

# RWE

**Enoch Hill Wind Farm  
Variation Application  
Planning Addendum  
Statement**  
June 2020

**wood.**



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## Report for

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## Document revisions

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1	First Draft	June 2020
2	Final Draft	June 2020

# Executive Summary

## Purpose of this Report

This Planning Statement addendum has been prepared on behalf of RWE Renewables UK Development (the 'Applicant') and provides supporting information in respect of the accompanying section 36C variation application in relation to the consented Enoch Hill Wind Farm (reference: EC00005256) (the Consented Development). The amendment proposed, and considered through this addendum, comprises a change to the consented wind turbine heights, rotor diameter and operational period resulting in the consequential increase in potential renewable energy yield and is referred to in this addendum as "the Variation Development".

This Planning Statement addendum supports the associated findings of an Environmental Impact Assessment (EIA) to accompany an application under section 36C of the Electricity Act 1989 (S36) to vary the consented Enoch Hill Wind Farm located in East Ayrshire between the settlements of Dalmellington (located approximately 7km to the south west of the Development Site) and New Cumnock (located approximately 5km to the north east of the Development Site), close to the northern border of the Dumfries and Galloway Council (DGC) administrative area.

Chapter 3 of the Environmental Impact Assessment Report (EIA Report) provides further information on the location of Enoch Hill Wind Farm and a description of the proposed variations to the Consented Development: increase the permitted operational period from 25 to 30 years; increase the rotor diameter and maximum tip height of all 16 turbines from up to 130m tip height to up to 149.9m; and increase in the rotor diameter to 136m, thereby increasing the contribution towards Scotland's target of 100 per cent of electricity production from renewable resources.

This Planning Statement sets out the following information:

- Planning history of the Consented Development;
- The Variation Development;
- Justification of need for the Variation Development;
- Relevant planning policies and material considerations.

This Planning Statement concludes there is a clear need for the Variation Development, that the development is sustainable, and that it complies with national energy and planning policy as well as the relevant Local Development Plan and other material considerations, and as a result the variation should be granted.

## Terminology

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

- The '**Consented Development**' - the 16 turbines and associated infrastructure of Enoch Hill Wind Farm consented by the Scottish Ministers on 13 September 2019;
- The '**Variation Development**' - the proposed revised Enoch Hill Wind Farm whereby for all 16 turbines the rotor diameter would be increased to up to 136m and blade tip height increased to up to 149.9m, with their locations and all other associated infrastructure remaining unchanged. It is also proposed that the 25 year operational period is increased to 30 years;

- The '**2015 ES**' - the Enoch Hill Wind Farm Environmental Statement that accompanied a section 36 application for a 19 turbine proposed development that was located on the same site as the Consented Development;
- The '**2017 FEI**' – Further Environmental Information to the 2015 ES that was submitted in 2017 in support of the Consented Development. This considered an amendment to the (then) Proposed Development by way of the deletion of three turbines and change to the locations of those remaining, with this 16 turbine layout being consented in September 2019;
- The '**Variation EIA Report**' – the EIA Report that accompanies the section 36C application for the Variation Development;
- The '**Development Site**' - the site of the Consented Development and of the Variation Development, located approximately 5km to the south west of New Cumnock and approximately 7km north east of Dalmellington and centred at National Grid Reference (NGR) E257360, N608630. The site boundary is shown on **Figure V3.1** of the EIA Report. and it should be noted that this now covers a slightly smaller area for the Variation Development than for the Consented Development;
- The '**Applicant**' is RWE Renewables UK Developments Ltd (the applicant for the variation is the same legal entity that sought and holds the benefit of the section 36 consent for the Consented Development, but the company name changed from E.ON Climate & Renewables UK Developments Ltd, following the acquisition of this part of E.ON business by RWE on 30 September 2019). The company number remains 03758407; and
- The '**ECU**' is the Energy Consents Unit of the Scottish Government.

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# 1. Introduction

This Planning Statement addendum has been prepared on behalf of RWE Renewables UK Development (the 'Applicant') and provides supporting information in respect of the accompanying section 36C variation application in relation to the consented Enoch Hill Wind Farm (reference: EC00005256) (the Consented Development). This Planning Statement sets out a description of the Variation Development, considers the impacts of the variation itself and how those differ from the original scheme, together with the relevant policy context against which the proposed amendments to the Consented Development should be considered. The Planning Statement will explain the need to amend the Consented Development to increase turbine height, rotor diameter and lifetime of the scheme, alongside a reasoned justification of the benefits that such a change will bring in terms of the renewable energy yield from the Variation Development.

## 1.1 Consented Development and Related Permissions

- 1.1.1 The Consented Development received consent under section 36 (S36) of the Electricity Act 1989, (alongside deemed planning permission under the Town and Country Planning (Scotland) Act 1997), in September 2019. This authorises the construction, operation and decommissioning of a wind farm comprising up to 16 turbines with a maximum height to blade tip of up to 130 metres (up to 106m rotor diameter) and all associated infrastructure (one vehicular site access point, on-site access tracks, hardstanding areas, control building (and substation if required), electrical cabling, two anemometry masts and one borrow pit search area).
- 1.1.2 The Consented Development was predicted to produce in the order of 54.4MW of renewable energy per year (based on potential candidate turbines) with a proposed operational life of 25 years.
- 1.1.3 The principal components and ancillary development of the Consented Development, comprises:
- 16 wind turbines of up to 130m to blade tip height and up to 106m rotor diameter;
  - Access tracks connecting infrastructure elements;
  - A new vehicular access point from the public highway;
  - Hard standing areas e.g. crane pads;
  - Potential borrow pit(s);
  - Two anemometer masts;
  - Temporary working areas e.g. construction compound; and
  - Wind Farm Control Building and Scottish Power Energy Networks (SPEN) substation and electrical cabling between this and the turbines.

## 1.2 Variation Development

- 1.2.1 Through making the Section 36C application for the Variation Development, the Applicant is seeking to vary the Consented Development by;

- Increasing the maximum height to blade tip of the 16 x 130m turbines to 149.9m (the number of turbines overall would remain as 16 as per the Consented Development);
  - Increasing the rotor diameter of all 16 turbines from up to 106m to up to 136m (all turbines); and
  - An increase in the overall operational period from 25 to 30 years.
- 1.2.2 For the avoidance of doubt, the turbine locations and all other associated infrastructure remain unchanged from the Consented Development.
- 1.2.3 In line with the EIA Report that has been undertaken for the Variation Development, this Planning Statement has focussed on the changes being proposed to the Consented Development through the Variation Development, and their acceptability. This approach ensures that the potential impacts of the Variation Development are properly considered and reported on, whilst also recognising that the Consented Development (which in many respects will remain unchanged) has very recently been the subject of a comprehensive and detailed EIA and planning appraisal.

### **Pre-Application Correspondence with Energy Consents Unit (ECU)**

- 1.2.4 A scoping report and a request for a scoping opinion are not a mandatory requirement under the EIA Regulations but this optional part of the EIA process was undertaken for the Variation Development and was submitted to ECU on 4th February 2020.



## 2. The Variation Development

### 2.1 Location of the Development Site

- 2.1.1 The Variation Development sits within the Development Site, which is located in East Ayrshire between the settlements of Dalmellington (located approximately 7km to the south west of the Development Site) and New Cumnock (located approximately 5km to the north east of the Development Site), close to the northern border of the Dumfries and Galloway Council (DGC) administrative area and within the jurisdiction of East Ayrshire Council. There are no residential properties within 2km of the Development Site. The nearest residential properties to the Development Site are Maneight Farm and Meiklehill located ~2.2km and ~2.3km to the north.
- 2.1.2 The National Grid Reference (NGR) for the Development Site centre is E257360, N608630. The location and wider geographical context of the Development Site is shown on **Figure V3.1** of the EIA Report, with the Development Site Boundary shown in **Figure V3.2**. This covers an area of approximately 1,219 hectares (ha), the previous, slightly larger boundary of the Development Site for the Consented Development, covered an area of 1,466ha.

### 2.2 Development Site Characteristics

- 2.2.1 The majority of the Development Site is rough grazing land and extends to approximately 1,219 ha, although the wind farm infrastructure would occupy only a small part of it. The permanent land take during the operational phase of the Variation Development would be only ~14.23ha (around 1% of the Development Site)
- 2.2.2 The elevation of the Development Site is between 210m – 569m above ordnance datum (AOD) with the topography being characterised by four summits; Rigg Hill, Enoch Hill, Chang Hill and Benty Cowan Hill. The highest of these is Enoch Hill at 569m above ordnance datum (AOD).
- 2.2.3 The access would be created off the B741 that runs along its northern boundary. The new access would be located a short distance to the north east of Polmathburn Bridge, on the north western edge of the Development Site boundary and abnormal loads will not cross this bridge. The new access would be used for all phases of the Variation Development (construction, operation and decommissioning).

### 2.3 The Variation Development

- 2.3.1 The Consented Development, as approved via the S36 consent, is for up to 16 wind turbines with a tip height of up to 130m and associated infrastructure as summarised within **Chapter 3** of the 2015 ES. Through the Variation Development, the Applicant is seeking to formally vary the Consented Development by:
- Increasing the maximum height to blade tip of the 16 turbines to 149.9m (the number of turbines overall would remain as 16 as per the Consented Development);
  - Increasing the rotor diameter of all 16 turbines from up to 106m to up to 136m (all turbines); and
  - An increase in the overall operational period from 25 to 30 years.

- 2.3.2 The consequence of the increase in the dimensions of the turbines is estimated to be a 47% increase in potential output, with the nominal installed capacity expected to increase from 54.4MW to up to 80MW.
- 2.3.3 All other infrastructure elements would remain the same as the Consented Development. **Chapter 3** of the Variation EIA Report provides a summary of the key features of the Variation Development (**Table 3.1**) as well as a comparison between the Consented and Variation Development (**Table 3.2**).

## 2.4 Need for the Variation Development

- 2.4.1 Since the completion of the 2015 ES and 2017 FEI, there have been updates and changes in renewable energy policy and climate change frameworks which have strengthened the need for, and underlined the continued importance and urgency of, delivering renewable energy developments. In the Public Local Inquiry (PLI) Report to Scottish Ministers, the Reporter concluded that the (Consented) Development would support greenhouse and renewable energy targets; would support the vision and aims of National Planning Policy; could be considered as development that contributes to sustainable development and so benefits from the presumption in favour of development in the Scottish Planning Policy; and would accord overall with the Development Plan. The Scottish Ministers agreed with the Reporter's conclusions that the (Consented) Development is supported by national policies that promote the development of onshore wind farms in appropriate locations, and is consistent with the provisions of the East Ayrshire Local Development Plan, supplementary guidance and national guidance. The Reporter was also satisfied that any adverse environmental effects of the proposal would be satisfactorily mitigated by the provisions within the proposed conditions. The Variation Development is sustainable, it complies with the relevant national energy and planning policy as well as the Local Development Plan and other material considerations, and as a result the variation should be granted.
- 2.4.2 The planning statement submitted with the section 36 consent application provided a comprehensive review of relevant energy policy at the international, national and Scottish level. This was updated for the PLI. This section therefore summarises the updates to international, national and Scottish energy policy, and their relevance to the Variation Development. Further details of the policies and targets are outlined in **Chapter 6** of the Variation EIA Report.

