Permission for this would be sought through a separate application submitted under Section 37 of the Electricity Act 1989.

[3] The main part of the development site is located approximately 6km to the south-west of New Cumnock. The access track which is covered by the site boundary starts approximately 2.5km to the south of New Cumnock.

1.2 Planning History

1.2.1 The Proposed Development was initiated in 2016 by E.ON Climate and Renewables ('E.ON'). In autumn 2019, RWE Renewables UK Onshore Wind Limited acquired E.ON's renewable energy activities. Prior to this, the feasibility of developing a wind farm on the Development Site (at the time referred to as Monquhill) had been pursued by another developer and some baseline work relating to Monquhill was undertaken.

1.2.2 An EIA Scoping Report for the Proposed Development was issued to EAC in February 2020, together with a request for a Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (the 'EIA Regulations'), under which EAC were required to consult with the 'consultation bodies' as defined in the EIA Regulations. EAC issued the EIA Scoping Opinion on 2 April 2020.

1.2.3 Following an initial pause, the project re-started in January 2023. With the exception of a slight amendment to the route of the access track and the addition of a battery storage compound, the Proposed Development remains unchanged from what presented as part of the EIA Scoping Report.

1.3 Consultation

1.3.1 The EIA Scoping Report was submitted for comment to EAC on 21 February 2020, along with a request for a scoping opinion, which is included as **Appendix 4A** of **Chapter 4** of the EIA Report.

1.3.2 Following issuing of the EIA Scoping Report, the scope of the assessment was progressively refined in response to comments from the EAC and from consultees (see **Section 4.4** of **Chapter 4** of the EIA Report), together with environmental information that has been obtained from work carried out as part of the EIA and the evolution of the project proposals. A summary of further consultation undertaken is provided in **Table 4.2** of **Chapter 4** of the EIA Report.

1.3.3 EAC issued a formal Scoping Opinion on 2 April 2020 (the 'EIA Scoping Opinion') and this is presented in full in **Appendix 4B** of **Chapter 4** of the EIA Report. The scoping responses and where they are addressed in the EIA Report are summarised in **Table 4.1** of **Chapter 4**.

1.4 Structure of the Planning Statement

1.4.1 The Structure of the remainder of the document is as follows:

- **Section 2** provides an overview of the Development Site and Proposed Development;
- **Section 3** highlights the current Legislative Framework applicable to the Proposed Development;
- **Section 4** provides an overview of applicable Development Plan policies, national planning policy, and other material considerations;
- **Section 5** provides an overview of International, UK and Scottish policy with regard to renewable energy developments and onshore wind guidance, as well as the expected contributions from the Proposed Development to renewable energy generation;
- **Section 6** provides an assessment of the Proposed Development against national energy and planning policy, the applicable Development Plan as well as other material considerations; and

- **Section 7** sets out the overall conclusions as to why the Proposed Development should be granted planning consent.

1.4.2 The EIA figures of relevance to the Planning Statement include:

- **Figure 1.1 -** Site Location Plan.
- **Figure 2.2 -** Site Design Iterations.
- **Figure 3.1A -** Site Layout (Main Site).
- **Figure 3.1B -** Site Layout including Access Track.

1.4.3 Figures are located within **EIA Volume 2– Figures.**

2. The Development Site and Proposed Development

2.1 Introduction

2.1.1 **Chapter 2** of the EIA Report provides an overview of the location and character of the Development Site, alongside key features of the Proposed Development including that of timescales and components.

2.2 Location of the Development Site

2.2.1 The Development Site is located approximately 6km south-west of the settlement of New Cumnock and approximately 9km to the east of Dalmellington in East Ayrshire (see **EIA Report Figure 1-1**). It is centred at coordinates E 258250 and N 606680. The Development Site extends to approximately 128 hectares (ha), although the wind farm infrastructure would occupy only approximately 1.6ha and the Battery Storage will have a Maximum Compound Footprint of approximately 0.25ha.

2.2.2 The derelict Monquhill Farmhouse is located within the boundary of the Development Site. The nearest residential property to the Development Site is Brockloch, which is located adjacent to Afton Road. Brockloch is located approximately 3.2km to the north of the main part of the Development Site and approximately 4.2km from the nearest turbine.

2.3 Development Site Characteristics

2.3.1 Access to the Development Site is via an existing track off Afton Road, to the east of the Development Site and then an existing access track through Pencloe Forest.

2.3.2 The topography of the Development Site ranges between 230m-531m Above Ordnance Datum (AOD), the summit of Strandlud Hill is located in the main part of the Development Site, with Meikle and Auchincally Hills located close to the access track to the east of the main part of the Development Site.

2.3.3 Open moorland used for grazing lies to the north of the Development Site, where the site of the consented Enoch Hill Wind Farm is situated. The consented Pencloe Wind Farm is located to the east, and the operational Brockloch Rig (formerly Windy Standard and Windy Standard Extension Wind Farms) is approximately 1.3km to the south. The Carsphairn and Pencloe forests surround the west, south and east of the Development Site.

2.3.4 The Development Site is not present within any statutory designated sites.

2.3.5 There are six non-statutory sites within 2km of the Development Site, three of which are Glen Afton, Connel Burn/Benty Cowan and Afton Uplands which are classed as Local Nature Conservation Sites ('LNCS') which identify locally important natural heritage that could be damaged by development, while the remaining three sites are listed within the Ancient Woodland Inventory. In Scotland, Ancient Woodland is defined as land that is currently wooded and has been continually wooded since at least 1750. Its age means that it is important for biodiversity and cultural identity.

2.4 Proposed Development

2.4.1 The Proposed Development would comprise the construction and installation of two wind turbines, a battery storage facility and associated infrastructure. Overall, the Proposed Development would comprise the following elements:

- Two wind turbines (blade tip height of up to 149.9m) and associated infrastructure, including foundations and hardstanding;
- Upgrade of site entrance;
- Upgrade of existing tracks and construction of new internal tracks and passing bays;
- Construction of a temporary site compound;
- Construction of a new on-site control building and substation compound (the latter housing an auxiliary transformer).
- Construction of a connection to the 132/33kV substation to be located at the consented Enoch Hill Wind Farm[4]; and
- Installation of a Battery Storage Compound.

2.4.2 A 50 micrositing allowance is being sought for the wind turbines, battery storage facility and all new associated infrastructure.

Timeframes

2.4.3 The construction period for the Proposed Development would be up to 12 months for the wind farm elements and an additional six months for battery installation. Thereby totalling an 18-month construction period.

2.4.4 The Proposed Development would be designed with an operational life of 35 years. During this period the turbines would be maintained and serviced at regular intervals, in accordance with manufacturer recommendations and industry best practice.

2.4.5 As the Proposed Development nears the end of its operational life, a decision will be taken as to whether or not a life extension, repowering or decommissioning will be required. However, for impact assessment purposes, the EIA Report assumes that the project will be decommissioned.

Development Features

2.4.6 **Table 2-1** provides a summary of the key features of the Proposed Development.

Table 2-1 Key Features of the Proposed Development

Component	Description
Wind Turbines	Number: up to 2. Turbine Heights up to 149.9m to blade tip. Installed capacity: up to 5MW (per turbine)
Turbine Foundations	Number: up to 2

[4] The connection between the control building of the Proposed Development and the consented Enoch Hill Wind Farm SPEN substation would be by overhead line. Permission for this would be sought through a separate application submitted under Section 37 of the Electricity Act 1989.

Component	Description
Turbine Crane Pads	Number: up to 2
Auxiliary Turbine Crane Pads	Number: up to 4
Blade Laydown Areas	Number: up to 2
Control Building and Substation Compound[5]	Location: Approximately centred on coordinates E 259191, N 606917
Battery Storage Compound	Installed capacity: up to 11MW (1 hour) Location: Approximately centred on E 259155, N 606890 (Located on a 0.25ha area, vacated by temporary construction compound)
Access Tracks (including turning heads and junctions)	Length: approximately 8km (i.e., approximately 2km of new tracks & 6km of upgraded existing tracks). Running Width: up to 6m (wider on bends).
Passing Places	Number: estimated 16 Indicative dimensions: 30m in length, up to 3m wide
Watercourse Crossings (shown on EIA Report Figure 13.6)	Number: Up to 6 culverts (comprising one new culvert and five upgrades, as detailed in **Table 13.11**)
Temporary Construction Compound	Location: Approximately centred on coordinates E 259138, N 606872.
Cable Trenches	Cables will be installed alongside access tracks. (Indicative dimensions are: 1m depth and up to 1.2m width).
Micrositing Allowance	50 m for wind turbines, battery storage facility and all new associated infrastructure.

[5] This will include infrastructure required to provide a point for a connection to be constructed by Scottish Power Energy Networks (SPEN) to the 132/33kV substation to be located at the consented Enoch Hill Wind Farm. The connection between the control building of the Proposed Development and the consented Enoch Hill Wind Farm SPEN substation would be by overhead line. Permission for this would be sought through a separate application submitted under Section 37 of the Electricity Act 1989.

3. The Planning Legislation Framework

3.1 Introduction

3.1.1 This section refers to the relevant planning legislative framework applicable to the Proposed Development.

3.2 The Town and Country Planning (Scotland) Act (as amended) (1997)

3.2.1 The Town and Country Planning (Scotland) Act 1997 (as amended) (the 1997 Act) is the 'Principal Act' which regulates land use planning matters in Scotland. All applications for planning permission must be determined in accordance with the provisions of this legislation. In particular, under Section 25 of the 1997 Act, the determination of all planning applications must be made in accordance with the statutory Development Plan, unless material considerations indicate otherwise. This requirement is reinforced by section 37(2) of the Act. The Development Plan is discussed further in **Chapter 4**.

3.3 The Town and Country Planning (Development Hierarchy) Regulations (Scotland) (2009)

3.3.1 The Proposed Development comprises up to two wind turbines, each with a rated capacity of up to 5MW, and up to 11MW battery storage resulting in an expected installed capacity of up to 21MW.

3.3.2 Regulation 2 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, provides a definition of 'Major Developments' . In particular, Regulation 2(1) states:

*"*4. Electricity Generation:

Construction of an electricity generation station… the capacity of the generation station is or exceeds 20 megawatts."

3.3.3 In accordance with the 2009 Regulations, the Proposed Development is therefore categorised as a Major Development, as it exceeds the 20MW threshold.

3.4 The Town and Country Planning (Environmental Impact Assessment) Regulations (Scotland) (2017)

3.4.1 The Proposed Development falls within Schedule 2 of the EIA Regulations. EIA is only required for Schedule 2 developments if the proposal is likely to have significant effects on the environment by virtue of factors such as its size, characteristics or location. From an early stage of the project, the Applicant recognised the likely need to undertake an EIA, owing to the potential for significant environmental effects from the Proposed Development, and as such has offered an EIA in support of the application.

3.4.2 The EIA process has played a central role in developing the design of the Proposed Development, in order to minimise the potential for any adverse environmental effects and maximise the positive environmental effects of the Proposed Development. Details of the EIA process undertaken are provided in **Chapter 4 - EIA Approach of the EIA Report**.

4. The Development Plan

4.1 Introduction

4.1.1 This section refers to National Planning Framework 4 which was published by the Scottish Ministers on 13th February 2023. Under the 1997 Act, the statutory Development Plan covering the Development Site comprises:

- National Planning Framework 4 (2023) ('NPF4'); and
- East Ayrshire Local Development Plan (2017) ('East Ayrshire LDP').

4.1.2 The publication of NPF4 has coincided with the implementation of certain parts of the Planning (Scotland) Act 2019 (the 2019 Act). A key provision of the 2019 Act is that in the event of any incompatibility between a provision of NPF4 and a provision of a Local Development Plan ('LDP'), then whichever of them is the later in date will prevail.

4.1.3 To that end, Section 13 of the 2019 Act amends Section 24 of the 1997 Act to provide that:

"In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail."

4.1.4 NPF4 sets out a new national policy position for spatial planning, whilst replacing National Planning Framework 3 ('NPF3') and Scottish Planning Policies ('SPP').

National Planning Framework 4 (NPF4) (2023)

National Spatial Strategy

4.1.5 NPF4 sets out the long-term plan for Scotland and guides spatial development, sets out national planning policies, designate national developments and highlight regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland. NPF4 provides the spatial strategy for Scotland to 2045 and takes account of the target of net zero emissions by 2045 set by the Scottish Government. It provides a strong framework for the deployment of renewable energy developments and identifies the need for strategic scale renewable energy developments, including onshore wind farms.

4.1.6 NPF4 first sets out the National Spatial Strategy for Scotland 2045. The introductory text to the Spatial Strategy starts by stating (page 3) "The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change." The Spatial Strategy plans for future places in line with six spatial principles which are:

- Just transition;
- Conserving and recycling assets;
- Local living;
- Compact urban growth;
- Rebalanced development; and
- Rural revitalisation.

4.1.7 The Strategy states that this is an *"integrated strategy to bring together cross-cutting priorities and achieve sustainable development."* These principles will be applied to support the delivery of:

- Sustainable places;
- Liveable places; and
- Productive places.

4.1.8 Sustainable places are about ensuring that Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions, while adapting to climate change. As part of the delivery of sustainable places the Spatial Strategy states *"*We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation.*"*

Spatial Planning Priorities

4.1.9 Annex C of NPF4 sets out Spatial Planning Priorities. The information within the priorities is intended to guide the preparation of Regional Spatial Strategies and LDPs to help deliver Scotland's National Spatial Strategy.

4.1.10 For the region of Central Scotland, which covers the Ayrshires, the priority in NPF4 is stated as:

"To deliver sustainable places, Regional Spatial Strategies and Local Development Plans in this area should support net zero energy solutions including extended heat networks and improved energy efficiency, together with urban greening and improved low carbon transport."

4.1.11 Along with the Central Priority it also states that:

"Planning has the potential to address the impact of climate change on communities whilst also generating renewable heat and facilitating urban cooling from our rivers. Mine water, solar and onshore support for offshore renewables, including development that makes use of existing infrastructure at strategic hubs, all provide opportunities for decarbonisation."

4.1.12 For south Scotland, which includes East Ayrshire the priority is stated as:

"To deliver sustainable places, Regional Spatial Strategies and Local Development Plans in this area should protect environmental assets and stimulate investment in natural and engineered solutions to climate change and nature restoration, whilst decarbonising transport and building resilient physical and digital connections."

4.1.13 And that:

"*The South of Scotland is an important centre for renewable energy generation. Proposals for consolidating and extending existing wind farms and associated grid improvements and supply chain opportunities will require a carefully planned approach."*

Climate Emergency and Nature Crisis

4.1.14 The most important policy for all developments which sets the foundation for all other policies within NPF4 is Policy 1. Policy 1 intends:

"To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis."

4.1.15 NPF4 also focuses on energy though Policy 11 with the intent:

"To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and Carbon Capture Utilisation and Storage (CCUS)."

Relevant Policies of NPF4

4.1.16 Other subject specific policies within the NPF4 which are of relevance to the Proposed Development are listed in **Table 4-1** below. The policies are listed in order of how they are ordered through NPF4.

Table 4-1 Relevant Subject Specific Policies within the NPF4

Subject Policy	Policy Reference	Overview
Tackling the climate and nature crises	Policy 1	Policy 1 looks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.
Climate mitigation and adaption	Policy 2	Policy 2 requires development proposals to be sited and designed to "*minimise lifecycle greenhouse gas emissions as far as possible*" and to adapt to current and future risks from climate change.
Biodiversity	Policy 3	Policy 3 looks at how developments have to look at protecting biodiversity, reversing biodiversity loss, delivering positive effects from development and strengthening nature networks.
Natural Places	Policy 4	Policy 4 states development proposals that would have an unacceptable impact on the natural environment will not be supported. The policy implements the protections afforded to European Sites through the Habitats Regulations and therefore requires any development proposals likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) to be subject to an Appropriate Assessment. Development proposals that will affect: a National Park; National Scenic Area; Site of Special Scientific Interest; National Nature Reserve; Ramsar site; local nature conservation site or landscape area in the LDP; species protected by legislation; or a NatureScot Wild Land Area will only be supported where they meet specific requirements such as meeting renewable energy targets or is for small scale development that is linked to fragile communities in rural areas as detailed in Policy 4.
Soils	Policy 5	Policy 5 seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. "*Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, or on peatland, carbon rich soils and priority peatland habitat will only be supported for the generation*

Subject Policy	Policy Reference	Overview
		of energy from renewable sources". Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site-specific assessment and a peat management plan will be required.
Forestry, woodlands and trees	Policy 6	Policy 6 seeks to protect and expand forests, woodland and trees. Development proposals should not be supported where they result in: loss of or adverse impacts on ancient woodlands; fragmenting or severing of woodland habitats after appropriate mitigation; adverse impacts on woodlands, hedgerows and trees identified for protection in the Forestry and Woodland Strategy; or conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry. "*Where woodland is removed, compensatory planting will most likely be expected to be delivered*". Development proposals on sites that include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.
Historic assets and places	Policy 7	Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. "*Development proposals with a potentially significant impact on historic assets or places [are to] be accompanied by an assessment…*". Where there is potential for non-designated archaeological remains to exist, "*developers [are to] provide an evaluation of the archaeological resource at an early stage…*".
Energy	Policy 11	Policy 11 seeks and provides strong support to encourage, promote and facilitate all forms of renewable energy development, both onshore and offshore, and associated enabling works including grid infrastructure. "*Development proposals will only [benefit from this strong policy support] where they maximise net economic impact…*". Proposals should also apply the mitigation hierarchy to demonstrate through design and mitigation how relevant impacts and issues, as listed in Policy 11(e), are addressed. Impacts should then be considered in the context of placing *"significant weight… on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets*". The policy further states that Grid capacity should not constrain renewable energy development.
Zero waste	Policy 12	Policy 12 encourages, promotes and facilitates development that is consistent with the waste hierarchy.
Sustainable transport	Policy 13	Policy 13 seeks to encourage and support developments with inclusive active, sustainable travel opportunities and be demonstrated that the transport requirements

Subject Policy	Policy Reference	Overview
		generated have been considered in line with the sustainable travel and investment hierarchies.
Design, quality and place	Policy 14	Policy 14 seeks to encourage, promote and facilitate well designed development that creates successful places by taking a design-led approach and applying the Place Principle. The Policy defines the six qualities of successful places.
Infrastructure first	Policy 18	Policy 18 encourages, promotes and facilitates an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. The impacts of development proposals on infrastructure should be mitigated, and where infrastructure proposals are in line with that identified as necessary in LDPs they will be supported.
Blue and green infrastructure	Policy 20	Policy 20 looks to protect and enhance blue and green infrastructure and their networks. *"Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this."* Where there is new or enhanced blue or green infrastructure *"Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these."*
Flood risk and water management	Policy 22	Policy 22 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It details that the protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk. Where flood risk is managed at site, the Policy provides criteria to be met. Development proposals are not to increase the risk of surface water flooding to others, or itself be at risk, and manage all rain and surface water through Sustainable Urban Drainage Systems ('SUDS').
Health and safety	Policy 23	Policy 23 seeks to protect health and wellbeing, including by setting out amenity related criteria to ensure air and noise pollution impacts are addressed and taken into account. The policy also provides relevant criteria to manage risks from hazardous forms of development.
Rural Development	Policy 29	Policy 29 ensures developments in rural areas provide economic or some form of benefits to these areas, whilst also balancing the potential effects developments can have on a rural areas character and nature.

Subject Policy	Policy Reference	Overview
Tourism	Policy 30	Policy 30 encourages, promotes and facilitates sustainable tourism development which benefits local people, is consistent with net zero and nature commitments, and inspires people to visit Scotland.

4.2 East Ayrshire Local Development Plan (2017)

4.2.1 The East Ayrshire LDP (2017) was adopted by East Ayrshire Council ('EAC') in February 2017. The East Ayrshire LDP aim is that *'East Ayrshire will be a desirable place in which to live, work, invest and visit'.*

4.2.2 The East Ayrshire LDP sets out a vision statement (paragraph 2.14) for 'The Rural Area' of East Ayrshire, which the Development Site lies within:

"The rural area of East Ayrshire will be one of its most valuable assets. Limited housing and business development will have taken place to sustain the rural economy and sympathetic tourism opportunities will have been developed attracting more people into the area. Wind energy development will have taken place to ensure that the potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, whilst giving due regard to relevant environmental, community and cumulative impact considerations."

4.2.3 The East Ayrshire LDP contains a number of policies of relevance along with a proposed wind energy spatial framework. Policy OP1: Overarching Policy sets out a number of criteria relating to general environmental and amenity issues which should be considered in the determination of all development proposals.

4.2.4 Map 12 of the East Ayrshire LDP sets out a spatial framework for wind energy development above 50m in height. This spatial framework identifies three groups of areas:

- Group 1: Areas where development will not be acceptable (only applicable to National Parks and National Scenic Areas, none of which are located within East Ayrshire);
- Group 2: Areas of significant protection; and
- Group 3: Areas with potential for development.

4.2.5 The Development Site covers areas identified within Group 3.

4.2.6 Policy RE3 (Wind Energy Proposals over 50m in height) provides support for proposed wind energy developments in Group 3 areas *"where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1".*

4.2.7 Schedule 1: Renewable Energy Assessment Criteria sets out a number of assessment criteria for renewable energy developments:

- Landscape and visual impacts;
- Cumulative impacts – likely cumulative impacts arising from all considerations below, recognising that some in some areas the cumulative impact of existing and consented energy development may limit capacity for further development;
- Impacts on carbon rich soils, deep peat and peatland habitats, using the carbon calculator;

- Effects on the natural heritage, including birds. Renewable energy proposals will only be approved where Council has ascertained that they would not have an adverse effect on the integrity of a Natura 2000 site;
- Impacts on wild land;
- Impacts on all of the historic environment;
- Effects on hydrology, the water environment, flood risk and groundwater dependent terrestrial ecosystems;
- Impacts on forestry and woodland;
- Effects on greenhouse gas emissions;
- Impacts on communities and individual dwellings, including visual impact, residential amenity, and noise;
- Impacts on tourism and recreation;
- Public access including impact on long distance walking and cycling routes and scenic routes identified in National Planning Framework 3 (the EAC LDP was adopted prior to the publication of NPF4);
- Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- Impacts on aviation and defence interests;
- Impacts on road traffic including during construction and decommissioning;
- Impacts on adjacent trunk roads;
- Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- The appropriate siting and design of turbines and ancillary works;
- The scale of contribution to renewable energy targets; and
- Opportunities for energy storage.

4.2.8 All other (subject specific) proposed policies of relevance to the Proposed Development are listed in **Table 4-2** below.

Table 4-2 Other Relevant Policies within the EAC LDP (2017)

Policy	Requirements
RES 11 – Residential Amenity	*'The Council will, at all times, seek to protect, preserve and enhance the residential character and amenity of existing residential areas. In this regard, there will be a general presumption against:* *(i) the establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents…..'*
TOUR 4 - The Dark Sky Park	'*Outwith the Dark Sky Park, and in particular within the 10 mile radius of the Park known as the transition zone, the Council will encourage developers to take account of the Dark Sky Park designation and take measures to limit light*

Policy	Requirements
	pollution, in line with the measures set out in the Dark Sky Park Lighting Supplementary Guidance'
ENV1 – Listed Buildings	*'Listed buildings play an important role in defining and enhancing the quality of East Ayrshire's environment and contribute to the character of local communities. The Council will support:* • *The retention and preservation of all listed buildings and buildings within conservation areas.'*
ENV2 – Scheduled Monuments and Archaeological Resources	*'Development that would have an adverse effect on Scheduled Monuments or on their settings shall not be supported unless there are exceptional overriding circumstances.* *Other archaeological resources should be preserved in situ wherever possible. The developer may be required to supply a archaeological evaluation report prior to the determination of a planning application.'*
ENV3 – Conservation Areas	*'Development or demolition within a conservation area or affecting its setting, shall preserve and enhance its character and be consistent with any relevant conservation area appraisal or management plan. Any development should be sympathetic to the area in terms of its layout, size, scale, design, siting, material and colour and should seek to enhance the architectural and historic qualities of the area.'*
ENV4 – Gardens and Designed Landscapes	*'Gardens and Designed Landscapes included in the National Inventory, and those of regional and local importance, are protected and their enhancement encouraged. Development will not be supported where it will have significant adverse impacts upon:* *(i) its character;* *(ii) important views to, from and within it and;* *important features that contribute to its value and that justify its designation, where applicable.'*
ENV5 - Historic Battlefields	*'Development will not be supported where it will significantly impact upon the key landscape characteristics and important features that underpin understanding and appreciation of the Battlefield.* *Where development on a Battlefield is deemed appropriate, any adverse impacts should be avoided or mitigated, through location and design details. Where possible, opportunities for positive enhancements should be identified, which will help improve interpretation and understanding of the Battlefield.'*
ENV6 – Nature Conservation	*'The importance of nature conservation and biodiversity will be fully recognised in the assessment of development proposals. This will be achieved by ensuring that:* *(i) Any development likely to have a significant effect on a Natura 2000 site which is not directly connected with or necessary to its conservation management must be subject to a "Habitats Regulations Appraisal". Such development will only be approved if the appraisal shows that there will be no adverse effect on the integrity of the site;* *(ii) Any development affecting a SSSI will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated or where any significant adverse effects on the qualities*

Policy	Requirements
	for which it is designated are clearly outweighed by social, environmental or economic benefits of national importance. *(iii) Any development that may adversely impact on areas of local importance for nature conservation, including provisional wildlife sites, local geodiversity sites and local nature reserves, will be expected to demonstrate how any impact can be avoided or mitigated.* *(iv) If there is evidence that protected species may be affected by a development, steps must be taken to establish their presence. The planning and design of any development which has the potential to impact on a protected species will require to take into account the level of protection afforded by legislation and any impacts must be fully considered prior to the submission of any planning application.* (v) *Any new development must protect, and where appropriate incorporate and/or extend, existing habitat networks, helping to further develop the Central Scotland Green Network in Ayrshire.'*
ENV7 – Wild Land and Sensitive Landscape Areas	*'Areas of wild land, as identified on the 2014 SNH map of wild land areas, have little or no scope to accommodate new development and are safeguarded on the LDP maps. Any development proposed must be able to demonstrate that any adverse effects on the qualities of wild land can be substantially overcome by siting, design or other mitigation.* *The Council will give priority and prime consideration to the protection and enhancement of the landscape in its consideration of development proposals within the Sensitive Landscape Areas identified on the LDP maps.* *Any development deemed to have unacceptable impacts on wild land and SLAs will not be supported by the Council. All development proposals within these areas will also require to be assessed against policy ENV 8: Protecting and Enhancing the Landscape.'*
ENV8 – Protecting and Enhancing the Landscape	*'The protection and enhancement of East Ayrshire's landscape character as identified in the Ayrshire Landscape Character Assessment will be a key consideration in assessing the appropriateness of development proposals in the rural area. The Council will require that:* *(i) Development proposals are sited and designed to respect the nature and landscape character of the area and to minimise visual impact. Particular attention will be paid to size, scale, layout, materials, design, finish and colour.* *(ii) Where visual impacts are unavoidable, development proposals should include adequate mitigation measures to minimise such impacts on the landscape.* *(iii) Particular features that contribute to the value, quality and character of the landscape are conserved and enhanced. Development that would result in the loss of valuable landscape features, to such an extent that character and value of the landscape, are unacceptably diminished, will not be supported. Such landscape features include:* *a. Settings of settlements and buildings within the landscape;* *b. Skylines, distinctive landform features, landmark hills and prominent views;* *c. Woodlands, hedgerows and trees;* *d. Field patterns and means of enclosure, including dry stone dykes; and* *e. Rights of way and footpaths* *Development that would create unacceptable visual intrusion or irreparable damage to landscape character will not be supported by the Council.'*