## UK Policy and Targets

### Carbon Budgets

- 2.4.3 The UK has met its first Carbon Budget (23% reduction of UK greenhouse gas emissions between 2008-2012) and is on track to meet the 2<sup>nd</sup> Carbon Budget (29% reduction of UK greenhouse gas emissions between 2013-2017) and 3<sup>rd</sup> Carbon Budget (35% reduction of UK greenhouse gas emissions between 2018-2022). However, the UK is currently not on track to meet the 4<sup>th</sup> Carbon Budget<sup>1</sup> (50% reduction of UK greenhouse gas emissions between 2023-2027), or the 5<sup>th</sup> Carbon Budget (57% reduction in greenhouse gas emissions 2028-32).
- 2.4.4 As can be seen in **Figure 2.1** below, the projected carbon reductions for the 4<sup>th</sup> and 5<sup>th</sup> carbon reduction budgets will not be met. The projections show that the 4<sup>th</sup> budget will be narrowly missed (approximately 2,100 versus target of 1,900) but the gap increases for the 5<sup>th</sup> carbon

<sup>1</sup> Statistics from <https://www.theccc.org.uk/reducing-carbon-emissions/carbon-budgets-and-targets/> (Accessed May 2020)

reduction budget – the projection is just under 2,000 and the target approximately 1,750 so the gap between the projection and the target is growing.

- 2.4.5 To meet future carbon budgets and the revised emissions reduction target of 100% target for 2050 (see paragraph 2.4.6 below) will require the government to apply more challenging measures.

Figure 2.1 Progress Against UK Carbon Reduction Targets



Source: <https://fullfact.org/environment/uk-greenhouse-gas-emissions>

#### Climate Change Act 2008 (2050 Target Amendment) Order 2019

- 2.4.6 This Order came into force in June 2019. Article 2 amends section 1 of the Climate Change Act 2008, and imposes a duty on the Secretary of State to ensure that the UK will reduce greenhouse gas emissions by 100% (or net zero) of 1990 levels by 2050, 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 Committee on Climate Change recommended that Scotland achieve net zero by 2045, and that Wales achieve a 95% reduction below 1990 levels by 2050, reflecting their individual respective circumstances.
- 2.4.7 In a letter to the Exchequer Secretary to the Treasury in October 2019, the Committee on Climate Change sets out its expectations for the Treasury's planned review of how the costs of the transition to a net zero economy can be funded and distributed fairly. This letter advises that delivering net zero will require a range of actions, which must begin immediately, including a large-scale roll-out of energy efficiency and low-carbon heating and increased share of electricity from low-carbon sources.
- 2.4.8 The Sixth Carbon Budget, which will be the first one to be legislated following the revised net zero emissions target, will provide ministers with the Committee on Climate Change's recommendation on the level of greenhouse gases the UK can emit during the period 2033-2037, setting out a pathway to meeting the UK's revised net zero emissions target in 2050. The Sixth Carbon Budget is due to be published in December 2020.

## Scottish Policy and Targets

### Declared Climate Emergency

- 2.4.9 In her speech to the SNP conference in April 2019, Scotland's First Minister declared a climate emergency, and that *"Scotland will live up to our responsibility to tackle it"*. She noted that the Committee on Climate Change was due to publish new scientific advice on Scotland's targets, and stated that *"If that advice says we can go further or go faster, we will do so. Scotland will lead by example"*.

### Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

- 2.4.10 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent on 31 October 2019. The primary objective of the Act is to raise the ambition of the greenhouse gas emissions reduction targets that are set out in the Climate Change (Scotland) Act 2009 and associated regulations and making provisions for a net zero greenhouse gas emissions target to be set on a credible and costed pathway.
- 2.4.11 The Act sets a net zero emissions target for all greenhouse gases by 2045 (previously 80% by 2050 in the Climate Change (Scotland) Act 2009). The Act sets interim targets as follows:
- 2020 is at least 56% lower than the baseline;
  - 2030 is at least 75% lower than the baseline, and
  - 2040 is at least 90% lower than the baseline.
- 2.4.12 In introducing the net zero target, the Climate Change Secretary stated *"There is a global climate emergency. The evidence is irrefutable. The science is clear. And people have been clear: they expect action. The Intergovernmental Panel on Climate Change issued a stark warning last year: the world must act now. By 2030 it will be too late to limit warming to 1.5 degrees."*

### Progress Towards Achieving Targets

- 2.4.13 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 2019 (Energy Statistics for Scotland) show that in 2018, 20.9% of total Scottish energy consumption came from renewable sources (19.2% in 2017).
- 2.4.14 The Scottish Government also has a target to deliver the equivalent of 100% of Scottish electricity consumption from renewables by 2020. The '2020 Routemap for Renewable Energy in Scotland' acknowledged that this was a challenging target that will demand a significant improvement over the deployment levels seen historically. In 2018, renewable sources generated the equivalent of 76.2% gross electricity consumption (Energy Statistics for Scotland, December 2019).
- 2.4.15 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). Figures released in the Energy Statistics for Scotland (December 2019) show that as of September 2019, 11.7GW of renewable electricity capacity was operational in Scotland (an increase of 0.9GW compared with September 2018). While there is an additional 12.9GW of capacity either under construction, consented, or in planning, the target relates to installed capacity, a point made clear in a number of Public Inquiry reports.

- 2.4.16 There is clearly a shortfall for these targets. It is noted that the need for renewable energy is unconstrained regardless of progress towards targets, a point made by the Reporter for the Consented Development at paragraph 6.5 of the PLI Report.
- 2.4.17 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets out even more ambitious targets.
- 2.4.18 The UK Committee on Climate Change in its advice to the UK and Scottish Governments on achieving the net zero target stated that renewable electricity generation "*must quadruple*". The Scottish Government should make "*use of planning powers to drive decarbonisation*". In December 2019, the Committee on Climate Change stated "*Scotland's next Climate Change Plan must set out a comprehensive strategy detailing the policies and governance that will drive a rapid, sustained transformation to a net-zero society. Net-zero planning must be embedded across all levels of government in Scotland, it must also engage the public, provide a stable direction of travel and set out a simple, investable set of rules and incentives for business*".

## 2.5 Energy Savings

- 2.5.1 As outlined within **Chapter 6** of the Variation EIA Report, the capacity figure based on empirical data for the Variation Development is substantially greater (37.6%) than the Scottish and UK Average (27.1% and 26.7%). The carbon dioxide savings generated by the Variation Development would equate to a net figure of 113,305 tonnes.
- 2.5.2 While the construction and installation of wind turbines has a carbon cost it is expected that carbon loss of the Variation Development will be paid back in ~1.5 years (5% of the of the 30 year operational life) and that overall, the Variation Development could result in a total carbon saving of approximately 3.4million tonnes over its 30 year operational life, the equivalent of supplying 78,821 average homes in East Ayrshire.

## 2.6 Conclusions on Renewable Energy Policy and need for the Development

- 2.6.1 From a review of the current energy policy context, it is clear that:
- there is a significant shortfall against the Scottish renewable targets;
  - the Scottish Government has established yet more challenging targets through the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 including 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 Committee on Climate Change, 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.
- 2.6.2 The climate change and renewable energy policy framework is a very important consideration that should attract significant weight in the determination of this section 36C application. The energy policy context provides considerable support in favour of renewable energy development including onshore wind. This position has been strengthened by recent policy and legislative changes. Large 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 Scottish Government.

- 2.6.3 In considering the wider international and national policy and aspirations, it is evident that the Variation Development would materially increase the renewable energy output and the savings associated with CO<sub>2</sub> output compared to the Consented Development. The increase in renewable energy output as a result of the Variation Development would ensure further progress towards meeting the goal of the aspirational national and international targets in limiting the amount of greenhouse gas emissions outlined above. With regards to national targets, the increase in installed capacity as a result of the Variation Development would help to reduce the significant shortfall predicted against the Scottish renewable targets, in a location where commercial scale wind development has been found to be acceptable. Further support for the Variation Development is provided in the Scottish Government's Onshore Wind Policy Statement (December 2017), which supports the use of larger turbines where they are appropriately sited.

## 3. Planning Policy Considerations

### 3.1 Introduction

- 3.1.1 This chapter outlines the planning policy context applicable to the Variation Development. **Section 3.2** summarises the regulatory context, **Section 3.3** sets out the relevant National planning policies and **Section 3.4** sets out the relevant Local planning policies. Finally, **Section 3.5** outlines any other relevant material considerations.
- 3.1.2 This planning policy context forms the basis of the Planning Appraisal of the Variation Development set out in **Chapter 5**.

### 3.2 The Regulatory Context

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

- 3.2.1 Given that the Consented Development would have had an electricity generation capacity exceeding 50MW, it was determined under the terms of section 36 of the Electricity Act 1989 (as amended). The application for the Variation Development is also made under and would also be determined pursuant to section 36 of the Electricity Act 1989 (in this case, section 36C).
- 3.2.2 When considering section 36 applications Scottish Ministers must satisfy the requirements of Schedule 9 (paragraph 3(2)) of the Electricity Act 1989. This requires them to consider the *"desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest"*. The Scottish Ministers also assess (as a matter of policy if not law where the applicant is not a licence-holder) the extent to which the applicant has fulfilled the requirement to *"do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects"*.
- 3.2.3 While this requirement remains for the Variation Development, it should however be noted that environmental impacts have already been addressed by the corresponding EIA of the Consented Development as reported in the 2015 ES and 2017 FEI and therefore the impact of the changes (only) is to be given consideration in the determination of this application. Further information on this is contained throughout the corresponding EIA Report.
- 3.2.4 To fully authorise the Variation Development, the Scottish Ministers are also requested to make a direction under Section 57(2ZA) of the Town and Country Planning (Scotland) Act 1997 (as amended) within their decision letter that a new deemed planning permission would be granted as specified in the direction.
- 3.2.5 In assessing the legal framework within which the application for the Variation Development is considered, it is recognised that the Local Development Plan is a material consideration which should be taken into account alongside all other relevant information; however Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) is not specifically engaged and therefore the Local Development Plan does not have 'primacy'. This approach to dealing with the status of the (Local) Development Plan in Electricity Act cases has been consistently taken by both Reporters and Ministers and confirmed by the courts, including within the decision of the Scottish Ministers regarding the Dorenell Wind Farm section 36 application and the subsequent judicial review Opinion of the Court (by Lord Malcolm) on 13th June 2012.



### 3.3 National Planning Policy

3.3.1 National planning policy is set out within the National Planning Framework (NPF) and Scottish Planning Policy (SPP). Both were published in 2014 and are now beyond their envisaged 5 year life-span. The Planning (Scotland) Act 2019 proposes to review national policy with the preparation of NPF4. This review will incorporate Scottish Planning Policy and will become part of the development plan. The Scottish Government has now revised the timetable for the preparation of NPF4, with an interim statement anticipated in Autumn 2020 and a draft in Autumn 2021. The current 2014 documents therefore provide the current national policy framework, with the Scottish Energy Strategy and Onshore Wind Policy Framework providing up to date advice on the Scottish Minister's position and targets for the supply of energy from renewable sources. Both NPF3 and the SPP pre-date the declaration of climate emergency by Scottish Ministers, and the net zero target by 2045. Both these factors are material changes which mean that NPF4 and SPP will likely change significantly in terms of support for renewable electricity.

#### The National Planning Framework (NPF3)

3.3.2 Scotland's Third National Planning Framework<sup>2</sup> (NPF3) provides the statutory national framework around which to orientate Scotland's long-term spatial development. NPF3 represents the spatial expression of the Scottish Government's Economic Strategy (2011) and it highlights the spatial planning implications of multiple national policy documents and commitments, including the binding decarbonisation targets enshrined within the Climate Change (Scotland) Act 2009.

3.3.3 Overall, NPF3 emphasises the Scottish Government's commitment to increasing sustainable economic growth across all areas of Scotland and therefore orientates the efforts of Scotland's planning system towards this purpose. The introduction to the NPF3 notes the importance of maintaining economically active and vibrant rural areas whilst "safeguarding our natural and cultural assets and making innovative and sustainable use of our resources".

3.3.4 NPF3 sets out a national spatial strategy structured around four key themes. These are set below;

- A successful, sustainable place: this theme is underpinned by the objective of achieving "a growing low carbon economy" alongside creating "high quality, vibrant and sustainable places...". The Framework calls for a renewed focus on exploiting Scotland's energy resources, and in paragraph 2.7 the NPF3 identifies a need for development which "facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions";
- A low carbon place: this theme relates to the legally binding target of reducing Scotland's greenhouse gas emissions by 80% by 2050 compared with 1990 levels, as set out in the Climate Change (Scotland) Act 2009. It states that "Our built environment is more energy efficient and produces less waste and we have largely decarbonised our travel"; In relation to onshore wind energy, paragraph 3.7 states that "there is strong public support for wind energy as part of the renewable energy mix", however it is noted that the social acceptability of wind farms varies in different locations. Paragraph 3.8 reiterates the Scottish Government's commitment to meeting its renewable energy deployment targets, including the aim of generating "at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015". To help achieve these decarbonisation targets, paragraph 3.23 confirms the Scottish Government's view that "onshore wind will continue to make a significant contribution to diversification of energy supplies";

<sup>2</sup> The Scottish Government (2014) National Planning Framework 3. At: <https://www.gov.scot/publications/national-planning-framework-3/>



- A natural, resilient place: this theme is concerned with environmental protection and it is noted that Scotland's principal asset is the land, which must be managed sustainably as both an economic and dynamic resource and an environmental asset. It is noted in paragraph 4.22 of the SPP that "*rural areas have a particular role to play in building Scotland's long-term resilience to climate change and reducing our national greenhouse gas emissions*"; and
- A connected place: this theme is orientated around maximising physical and digital connectivity around Scotland and between Scotland and the rest of the world.

### Scottish Planning Policy (SPP)

3.3.5 The Scottish Government has identified 16 national outcomes which explain how the purpose of sustainable economic growth is to be achieved. Both the NPF3 and the SPP<sup>3</sup> are underpinned by a common vision, which is articulated in paragraph 11 of the SPP:

*"We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world".*

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

3.3.7 To implement this vision statement the SPP identifies four planning outcomes based on the themes of the NPF3, which are:

- *"Outcome 1: A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places."*
- *"Outcome 2: A low carbon place – reducing our carbon emissions and adapting to climate change".* This outcome relates to the legally binding target of reducing Scotland's greenhouse gas emissions by 80% by 2050 compared with 1990 levels, as set out in the Climate Change (Scotland) Act 2009. The outcome further sets out Scotland's commitment to generating at least 30% of overall energy demand, and the equivalent of at least 100% of gross electricity consumption, from renewables by 2020. The need to facilitate this transition by supporting diversification in the energy sector and the importance of onshore wind are recognised within NPF3.
- *"Outcome 3: A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use."* As noted in the NPF3, Scotland's principal asset is the land, which must be managed sustainably as both an economic and dynamic resource and an environmental asset. The role of rural areas in the transition towards a low carbon economy is recognised.
- *Outcome 4: A more connected place – supporting better transport and digital connectivity".*

3.3.8 The SPP's Principal Policy on Sustainability (paragraphs 24-35) includes a presumption in favour of development that contributes to sustainable development. Paragraph 32 clarifies that: "*Proposals*

<sup>3</sup> The Scottish Government (2014) Scottish Planning Policy. At: <https://www.gov.scot/publications/scottish-planning-policy/>

that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations". Both the Reporter and Scottish Ministers concluded that the Consented Development is development that contributes to sustainable development, and therefore benefits from the presumption in favour of development, one of the Policy Principles within the SPP.

- 3.3.9 Paragraph 169 identifies a number of considerations which are likely to be relevant when determining proposed energy infrastructure developments. These include economic impacts and benefits, renewable energy targets, effects on greenhouse gas emissions, cumulative impacts and environmental impacts including noise, visual, access, tourism, hydrology, geology, heritage, transport and ecology.
- 3.3.10 Other subject specific policies within the SPP which are of relevance to the Variation Development are listed in **Table 3.1** below.

Table 3.1 Relevant Subject Specific Policies within the SPP

Subject Policy	SPP Reference	Overview
<b>Promoting Rural Development</b>	Paragraphs 74 - 91	The SPP identifies planning principles related to sustainable rural development including "...encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality...".
<b>Supporting Business and Employment</b>	Paragraphs 92 - 108	This section highlights the need to "give due weight to net economic benefit of proposed development" (paragraph 93). The SPP identifies energy as one of several key growth sectors which should be appropriately supported through development plans.
<b>Valuing the Historic Environment</b>	Paragraphs 135 - 151	The SPP states that planning should promote the care and protection of the designated and non-designated historic environment and should take account of all aspects of the historic environment.
<b>Valuing the Natural Environment</b>	Paragraphs 193 - 233	The SPP identifies a number of planning principles related to natural heritage protection and ecological resilience. Principles (paragraph 194) of relevance to the Variation Development include that planning should: <ul style="list-style-type: none"> <li>• "Facilitate positive change while maintaining and enhancing distinctive landscape character;</li> <li>• Conserve and enhance protected sites and species...</li> <li>• Promote protection and improvement of the water environment...in a sustainable and co-ordinated way;</li> <li>• Seek to protect soils from damage...</li> <li>• Protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;</li> <li>• Seek benefits for biodiversity from new development where possible..."</li> </ul>
<b>Maximising the Benefits of Green Infrastructure</b>	Paragraphs 219 - 233	The SPP identifies a number of planning principles related to the protection, enhancement and promotion of green infrastructure including core paths and other important routes.

Subject Policy	SPP Reference	Overview
<b>Promoting Responsible Extraction of Resources</b>	Paragraphs 234-248	The SPP sets out development management requirements for proposed borrow pits. These should only be permitted: <ul style="list-style-type: none"> <li>• If there are significant environmental or economic benefits compared to obtaining material from local quarries;</li> <li>• They are time-limited; tied to a particular project; and</li> <li>• Appropriate reclamation measures are in place.</li> </ul>
<b>Managing Flood Risk &amp; Drainage</b>	Paragraphs 254-268	A precautionary approach to flood risk from all sources is promoted and where relevant, flood risk assessments and the deployment of SUDs are required.
<b>Promoting Sustainable Transport and Active Travel</b>	Paragraphs 269-291	Notes the requirement to consider traffic impacts including cumulative.

## National Planning Advice and Circulars

- 3.3.11 National planning policy is supported by Planning Circulars, Planning Advice Notes<sup>4</sup> (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.
- 3.3.12 The following Scottish Government/Scottish Natural Heritage Planning Circulars and Advice documents are considered to be of relevance to the Variation Development:
- PAN 1/2013: Environmental Impact Assessment (August 2013);
  - Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations (June 2015);
  - Onshore Wind – Some Questions Answered (December 2014);
  - Online Renewables Planning Advice regarding Onshore Wind Turbines (last updated May 2014);
  - Online Planning Advice regarding Flood Risk (published 18th June 2015);
  - PAN 2/2011 Planning and Archaeology (July 2011);
  - PAN 1/2011 Planning and Noise (March 2011);
  - PAN 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).
- 3.3.13 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

<sup>4</sup> The Scottish Government Planning Advice Notes. At: <https://www.gov.scot/collections/planning-advice-notes-pans/>

Government's Onshore Wind – Some Questions Answered website and the Online Renewables Planning Advice regarding Onshore Wind Turbines (last updated 28<sup>th</sup> May 2014)<sup>5</sup>.

### Draft Peatland and Energy Policy Statement

- 3.3.14 In June 2016, the Scottish Government published its draft Peatland and Energy Policy Statement<sup>6</sup>, 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.
- 3.3.15 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<sub>2</sub> equivalent). For Scotland to meet its greenhouse gas emissions reduction targets, this vast carbon store must be maintained and where possible enhanced."*
- 3.3.16 Under the Climate Change (Scotland) Act 2009 public bodies are required to; *"act in the way best calculated to contribute to delivery of the Act's emissions reduction targets"*. This statement does not just apply to the Variation Development, but to all energy developments and associated infrastructure.
- 3.3.17 With regard to the Variation Development, the issue of peat has already been addressed through the Consented Development and as this application is for an amendment to above ground elements only, the statement is limited in its application.

## 3.4 Development Plan

- 3.4.1 The current development plan for the Development Site comprises:
- The Adopted East Ayrshire Local Plan 2017.

### East Ayrshire Local Development Plan (2017)

- 3.4.2 The East Ayrshire Local Development Plan<sup>7</sup> (LDP) 2017 was adopted by East Ayrshire Council (EAC) in February 2017. The LDP aim is that *'East Ayrshire will be a desirable place in which to live, work, invest and visit'*.
- 3.4.3 The LDP Plan 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.
- 3.4.4 Map 12 of the LDP sets out the spatial framework for wind development over 50m in height. The Development Site covers areas identified within Group 3 and Group 2, though is primarily in Group 3.

<sup>5</sup> The Scottish Government have confirmed that parts of this advice document remain relevant despite the fact that the document pre-dates the publication of the SPP (2014). The areas of this advice document which are no longer relevant refer to "spatial framework", "spatial planning" and "areas of search".