Policy	Requirements
ENV9 – Trees, Woodland and Forestry	*'The Council will support the retention of individual trees, hedgerows and woodlands within both settlements and rural areas, where such trees contribute to the amenity, nature conservation and landscape value of the area. There will be a presumption against the felling of ancient semi-natural woodlands and trees protected by Preservation Orders.* *The Council will support proposals for woodland and forestry expansion where they:* *(i) are consistent with the Ayrshire and Arran Forestry and Woodland Strategy and contribute to Ayrshire's green network;* *(ii) take account of the landscape and ecological qualities of the area;* *(iii) demonstrate that recreational opportunities have been fully considered;* *Proposals that involve the removal of woodland will only be supported where it would achieve significant and clearly defined public benefits and is in line with the Scottish Government's Control of Woodland Policy. Where removal can be fully justified, compensatory planting will be required to the satisfaction of the Council and Forestry Commission Scotland and in line with the provisions of the Ayrshire and Arran Forestry & Woodland Strategy which forms Supplementary Guidance to this LDP.* *Non statutory guidance in the form of The Ayrshire and Arran Forestry and Woodland Strategy supports policy ENV 9 by providing detailed guidance on the most appropriate tree species and locations for woodland removal and creation.'*
ENV10 – Carbon Rich Soils	*'In recognition of the role of peatland soils as valuable carbon stores or "sinks", the Council will seek to minimise adverse impacts from development on such soils, including by the release of CO2 to the atmosphere. The Council will support and promote the restoration of peatland habitats, where there is potential for such habitats to become active carbon stores and help to reduce net carbon emissions.* *However, development may be permitted for renewable energy generating developments on carbon rich soils where it can be demonstrated (in accordance with the Scottish Government's 'carbon calculator' or other equivalent evidence) that the balance of advantage in terms of climate change mitigation lies with the energy generation proposal, and that any significant effects on these areas can be substantially overcome by siting, design or other mitigation.'*
ENV11 - Flood Prevention	*'The Council will take a precautionary approach to flood risk from all sources and will promote flood avoidance in the first instance. Flood storage and conveying capacity will be protected and development will be directed away from functional flood plains and undeveloped areas of medium to high flood risk. The Council will identify and protect existing land uses that provide or have the potential to provide natural flood management.* *The Council will also encourage new flood management measures, including flood protection schemes, restoring natural features, enhancing flood storage capacity and avoiding the construction of new culverts and the opening of existing culverts.* *The Flood Risk Framework contained in SPP, summarised in table 7… and outlined fully in Schedule 7, will be used in the assessment of development proposals. This sets out the type of development that will be appropriate in each category of flood risk and indicates where Flood Risk Assessments are likely to be required. The flood risk categories are shown on SEPA's flood maps. All FRAs will require to be carried out to the satisfaction of SEPA.'*

Policy	Requirements
ENV12 – Water, Air, Light and Noise Pollution	*'Water* *In line with the Water Framework Directive, the Council will give priority to maintaining and improving the quality of all water bodies and ground water. There will be a presumption against any development that will have an adverse impact on the water environment in terms of pollution levels and the ecological value of water habitats. Where developments are proposed on or close to existing water bodies, design solutions should explore how best to maintain their water quality and, where possible improve the water bodies through maintaining them as wildlife corridors where biodiversity can be improved. Maintenance access buffer strips of a minimum 6 metres in width should be provided between the development and the adjacent watercourse. The Council will not be supportive of developments which will, or which have the potential to, cause significant adverse impacts on water bodies as a result of morphological changes to water bodies such as engineering activities in the form of culverts or changes to the banks or bed. Development will be required to connect to the public sewerage system, where possible, and manage surface water through sustainable drainage systems (SuDS).* *Air* *All developers will be required to ensure that their proposals have minimal adverse impact on air quality. Air quality assessments will be required for any proposed development which the Council considers may significantly impact upon air quality, either on its own or cumulatively. Development that will have a significant adverse impact on air quality will not be supported.* *Light* *All development proposals must incorporate design measures which minimise or reduce light pollution. Developers will require to demonstrate that consideration has been given to reducing light pollution, by minimising unnecessary lighting and using the most appropriate forms of lighting to carry out specific tasks. Within the Dark Sky Park and surrounding area, particular priority is given to minimising light pollution, to maintain the integrity of the designation.* *Noise* *All new development must take full account of any Noise Action Plan and Noise Management Areas that are in operation in the area and ensure that significant adverse noise impacts on surrounding properties and uses are avoided. A noise impact assessment may be required in this regard and noise mitigation measures may be required through planning conditions and/or Section 75 Obligations.'*
RE5 - Financial Guarantees	*'Where necessary in terms of the scale and complexity of the proposal, and the consequences of any failure to restore the site, the Council will require an appropriate financial guarantee in respect of wind energy, waste management, landfill and electrical infrastructure proposals, to ensure that all decommissioning, restoration, aftercare and mitigation requirements attached to planning consents can be met in full.* *Any planning permission granted for such developments will be appropriately conditioned and/or subject to a Section 75 obligation to ensure that an appropriate financial guarantee is put in place to the satisfaction of the Council. No development will be permitted on site until any legal obligation and planning conditions have been discharged by the Council.* *The financial guarantee mechanism and the amount covered will be reviewed at regular intervals by an independent party. The developer will be required to*

Policy	Requirements
	demonstrate to the satisfaction of the Council that the guarantees continue to be of a sufficient level to cover all potential restoration, aftercare, decommissioning and mitigation costs. *Supplementary Guidance on Financial Guarantees supports policy RE5 by providing further detail on:* • why financial guarantees are required; • different types of financial guarantees that are available on the market; • the approach to securing financial guarantees in terms of the process the Council will undertake; and • how financial guarantees will be monitored and reviewed.'
T1 - Transportation Requirements for New Development	*'The Council will require developers to ensure that their proposals meet with all the requisite standards of the Ayrshire Roads Alliance and align with the Regional and Local Transport Strategies. Developments which do not meet these standards will not be considered acceptable and will not receive Council support.* *All new development will require to fully embrace active travel by incorporating new, and providing links to existing footpaths, cycle routes and public transport routes. Developments which maximise the extent to which travel demands are met first through walking, then cycling, then public transport and finally through the use of private cars will be particularly supported.* *Where considered appropriate, developers will be requested to enter into Section 75 Obligations with the Council with regard to making financial contributions towards the provision of transportation infrastructure improvements and/or public transport services which may be required as a result of their development.'*
T4 - Development and Protection of Core Paths and Natural Routes	*'The Council will promote and be particularly supportive of the development of a long distance route from Darvel to Muirkirk which forms part of National Development 8 within National Planning Framework 3.* *Development of new routes for core paths, footpaths, bridleways or cycle paths should demonstrate to the Council that they will not have an adverse effect on the integrity of a Natura 2000 site.* *The Council will not be supportive of development which disrupts or adversely impacts on any existing or potential core path, right of way, bridle path, or footpath used by the general public for recreational or other purposes, particularly where the route concerned forms, or has the potential to form, part of the network of circular routes or footpath links between settlements, actively promoted by the Council.* *Where such disruption or adverse impact is demonstrated to be unavoidable, the Council will require developers, as an integral part of the proposed development, to provide for the appropriate diversion of the route in question elsewhere within the development site or to put into place appropriate measures to mitigate and overcome the adverse impact expected.'*

Planning for Wind Energy Supplementary Guidance (2017)

4.2.9 This supplementary planning guidance is statutory and forms part of the East Ayrshire LDP. It supports the implementation of Policy RE3 of the East Ayrshire LDP by clarifying the criteria against which proposed medium and major wind energy development will be assessed.

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

4.2.11 Table 2 within the document lists individual constraints within East Ayrshire relevant to the spatial framework methodology set out in Table 1 of the SPP (now replaced by NPF4). All of the identified constraints are mapped in Map 2 to produce the proposed wind energy spatial framework for East Ayrshire. Section 2.3 of the document clarifies the implications of the proposed wind energy spatial framework for wind energy proposals. It is only Group 1 areas are to be afforded a presumption against wind energy development. For group 3 areas, it reiterates the requirements of Policy RE3. The land classified as Group 3 is shown in Map 3.

4.2.12 Section 3 then sets out detailed criteria and information requirements to be considered in the determination of wind energy applications. Criteria of relevance to the Proposed Development are:

- Wind energy applications should be supported by a Landscape and Visual Impact Assessment ('LVIA'). Viewpoints considered within the LVIA must be agreed with the Council and for larger schemes should be discussed with SNH (now NatureScot).
- Applicants should have regard to the East Ayrshire Landscape Wind Capacity Study (2018) ('EALWCS'), which constitutes approved non-statutory supplementary guidance.
- Section 3.1.1 sets out detailed guidance regarding the assessment of cumulative impacts from wind energy developments within LVIAs.
- In relation to carbon rich soils, section 3.1.3 states that *"[a]reas of carbon rich soils, deep peat and priority peatland habitats are identified within the spatial framework as areas requiring special protection (Group 2 areas). In line with Policy RE3 of the EAC LDP, any proposal within these group 2 areas will only be permitted where any significant effects on the environmental quality of such soils can be substantially overcome by siting, design or mitigation".* Section 3.1.8 also requires developments on peatlands to utilise the Scottish Government's carbon calculation method to balance predicted carbon savings and losses.
- Sections 3.1.4 – 3.3.3 state that applicants should fully assess impacts on natural heritage, historic environment features, water quality, forestry and woodlands, flood risk, net total annual CO2 savings, residential amenity (noise and visual dominance), relevant tourism receptors, the local economy (including employment and wider socio-economic benefits), aviation and defence interests (particularly Glasgow Prestwick Airport), traffic levels and the functioning of the road network, and broadcasting installations.
- Section 3.3.4 sets out guidance for the siting and design of infrastructure and ancillary work and notes that the impacts of this development will be considered in the determination of proposals.
- Section 3.3.6 requires all applications to be accompanied by a sufficiently detailed restoration programme, the details of which will be secured through a section 75 obligation.

- Section 3.3.8 reports the Council will support the inclusion of energy storage infrastructure within wind energy developments where these can be appropriately sited within development sites and where the visual and environmental impact of them is acceptable.
- Section 5 details a checklist of required environmental and other information which must be provided in support of applications for wind energy development.

Dark Sky Park Lighting Supplementary Guidance (2017)

4.2.13 This supplementary guidance is statutory and forms part of the East Ayrshire LDP. It supplements the Dark Sky Park East Ayrshire LDP Policy TOUR4 to ensure that external lighting is designed and installed correctly in order to protect the quality of the dark sky within the Park. It advises that, within the Transition Zone, new external lighting should be Dark Sky friendly where possible, in order to help safeguard and enhance the quality of the Dark Sky Park.

Minerals Local Development Plan (2020)

4.2.14 The Minerals Local Development Plan ('MLDP') sets out East Ayrshire's ambitions for mineral developments and provides further information for consideration over the next 20 years. The MLDP acknowledges that a significant amount of wind farm development has taken place in East Ayrshire. Policy MIN T2: Cumulative Impacts of Minerals Related Traffic acknowledges that mineral development proposals are required to assess the cumulative transportation impacts in respect of traffic movement related to wind farms under construction or consented in their submission and implement mitigation measures as required.

4.3 Other Material Considerations

East Ayrshire Landscape Wind Capacity Study (2018)

4.3.1 This advisory, non-statutory planning guidance revises and updates the 2013 East Ayrshire Landscape Wind Capacity Study and was informed by the SPP which was the relevance guidance at the time (now replaced by NPF4). While this document was created against replaced national policy, its findings remain relevant. It is a strategic study that aims to inform strategic planning for wind energy development in line with the SPP rather than the determination of individual planning applications and should not replace site specific assessments of individual proposals.

- Key findings from the Study indicate that there is some scope to site additional wind farm development with turbines above 70m in height within upland areas of East Ayrshire, although this will be limited by potential cumulative and other landscape and visual constraints including effects on adjacent smaller scale settled valleys and lowland landscapes.

4.3.2 The Proposed Development lies mainly within the Southern Uplands with Forestry landscape character type (20c), with just the northern most area (although no turbines) within the East Ayrshire Southern Uplands landscape character type (20a).

4.3.3 The study notes that capacity for additional new development is considered to be close to being reached in landscape character type 20c, with sensitivity concluded to be High for the Very Large and Large typologies (turbines >70m).

East Ayrshire Local Development Plan 2

4.3.4 On the 5th December 2022, EAC submitted Local Development Plan 2 ('East Ayrshire LDP2') to Scottish Ministers for Examination. The plan and all necessary paperwork were submitted on 24th February 2023. The submission is now being processed, and once adopted, it will supersede the East Ayrshire LDP (2017) and the East Ayrshire MDLP (2020) to form the lower tier of the Development Plan for East Ayrshire. The policies contained in East Ayrshire LDP2 are therefore material considerations in the determination of this planning application.

4.3.5 Policies of relevance within the East Ayrshire LDP2 include Policy: RE1 Renewable Energy and Policy SS12: Making space in settlements for green energy. The relevant criteria of Policy RE1 seeks to protect environmental receptors including the landscape, cultural and natural heritage, water, and general amenity from unacceptable significant adverse impact. Policy SS12 provides support for renewable development in green and blue spaces and making use of vacant land or brownfield sites.

4.3.6 Other policies within the East Ayrshire LDP2 which are of relevance to the Proposed Development are:

- Policy SS1: Climate Change;
- Policy SS2: Overarching Policy;
- Policy OS1: Green and Blue Infrastructure;
- Policy HE1: Listed Buildings;
- Policy HE2: Conservation Areas;
- Policy HE3: Scheduled Monuments, Historic Battlefields and other Archaeological and Historic Environment assets;
- Policy NE1: Protecting and Enhancing Landscape and features,
- Policy NE3: Local Landscape Area;
- Policy NE4: Nature Crisis;
- Policy NE5: Protection of Areas of Nature Conservation Interest;
- Policy NE6: Vulnerable, Threatened and Protected Species;
- Policy NE8: Trees, Woodland, Forestry and Hedgerows
- Policy NE11: Soils;
- Policy NE12: Water, air, light and noise pollution;
- Policy T1:Transport requirements in new development;
- Policy T3: Development and protection of core path and other routes;
- Policy TOUR4: The Dark Sky Park;
- Policy INF1: Infrastructure First;
- Policy INF4: Developer Contributions;
- Policy RE1: Renewable Energy;
- Policy RE3: Low and Zero Carbon Buildings; and
- Policy CR1: Flood Risk Management.

Dumfries and Galloway Local Development Plan 2 (2019)

4.3.7 It is clearly acknowledged that when considering the environmental effects of a proposed development, administrative boundaries are not relevant, and therefore technical topic areas will carry out their impact assessment based on any significant effects identified and suggest embedded or additional mitigation where possible regardless of how far reaching this would be. However, as the Proposed Development is located entirely within the administrative boundary of EAC, the relevant planning policies that must be applied to the site are those in the East Ayrshire LDP (2017).