<sup>6</sup> The Scottish Government (2016) Draft Peatland and Energy Policy Statement. At <https://www.gov.scot/publications/peatland-and-energy-draft-policy-statement/>

<sup>7</sup> East Ayrshire Council (2017) Local Development Plan. At: <https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/LocalAndStatutoryDevelopmentPlans/East-Ayrshire-Local-Development-Plan-2017.aspx>

3.4.5 In the Public Local Inquiry (PLI) Report<sup>8</sup> for the Consented Development, at paragraph 2.48, the Reporter stated that:

*'I find that the lack of infrastructure/turbines proposed within two kilometres of settlements and the avoidance of carbon rich soils/deep peat means that the proposed development can be considered as falling within group 3 (areas with potential for wind farm development) following the provisions of SPP and the development plan'.*

3.4.6 Given that the location of the turbines is not changing with the Variation Development, it can also be considered as falling within group 3 (areas with potential for wind farm development).

3.4.7 Policy RE3 (Wind Energy Proposals over 50 Metres 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".

3.4.8 Schedule 1 of the LDP sets out a number of assessment criteria for renewable energy developments, including:

- Landscape and visual impacts;
- Cumulative impacts – likely cumulative impacts arising from all considerations below, recognising that 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 the 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, noise and shadow flicker;
- 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;
- 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;

<sup>8</sup> WIN-190-5 Enoch Hill PLI Report

- 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.

3.4.9 All other (subject specific) proposed policies of relevance to the Variation Development are listed in **Table 3.2** below.

Table 3.2 Other Relevant Policies within the East Ayrshire Local Development Plan (2017)

Policy	Requirements
RES11 – Residential Amenity	<i>'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> (i) <i>the establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents;.....'</i>
TOUR4 - The Dark Sky Park	<i>'...Outwith the Dark Sky Park, and in particular within the 10 mile radius of the Park known as the transition zone, the Council will encourage developers to take account of the Dark Sky Park designation and take measures to limit light pollution, in line with the measures set out in the Dark Sky Park Lighting Supplementary Guidance'</i>
ENV1 – Listed Buildings	<i>'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:</i>  <i>• The retention and preservation of all listed buildings and buildings within conservation areas.'</i>
ENV2 – Scheduled Monuments and Archaeological Resources	<i>'Development that would have an adverse effect on Scheduled Monuments or on their settings shall not be supported unless there are exceptional overriding circumstances.</i>  <i>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.'</i>
ENV3 – Conservation Areas	<i>'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.'</i>
ENV4 – Gardens and Designed Landscapes	<i>'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>  (i) <i>its character;</i> (ii) <i>important views to, from and within it and;</i> (iii) <i>important features that contribute to its value and that justify its designation, where applicable.'</i>
ENV6 – Nature Conservation	<i>'The importance of nature conservation and biodiversity will be fully recognised in the assessment of development proposals.</i>  (i) <i>Any development likely to have a significant effect on a Natura 2000 site which is not directly connected with or necessary to its conservation management must be subject to a "Habitats Regulations Appraisal". Such development will only be approved if the appraisal shows that there will be no adverse effect on the integrity of the site;</i>

Policy	Requirements
	<ul style="list-style-type: none"> <li>(ii) Any development affecting a SSSI will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated or where any significant adverse effects on the qualities for which it is designated are clearly outweighed by social, environmental or economic benefits of national importance.</li> <li>(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.</li> <li>(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.</li> <li>(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.'</li> </ul>
<p>ENV7 – Wild Land and Sensitive Landscape Areas</p>	<p>'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.</p> <p>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.</p> <p>Any development deemed to have unacceptable impacts on wild land and SLAs will not be supported by the Council. All development proposals within these areas will also require to be assessed against policy ENV 8: Protecting and Enhancing the Landscape.'</p>
<p>ENV8 – Protecting and Enhancing the Landscape</p>	<p>'The protection and enhancement of East Ayrshire's landscape character 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:</p> <ul style="list-style-type: none"> <li>(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.</li> <li>(ii) Where visual impacts are unavoidable, development proposals should include adequate mitigation measures to minimise such impacts on the landscape.</li> <li>(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: <ul style="list-style-type: none"> <li>a. Settings of settlements and buildings within the landscape;</li> <li>b. Skylines, distinctive landform features, landmark hills and prominent views;</li> <li>c. Woodlands, hedgerows and trees;</li> <li>d. Field patterns and means of enclosure, including dry stone dykes; and</li> <li>e. Rights of way and footpaths</li> </ul> </li> </ul> <p>Development that would create unacceptable visual intrusion or irreparable damage to landscape character will not be supported by the Council.'</p>
<p>ENV9 – Trees, Woodland and Forestry</p>	<p>'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.</p> <p>The Council will support proposals for woodland and forestry expansion where they:</p> <ul style="list-style-type: none"> <li>(i) are consistent with the Ayrshire and Arran Forestry and Woodland Strategy and contribute to Ayrshire's green network;</li> </ul>



Policy	Requirements
	<p>(ii) take account of the landscape and ecological qualities of the area;</p> <p>(iii) demonstrate that recreational opportunities have been fully considered;</p> <p><i>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 &amp; 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.'</i></p>
ENV10 – Carbon Rich Soils	<p><i>'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.</i></p> <p><i>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.'</i></p>
ENV12 – Water, Air, Light and Noise Pollution	<p><b>Water</b> <i>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).</i></p> <p><b>Air</b> <i>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.</i></p> <p><b>Light</b> <i>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.</i></p> <p><b>Noise</b> <i>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.'</i></p>
T1 - Transportation Requirements for New Development	<p><i>'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.</i></p>



Policy	Requirements
T4 - Development and Protection of Core Paths and Natural Routes	<p><i>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.</i></p> <p><i>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.'</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>The Council will not be supportive of development which disrupts or adversely impacts on any existing or potential core path, right of way, bridle path, or footpath used by the general public for recreational or other purposes, particularly where the route concerned forms, or has the potential to form, part of the network of circular routes or footpath links between settlements, actively promoted by the Council.</i></p> <p><i>Where such disruption or adverse impact is demonstrated to be unavoidable, the Council will require developers, as an integral part of the proposed development, to provide for the appropriate diversion of the route in question elsewhere within the development site or to put into place appropriate measures to mitigate and overcome the adverse impact expected.'</i></p>

## East Ayrshire Local Development Plan 2

- 3.4.10 Work on the East Ayrshire Local Development Plan 2 is underway. The main issues report was published in June 2020. The LDP2 is still in its early stages and so the Development Plan remains as the main consideration in the 2017 LDP.

## Planning for Wind Energy Supplementary Guidance (2017)

- 3.4.11 This guidance supports the implementation of proposed Policies RE3 and RE4 within the East Ayrshire LDP by clarifying the criteria against which proposed medium and large scale wind energy development will be assessed.
- 3.4.12 In Section 1.3 it is noted that "a broad upland arc" running around the eastern and south-eastern edges of East Ayrshire represents a landscape type commonly associated with wind energy development. The Development Site is located within this upland arc.
- 3.4.13 Table 2 within the document lists individual constraints within East Ayrshire relevant to the spatial framework methodology set out in Table 1 of the SPP. A footnote to Table 2 of the document states that on the advice of SNH, category 6 (deep peat) and category 5 (deep peat and other carbon rich soils) areas as shown on the 1:250,000 Soil carbon richness map have been considered as constraints. All of the identified constraints are mapped in Map 3 to produce the proposed wind energy spatial framework for East Ayrshire. Section 2.3 of the document clarifies the implications of the proposed wind energy spatial framework for wind energy proposals. It is only Group 1 areas are to be afforded a presumption against wind energy development. For group 3 areas, it reiterates the requirements Policy RE3: "Within Group 3 areas, proposals will be supported where it can be demonstrated that they are acceptable in terms of the criteria listed in Schedule 1 of the Plan and detailed in Section 3 below".

3.4.14

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 section 36C application for the Variation Development are:

- Wind energy applications should be supported by an LVIA, which *“must follow best practice in the selection of viewpoint locations and in the preparation of photomontage/panoramic images. (Visual representation of wind farms (SNH – July 2014)”*. Viewpoints considered within the LVIA must be agreed with the Council and for larger schemes should be discussed with SNH.
- Applicants should have regard to the East Ayrshire Landscape Wind Capacity Study<sup>9</sup> (2018), which constitutes approved non-statutory supplementary guidance. The study is referred to within Chapter 9 – LVIA of the EIA Report and within this Planning Statement which accompanies the application for the Variation Development’.
- Section 3.1.1 sets out detailed guidance regarding the assessment of cumulative impacts from wind energy developments within LVIA’s.
- In relation to carbon rich soils, section 3.1.3 states that *“areas of carbon rich soils, deep peat and priority peatland habitats are identified within the spatial framework as areas requiring special protection. In line with Policy RE3 of the LDP, any proposal in such an area will only be permitted where any significant effects on the environmental quality of such soils can be substantially overcome by siting, design or mitigation”*. This section also requires developments on peatlands to utilise the Scottish Government’s carbon calculator to balance predicted carbon savings and losses.
- Sections 3.1.4 – 3.3.3 state that applicants should fully assess impacts on natural heritage, historic environment features, water quality, flood risk, net total annual CO<sub>2</sub> savings, residential amenity (noise, shadow flicker and visual dominance), relevant tourism receptors, the local economy (including employment and wider socio-economic benefits), aviation and defence interests (particularly Glasgow Prestwick Airport), traffic levels and the functioning of the road network, and broadcasting installations.
- Section 3.3.4 sets out guidance for the siting and design of infrastructure and ancillary work and notes that the impacts of this development will be considered in the determination of proposals.
- Section 3.3.6 requires all applications to be accompanied by a sufficiently detailed restoration programme, the details of which will be secured through a section 75 obligation.
- Section 5 details a checklist of required environmental and other information which must be provided in support of applications for wind energy development.

### Dark Sky Park Lighting Supplementary Guidance (2017)

3.4.1

This document supplements the “Dark Sky Park” 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.

<sup>9</sup> East Ayrshire Local Development Plan Non-Statutory Planning Guidance - East Ayrshire Landscape Wind Capacity Study 2018. At: <https://www.east-ayrshire.gov.uk/Resources/PDF/L/Landscape-wind-capacity-study.pdf>

## 3.5 Other Material Considerations

### The Consented Development

- 3.5.1 The previous decision to grant consent for the Consented Development is a significant material consideration, and as well as confirming the specific acceptability of the Consented Development, demonstrates that the Development Site is a suitable location for a large-scale commercial wind farm development. The Reporter for the Consented Development concluded that there are no unacceptable impacts and that the few significant impacts identified are outweighed by the benefits envisaged. The Scottish Ministers agreed with the Reporter's findings and stated that, although the development would result in some limited significant landscape and visual impacts, these are not considered to be unacceptable, and the development would provide net economic benefit, support provision of renewable energy and climate change mitigation and protect the historic and natural environment.
- 3.5.2 As outlined above, the Variation Development would consist of the same number of turbines in the same locations, and with the environmental baseline largely/wholly unchanged, it gives rise to the same (i.e. no greater) environmental impact for all environmental topics with the exception of landscape and visual impact. With regards to landscape and visual impact, the increase in turbine dimensions is predicted to have only very limited and localised changes when compared to the Consented Development, see **Table 4.3** below.

### East Ayrshire Landscape Wind Capacity Study (2018)

- 3.5.3 This advisory, non-statutory planning guidance revises and updates the 2013 East Ayrshire Landscape Wind Capacity Study. This is a strategic study that aims to inform strategic planning for wind energy development in line with Scottish Planning Policy rather than the determination of individual planning applications and should not replace site specific assessments of individual proposals.
- 3.5.4 Relevant findings from the study include:
- 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.
- 3.5.5 The Variation Development lies predominantly within the Southern Uplands landscape character type (20a), although north eastern parts of the Development Site are located within the Upland Basin landscape character type (15) and the southern extent of the Development Site borders the Southern Uplands & Forestry landscape character type (20c).
- 3.5.6 The study suggests for this landscape type that in strategic terms there would 'high' sensitivity to the very large turbines >130m as this size of turbine would be more likely to overwhelm the relief of the lower western uplands and significantly affect the adjoining Upland Basin (landscape character type 15).

### Dumfries and Galloway Local Development Plan 2

- 3.5.7 Although the Variation Development is located within the EAC area, the Dumfries and Galloway Development Plan has some relevance considering the proximity of the Development Site to its administrative boundary. The Dumfries and Galloway Development Plan comprises the Dumfries & Galloway Local Development Plan 2 (adopted 2019) ('the Dumfries and Galloway LDP') and associated statutory Supplementary Guidance.

3.5.8

Policies of relevance within the Dumfries and Galloway LDP 2 include Policy: IN1 Renewable Energy and Policy IN2: Wind Energy Development (Part 1 Assessment of Windfarm Proposals only). The relevant sections of Policy IN1 seeks to protect environmental receptors including the landscape, cultural and natural heritage, water and fishing interests, air quality and general amenity from unacceptable significant adverse impact. Part 1 of Policy IN2 provides additional relevant assessment criteria including:

*"...Renewable Energy Benefits:*

- *The scale of contribution to renewable energy generation targets, effects on greenhouse gas emissions and opportunities for energy storage.*

*Socio-economic benefits:*

- *Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*

*Landscape and visual impact:*

- *The extent to which the landscape is capable of accommodating the development without significant detrimental landscape or visual impacts, including effects on wild land; and.*
- *That the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it fully addresses the potential for mitigation.*

*Cumulative Impact:*

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

*Impact on local communities:*

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

*Impact on Aviation and Defence Interests:*

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

*Other Impacts and considerations:*

- *The extent to which the proposal avoids or adequately resolves any other significant adverse impact including: on the natural and historic environment, cultural heritage, biodiversity; forest and woodlands; and tourism and recreational interests..."*

3.5.9

**Table 3.3** lists other policies within the Dumfries and Galloway LDP which are of relevance to the Variation Development.

Table 3.3 Relevant Policies within the Dumfries and Galloway LDP 2 (2019)

Policy Reference	Policy Title
Policy OP1	Development Considerations
Policy ED11	Galloway and Southern Ayrshire Biosphere
Policy ED12	Dark Skies
Policy HE1	Listed Buildings
Policy HE6	Historic Gardens and Designed Landscapes
Policy NE3	Areas of Wild Land
Policy NE4	Sites of International Importance for Biodiversity and Geodiversity
Policy NE5	Species of National Importance
Policy NE6	Sites of National Importance for Biodiversity and Geodiversity
Policy NE7	Forestry and Woodland
Policy NE11	Supporting the Water Environment
Policy CF4	Access Routes

### Supplementary Guidance

- 3.5.10 The Dumfries and Galloway LDP is supported by statutory Supplementary Guidance, including the Wind Energy Development: Development Management Considerations (including landscape capacity appendices) published in February 2020; the Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS) published in February 2020; and the Dark Skies Friendly Lighting Supplementary Guidance published in February 2020.



## 4. Planning Appraisal of the Variation Development

### 4.1 Introduction

- 4.1.1 This chapter provides an assessment of the Variation Development against National planning policy, and the adopted East Ayrshire Local Development Plan (2017), as well as other material considerations as set out in **Section 3**.

#### Assessment against Relevant National Planning Policy

- 4.1.2 The SPP sets out four planning outcomes that explain how planning should support the vision, and that for planning to make a positive difference, development plans and new development need to contribute to achieving these outcomes. The Variation Development would contribute to three of the four outcomes. The fourth outcome is orientated around maximising physical and digital connectivity and is not relevant for the Variation Development (see **Table 4.1**).

Table 4.1 National Outcomes

National Outcome	Variation Development
Outcome 1: A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.	The Variation Development would assist in delivering sustainable economic growth.
Outcome 2: A low carbon place – reducing our carbon emissions and adapting to climate change.	The Variation Development would assist in reducing carbon emissions and meeting emission reduction targets.
Outcome 3: A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.	The Variation Development would make a positive use of resources and contribute to climate change mitigation.

#### SPP Policy Principles

- 4.1.3 The SPP states that the aim of the planning system is to aim to achieve the right development in the right place; it is not to allow development at any cost, and paragraph 29 sets out a number of principles to guide policies and decisions about the presumption in favour of development that contributes to sustainable development. The decision to grant S36 consent for the Consented Development established that that the Development Site is the right place for a commercial scale wind farm, as demonstrated by the Reporter's conclusions in the PLI Report. The Reporter, at paragraph 6.9 of the PLI Report, stated that, when considered against the SPP principles which guide policies and decisions, *"Balancing the costs and benefits of the proposal over the longer term I find that the impact of the development is such that it would achieve the right development in the right place; and so could be considered as development that contributes to sustainable development"*. The principles of relevance to the Variation Development are identified in **Table 4.2** together with an assessment of whether the Variation Development is compliant with the principles.

Table 4.2 SPP Policy Principles

Policy Principle	Variation Development
Giving due weight to net economic benefit.	There would be net positive socio-economic effects ( <b>Variation EIA Report Chapter 15</b> ). When considering the Consented Development, the Reporter concluded that it would provide net economic benefit (paragraph 6.9 of the PLI Report). <b>Chapter 15</b> of the Variation EIA Report states that the increase in turbine height, rotor diameter and operational period is not expected to result in significantly different economic effects to those of the Consented Development, so the same conclusion would be appropriate for the Variation Development.
Respond to economic issues, challenges and opportunities, outlined in local economic strategies.	There would be positive local economic effects ( <b>Variation EIA Report Chapter 15</b> ). When considering the Consented Development, the Reporter concluded that it would respond to economic opportunities (paragraph 6.9 of the PLI Report). <b>Chapter 15</b> of the Variation EIA Report states that the increase in turbine height, rotor diameter and operational period is not expected to result in significantly different economic effects to those of the Consented Development, so the same conclusion would be appropriate for the Variation Development.
Supporting good design and the six qualities of successful places.	The design principles for the Variation Development and the design iterations, described in <b>Variation EIA Report Chapter 2</b> , demonstrate that due regard has been given to minimising environmental impacts and that the turbine layout can be accommodated within the Development Site.
Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	When considering the Consented Development, the Reporter concluded that it would support provision of energy provision. Energy infrastructure would be delivered by the Variation Development, and with an increased output compared to the Consented Development. The same conclusion would therefore be appropriate for the Variation Development.
Supporting climate change mitigation and adaptation including taking account of flood risk.	When considering the Consented Development, the Reporter concluded that it would support climate change mitigation. The Variation Development would have the capacity to generate significant amounts of renewable electricity. Furthermore, the Variation Development would increase the amount of renewable energy compared to the Consented Development. The same conclusion would therefore be appropriate for the Variation Development.
Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The Variation Development would provide opportunities for increased public access to the Development Site.
Having regard to the principles for sustainable land use set out in the Land Use Strategy.	The Variation Development would represent a sustainable use of land. When considering the Consented Development, the Reporter concluded that it would make efficient use of existing capabilities of land (wind resources) and the same conclusion would be appropriate for the Variation Development.
Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	When considering the Consented Development, the Reporter concluded that it would protect the historic environment. The iterative design process has ensured that the effects of the Variation Development on heritage assets has been minimised through avoidance of significant archaeological remains where possible and ensuring appropriate separation distances from heritage assets ( <b>Variation EIA Report Chapter 10</b> ). The same conclusion would therefore be appropriate for the Variation Development.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	When considering the Consented Development, the Reporter concluded that it would protect the natural heritage and the scenic quality of the area and would have some limited significant but not unacceptable landscape impacts. The landscape has the capacity to accommodate the Variation Development and it would provide opportunities for public access. The iterative design process for the Consented Scheme and the Variation Development have incorporated measures to minimise impacts on the natural environment ( <b>Variation EIA Report Chapters 11</b>



Policy Principle	Variation Development
	<b>and 12).</b> The same conclusion would therefore be appropriate for the Variation Development.
Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	When considering the Consented Development, the Reporter concluded that it would safeguard water, air and soil quality. The Variation EIA Report demonstrates that the increase in turbine height, rotor diameter and operational period is not expected to result in significantly different effects to those of the Consented Development, so the same conclusion would be appropriate for the Variation Development. The Variation Development would be consistent with this principle.

### Paragraph 169 Development Management Assessment Criteria

- 4.1.4 This paragraph identifies a number of considerations which are likely to be relevant when determining proposed energy infrastructure developments. These include economic impacts and benefits, renewable energy targets, effects on greenhouse gas emissions, cumulative impacts and environmental impacts including noise, visual, access, tourism, hydrology, geology, heritage, transport and ecology. **Table 4.3** identifies the criteria of relevance to the Variation Development, together with an assessment of whether the Variation Development is compliant with the criteria.