Historic Environment Policy for Scotland (2019)

4.3.8 The Historic Environment Policy for Scotland ('HEPS') sets out how to approach decisions in the planning system affecting the historic environment. It is non-statutory but should be taken into account whenever a decision will affect the historic environment. It includes six policies for managing the historic environment, including:

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

National Planning Advice and Circulars

4.3.9 National planning policy is supported by Planning Circulars, Planning Advice Notes ('PANs'), Advice Sheets and Ministerial/Chief Planner Letters to Planning Authorities. Planning Circulars contain guidance on policy implementation through legislative or procedural change, while PANs expand on national policy and incorporate best practice advice.

4.3.10 The following Scottish Government/Scottish Natural Heritage ('SNH') (now referred to as NatureScot) Planning Circulars and Advice documents are considered to be of relevance to the Proposed Development:

- *Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations (June 2015);*
- *Onshore Wind Planning – Frequently Asked Questions (2016);*
- *Online Renewables Planning Advice regarding Onshore Wind Turbines (last updated May 2014);*
- *Online Planning Advice regarding Flood Risk (published 18th June 2015);*
- *Draft Peatland and Energy Policy Statement (2016);*
- *PAN 1/2013: Environmental Impact Assessment (August 2013);*
- *Planning Circular 1/2017: Environmental Impact Assessment regulations;*
- *PAN 2/2011 Planning and Archaeology (July 2011);*

- *PAN 1/2011 Planning and Noise (March 2011);*
- *PAN 3/2010 Community Engagement (August 2010);*
- *PAN 60 Planning for Natural Heritage (2000, revised January 2008);*
- *PAN 51 Planning, Environmental Protection and Regulation (Revised October 2006);*
- *PAN 79 Water and Drainage (September 2006);*
- *PAN 75 Planning for Transport (August 2005);*
- *PAN 68 Design Statements (August 2003); and*
- *PAN 61 Planning and Sustainable Urban Drainage Systems (July 2001).*

4.3.11 Of particular relevance are the Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations guidance published by Scottish Natural Heritage in June 2015, the Scottish Government's *Onshore Wind Planning – Frequently Asked Questions* website, the Online Renewables Planning Advice regarding Onshore Wind Turbines (last updated 28th May 2014),[6] the Historic Environment Policy for Scotland (2019) and the Draft Peatland and Energy Policy Statement (2016).

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

5. Renewable Energy Policy Framework and Onshore Wind Guidance

5.1 Introduction

5.1.1 This chapter refers to the relevant International, UK and Scottish policy framework and targets, it also provides onshore wind guidance for the Proposed Development.

5.2 International Policy and Targets

5.2.1 At the international level, action to tackle climate change is informed by the work of the Intergovernmental Panel on Climate Change ('IPCC') which has finalised the synthesis report for the Sixth Assessment Report ('AR6') and the United Nations Framework Convention on Climate Change ('UNFCCC'), which aims to stabilise atmospheric greenhouse gas concentrations at a level sufficiently low to *"prevent dangerous anthropogenic interference with the climate system".* It sets non-binding limits on greenhouse gas emissions for individual countries. It does not include any enforcement mechanisms but outlines how specific international treaties (called *"protocols"* or *"Agreements"*) may be negotiated to specify further action towards the objective of the UNFCCC. On 12th December 2015, 196 Parties to the UNFCCC including the UK adopted the Paris Agreement, which commits UNFCCC signatory countries to take action to cut carbon emissions and emphasises the aim to limit the temperature rise below 2ºC and to limit the temperature increase even further to 1.5ºC above pre-industrial levels.

5.2.2 The 26th UN Climate Change Conference of the Parties ('COP26') was hosted in Glasgow in 2021. The COP26 summit brought nations together to outline how they will achieve the targets of the Paris Agreement and the UNFCCC. COP26 marked a step forward in global effort to address climate change, and an increase in ambitions to reduce emissions across the world. 197 countries agreed to a new climate deal *'The Glasgow Climate Pact'*, and the Paris Rulebook was finalised. The Paris Rulebook is the practical guidance for implementing the Paris Agreement and addresses how the parties are to contribute to achieving the climate reduction targets in the Paris Agreement.

5.3 UK Policy and Targets

5.3.1 At a UK level, tackling climate change is set out by the Climate Change Act 2008 (the '2008 Act') as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019. The UK adopted a 2050 net zero emissions reduction target in June 2019, strengthening its previous 2050 goal of at least an 80% greenhouse gas emission reduction below 1990 levels by 2050. As part of this net zero 2050 target, the Climate Change Committee recommended that Scotland should achieve net zero by 2045, and that Wales should achieve a 95% reduction below 1990 levels by 2050, reflecting their individual respective circumstances. The 2008 Act also requires the Government to set legally-binding 'carbon budgets' to act as stepping-stones towards the 2050 target. [7] Carbon budgets cover a five-year period and currently run to 2037. The UK is currently in the Fourth Carbon Budget period (2023 to 2027). The Climate Change Committee was set up to ensure emissions targets are set based on expert independent assessment of the evidence and to monitor the UK's progress towards meeting the targets. The Sixth Carbon

7 2008 Act, section 4.

Budget (2033 to 2037) looks to cut emissions by 78% by 2035 compared to the 1990 levels. The Sixth Carbon Budget for the first time will incorporate the UK's share of international aviation and shipping emissions.

5.3.2 A range of policy documents set out the UK Government's binding commitments to cut carbon emissions through the deployment of renewable energy including: the Energy White Paper (2020); the UK Renewable Energy Roadmap (2011) (updated 2012 and 2013); Build Back Better: our plan for growth (2021); Climate Change Strategy 2021 – 2024 (2021) and the Clean Growth Strategy (2017) (updated 2018). The British Energy Security Strategy states an ambition of "*encouraging all forms of flexibility with sufficient large-scale, long-duration electricity storage…".* In April 2022, the UK Government updated the British Energy Security Strategy with a greater emphasises towards the need to accelerate the transition away from oil and gas, towards greener and cleaner energy sources. The Strategy highlights the importance of onshore wind by committing to improve national network infrastructure and explore options to increase the provision of onshore wind across the UK. Key measures to stimulate the delivery of onshore wind in the UK, including:

- Establishment of a fast-track consenting route for priority cases where quality standards are met.
- Improvement of community benefits for areas with strategic network infrastructure; and
- Consult on developing partnerships for a number of onshore wind projects for supportive communities, with associated benefits for local population.

5.3.3 **Table 5-1** shows the relevant renewable energy and climate change targets for the Proposed Development which are set out by UK and Scottish policies.

Table 5-1 Renewable Energy and Climate Change Targets

Target	Date	Set By
Renewable Energy		
30% of total energy use from renewable sources	2020	Routemap for Renewable Energy in Scotland 2011
50% of total energy use from renewable sources	2030	Scottish Energy Strategy 2017
20 GW of onshore wind installed	2030	Scottish Government's Onshore Wind Policy Statement 2022
Renewable Electricity		
Meet 100% of electricity demand from renewable sources (requiring approximately 16GW installed capacity)	2020	Routemap for Renewable Energy in Scotland 2011
Potentially 140% of electricity from renewable sources (requiring approximately 17GW installed capacity)	2030	Scottish Energy Strategy 2017
Climate Change		

Target	Date	Set By
Greenhouse gas emissions reduction target of at least 48.5% against 1990 levels	2020	Climate Change (Scotland) Act 2009 (as amended)
Greenhouse gas emissions reduction target of 75% against 1990 levels	2030	Climate Change Plan 2018 - Update
Greenhouse gas emissions reduction target of at least 75% against 1990 levels	2030	Climate Change (Scotland) Act 2009 (as amended)
Greenhouse gas emissions reduction target of 66% against 1990 levels	2032	Climate Change Plan 2018
Greenhouse gas emissions reduction target of at least 90% against 1990 levels	2040	Climate Change (Scotland) Act 2009 (as amended)
Greenhouse gas emissions reduction target of 100% against 1990 levels	2045	Climate Change Plan 2018 - Update
Greenhouse gas emissions reduction target of at least 100% against 1990 levels	2045	Climate Change (Scotland) Act 2009
Greenhouse gas emissions reduction target of 100% against 1990 levels	2050	Climate Change Act 2008 (as amended)

5.4 Scottish Policy and Targets

5.4.1 In April 2019 the Scottish Government declared a climate change emergency. This declaration further emphasised the Scottish Governments commitment to combating climate change and especially reducing its own contributions to it. New renewable energy projects are required in order to allow for more sustainable forms of energy to be used and to help combat the climate crisis.

5.4.2 Scotland has a world-leading legislative framework to combat climate change and transition to a low carbon economy, with the Climate Change (Scotland) Act 2009 (the 'Climate Act 2009'). A key change in the energy policy context is the enactment of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (the 'Climate Act 2019'), which received Royal Assent on 31st October 2019. This Climate Act 2019 amends the targets set out in the Climate Act 2009. The Climate Act 2009 (as amended) sets out ambitious targets, including increasing the 2045 target to 100% emissions reduction (i.e., net zero emissions) and making provisions for a net zero greenhouse gas emissions target to be set on a credible and costed pathway. This target date is five years ahead of the current date set for the rest of the UK and aims to ensure Scotland contributes to the worldwide efforts to deliver on the Paris Agreement. The Climate Act 2009 also sets out the following interim targets:

- To reduce emissions by 48.5% by 2020;[8]
- To reduce emissions by 75% by 2030, and
- To reduce emissions by 90% by 2040.

5.4.3 Sitting alongside Scotland's world leading climate change legislative framework, the 'The future of energy in Scotland: Scottish Energy Strategy', which was published in December 2017 (the 'Scottish Energy Strategy'), sets out the Scottish Government's 2050 vision for energy in Scotland as *"a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses".* It highlights the importance of renewable energy and its associated infrastructure as being a major industrial sector in its own right, helping to sustain economic growth and employment. The Scottish Energy Strategy sets two new targets for the Scottish energy system by 2030: (1) the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; and (2) an increase by 30% in the productivity of energy use across the Scottish economy.

5.4.4 As of April 2023, the Scottish Government is consulting on the Draft Energy Strategy and Just Transition Plan (the 'ESJTP'). The vision set out in the draft ESJTP is that by 2045 Scotland will have a climate friendly energy system that delivers affordable, resilient and clean energy supply for the households, businesses and communities of Scotland. This will be able to deliver maximum benefit while also enabling Scotland to achieve its wider climate and environmental ambitions. As this is Scotland's first transition plan steps must be taken to secure this transition which will benefit the whole of Scotland's communities. The ESJTP will look to make sure energy economies are thriving, increase access to affordable energy and maximising community benefits from, and ownership of energy project. It also allows opportunities to participate in the net zero energy future. The draft ESJTP restates the ambition of onshore wind and provides clear positions on community benefit and shared ownership, including how communities can benefit from repowering of existing sites.

5.4.5 Scotland's 2018-2032 Climate Change Plan9 (the 'Climate Change Plan') was updated in December 2020 (the '2020 Update') due to the introduction of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Climate Act 2019. It sets out policies and proposals on how the Scottish Government intends to meet its greenhouse gas emission reduction targets from 2018 – 2032 and provide the strategic framework for transition to a low carbon Scotland. The 2020 Update reflects the ambitious targets introduced by the Climate Act 2019 into the Climate Act 2009 to reduce emissions by 75% by 2030 (compared with 1990) and to be net zero by 2045. The Ministerial Forward to the 2020 Update stats that "COVID-19 does not change our ambitions." The 2020 Update sets out the approach to delivering a green recovery from COVID-19 and sets out a pathway to deliver world leading climate change targets. In line with the 2018 plan, the focus is on the period up to 2032.

5.4.6 The Onshore Wind Policy Statement (the 'OWPS'), which sets out the Scottish Government's position on onshore wind, was published in December 2022. The OWPS

[8] This target was recently amended by the Climate Change (Scotland) Act 2009 (Interim Target) Amendment Regulations 2023 from the previous figure of 56% to 48.5%. The effect of the modification is to "[adjust] *the annual target figures for 2021 to 2029, in accordance with section 3(2) of the 2009 Act*" and in accordance with "*the most up-to-date advice received from the UK Climate Change Committee ("CCC"), advising that the 2020 interim target should be modified for the sole reason of a change in international carbon reporting practice*".

[9] Scottish Government, 'Securing a green recovery on a path to net zero: climate change plan 2018–2032 – update' (December 2020).

views greater security of supply and lower cost electricity generation are now key drivers alongside the need to deal with the climate emergency and states:

"that is why we must accelerate our transition towards a net zero society. Scotland already has some of the most ambitious targets in the world to meet net zero but we must go further and faster to protect future generations from the spectre of irreversible climate damage" and recognises that *"Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met".*

5.4.7 The OWPS has set an overall ambition of 20GW of installed capacity by 2030. The Scottish Government acknowledges that onshore wind technology is moving towards more powerful turbines and that, by necessity, this will require taller towers and larger blades. It is noted that larger wind turbines present an opportunity for landscape improvement, as well as increasing the amount of electricity generated. Onshore Wind Guidance is discussed in **Section 5.5.**

Progress Towards Achieving Targets

5.4.8 The Scottish Government's target is to achieve the equivalent of 50% of total Scottish energy consumption from renewable sources by 2030. Figures published by the Scottish Government in December 2022 (Energy Statistics for Scotland) show that in 2021, 85.2% of total Scottish energy consumption came from renewable sources.

5.4.9 The Scottish Government also set a target to deliver the equivalent of 100% of Scottish electricity consumption from renewables by 2020. In 2019, renewable sources generated the equivalent of 90.1% gross electricity consumption (Energy Statistics for Scotland December 2020)[10].