Table 4.3 SPP Development Management Assessment Criteria

SPP Criterion	Variation Development
Net economic impact, including local and community socio-economic benefits	<p>The Reporter for the Consented Development concluded that it would have substantial and positive net economic impact, including local and community benefits.</p> <p><b>Chapter 15</b> of the Variation EIA Report states that the increase in turbine height, rotor diameter and operational period is not expected to result in significantly different economic effects to those of the Consented Development. Chapter 15 of the 2015 ES sets out the economic benefits that could be secured, which would be the same for the Variation Development:</p> <ul style="list-style-type: none"> <li>• The capital costs of construction could equate to between £73m and £112.8m (including turbine manufacture);</li> <li>• During construction, up to 98.6 Full Time Equivalent (FTE) local jobs could be supported and up to 294.3 FTE jobs in Scotland.</li> <li>• During the operational phase, up to 67.2 FTE could be supported. Other employment is likely to be generated through indirect and induced economic and employment effects.</li> </ul> <p>As with the Consented Development, the Variation Development would result in important net socio-economic benefits. The Variation Development therefore accords with this criterion.</p>
The scale of contribution to renewable energy generation targets;	<p>Paragraphs 2.4.13 – 2.4.18 above set out progress towards the achievement of the renewable energy targets. Given the predicted shortfalls, the increased contribution of renewable energy from the Variation Development compared to the Consented Development is an important consideration in favour of a positive determination of the section 36C application.</p> <p>The Reporter for the Consented Development concluded that it would make a valuable contribution to renewable energy generation. As the Variation Development would make a larger contribution to renewable energy generation, then the same conclusion would apply in terms of making a valuable contribution to renewable energy generation.</p>

SPP Criterion	Variation Development
Effect on greenhouse gas emissions	<p>The Reporter for the Consented Development concluded that it would make a valuable contribution to reducing greenhouse gas emissions.</p> <p>The Variation Development would result in an increase in the annual CO<sub>2</sub> savings compared to the Consented Development, from 67,458 tonnes/year to 113,305 tonnes/year (although it should be noted that these calculations use different capacity factors). Using the same capacity factor as the Variation Development, the Consented Development would be predicted to save 77,048 tonnes/year. This represents a significant benefit of the Variation Development. The Variation Development therefore accords with this criterion.</p>
Cumulative impacts	<p>All predicted significant cumulative visual effects for the Consented Development were found to be acceptable, with the Reporter concluding that cumulative landscape and visual impacts would be to a limited scale and not unacceptable, and all other cumulative impacts would be insignificant.</p> <p>There has been no change to the baseline to alter this conclusion for the Variation Development. There would be some significant cumulative landscape and visual effects, but these would be the same as for the Consented Development which were considered acceptable. As with the Consented Development, the Variation Development would not generate any other significant adverse significant cumulative effects. The Variation Development is therefore considered to accord with this criterion.</p>
Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker	<p>The Reporter for the Consented Development concluded that no individual residences outwith settlements would experience significant visual effects; only some properties within small settlements and on the edge of New Cumnock (within 3-7km) would experience significant, but not unacceptable visual impacts; and there would be no significant impact on residential amenity, noise levels or impacts arising from shadow flicker.</p> <p>The Variation EIA Report considers the effect on residential amenity due to the increase in turbine height and rotor diameter and the extension to the operational period and demonstrates that the same conclusions can be drawn for the Variation Development.</p> <p><b>Visual Impact</b></p> <p>A residential visual amenity assessment (RVAA), for those properties within 2-3km is reported in <b>Appendix V9C</b> of the Variation EIA Report. The RVAA reports that none of the 24 residential properties included in that assessment would be unacceptably affected by the Variation Development in terms of their residential visual amenity.</p> <p><b>Noise</b></p> <p><b>Chapter 7</b> of the Variation EIA Report updates the assessment presented in the 2017 FEI for the Consented Development for those elements which have changed for the Variation Development. The results of the noise predictions show that, with the embedded mitigation (paragraph 7.9.4 of the Variation EIA Report Chapter 7), there are no exceedances of the ETSU-R-97, and so the operational noise effects of the Variation Development would not be significant. The Variation Development would therefore not unacceptably affect residential amenity as a result of noise.</p> <p><b>Shadow Flicker</b></p> <p><b>Chapter 8</b> of the Variation EIA Report updates the assessment presented in the 2017 FEI for the Consented Development for those elements which have changed for the Variation Development. As the proposed rotor diameter has increased to up to 136m under the Variation Development, the area potentially affected by shadow flicker would increase to 1,410m (10 x 136m rotor diameter plus 50m micro-siting allowance). However, it is still the case that no residential properties lie within the revised study area. As such, shadow flicker is not predicted.</p>

SPP Criterion	Variation Development
Landscape and visual impacts, including effects on wild land	<p>The Variation Development is therefore considered to accord with this criterion.</p> <p>The Reporter for the Consented Development concluded that there would be significant landscape and visual impacts, but they would be acceptable, and no impact on wild land.</p> <p>The Variation Development would be located within part of the Southern Uplands / Southern Uplands with Forestry, which is an evolving area of upland moorland and forestry that contains a number of large scale existing and consented wind farms. Large wind turbines are an established characteristic of this area, and the landscape also demonstrates many of the attributes indicative of an ability to accommodate large scale wind farm development.</p> <p>In the siting and design of the Variation Development, consideration has been given to the East Ayrshire Landscape Wind Capacity Study and the relevant broad scale constraints and opportunities contained within this non-statutory guidance in order to mitigate potential effects on views from the New Cumnock Upland Basin area.</p> <p>Although the turbine height would increase from up to 130m to up to 149.9m to blade tip, this turbine height is comparable to the consented turbines at South Kyle (149.5m to blade tip) and in many views the Variation Development would appear as closely related or appear as an 'extension' to the adjacent South Kyle Wind Farm. The combined developments (South Kyle and the Variation Development) would benefit from each other, both infilling gaps in each other's layout, specifically when viewed from the Upland Basin. The addition of South Kyle to the baseline ensures that the design and location of the Variation Development would overlap with the effects of South Kyle in terms of landscape, visual and cumulative effects, leading to a reduction in the overall effects of the Variation Development.</p> <p>The design of the Variation Development has maintained the geographical footprint of the Consented Development and has maintained accordance with the original design objectives, limiting the number of significant landscape and visual effects. The Variation Development has also maintained the threshold of significant landscape and visual effects to within 7km, the same as the Consented Development, therefore limiting the effects on the surrounding landscape and visual receptors.</p> <p>The additional theoretical visibility of the Variation Development would be limited to less than 1% of the 35km study area in comparison to the Consented Development and reduce from 60% to 37% within 10km where forestry screening has been taken into account.</p> <p>Wirelines from the LVIA viewpoints providing a comparison between the Consented Development and the Variation Development are provided as Figure 1a-e in <b>Appendix A</b> of this document.</p> <p>There would be no significant effects on nationally designated landscapes or Wild Land Areas, 'A' roads or any of Scotland's Great Trails.</p> <p>Other than an unmarked right of way in the southern part of the Development Site, there would be no visual receptors within 2km of any of the proposed turbines. Visibility of the Variation Development would be largely restricted a low-lying Upland Basin to the north. This area is undesignated and has a strong mining heritage. Where visible, the Variation Development would be seen in the context of a contemporary, rural landscape where wind turbines are already visible along the southern skyline.</p> <p>The turbines would be located remote from residential properties to the north, within a less sensitive part of the Development Site, providing a generous 'set-</p>

**SPP Criterion****Variation Development**

back' from the adjacent B741 minor road and thus increasing the level of mitigation afforded to landscape and visual receptors in the Upland Basin to the north along the B741 and around the New Cumnock area.

As is the case with all wind farm development, there would be a localised significant effect on the host LCTs. Significant landscape, visual and cumulative effects would affect part of the Southern Uplands / Southern Uplands with Forestry and particular views from settlements (Burnside and south western edge of new Cumnock), parts of the B741 and parts of recreational receptors (local footpath network, Knockshinnoch Lagoons, and the summits of Blackcraig Hill and Windy Standard), within the wider areas of the Upland Basin. These significant effects would extend out to approximately 2-2.5km from the proposed turbine locations. Cumulatively the combined effect of other existing and consented wind farms, other wind farm applications and the Variation Development would lead to a Substantial / Moderate and Significant effect on part of the host LCTs within 2-2.5km of the proposed turbines.

There would be no notable change to the number of significantly affected landscape and visual receptors when compared to the Consented Development. The level of predicted effects is broadly the same as for the Consented Development, which was found to be acceptable. It is considered that the Variation Development would not result in any unacceptable landscape or visual effects or any effect on wild land, and it accords with this criterion.

**Effects on the natural heritage, including birds**

The Reporter for the Consented Development concluded that there would be no unacceptable impact on the natural heritage, including birds.

**Ecology**

The Variation Development relates to increasing the rotor diameter and height to blade tip of all 16 turbines, with an increase in the operational period from 25 to 30 years, with all ground level infrastructure and construction/ decommissioning methods unchanged from the Consented Development. **Chapter 11** of the Variation EIA Report identifies that the only potential change relating to ecology is the potential collision risk and risk of barotrauma during the operational phase for bat populations. For all other ecological considerations, there would be no change from the assessment of the Consented Development, which would remain as not significant.

**Chapter 11** of the Variation EIA Report concludes that, while the increased rotor diameters, compared to the Consented Development are considered to increase the risk of individual bat mortality through direct collision and barotrauma, due to the low bat activity levels recorded for the majority of species, inbuilt mitigation measures proposed and limited records obtained through the updated desk study, this is unlikely to affect the favourable conservation status of bat populations. As such, it is considered unlikely that the Variation Development would result in significant adverse effects on bat species and populations.

**Ornithology**

Given the changes proposed through the Variation Development, the only receptor scoped into the assessment in **Chapter 12** of the Variation EIA Report is golden plover, which may be at risk of collisions with turbines. This receptor was also identified as being at risk in the 2015 ES and 2017 FEI. Effects on all other ornithological receptors would remain as not significant.