5.4.10 The 2020 100% electricity target equates to around 16GW of installed renewables capacity. The 50% energy from renewable sources by 2030 target in the Scottish Energy Strategy (2017) may require in the region of 17GW of installed renewables capacity by 2030 (Scottish Energy Strategy, page 34)[11]. Figures published in the Energy Statistics for Scotland (December 2022) show that as of December 2022, 13.9GW of renewable electricity capacity was operational in Scotland (1.6GW increase compared to December 2021)[12]. While there is an additional 21.7GW of capacity either under construction, consented, or in planning, there is no certainty that all of the consented schemes or those in planning will be installed, and the targets relate to installed capacity, a point made clear in a number of Public Inquiry reports. It therefore remains the case that there is a significant shortfall against these targets. The Climate Change Act 2009 (as amended) sets out even more ambitious targets for reducing emissions.

5.4.11 The increased generation capacity as a result of the Proposed Development would enhance overall renewable energy generation yield and greenhouse gas emissions reduction, thereby contributing to these currently unmet targets.

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[10] Scottish Government (2020) Annual Compendium of Scottish Energy Statistics 2020. Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2019/05/annual-compendium-of-scottish-energy-statistics/documents/annual-compendium-december-2020/annual-compendium-december-2020/govscot%3Adocument/ACSES%2B2020%2B-%2BDecember.pdf (Accessed April 20, 2023)

[11] Scottish Government (2017) Scottish Energy Strategy: The future of energy in Scotland. Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2017/12/scottish-energy-strategy-future-energy-scotland-9781788515276/documents/00529523-pdf/00529523-pdf/govscot%3Adocument/00529523.pdf (Accessed March 29, 2023)

[12] Scottish Government (2022) Energy Statistics for Scotland - Q4 2022. Available at: https://www.gov.scot/publications/energy-statistics-for-scotland-q4-2022/pages/renewable-electricity-capacity/ (Accessed April 20, 2023)

5.5 Onshore Wind Guidance

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

5.5.1 Part 3 – Development Management within this guidance document identifies natural heritage considerations relevant to the determination of applications for wind energy developments. While the document does not set out any new policy positions or technical requirements for applicants, it highlights the general importance of natural heritage considerations in the development of onshore wind turbines.

5.5.2 In relation to the impacts of wind energy development on carbon rich soils, deep peat and priority peatland habitat, the document notes that the carbon rich soils, deep peat and priority peatland habitat map was published in 2016 by SNH (now NatureScot) and states:

"*The map cannot (and should not) be used in isolation to determine the impacts of a specific development proposal on peat. This should be based on a detailed, site specific survey of peatland habitats and peat depths across the site using existing methods. However, the map does provide useful context on the overall extent of these resources across Scotland and can be used to put the impacts of a specific application in context.*

The location of a proposal in the mapped area does not, in itself, mean that the proposal is unacceptable, or that carbon rich soils, deep peat and priority peatland habitat will be adversely affected. The quality of peatland tends to be highly variable across an application site and a detailed assessment is required to identify the actual effects of the proposal, and to inform the location of site infrastructure".

Draft Peatland and Energy Policy Statement (2016)

5.5.3 In June 2016, the Scottish Government published its draft Peatland and Energy Policy Statement, which provides the basis from which the Scottish Government and its agencies will act in development and implementing policies in relation to peatland and energy. This policy is a material consideration for new energy developments and the impact they may have on peatland habitats.

5.5.4 The Policy Statement notes that; *"analysis by the James Hutton Institute suggests Scotland's peatlands store approximately 2,000 Mt carbon (or over 7,000 million tons CO_2 equivalent). For Scotland to meet its greenhouse gas emissions reduction targets, this vast carbon store must be maintained and where possible enhanced."*

Online Renewables Planning Advice regarding Onshore Wind Turbines (2014)

5.5.5 This document confirms that the development of onshore wind turbines is expected to continue to grow and that there is an increased focus on development within "*lower-lying, more populated areas, where design elements and cumulative impacts need to be managed*". The document provides advice relating to a number of considerations in the determination of applications for wind energy developments, as summarised below:

- Landscape Assessment - an assessment of the individual and cumulative landscape impacts should be carried out to identify where the wind farm may be seen from;
- Landscape Impact - an assessment of development impacts on the skyline and landscape character should be conducted;

- Impacts on Wildlife and Habitat, Ecosystems and Biodiversity - the potential for a development to both positively and negatively impact on the wildlife, habitats, ecosystems and biodiversity of an area should be assessed and mitigation implemented if appropriate. Risk needs to be quantified which may include carbon release calculations associated with impact on peat, bird collision, displacement and disturbance;
- Buffer zones - Buffer zones should not be established around areas designated for their natural heritage importance and proposals should be considered on their merits;
- Impact on Communities - consideration should be given to the impact on communities including noise, electro-magnetic interference, and ice throw;
- Separation Distances - individual developments should take into account specific local circumstances and geography. It is noted that the recommended separation distance of up to 2km between wind farms and the edge of settlements "*is a guide not a rule and decisions on individual developments should take into account specific local circumstances and geography*". The document further confirms that "*there is no guide distance between established and proposed groups of wind turbines*";
- Aviation Matters - consideration should be given to potential impacts on aviation safeguarding, including adverse effects on radar and communication systems;
- Military Aviation and Other Defence Matters - consideration should be given to the impact on military aviation, particularly within low flying zones, and other activities within defence establishments;
- Historic Environment Impacts - consideration should be given to the potential direct and/or indirect impacts of development proposals on built and natural heritage;
- Road Traffic Impacts – the potential impact on road traffic should be assessed and turbines should be set back from roads and railways in order to ensure safety and minimise driver distraction;
- Cumulative Impacts - an assessment of the cumulative impact should be carried out considering capacity, scale and pattern of the turbines. Ancillary developments including tracks and power lines are of relevance. The significance of the landscape and the views, proximity and inter-visibility and the sensitivity of visual receptors should also be considered; and
- Good practice techniques should be followed to minimise impacts during wind farm construction and decommissioning.

6. Planning Appraisal of the Proposed Development

6.1 Introduction

6.1.1 This chapter provides an assessment of the Proposed Development against the relevant policies. The development plan for the Development Site comprises the NPF4 and the East Ayrshire LDP (2017). This chapter considers the relevant policies and assesses the conformity of the Proposed Development, drawing conclusions reached in the EIA Report.

6.2 Renewable Energy Policy, Carbon Balance, Climate Resilience and Peat Management

6.2.1 The Climate Emergency is well documented, and legislation and policy is in place to provide measures to combat the emergency. These include the Climate Act 2019; the Climate Change Plan and 2020 Update; and the OWPS. NPF4 Policy 1 recognises the importance of the climate emergency and the nature crisis, Policy 2 sets out the requirements for climate mitigation, Policy 5 sets out the importance of protecting the soil resources, and Policy 11 provides support for renewable energy development. Policy 12 encourages, promotes and facilitates development that is consistent with the waste hierarchy. Policy 18 encourages, promotes and facilitates an infrastructure first approach to land use planning The East Ayrshire LDP identifies that the Proposed Development is located in an area that has the potential for wind turbine development, (Group 3) and as set out in Policy RE3, there is support for wind developments in Group 3 areas. Policy ENV10 recognises the importance of peatland soils and supports development that promotes the restoration of peatland habitats. It requires development proposals for renewable energy generating can demonstrate (in accordance with the Scottish Government's 'carbon calculator' or other equivalent evidence) that the balance of advantage in terms of climate change mitigation lies with the energy generation proposal, and that any significant effects on these areas can be substantially overcome by siting, design or other mitigation. East Ayrshire LDP 2 Policy SS1 relates to the significant weight afforded to the global climate emergency and the need for development to support minimising carbon emissions, maximising carbon storage, mitigation the effects of climate change and ensuring future development is adaptable to climate change. East Ayrshire LDP 2 Policy SS2 sets out the overarching policy for development proposals and Policy RE1 sets out the approach to onshore wind renewable energy development.

6.2.2 **Chapter 6** of the EIA Report sets out the climate change, renewable energy governance frameworks and peat management measures which apply to the Proposed Development. **Chapter 6** used specific values for the carbon losses and carbon gains which are associated with the Proposed Development. They also used the Scottish Government's carbon calculator[13] to work out the carbon payback of the Proposed Development. **Chapter 6** worked out that the predicted volume of excavated peat required for the Proposed Development is 16,289m^3, all of which can be re-used for habitat reinstatement within the Development Site. On the basis of potential annual CO_2 savings of 16,273 tonnes/year (based on figure of 432 tonnes of CO_2 savings per GWh and a capacity factor of 43%), the Proposed Development could result in a total carbon saving of approximately

13 Carbon calculator for wind farms on Scottish peatlands: factsheet - gov.scot (www.gov.scot)

0.57 Million ('M') tonnes over its 35-year operational life and generate electricity to annually supply the equivalent of 9,708 homes.

6.2.3 An Outline Peat Management Plan ('PMP') has been produced using the results of the comprehensive peat probing surveys. The Outline PMP predicted that a volume of excavated peat will be 16,289m^3. The excavated peat would all be able to be re-used for habitat reinstatement within the Proposed Development site.

6.2.4 It is predicted that the carbon loss in developing the Proposed Development would be paid back in ~1.5 years (4% of the 35-year operational life) based upon the expected outcome under the fossil fuel mix scenario. Even considering the maximum scenario against the fossil fuel mix, the Proposed Development would have achieved the carbon balance within ~2.5 years (7.1% of the 35-year operational life).

6.2.5 The Proposed Development would form part of the essential infrastructure to provide locally produced renewable energy in Scotland.

6.2.6 Policy 1 gives significant weight to the climate crisis therefore any proposals that contribute to addressing the climate crisis should be subject to significant weight. Because of the benefits of renewable energy generation, the very short timescales in terms of payback, and the limited effects around peat disturbance, it is considered that the Proposed Development is in accordance with the Climate Act 2009; the Climate Change Plan and 2020 Update; Policy 1, 2, 5 and 11 of NPF4; and Policy RE3 and ENV10 of the East Ayrshire LDP as well as Policy SS1, SS2 and RE1 of the East Ayrshire LDP2.

6.2.7 Should consent be granted, the Proposed Development would be subject to a number of planning conditions, including the requirement for a Construction Environmental Management Plan ('CEMP'). This document provides a number of measures to protect the environment from harm during construction including how wate would be addressed. A CEMP would comply with the waste hierarchy, and as a result the Proposed Development would not be in conflict with Policy 12 of the NPF4.

6.3 Noise

6.3.1 NPF4 Policy 11 sets out how design and mitigation should be used to address impacts such as noise, Policy 23 seeks to protect health and wellbeing by setting out amenity related criteria to ensure air and noise pollution impacts are addressed and taken into account. The East Ayrshire LDP identifies that the Proposed Development is located in an area that has the potential for development, (Group 3) and as set out in Policy RE3, there is support for wind developments in Group 3 areas *"where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1".* One of the criteria set out in Schedule 1 is the impact on noise. Policy ENV12 of the East Ayrshire LDP and Policy RE1 and NE12 of the East Ayrshire LDP2 ensures that all development proposals must ensure that significant adverse noise impacts on surrounding properties and uses are avoided.

6.3.2 **Chapter 7** of the EIA Report includes a noise assessment for both construction and operational activities. The assessment used 8 receptors located between 4150m and 5450m away from the closest turbine. The assessment predicted noise levels during construction. The noise predictions confirm that the minimum noise guideline value of 65 dB(A) quoted in BS 5228-1:2009+A1:20147 and seen in **Table 7.2** of **Chapter 7** would not be exceeded at any of the identified receptors.

6.3.3 **Chapter 7** also assessed operational noise by using noise level predictions which have been based upon model parameters. **Table 7.12** and **Table 7.13** of **Chapter 7** present the information for each wind speed for each of the eight assessed properties for day-time

and night-time. The results of the noise predictions show that there are no exceedances of the noise limits contained in the ETSU-R-97 guidance and the OWPS.

6.3.4 The Proposed Development would be located a significant distance from the nearest noise sensitive receptors, and as a result the assessment concluded that: (i) construction noise is unlikely to have a significant impact upon the closest assessed receptors, and (ii) with the operational noise not exceeding ETSU-R-97, effects would be not significant. As the construction and operational noise from the Proposed Development would comply with the relevant noise guidance, and would not result in any significant effects, the Proposed Development is considered to accord with NPF4 Policy 11 and Policy 23, Policy RE3 and ENV12 of the East Ayrshire LDP and Policy RE1 and NE12 of the East Ayrshire LDP2

6.4 Shadow Flicker

6.4.1 NPF4 Policy 11 sets out how design and mitigation should be used to address impacts such as shadow flicker. The East Ayrshire LDP identifies that the Proposed Development is located in an area that has the potential for development, (Group 3) and as set out in Policy RE3, there is support for wind developments in Group 3 areas "*where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1*". One of the criteria set out in Schedule 1 is the impact on shadow flicker. Policy RE1 of the East Ayrshire LDP2 sets out the approach to renewable energy development assessment criteria, including shadow flicker.

6.4.2 The nearest residential properties to the proposed turbines are Brockloch and Dalleagles Terrace, which are located approximately 4.2km to the north. This is beyond the distance for the potential for shadow flicker to occur, i.e., 1,410m - resulting from 10 x the rotor diameter (assumed of 136m for the purpose if the shadow flicker assessment) plus 50m micrositing allowance. Shadow flicker has therefore been scoped out of the EIA Report.

6.4.3 As the Proposed Development is 4.2km away from the nearest residential properties, there is no potential for shadow flicker to take place at those residential properties and therefore there is no adverse effect and no conflict with NPF4 Policy 11, Policy RE3 of the East Ayrshire LDP and Policy RE1 of the East Ayrshire LDP2.

6.5 LVIA

6.5.1 NPF4 Policy 11 identifies that wind farm development should mitigate their potential effects on landscapes as much as possible, but also appreciates that landscape effects are inherent to wind farm development. It further states the following with regard to potential effects on landscapes from wind farm development:

"…Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable."

6.5.2 NPF4 Policy 14 also seeks to encourage, promote, and facilitate well designed development that creates "successful places" that complement their surroundings and for development to be well sited.

6.5.3 The policies of the East Ayrshire LDP seek to ensure that the visions for rural areas within East Ayrshire is achievable as set out in **Section 4.2.2.**

6.5.4 Policy OP1 of the East Ayrshire LDP requires the Proposed Development to accord with the other policies of the East Ayrshire LDP and for the development to consider and mitigate their potential effects and to be well designed, sited and be compatible with their surroundings as much as possible.

6.5.5 Policy RE3 of the East Ayrshire LDP identifies areas suitable for wind farm development. The Proposed Development is located in an area that is suitable for such development. Policy RE3 also refers to a set of criteria (Schedule 1), which includes consideration of the landscape and visual impacts, cumulative effects, visual impacts on communities and individual dwellings, the siting and design of wind farm development and the scale that the Proposed Development would contribute to the region in terms of renewable energy. Policy RE1 of the East Ayrshire LDP2 sets out the approach to renewable energy development assessment criteria, including landscape and visual impacts, impacts on wild land, tourism and recreation walking and cycling routes, Policy OS1 sets out the approach to green and blue infrastructure and Policy NE3 affords protection to local landscape areas.

6.5.6 Policy ENV8 of the East Ayrshire LDP provides protection to the landscapes of East Ayrshire and seeks to ensure that developments do not harm the many landscape character types housed within East Ayrshire. Key landscape features are required to be conserved and enhanced, with development ensuring it is well designed and sited and contains mitigation for any unavoidable landscape effects. The East Ayrshire LDP also affords protection to important landscape assets through Policy ENV4, which protects important gardens and designed landscapes. This is supported by Policy ENV 7, which also affords protection to the wild lands and sensitive landscape areas that exist within East Ayrshire, ensuring development does not compromise these important areas. Policy RES 11 also protects the residential amenity of people living within East Ayrshire. Policy T4 sets out that development which disrupts or adversely impacts on any existing or potential core path, right of way, bridle path, or footpath used by the general public for recreational or other purposes would not be supported and Policy TOUR4 sets out measures to protect the dark sky. Policy RE1 of the East Ayrshire LDP2 sets out the approach to renewable energy development assessment criteria, including the protection of landscapes, and amenity features such as paths and cycleways, Policy NE3 protects local landscape areas and Policy T3 sets out the measures to protect core paths and other routes when considering new development and Policy TOUR4 sets out measures to protect the dark sky.

6.5.7 The ‘Planning for Wind Energy’ Supplementary Guidance (2017) further identifies a need for wind farm developments to consider their potential cumulative effects and mitigate them as much as possible. It also identifies that the Proposed Development is within *“a broad upland arc”* landscape type, which is a landscape type that is now commonly associated with wind energy development.

Landscape

6.5.8 **Chapter 9** of the EIA Report identifies that the Proposed Development is within the East Ayrshire *Southern Uplands with Forestry LCT Strandlud Hill / Enoch Hill* (the “host” landscape). Direct landscape effects from the construction and the operation of the Proposed Development would be entirely contained within the “host” landscape, some of which would be considered significant. The surrounding landscapes would experience some indirect effects from the Proposed Development (during operation, and to a lesser extent the construction phase) some of which would be significant in places.

6.5.9 The *Southern Uplands with Forestry* and the *Carsphairn Forest* are noted in the EALWCS to be amongst those landscape character types generally most able to accommodate wind energy development and are already characterised by wind farm development. The Proposed Development has been designed to integrate with the turbines of the Enoch Hill Wind Farm and Pencloe Wind Farm. By doing this, the potential adverse effects from the Proposed Development would be reduced as the new turbines would be perceived as being part of the existing and consented turbines within the area.

6.5.10 Whilst three local landscape designations are within 10km of the Proposed Development, **Chapter 9** identifies that only the Afton Sensitive Landscape Character Area ('SLCA') is overlapped by the blade tip ZTV and therefore could be affected by the Proposed Development. Although the Afton SLCA would experience some significant effects, it is not considered that the special qualities of the SLCA, its integrity or the reasons for its designation would be significantly affected, and there would be little or no visibility from within the Glen Afton valley, which forms the focus of the SLCA in this area.

6.5.11 Whilst it is noted that the Proposed Development would create some adverse significant effects (including cumulative effects), the benefits of the renewable energy in the region and more widely in Scotland provides considerable weight in the planning balance and would contribute to the requirements of net zero a cumulative impacts assessment was carried out which identified that the Proposed Development would appear as a closely related group or "an extension" to Enoch Hill, South Kyle and Pencloe Wind Farms effectively filling the gap between these consented schemes which is consistent with the pattern of development in this area. The Proposed Development is also well sited, due to it being within an area that is noted for wind farm development and in an area that is identified by the East Ayrshire LDP and its Supplementary Planning Guidance as suitable for wind farm development.

6.5.12 It is important to note that landscape effects are always anticipated when considering wind farm development and the Proposed Development maximises screening from the local landscape and integrates well with existing wind farms. It is therefore considered that the Proposed Development would be in accordance with NPF4 Policy 11 and Policy 14, East Ayrshire LDP Policy OP1, Policy RE3, Policy ENV4, ENV7, Policy ENV8, and Policy NE1 and, Policy NE3 of the East Ayrshire LDP2.

6.5.13 There are no National Parks or National Scenic Areas within 35km of the Proposed Development. The Merrick Wild Land Area ('WLA') is located approximately 19.5km to the southwest of the Proposed Development. Owing to the distance between it and the Proposed Development no potential adverse effects are identified. The Galloway Forest Dark Sky Park is within 35km of the Proposed Development, it was agreed with the Council to scope this national landscape designation out of the EIA assessment due to the Proposed Development not requiring visible aviation lighting. As a result of this it is considered that the Proposed Development would not result in any harm to the Dark Sky, or other national landscape designations because of the distance between the Proposed Development and the designations, and the lack of lighting. It is therefore considered that the Proposed Development complies with East Ayrshire LDP Policy TOUR 4 and Policy ENV 7 and Policy RE1, Policy OS1, Policy NE3 and TOUR4 of the East Ayrshire LDP2.

Visual

Residential

6.5.14 The visual effects on settlements within 10km, including Bankglen, Connel Park, Leggate and New Cumnock (including Pathhead) were considered within **Chapter 9**. There would be some significant visual effects (including some cumulative effects) on the views from parts of New Cumnock, as a result of the Proposed Development and no significant visual effects on any other settlements. This is due to these settlements being outside the ZTV or the Proposed Development integrating with the existing and consented wind farms in the area. There are no residential properties within 2km of the Proposed Development. The nearest residential property is over 4km from the nearest proposed turbine. Accordingly, a Residential Visual Amenity Assessment ('RVAA') was not required as effects on individual properties is unlikely. A cumulative impacts assessment was carried out which identified that the Proposed Development would appear as an extension to

Enoch Hill, South Kyle and Pencloe Wind Farms. Because of the distance between properties, intervening topography and vegetation, and the integration of the Proposed Development with existing and consented turbines it is considered that the Proposed Development complies with NPF4 Policy 11 and 14 and with East Ayrshire LDP Policy RE3, Policy ENV4, and Policy RES11 and Policy RE1 of the East Ayrshire LDP2.

Roads, paths and recreation routes

6.5.15 **Chapter 9** of the EIA Report considers the potential effects of the Proposed Development on the A76 between Cumnock and east of New Cumnock, the B741 between Auchenroy and New Cumnock, and the Glasgow to Carlisle railway line near New Cumnock. The views from these routes would be transient as part of the changing sequence of views experienced. Significant visual effects on the B741 within approximately 5-6km of the Proposed Development, between east of Burnside and west of Bankglen have been identified and significant effects are not predicted on any other transport routes. The Proposed Development would be visible from the A76 and railway line when approaching New Cumnock from the north and east within the 10km Study Area. These views would be experienced intermittently and transiently, from a moving position, experienced as part of a much wider context, with the views restricted to southbound users and for these reasons the visual effects are not predicted to be significant.

6.5.16 The following recreational routes were identified within **Chapter 9** as potentially experiencing adverse effects from the construction and operation of the Proposed Development:

- EAC Core Path No. C10: Coalfield Cycle Route;
- EAC Core Path No. C11: Knockshinnoch Lagoons (part of Knockshinnoch Lagoons);
- EAC Core Path No. C12: New Cumnock Circular;
- DGC Core Path No. 183 / 667: Circular route within Carsphairn Forest;
- DGC Core Path No. 594: Between Knockengorroch and Lamford.
- Rights of Way d and e (numbered 'a-g' on Figure 9.18); and
- Additional Rights of Way around Lochside Hotel and north of New Cumnock.
- Heritage Path and Scottish Hill Track 84: Afton Road (also part Core Path C10: Coalfield Cycle Route).

6.5.17 The LVIA identified that parts of the EAC Core Path No. C10, EAC Core Path No. C12, and the Right of Way ‘e’ between Afton Road and EAC Core Path No. 12 would likely experience significant visual effects. These effects could not be further mitigated during the iterative design process. Notwithstanding these predicted significant effects, the Proposed Development has been designed to minimise significant effects by integrating with the surrounding wind farm development. **Chapter 9** identified no significant effect at a number of tourist destinations. These included Knockshinnoch Lagoons - local nature reserve; Cairnsmore of Carsphairn 797m Above Ordnance Datum (AOD) (Corbett); Blackcraig Hill 700m AOD (Graham); and Brockloch Rig 698m AOD (Graham). A cumulative impacts assessment was carried out in terms of these additional receptors which identified that the Proposed Development would appear as an extension to Enoch Hill, South Kyle and Pencloe Wind Farms and therefore no unacceptable cumulative effects were identified.

6.5.18 The intervening topography and vegetation, and the transient use of receptors, would mean that views are experienced intermittently, from a moving position, and as part of a much wider context. It is therefore considered that the integration of the Proposed

Development with existing and consented turbines would not be in conflict with East Ayrshire LDP Policy T1 and Policy T4 and Policy RE1 of the East Ayrshire LDP2 in terms of cumulative effects and would comply with NPF4 Policy 11 and 14 and with East Ayrshire LDP Policy T1 and Policy T4 and Policy RE1 and T3 of the East Ayrshire LDP2 in terms of visual amenity of these receptors.

6.6 Historic Environment

6.6.1 NPF4 Policy 11(e)(vii) sets out how design and mitigation of renewable energy projects should be used to address impacts on the historic environment. Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for regeneration. Policy ENV1 of the East Ayrshire LDP supports the protection of listed building and non-listed buildings within conservation areas. Policy ENV2 seeks to protect archaeological heritage assets. Policy ENV3 supports the protection of conservation areas and their settings. Policy ENV4 seeks to protect gardens and designed landscapes. Policy ENV5 looks to protect Historic Battlefields and conserve their important features. Policy HE1 of the East Ayrshire LDP2 relates to the protection of listed buildings, HE2 relates to the protection of conservation areas, and HE3 relates to Scheduled monuments, historic battlefields and other heritage features.

6.6.2 **Chapter 10** of the EIA Report assesses the potential effects of direct disturbance to heritage assets (direct effects) and potential effects on the change to the setting of heritage assets (indirect effects). Direct effects can only take place within the site boundary, however indirect effects can be much wider reaching. The EIA Report concludes that the Proposed Development would result in no direct effects on known heritage assets. It also identified that there is the potential for adverse effects through disturbance of previously unrecorded heritage assets. However potential adverse direct effects on prehistoric and medieval remains are likely to be low and therefore not significant.

6.6.3 Indirect effects were assessed on the Craigengillan Garden and Designed Landscape (GDL00111) and the associated Craigengillan House (LB A 18793) and Craigengillan Stable Block (LB A 18794). Indirect effects were also assessed on King's Cairn, Chambered Cairn and the Cairn to West of Water of Deugh (SM 1046). The results set out in the EIA Report set out that the level of change to these assets would be low, and as a result the Proposed Development would not result in a significant adverse effect on any of these assets.

6.6.4 Indirect effects were assessed on Beoch Cairn (HER7989) and Fardenreoch Cairn (HER 8018). The results for this identified the level of change to be negligible, and as a result no significant adverse effects on the setting of these assets would arise.

6.6.5 The Proposed Development would not result in any adverse significant effects on any of the assets due to screening in the local area and the distance (6.6km to 8.6km) between the Proposed Development and the assets. As the Proposed Development could result in the potential for minor adverse effects on unknown heritage assets through direct disturbance, the Proposed Development would implement a written scheme of archaeological works. This would be secured though a planning condition appended to any consent. As a result of the distances involved, the existing screening in the local area, and the additional mitigation measures, it is considered that the Proposed Development would not result in any unacceptable effects and therefore is in accordance with NPF4 Policy 11 and 7 and Policy ENV1, ENV2, ENV3, ENV4 and ENV5 of the East Ayrshire LDP and Policy HE1, HE2 and HE3 of the East Ayrshire LDP2.

6.7 Ecology

6.7.1 NPF4 Policy 3 relates to biodiversity, and the importance of reversing the biodiversity loss and strengthening nature networks. Policy 4 looks at protecting designations that are listed and how development must meet certain requirements. Policy 6 seeks to protect and expand forests, woodland and trees. Policy 11 sets out how design and mitigation of renewable energy projects should be used to address impacts on biodiversity and Policy 20 looks to protect and enhance blue and green infrastructure and networks. East Ayrshire LDP Policy ENV6 of the looks at the importance of conservation and biodiversity and how this needs to be assessed for proposals, Policy ENV9 protects trees, woodlands and forestry and Policy RE5 relates to financial guarantees. East Ayrshire LDP2 Policy NE4 identifies nature crisis, Policy OS1 sets out the approach to Green and Blue infrastructure, Policy NE5 sets out measures to facilitate biodiversity enhancement, nature recovery and restoration and Policy NE6 affords protection of vulnerable threatened and protected species, Policy NE8 affords protection to trees, woodland and forestry and Policy NE11 identifies the importance of peat and carbon rich soils and sets out the measures required for their protection.

6.7.2 **Chapter 11** of the EIA Report assessed scoped-in designated habitats during construction, operation and decommissioning. The assessment considered the Glen Afton Local Nature Conservation Site ('LNCS') and concluded no significant effects on the status of the LNCS. The Connel Burn/Benty Cowan LNCS was also assessed with no significant effects identified. The effects of habitat loss within the LNCS have been minimised through the iterative design process, and the implementation of good practice measures, together with the measures to provide the restoration of temporarily disturbed habitat and re-use of excavated peat within the Development Site. As a result, the effects on the conservation status of the LNCS is not significant.

6.7.3 **Chapter 11** of the EIA Report also assessed the effects on habitats and plant communities. The Proposed Development would result in both temporary and permanent habitat loss due to land take associated with construction. It is possible that indirect effects on surrounding plant communities may occur. The habitat loss expected is 0.89ha and this is due to land take associated with the construction of access tracks, wind turbine foundations, crane pads, construction compound, and other associated infrastructure.