The collision risk model (CRM) was revisited for golden plover based on the turbine dimensions proposed for the Variation Development (refer to **Appendix V12A** of the Variation EIA Report). The annual mortality rate for adult golden plover is 27% which represents 6,750 birds each year based on the lowest estimate of the Scottish wintering population estimate of 25,000 individuals. The additional mortality predicted from the CRM of the Variation Development (8.2

SPP Criterion	Variation Development
	<p>birds/year) represents an increase of 0.12% on the background mortality for the regional population, and therefore can be considered as having a negligible magnitude at a regional level. Therefore there would be no significant effects on the regional population of golden plover. Cumulative effects with other wind farm schemes in the area was also considered and found to be not significant.</p> <p>The Consented Development was found to be acceptable in terms of its effects on nature conservation interests, as whilst there were some non-significant effects in relation to habitat displacement, habitat loss, species disturbance and bird collision, these localised effects were found to be acceptable due to their limited scale and when balanced against the renewable energy and socio economic benefits. The changes proposed through the Variation Development would not alter this conclusion, with no significant adverse effects still being predicted. In addition, the Variation Development would retain the proposals for long term habitat management and so would support natural heritage protection. The Variation Development is therefore considered to accord with this criterion.</p>
<p>Impacts on carbon rich soils, using the carbon calculator</p>	<p>The Reporter for the Consented Development concluded that the impact on carbon rich soils would be acceptable.</p> <p>The Variation Development only proposes changes to above surface elements of the Consented Development, and all the mitigation measures previously defined for the Consented Development for each element of the on-site development would be implemented. The Consented Development was found to be acceptable in this regard. The Variation Development would result in an increase in the carbon savings when compared to the Consented Development which would represent a valuable contribution to decarbonising the electricity generation sector.</p> <p>The Variation Development therefore accords with this criterion.</p>
<p>Public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF</p>	<p>The Reporter for the Consented Development concluded that no unacceptable impacts on public access would occur.</p> <p>The Variation Development would not change the effects on public access during construction, operation or decommissioning compared to the Consented Development. Public access (through the right to roam) would have to be restricted during construction and decommissioning and some maintenance activities, but this would be for a relatively short period of time. The Variation Development would retain the addition of approximately 12.9km of new access tracks which could provide a new network of publicly accessible routes within the Development Site, providing access to an area not currently served by any footpaths. The Variation Development would not prejudice public access to key routes including core paths or rights of way. The loss of public access for a limited period during construction and decommissioning was found to be acceptable for the Consented Development and nothing has changed to alter this conclusion.</p> <p>The Variation Development therefore accords with this criterion.</p>
<p>Impacts on the historic environment</p>	<p>The Reporter for the Consented Development concluded that there would be no significant impact on any items of historic interest.</p> <p>As with the Consented Development, no significant adverse effects would occur, and mitigation would be in place for the non-designated heritage asset affected. The Variation Development therefore accords with this criterion.</p> <p>The 2015 ES confirmed that there are no designated historic assets within the Development Site but there are seven non designated historic assets along with possible features and deposits of peat which may have value. The 2015 ES concluded that part of a non-designated heritage asset would be disturbed but</p>

SPP Criterion	Variation Development
	<p>no significant residual adverse effect was anticipated. This would not change with the Variation Development. In respect of indirect effects, the increase of turbine rotor diameter and blade tip height would generally present a minor change in appearance when compared to the Consented Development, and it is not anticipated that this would discernibly affect understanding or experience of the relevant assets, and would therefore not alter the conclusions reached on the Consented Development, of no significant adverse effects.</p> <p>It is therefore considered that the Variation Development would accord with this criterion.</p>
Impacts on tourism and recreation	<p>The Reporter for the Consented Development concluded that there would be no significant impact on tourism or recreation.</p> <p>The Variation Development proposes taller turbines that could result in a more significant effect on tourism and recreation receptors than the Consented Development.</p> <p><b>Chapter 9</b> of the Variation EIA Report concludes that there would be significant visual effects from the following:</p> <ul style="list-style-type: none"> <li>● EAC Core Path No. C12: New Cumnock Circular which was assessed in the 2017 FEI;</li> <li>● EAC Core Path No. C10: Coalfield Cycle Route (partly overlapped by Scottish Hill Track 84: Afton Road, part of the New Cumnock Path Network) which was scoped out of the 2017 FEI;</li> <li>● Right of Way 'd': which accesses the Development Site, and which was assessed in the 2017 FEI;</li> <li>● Right of Way 'e' between Afton Road and EAC Core Path No. 12 which was assessed in the 2017 FEI;</li> <li>● A small number of additional Rights of Way around New Cumnock and Lochside Hotel which was scoped out of the 2017 FEI; and</li> <li>● Knockshinnoch Lagoons Local Nature Reserve (and associated recreational routes).</li> </ul> <p>These receptors have been considered in <b>Chapter 15</b> of the Variation EIA Report. The assessment in Chapter 15 identifies that, in comparison to the previous assessment of the Consented Development, there would be some increases in the magnitude of visual effects which could affect tourism and recreational receptors, but not to a degree that overall significant tourism or recreational effects on these receptors would result.</p> <p>The 2017 FEI assessed the effects of the Consented Development on the Dark Sky Park and the Scottish Dark Sky Observatory. The assessment concluded that neither would experience significant adverse light pollution effects from the military aviation lighting proposed. The assessment stated that casual night visitors to the Dark Sky Park would not be able to see the infrared lights and would still benefit from the full benefit of the Dark Sky Park, nor would the main purpose of the Observatory be significantly affected. The Variation Development would not change the military aviation lighting that was assessed as acceptable for the Consented Development. It is therefore considered that the Variation Development would minimise light pollution and would not produce levels of lighting that would adversely affect the dark sky status of the Park.</p> <p>It is therefore considered that the Variation Development accords with this criterion.</p>
Impacts on aviation and defence interests and seismological recording	<p>The Reporter for the Consented Development concluded that there would be no significant impact on aviation interests.</p>

SPP Criterion	Variation Development
Impacts on telecommunications and broadcasting installations	<p>The Consented Development is subject to a mitigation scheme in respect of aviation. This would also apply to the Variation Development. The Variation Development therefore accords with this criterion.</p> <p>The Reporter for the Consented Development concluded that there would be no significant impact on telecommunications, broadcasting and transmission links.</p> <p>As with the Consented Development, no microwave links have been identified that have the potential to be affected by the Variation Development. The Variation Development therefore accords with this criterion.</p>
Impacts on road traffic	<p>The Reporter for the Consented Development concluded that impacts on road traffic would be adequately controlled.</p> <p>The only potential change with the Variation Development is the effects from the transport of larger turbine blades. <b>Chapter 14</b> of the Variation EIA Report, has updated the swept path analysis, which demonstrates that the larger turbine blades of the Variation Development can be transported to the Development Site with the provision of similar accommodation works to those identified within the 2015 ES and 2017 FEI for the consented wind turbine parameters (see figures at <b>Appendix V14A</b> of the Variation EIA Report).</p> <p>It is therefore considered that there would be no significant effects in relation to traffic and transport as a result of the Variation Development. It is therefore considered that the Variation Development accords with this criterion.</p>
Impacts on adjacent trunk roads	<p>The Reporter for the Consented Development concluded that impacts on the trunk road network would be adequately controlled</p> <p>The Variation Development would not be directly accessed from a Trunk Road, and as stated above, the larger turbine blades of the Variation Development can be transported to the Development Site with the provision of similar accommodation works to those identified for the Consented Development.</p> <p>The Variation Development therefore accords with this criterion.</p>
Effects on hydrology, the water environment and flood risk	<p>The Reporter for the Consented Development concluded that any effects on the water environment and hydrology/hydrogeology would be suitably controlled and that it would not be at risk from flooding or increase flood risk elsewhere.</p> <p>The Variation Development is only proposing changes to the dimensions of the turbines and the length of the operational period so would not create any additional impacts compared to the Consented Development, which was found to be acceptable in this regard. <b>Chapter 13</b> of the Variation EIA Report concludes that there would be no significant effects on geological, hydrological or hydrogeological receptors as a result of the Variation Development</p> <p>The Variation Development therefore accords with this criterion.</p>
The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration	<p>The Reporter for the Consented Development concluded that suitable conditions could be imposed to control and monitor the development and provide a basis (if necessary) for enforcement action.</p> <p>Conditions are imposed on the Consented Development and the Applicant is content with these existing conditions to secure decommissioning and is not seeking any variations to them.</p>
Opportunities for energy storage	This criterion is not relevant to the Variation Development.
The need for a robust planning obligation to ensure that operators achieve site restoration	The Reporter for the Consented Development accepted that there was no need for a section 75 obligation to secure site restoration. There is nothing within the

SPP Criterion	Variation Development
	Variation Development to alter this conclusion and it is considered that a section 75 obligation would also be unnecessary for the Variation Development.
4.1.5	Given the findings of the EIA Report which supports the Variation Development and the assessment in <b>Table 4.3</b> above, the Variation Development is considered to be acceptable in terms of the factors listed in paragraph 169 of the SPP.
<b>4.2 Conclusions on National Planning Policy</b>	
4.2.1	The Consented Development meets the requirements set out in NPF3 and SPP which confirm that the planning system has a key role in tackling climate change and working towards achieving the Government's target for renewable energy generation. They recognise the planning systems role in facilitating new development of electricity, specifically in relation to wind energy. Section 3 above confirms that Scottish Ministers expect that onshore wind farms will make a significant contribution to the diversification of energy supplies. Furthermore, national and international policy frameworks are strongly supportive of renewable energy technologies to mitigate against the impacts of climate change and provide enhanced energy security.
4.2.2	The Variation Development would have the capacity to generate significant quantities of renewable energy, which is in alignment with national and international policies. The Variation Development would increase the amount of renewable energy directly contributing to the national and international policy goals to a materially greater extent than the Consented Development. The Variation Development would optimise the output at the Development Site resulting in more renewable electricity generation for minimal change in impact.
4.2.3	The " <i>presumption in favour of development which contributes to sustainable development</i> " set out within the SPP at paragraphs 24-35 relates to the identification of the need for and the acceptability of a proposed development. The Consented Development in its own right has been deemed acceptable. The Variation Development would enhance overall renewable energy generation yield and greenhouse gas emissions reduction thereby contributing to the continued need set out in national policy and guidance for the development of and investment in renewable energy technologies.
4.2.4	<p>Furthermore, the Variation Development would:</p> <ul style="list-style-type: none"> <li>● Contribute to achieving three out of the four outcomes identified in the SPP;</li> <li>● Comply with the principles set out in paragraph 29 of the SPP; and</li> <li>● Be acceptable in terms of the development management considerations listed in paragraph 169.</li> </ul>
4.2.5	It is therefore considered that the Variation Development would contribute to sustainable development and would therefore benefit from the presumption in favour of development set out in the SPP.
<b>4.3 Assessment against Relevant Local Planning Policy</b>	
4.3.1	As set out above the relevant local planning policy to the Variation Development is the East Ayrshire Local Development Plan (2017). A robust assessment of the Consented Development can be read in chapter 5 of the 2015 Planning Statement submitted in support of the Consented



Development. The need for the Consented Development and its compliance with the LDP (which is still the adopted LDP relevant to the Variation Development) has been comprehensively explained within the 2015 Planning Statement and tested at public inquiry.

- 4.3.2 An appraisal of the Variation Development against the relevant LDP policies is set out in **Table 4.4**. Many of the relevant policies within the LDP include criteria that are the same or similar to those listed in paragraph 169 of the SPP and are addressed in **Table 4.3** above. In these cases, the commentary in **Table 4.4** cross refers to the assessment provided in **Table 4.3**.