6.7.4 **Chapter 11** of the EIA Report assessed the effects of the Proposed Development on Blanket Bog communities. Modified blanket bog communities cover approximately 43.3ha of the Study Area (which includes the wider Enoch Hill Wind Farm). During construction there is anticipated to be a direct loss of 0.47ha of blanket bog habitat. The loss comprises 0.47% of the blanket bog resource which is assessed as being of Local Importance. A Peat Management Plan has been included as part of the measures to mitigate adverse effects, and to ensure peat is protected during the construction phase. The resultant effect of the conservation status is considered to be not significant.

6.7.5 **Chapter 11** of the EIA Report assesses the potential effects to grassland. During construction a direct loss of 0.77ha of semi-improved acid grassland (4.22%); 0.65ha of marshy grassland (2.7%); and 0.16ha of acid flush (2.45%). The result of the loss is considered not to be significant to the conservation status.

6.7.6 **Chapter 11** of the EIA Report assesses the potential effects on the watercourse habitats during the construction and decommissioning of crossings, the release of sediment/ silt into the channel during construction and decommissioning, and the risk of accidental pollution spills during the construction, decommissioning and operational phases. The effects on watercourses would be minimised through the implementation of embedded environmental measures, which would result in construction/ decommissioning effects on watercourses being not significant.

6.7.7 **Chapter 11** of the EIA Report assesses the effects on fish and found that no salmon were recorded within the Development Site however, they were found to be present at two sites along the Carcow Burn and the Afton Water. Sea/brown trout were found at four of the six survey sites within the wider Study Area and also at the two sites outside of the Development Area (Carcow Burn and Afton Water). A single eel was also recorded along the Carcow Burn, outside of the Development Site. No lamprey were recorded as part of the electrofishing surveys. As construction of watercourse crossings can lead to the obstruction of upstream and downstream migration. The construction of crossings would take place over short/ discrete sections of watercourse and the work would be of short duration. The effects on fish would be minimised through the implementation of best practice measures. The Proposed Development is therefore not predicted to create obstacles to migration/spawning and the effect on the conservation status of the species of fish of interest would be not significant.

6.7.8 **Chapter 11** of the EIA Report assesses the effect of the Proposed Development on Fresh Water Pearl Mussel. The results of the assessment found that the release of silt/sediment and or accidental pollution can harm freshwater pearl mussel as they are filter feeders and require clean, fast flowing water. Any potential effects on freshwater pearl mussel would be minimised through the implementation of good practice measures, secured by planning conditions including a CEMP. This would result in no significant effects.

6.7.9 **Chapter 11** of the EIA Report assesses the effect of the Proposed Development on bats. The assessment found that a non-maternity bat roost supporting low numbers of bats was confirmed at the Monquhill Farmhouse. The Proposed Development has included measures (turbines sited the minimum distance from ecological features, turbines would have 50m stand-off distance and feathering) to prevent damage to the roost or disturbance of bats in the roost. The assessment also operational impacts and indicated that at least three bat species classified as 'high risk' of turbine collision have been confirmed to utilise the Site (common pipistrelle, soprano pipistrelle and Nyctalus species). The assessment concluded no significant effects on any species based on the measures put in place during the iterative design process.

6.7.10 The Proposed Development would have no adverse effects on any ecological features. This is because sufficient relevant and implementable measures have been embedded into the development proposals including avoiding water courses, trees, hedgerows etc and providing a buffer around these features. These iterative design measures are considered to be effective in mitigating potentially significant effects as a result of the Proposed Development. In addition to these measures, should consent me granted, conditions to secure a CEMP would further ensure that any harm to ecological assets would be further minimised.

6.7.11 The effects of habitat loss (including peat and carbon rich soils) and biodiversity enhancement, on vulnerable and protected species have been assessed, and measures put in place to minimise predicted effects through the iterative design process, and the implementation of good practice measures, together with the measures to provide the restoration of temporarily disturbed habitat and re-use of excavated peat within the Development Site. As a result, there would be no unacceptable impacts on the conservation status of the habitats, or the protected species identified. Furthermore, a financial guarantee can be controlled by planning condition should consent be granted. As a result, the Proposed Development is considered to accord with NPF4 Policy 3, Policy 4, Policy 6, Policy 11 and Policy 20, East Ayrshire LDP Policy ENV6, ENV9 and RE5, and EAC LDP2 Policy OS1, Policy NE4, Policy NE5, Policy NE6, Policy NE8 and Policy NE11.

6.8 Ornithology

6.8.1 NPF4 Policy 3 relates to biodiversity, and the importance of reversing the biodiversity loss and strengthening nature networks. Policy 4 looks at protecting designations that are listed in Policy 4 and how development must meet certain requirements. Policy 11 seeks to support renewable energy projects by ensuring proposals demonstrate through design and mitigation, relevant impacts and issues are addressed. Policy EAC ENV6 of the East Ayrshire LDP looks at the importance of conservation and biodiversity and how this needs to be assessed for proposals. East Ayrshire LDP2 Policy NE4 identifies nature crisis and Policy NE5 sets out measures to facilitate biodiversity enhancement, nature recovery and restoration and Policy NE6 affords protection of vulnerable threatened and protected species.

6.8.2 **Chapter 12** of the EIA Report was informed by desk study and field surveys undertaken between March 2016 and August 2018. The desk study identified a single European site, the Muirkirk and North Lowther Uplands Special Protection Area (SPA), within the 20km search area. This SPA was not taken forward for assessment given the low risk of the potential connectivity of its qualifying species and the Proposed Development Site. The surveys recorded one of the nine qualifying species (goshawk). **Chapter 12** of the EIA Report assessed the effects of construction, operation, decommissioning and potential collision risk to goshawk.

6.8.3 **Chapter 12** of the EIA Report concluded that construction and decommissioning related disturbance/displacement effects to goshawk within the zone of influence ('ZoI') (500m) would be temporary and sporadic and in light of the additional measures (Construction Environmental Management Plan, Breeding Bird Protection Plan, Construction Method Statements, Environmental Clerk of works, Pre-construction verification check surveys, species-specific buffers, and emergency procedure for nests) proposed in the EIA Report, the potential adverse effects on the species conservation status of the SPA is not significant.

6.8.4 Operational related disturbance and displacement effects on goshawk within the ZoI would be low and therefore not significant, and there would be no adverse significant effect on the favourable conservation status of goshawk as a result of operational disturbance.

6.8.5 The collision risk model ('CRM') calculated an annual CRM of 0.03 (which included all flights from vantage point surveys) representing 0.05% of the population of 31 pairs. Assuming an operational life of 35 years, this would result in 0.9 collisions over this period (or the potential of one collision every 33 years or so). Therefore, it is anticipated that there would be no significant adverse effects on the goshawk population in terms of collision risk.

6.8.6 The Proposed Development would not result in significant effects to the goshawk during the construction, operation and decommissioning stages. Measures have been identified in **Chapter 12** of the EIA Report to minimise disturbance during the construction phases of the development for breeding birds, including the use of exclusion zones during construction and avoiding damage or destruction of occupied nests, and collision risk is considered to be low. As a result of good practice operations during consultation and decommission works secured by conditions, together with the iterative design process to secure careful siting of turbines to avoid sensitive nest locations, it is considered that the Proposed Development is in accordance with NPF4 Policy 3, Policy 4 and Policy 11, East Ayrshire LDP Policy ENV6 and East Ayrshire LDP2 Policy NE4 Policy NE5 and Policy NE6.

6.9 Geology, Hydrology (including flood risk) and Hydrogeology

6.9.1 NPF4 Policy 5 sets out that proposals on peatland, carbon-rich soils or priority peatland habitat, require a detailed site-specific assessment. Policy 11 ensures that project design and mitigation will demonstrate how the impacts on receptors such as hydrology, the water environment and flood risk are addressed. Policy 22 addresses surface water flooding and requires proposals not to increase risk. Policy 22 identifies rain and surface water management through sustainable urban drainage systems ('SUDS'), which should form part of and integrate with proposed and existing blue-green infrastructure. The Proposed Development is located in an area that has the potential for development, (Group 3) and as set out in Policy RE3 of the East Ayrshire LDP, there is support for wind developments "*where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1*". One of the criteria set out in Schedule 1 is the impact on hydrology, the water environment, flood risk and groundwater dependent terrestrial ecosystems ('GWDTEs'). Policy ENV11 of the East Ayrshire LDP seeks a precautionary approach to flood risk from all sources and will promote flood avoidance in the first instance. Policy ENV12 requires developments that are proposed on or close to existing water bodies, are designed to maintain their water quality and designed to manage surface water. East Ayrshire LDP2 Policy OS1 sets out the approach to Green and Blue infrastructure, Policy NE11 relates to the protection and handling of soils, and Policy NE12 relates to protection of water assets.

6.9.2 NPF4 Policy 5 in relation to peatland is referenced in **Section 6.2** of this report. **Chapter 13** of the EIA Report identified and assessed receptors to see the impact of the Proposed Development on them. For these receptors: Aquifers and associated Water Framework Directive[14] ('WFD') groundwater bodies (GW01 and GW02), Watercourses and associated WFD surface water bodies (W01 - W012) and Ponds (P01 – P02). The assessment of the potential effects on these receptors was negligible and not significant.

6.9.3 The assessment on the conditions supporting conservation sites (C01 – C04) showed that the level of change was low for C01 and very low for C02 - C04 and therefore not significant. GWTDEs have been considered in the EIA Report and an assessment of the potential for GWTDEs is set out in **Appendix 13A** of the EIA Report. This assessment concludes that ground water dependency is very low and therefore groundwater supply to habitats is limited. As a result, the potential for an effect is unlikely and therefore not significant.

6.9.4 Although none of the receptors are at risk of significant adverse effects the EIA Report recommended precautionary measures to minimise any adverse effects. These measures include a Water Quality Management Plan, CEMP, and a peat management plan which would be secured by planning conditions, together with the embedded mitigations in terms of the iterative design process. Based on the iterative design process avoiding sensitive water receptors, the embedded mitigation identified in the EIA Report, and the additional measure in terms of the CEMP, water quality management and the peat management plan the could be controlled by condition, it is considered that the Proposed Development would not result in unacceptable effects on the water environment, and is therefore in accordance with NPF4 Policy 5, Policy 11, Policy 22 and Policy RE3, Policy ENV 11,Policy ENV12 of the East Ayrshire LDP and Policy OS1, NE11 and NE12 of the East Ayrshire LDP2.

[14] Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

6.10 Traffic and Transport

6.10.1 NPF4 Policy 13 seeks to encourage and support developments with inclusive active, sustainable travel opportunities and that the transport requirements for development are considered in line with the sustainable travel and investment hierarchies. Policy T1 of the East Ayrshire LDP requires all new development to fully embrace active travel by incorporating new, and providing links to existing footpaths, cycle routes and public transport routes. Developments which maximise the extent to which travel demands are met first through walking, then cycling, then public transport and finally through the use of private cars will be particularly supported. Policy RE1 of the East Ayrshire LDP2 sets out the approach to renewable energy development assessment criteria, including impacts from traffic during construction, operation and decommissioning and Policy T1 sets out new development transport requirements.

6.10.2 **Chapter 14** of the EIA Report assesses impacts from traffic and transport. It sets out that a number of measures have been proposed as part of the Proposed Development to prevent transfer of site mud and debris onto the public highway, control the direction and flow of construction traffic through the use of specific defined routes and minimise the number of vehicles on the road. These measures would be set out in a Construction Traffic Management Plan ('CTMP') secured by a planning condition. Abnormal Indivisible Load ('AIL') movements would be planned and managed in consultation with/notifying the appropriate police and local highway authority, and a trail run of AIL would be carried out before any loads are delivered.

6.10.3 The receptors identified were assessed against transport effects which are Severance, Driver Delay, Pedestrian Amenity, Delay, Fear and Intimidation and Accident and Safety.

6.10.4 In terms of severance effects, the A76 (New Cumnock) and the B743, predicted a negligible change, the B705 and B713 predicted a low level of change which are considered not significant. Afton Road predicted a high level of change due to the increase of total traffic flows. However, as the sensitivity of this road is considered low, the overall effect is not significant.

6.10.5 In terms of driver delay, the A76 (New Cumnock), Afton Road, the B743, B705 and the B713 would result in a negligible change and therefore not significant. In terms of pedestrian delay, the A76 (New Cumnock), would result in a negligible change, the B743, B705 and B713 would result in a low level of change. The level of the effect is therefore considered (not significant).

6.10.6 In terms of pedestrian amenity, the A76 (New Cumnock), Afton Road, the B743, B705 and B713 would result in a low or negligible level of change and as a result, the level of the effect is negligible overall (not significant).

6.10.7 In terms of fear and intimidation, A76 (New Cumnock), Afton Road, the B743, B705 and B713 would result in a low or negligible level of change and as a result, the level of the effect is negligible overall (not significant).

6.10.8 In terms of accident and safety for the A76 (New Cumnock), Afton Road, the B743, B705, B713 and would result in a low or negligible level of change and as a result, the level of the effect is negligible overall (not significant).

6.10.9 No further mitigation measures are expected to be proposed in addition to those identified in term of a CTMP and AIL trial run. As the Proposed Development would not result in any unacceptable impacts in terms of Severance, Driver Delay, Pedestrian Amenity, Delay, Fear and Intimidation and Accident and Safety, it is considered that the Proposed Development would not be in conflict with NPF4 Policy 13, Policy T1 of the East Ayrshire LDP and Policy RE1 and Policy T1 of the East Ayrshire LDP2.

6.11 Socioeconomic

6.11.1 NPF4 Policy 11 states that development proposals in relation to energy project "*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*". Policy 29 requires developments in rural areas to provide economic or other benefits to these areas, whilst balancing the potential effects developments can have on a rural area character and nature. Policy 30 encourages, promotes and facilitates sustainable tourism development that benefits local people, is consistent with net zero and nature commitments, and inspires people to visit Scotland. East Ayrshire LDP Policy OP1: Overarching Policy sets out a number of criteria relating to general environmental and amenity issues which should be considered in the determination of all development proposals. Policy RE3 provides support for wind developments where it can be demonstrated that they are acceptable in terms of all applicable renewable energy assessment criteria set out in Schedule 1. One of the Schedule 1 criteria is the impact on net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy T4 identifies that the development which disrupts or adversely impacts on existing or potential core paths or other recreational routes will not be supported unless measures to mitigate effects are put in place. East Ayrshire LDP 2 Policy RE1 seeks to protect environmental receptors including the landscape, cultural and natural heritage, water, air quality tourism and recreation, access, and general amenity from unacceptable significant adverse impact It also requires economic impacts including training, employment and supply chain opportunities to be considered. Policy T3 protects core path and other routes and Policy TOUR4 provides support to the protection of the Galloway Forest Dark Sky Park.

6.11.2 **Chapter 15** of the EIA Report assesses impacts on socio-economic, tourism and recreation. It sets out a number of measures which have been proposed as part of the Proposed Development to avoid, prevent or minimise significant adverse environmental effects and to enhance beneficial effects. These measures would be set out in a Construction Method Statement ('CMS'). The CMS would be supported by a number of documents to reduce or mitigate the environmental impact of the construction phase including Construction Environmental Management Plan ('CEMP'), Pollution Prevention Plan ('PPP'), and Site Waste Management Plan ('SWMP'). Emergency procedures would fall under the wider CMS. Another measure to demonstrate how the iterative design process has reduced wider adverse effects from the wind farm design is the Landscape Design Statement which sets out how the Proposed Development has been designed to balance technical and project requirements with a need to safeguard the environment and satisfactorily accommodate the Proposed Development within its landscape setting.

6.11.3 The key receptors identified in **Chapter 15** of the EIA Report relate to the economy (in terms of capital expenditure from the Proposed Development, construction employment and other indirect employment), access tracks and recreational routes, and recreational and tourist destinations.

6.11.4 During the construction phase, the Proposed Development is expected to generate capital expenditure of £7.4m. During construction, employment associated with the Proposed Development is estimated to support a total of 57 temporary construction jobs over the 18-month construction programme, would provide benefits to other indirect local business in terms of shops, temporary accommodation and services. There would also be construction employment benefits during decommissioning, although to a significantly lesser extent. The Proposed Development would comply with Scottish Government best practice guidelines in relation to community benefits in terms of £5,000 per MW per year, which would provide indirect security of employment to existing shops and wider businesses and provide opportunities for spend in the local area. Whilst not considered significant at a national level, there would be beneficial impacts from capital expenditure in

the local area, short term benefits from employment and beneficial indirect effects in terms of the local economy.

6.11.5 The Proposed Development would create a total of approximately 8km of new and upgraded wind farm access tracks (approximately 6km of upgraded tracks and 2km of new tracks). Temporary passing places would be provided every 500m (as required). Subject to agreement with all landowners and tenants, the public would have access to the Development Site tracks during operations, thereby facilitating relatively easy public access to areas that would otherwise have been more challenging to access.

6.11.6 Core Path C10, C11, C12 the Heritage Path and Scottish Hill Tract 84 and the Afton Road (which is part of the New Cumnock Path Network), as well as Core Path 183/667, Core Path 594 and Right of Way 'd' and 'e' were assessed in **Chapter 9** of the EIA Report. The Proposed Development would not result in any unacceptable adverse effects during construction, operation or decommissioning on these recreational routes because of the intervening vegetation, the distance between the receptors and the Proposed Development, the transient nature of the users of the routes and/or the orientation of the route relative to the Proposed Development.

6.11.7 Recreational and tourist destinations within 10km of the Proposed Development were also assessed including hill summits (Cairnsmore of Carsphairn, Blackcraig Hill and Windy Standard) and the Knockshinnonch lagoons. The Proposed Development would not result in the requirement for visible aviation lighting, and as a result there would be no adverse impacts on the Galloway Forest Dark Sky Park. No unacceptable adverse effects were identified during construction, operation or decommissioning because of the distance and intervening vegetation between the recreational receptor and the Proposed Development.

6.11.8 Adverse construction impacts would be mitigation through the CEMP and CMS. The Proposed Development has been carefully designed to minimise landscape and visual effects where possible, and to ensure that construction activities do not adversely impact on recreational users and the wider tourist activities in the local area. This is documented in the Design Statement. Where adverse effects are unavoidable, the wider community benefits provided to the local area would provide a degree of compensation for the operational life of the Proposed Development. Owing to the embedded mitigation and wider mitigation and community benefits, it is considered that the Proposed Development is in accordance with NPF4 Policy 11, 29 and 30, East Ayrshire LDP Policy OP1, RE3 and T4 and East Ayrshire LDP2 Policy RE1, T3 and TOUR4.

6.12 Infrastructure

6.12.1 NPF4 Policy 11 provides support for renewable energy development. Policy 18 encourages, promotes and facilitates an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. Policy 23 relates to health and Safety including noise. The East Ayrshire LDP identifies that the Proposed Development is located in an area that has the potential for development and as set out in Policy RE3, there is support for wind developments where it can be demonstrated that they are acceptable in terms of all applicable renewable energy assessment criteria set out in Schedule 1. One of the Schedule 1 criteria is the impact on telecommunications and broadcasting installations. Policy INF1 relates to infrastructure requirements, and Policy INF4 relates to developer contributions.

6.12.2 **Chapter 16** of the EIA Report assesses the likely significant effects of the Proposed Development with respect to Infrastructure and other Issues (i.e., telecommunications, safety, population and human health, and major accidents and disasters). The assessment concluded no significant effects on infrastructure operated by microwave or utility operators as a result of the Proposed Development. It concluded there were no

microwave links in the study area, and that where there was any potential for effects on television reception, these effects could be mitigated through a planning condition requiring a technical solution, which could be installed should a confirmed issue arise within 12 months of the turbines becoming operational.

6.12.3 The potential for significant effects in relation to population and human health has been considered in **Chapter 7** and **Chapter 16** of the EIA Report. No significant effects in relation to population and human health are predicted.

6.12.4 The potential for major accidents and disasters were assessed for a range of topics and concluded that the mitigation proposed to control the potential for accidents and the iterative design process in terms of designing out the potential for landslide etc would result in no significant effects.

6.12.5 The Proposed Development would have no unacceptable adverse effects on infrastructure due to the embedded measures in the design of the Proposed Development and the additional mitigation measure put in place via planning conditions should consent be granted. Section 6.10 above deals with traffic infrastructure requirements, and the Proposed Development would be subject to developer contributions. As a result, it is considered that the Proposed Development would not result in unacceptable effects on infrastructure and other issues, and is therefore in accordance with NPF4 Policy 11, Policy 18, and Policy 23, East Ayrshire LDP Policy RE3 and East Ayrshire LDP2 Policies INF1 and INF4.

6.13 Aviation

6.13.1 NPF4 Policy 11 sets out how design and mitigation should be used to address impacts such as aviation. The East Ayrshire LDP identifies that the Proposed Development is located in an area that has the potential for development, (Group 3) and as set out in Policy RE3, there is support for wind developments in Group 3 areas "*where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1*". One of the criteria set out in Schedule 1 is the impact on aviation. Policy RE1 of the East Ayrshire LDP2 sets out the approach to renewable energy development assessment criteria, including impacts on aviation.

6.13.2 **Chapter 8** of the EIA Report assesses the likely significant effect of the Proposed Development on aviation. The receptors which the Proposed Development was assessed against included Ministry of Defence ('MoD') Low Flying activities, National Air Traffic Services ('NATS') Lowther Hill Primary Surveillance Radar ('PSR') and NATS Cumbernauld PSR, Glasgow Prestwick Airport ('GPA') PSR and Glasgow Airport PSR. An assessment was made to determine potential impacts during construction, operation and decommissioning.

6.13.3 With regards to construction, the MoD, NATS, GPA and Glasgow Airport would experience no significant effects. This is due to the mitigation proposed which includes pilots planning their flying activities, radar mitigation scheme and Primary Radar Mitigation Scheme ('PRMS')). Due to the static nature of the infrastructure, it will not be processed and presented onto ATC display screens by the PSR system.

6.13.4 For the operational phase, the MoD has requested aviation lighting to be fitted to the turbines. With the lighting in place and operational, the magnitude of the effect is low, and the sensitivity of the receptor is determined to be medium; the effect has been assessed as not significant. The LoS analysis of the Lowther Hill PSR is utilised to determine the effect as significant. In relation to the Cumbernauld PSR, it has been assessed as not significant. The LoS analysis concluded that theoretically both of the turbines are highly likely to be theoretically detectable by the GPA Terma PSR, so the magnitude of effect is high, the sensitivity of the receptor is also determined to be high; the effect has been

assessed as significant. For Glasgow Airport, the LoS analysis concluded that theoretically the Glasgow Airport PSR will not detect either of the turbines of the Proposed Development, so the magnitude of effect is very low, the sensitivity of the receptor is determined to be high; the effect has been assessed as not significant.

6.13.5 In terms of decommissioning, the effects on MoD Low Flying activities, NATS Lowther Hill PSR and NATS Cumbernauld PSR, Glasgow Prestwick Airport (GPA) PSR and Glasgow Airport PSR have been determined as not significant.

6.13.6 The Proposed Development would have no unacceptable adverse effects on aviation due to the embedded measures in the design of the Proposed Development and the additional mitigation measure put in place via planning conditions should consent be granted. As a result, it is considered that the Proposed Development would not result in unacceptable effects on infrastructure and other issues, and is therefore in accordance with NPF4 Policy 11, East Ayrshire LDP Policy RE3 and East Ayrshire LDP2 Policy RE1.

6.14 Conclusions on Renewable Energy Policy and Need for the Development

6.14.1 From a review of the current energy policy context, it is clear that:

- There are significant shortfalls against the Scottish renewable targets;
- The UK and Scottish Governments have established yet more challenging emission reduction targets, with the Scottish Government increasing the 2045 target to 100% emissions reduction and making provisions for a net zero greenhouse gas emissions target to be set on a credible and costed pathway; and
- The Climate Change Committee, in advising the Scottish and UK Governments, has identified the need for a significant increase in low carbon electricity and that there is an important role for onshore wind.

The climate change and renewable energy policy framework is a very important material consideration for the determination of this planning application. It provides considerable support in favour of renewable energy development including onshore wind, a position that has been strengthened by recent policy and legislative changes. Onshore wind farms that have a good wind resource, limited environmental impacts and can proceed to implementation are very important now to contribute to these ambitious new targets set by the UK and Scottish Governments. This is further compounded by NPF4 and the clear requirements to support development which contributes to combatting the climate crisis, in particular Policy 1 which intends to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, and Policy 11 which encourages, promotes and facilitates all forms of renewable energy development including onshore wind.

6.14.2 The Proposed Development would help to tackle climate change not just in terms of renewable energy output but in the savings associated with CO_2 output. The increase in renewable energy output as a result of the Proposed Development would ensure further progress towards meeting the goals set out in the various policy and advisory documents outlined in this Planning Statement and would help to reduce the significant shortfall predicted against Scottish renewable electricity generation targets, in a location where commercial scale wind development has been found to be acceptable.

6.14.3 As a result of the above it is considered that the Proposed Development would be in accordance with NPF4 Policy 1 and Policy 2 and Policy 11. The Proposed Development would also be in accordance with East Ayrshire LDP Policy OP1 and Policy RE3. The

Proposed Development is also considered to accord with Policy SS1, Policy SS2, Policy OS1 and Policy RE3 of the East Ayrshire LDP2.

7. Conclusions

7.1.1 The role of onshore wind remains central to achieving Scottish renewables energy targets which have increased in recent years. The Scottish Government's target is to achieve 50% of total national energy use from renewable sources by 2030 and a largely decarbonised energy system by 2050. In December 2022, the Scottish Government stated that 85.2% of total energy consumption in Scotland in 2021 came from renewable sources, and this proposal would make an important contribution to reducing carbon emissions and to meeting this, as yet unachieved target. The Scottish Government's Onshore Wind Policy Statement (2022) sets a new target for Scotland, aiming at increasing the onshore wind installed capacity to 20 GW by 2030.

7.1.2 The Proposed Development would have an installed capacity of up to 21MW, which would contribute to the target of 50% of energy from renewable sources by 2030 which was set by the Scottish Energy Strategy as well as the onshore wind 20 GW by 2030 set by the Onshore Wind Policy Statement.

7.1.3 The increased generation capacity as a result of the Proposed Development would enhance overall renewable energy generation yield and greenhouse gas emissions reduction, thereby contributing to these currently unmet targets.

7.1.4 The Proposed Development would not have any unacceptable adverse effects on any assets in relation to peat, noise, shadow flicker, historic environment, ecology, ornithology, geology, hydrology (including flood risk) and hydrogeology and traffic and transport.

7.1.5 The Proposed Development would result in some adverse significant effects on assets within the LVIA. These relate to indirect landscape effects the Proposed Development on the Landscape Character Type ('LCT') within 2km of turbines and some recreational routes, which is exacerbated by the nature of such routes being used for leisure purposes where people take note of the surrounding landscape. The Proposed Development would have visual effects on very specific areas of localised settlements and transportation routes, but such effects would be transient in nature.

7.1.6 The East Ayrshire LDP2 is sufficiently progressed through the LDP creation process to be a material consideration within this Planning Statement. It is considered that the Proposed Development would not be in conflict with the policies identified in the emerging East Ayrshire LDP2.

7.1.7 In considering the Proposed Development, it is our view that it complies with Development Plan policy and gains significant support from the policies of NPF4 (particularly those relating to climate change and energy), the East Ayrshire LDP and the East Ayrshire LDP2, and that material considerations also support the Proposed Development and the grant of planning permission. Although some adverse effects have been identified, for example in relation to landscape and visual impact, those must be weighed against the policy position and the Proposed Development's positive contribution towards addressing the climate crisis and the biodiversity emergency, net zero, the reduction in carbon emissions and the security of a local supply of renewable energy for the UK. The embedded mitigation and additional measures secured through planning conditions would further mitigate against any adverse effects. When considering the Proposed Development as a whole, the benefits of the Proposed Development significantly outweigh any adverse impacts. As a result, the Proposed Development is considered to be in compliance with Development Plan policy and national policy and contribute to the Scottish Government's binding targets in connection with net zero. It is therefore respectfully requested that planning permission is granted.

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