Table 4.4 Appraisal of Variation Development Against Relevant Local Development Plan Policies

Topic	Comment
<b>Wind Energy Proposals</b>	<p>Policy RE3 states that, within those areas identified as Group 3 - Areas with Potential for Wind Energy Development, proposals for wind energy over 50m in height will be supported where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1. As set out in paragraph 3.4.5 above, the Variation Development is considered to fall within a Group 3 area. The majority of the assessment criteria in Schedule 1 are the same as those listed in paragraph 169 of the SPP. The assessment in Table 4.3 above together with this section demonstrate that the Variation Development would accord with Policy RE3.</p> <p><b>Landscaper and Visual impacts</b> – Refer to Table 4.3.</p> <p><b>Cumulative Impacts</b> – Refer to Table 4.3.</p> <p><b>Impacts on carbon rich soils, deep peat and peatland habitats</b> – Refer to Table 4.3.</p> <p><b>Effects on the natural heritage including birds</b> – Refer to Table 4.3.</p> <p><b>Impacts on wild land</b> – Refer to Table 4.3.</p> <p><b>Impacts on all aspects of the historic environment</b> – Refer to Table 4.3.</p> <p><b>Effects on hydrology, the water environment, flood risk and groundwater dependent terrestrial ecosystems</b> – Refer to Table 4.3.</p> <p><b>Re-use of excavated peat, forest removal and forest waste</b> - The Variation Development is only proposing changes to the dimensions of the turbines and the length of the operational period so would not create any additional impacts compared to the Consented Development, which was found to be acceptable in this regard. The Variation Development therefore accords with this criterion.</p> <p><b>Impacts on forestry and woodlands</b> – The Variation Development would not require the felling of any trees.</p> <p><b>Effect on greenhouse gas emissions</b> – Refer to Table 4.3.</p> <p><b>Impacts on communities and individual dwellings</b> – Refer to Table 4.3.</p> <p><b>Impacts on tourism and recreation</b> – Refer to Table 4.3.</p> <p><b>Public access, including impact on long distance walking and cycling routes and scenic routes</b> – Refer to Table 4.3.</p> <p><b>Net economic impact</b> – Refer to Table 4.3.</p> <p><b>Impacts on aviation and defence interests and seismological recording</b> – Refer to Table 4.3.</p> <p><b>Impacts on road traffic including during construction and decommissioning</b> – Refer to Table 4.3.</p>

Topic	Comment
	<p><b>Impacts on adjacent trunk roads</b> – Refer to Table 4.3.</p> <p><b>Impacts on telecommunications and broadcasting installations</b> – Refer to Table 4.3.</p> <p><b>The appropriate siting and design of turbines and ancillary works</b> – There would be no change to the ancillary works or the location of the turbines, which were both found to be acceptable for the Consented Development. The visual composition of the Variation Development would remain the same as the Consented Development, with minimal gaps and turbine stacking. Although the turbine height and rotor diameter would increase, the Variation Development would maintain a similar scale and appear as a rational part of the consented South Kyle Wind Farm, as illustrated by viewpoints 4-8, 11 and 12 (<b>Figures V9.30f, V9.31f, V9.32f, V9.33, V9.34f, V9.37e and V9.38e</b> of the Variation EIA Report). The Variation Development has sought to increase output whilst minimising visual intrusion and taking account of known environmental constraints. The Variation Development therefore accords with this criterion.</p> <p><b>The need for conditions relating to the decommissioning of developments</b> – Refer to Table 4.3.</p> <p><b>The need for a robust planning obligation to ensure that operators achieve site restoration</b> – Refer to Table 4.3.</p> <p><b>The scale of contribution to renewable energy generation targets</b> – Refer to Table 4.3.</p> <p><b>Opportunities for energy storage</b> – Refer to Table 4.3.</p>
<b>Landscape and Visual</b>	<p>The assessment in Table 4.3 demonstrates that there would be no notable change to the number of significantly affected landscape and visual receptors when compared to the Consented Development. The Variation Development has taken account of the guidance set out in the East Ayrshire Landscape Wind Capacity Study and the requirements of the East Ayrshire LDP Policy RE3 in respect of landscape, visual and cumulative effects. The level of predicted effects is broadly the same as for the Consented Development, which was found to be acceptable. It is considered that the Variation Development would not result in any unacceptable landscape or visual effects and that it accords with Policies OP1(x), RE3, , ENV7, ENV8, of the East Ayrshire LDP and the Planning for Wind Energy Supplementary Guidance.</p> <p>It would also be consistent with Policy IN2 (Wind Energy) of the Dumfries and Galloway LDP and associated supplementary guidance.</p>
<b>Residential Amenity</b>	<p>The Planning Statement submitted in support of the Consented Development noted that, given the location of the Development Site and the design of the (then) Proposed Development, any potential amenity impacts would be limited to a small number of residential properties within close proximity. The Variation Development would increase the turbine height and rotor diameter and extend the operational period and the effects of these on residential amenity considerations have been assessed in the Variation EIA Report.</p> <p>The assessment in Table 4.3 demonstrates that there would be no unacceptable impact on residential amenity due to visual impact, noise or shadow flicker. The Variation Development therefore accords with Policy RES11, and Policy RE3 of the East Ayrshire LDP and the Planning for Wind Energy Supplementary Guidance.</p> <p>It would also be consistent with Policy IN2 (Wind Energy) of the Dumfries and Galloway LDP.</p>
<b>Socio Economic, Tourism and Recreation</b>	<p>The assessment in Table 4.3 demonstrates that the Variation Development would not result in any unacceptable adverse effects on the attractiveness, tourism potential or amenity value of any tourism or recreational activities or receptors, including the Dark Sky Park and Scottish Dark Sky Observatory. It is therefore considered that the Variation Development accords with Policies OP1(x), RE3, ENV12, TOUR4 and T4 of the East Ayrshire LDP, the Planning for Wind Energy Supplementary Guidance and the Dark Sky Park Lighting Supplementary Guidance.</p>

Topic	Comment
	The Variation Development would also be consistent with Policies IN2, ED12 and CF4 of the Dumfries and Galloway LDP and the Dumfries and Galloway Dark Skies Friendly Lighting Supplementary Guidance.
<b>Historic Environment:</b>	<p>The Historic Environment policies require the integrity and setting of historic assets to be protected from unacceptable adverse impacts. The assessment in Table 4.3 demonstrates that the Variation Development would maintain the integrity and setting of historic assets, and it therefore accords with East Ayrshire LDP Policies OP1(ix), ENV1, ENV2, ENV3, ENV4 and the Planning for Wind Energy Supplementary Guidance.</p> <p>The Variation Development would also be consistent with the relevant policies in the Dumfries and Galloway LDP: HE1 Listed Buildings; HE6 Historic Gardens and Designed Landscapes.</p>
<b>Nature Conservation</b>	<p>The assessment in Table 4.3 demonstrates that the effects of the Variation Development would be consistent with the Consented Development, which was found to be acceptable. The Variation Development would not have an unacceptable effect on any designated sites, protected species, trees or on other ecological or ornithological interests including the Galloway and Southern Ayrshire Biosphere. It is therefore considered to accord with Policies OP1 (ix), TOUR5, ENV6 and ENV9 of the East Ayrshire LDP and the Planning for Wind Energy Supplementary Guidance.</p> <p>The Variation Development would also be consistent with Policies NE4, NE5 and NE6 of the Dumfries and Galloway LDP.</p>
<b>Geology, Hydrology and Hydrogeology</b>	The assessment in Table 4.3 demonstrates that the effects of the Variation Development would be consistent with the Consented Development, which was found to be acceptable in terms of effects on deep peat and the water environment. The Variation Development is therefore considered to accord with Policies OP1(i), RE3, ENV10 and ENV12 of the East Ayrshire LDP and the Planning for Wind Energy Supplementary Guidance.
<b>Traffic and Transport</b>	The assessment in Table 4.3 demonstrates that there would be no significant effects in relation to traffic and transport and this would be unchanged as a result of the Variation Development. It is therefore considered that the Variation Development accords with Policy T1 of the East Ayrshire LDP and the Planning for Wind Energy Supplementary Guidance.

## Planning History

- 4.3.3 As set out in section 3.5 above, the previous decision to grant consent for the Consented Development is a significant material consideration. The Variation Development would consist of the same number of turbines in the same locations, and with the environmental baseline largely/wholly unchanged, it gives rise to the same (i.e. no greater) environmental impact for all environmental topics with the exception of landscape and visual impact.
- 4.3.4 With regards to landscape and visual impact, the increase in turbine dimensions is predicted to have only very limited and localised changes when compared to the Consented Development, which must be balanced against the corresponding large increase in the production of renewable energy.
- 4.3.5 Notably, the Consented Development would be expected to bring a considerable benefit in the production of renewable energy as well as providing an important contribution to national and international targets. The Consented Development was found in the PLI by the Reporter to have some limited landscape and visual impacts (including cumulative) but these would not be to the extent of being considered unacceptable overall. The Variation Development would result in a

greater net benefit through an increased renewable energy generation weighed against minor additional landscape and visual effects, without the need to add additional turbines, or significant infrastructure changes relative to the Consented Development.

- 4.3.6 Furthermore, the considerable increase in the production of renewable energy that would be gained from the Variation Development (~47%) would further enhance the benefit that the development would bring economically to the region, as well as its national contribution with limited change in the overall environmental impact. It is therefore considered that the significant benefits offered through the Variation Development far outweigh the limited change in the overall environmental impact.

## 5. Conclusions

- 5.1.1 The role of new onshore development wind remains vital to achieving Scottish renewables energy targets, which have increased in recent years. The Scottish Government's targets are to achieve 30% of total Scottish energy consumption from renewable sources by 2020 with 50% by 2030 (equating to around 17GW of installed renewables capacity<sup>10</sup>); 100% of gross electricity consumption from renewables by 2020 (equating to around 16GW of installed capacity); 11% of non-electrical heat demand from renewables by 2020 and an ambitious target of net zero emissions target for all greenhouse gases by 2045. These targets coupled with the declared climate emergency and the statements made in the reports published by the Committee on Climate Change further underline the importance of the role of renewable energy developments including onshore wind.
- 5.1.2 Latest published figures<sup>11</sup> for the year 2018 demonstrate a shortfall in meeting the targets:
- 20.9% of Scottish energy consumption came from renewables;
  - 76.2% of gross electricity consumption came from renewables;
  - 6.3% of non-electrical heat demand came from renewables;
  - 11.7GW of operational renewable energy capacity at September 2018.
- 5.1.3 The Variation Development would make an important contribution to reducing carbon emissions and to meeting the targets.
- 5.1.4 In overall terms, the limited change in predicted environmental effects as a result of the Variation Development in comparison to the Consented Development are considered to be outweighed by the wider public benefit in reducing greenhouse gas emissions and the positive and increased contribution to Scotland's renewable energy potential. The effects of the Variation Development, both wider and localised, have, through the EIA process, been avoided, reduced or mitigated as far as possible. The original proposals complied with SPP advice that wind farms should be developed in locations where the technology can operate efficiently, and environmental and cumulative impacts can be satisfactorily addressed. The Consented Development was found to be the right development in the right location. The Variation Development serves to further underline this compliance by providing a more efficient, higher yielding and overall, more sustainable development.
- 5.1.5 The assessment of the Variation Development against the Development Plan concludes that it accords with local planning policy overall. Furthermore, there are no material considerations that indicate that the proposal should be refused and indeed the material considerations lend further support for the Variation Development.
- 5.1.6 As such, given the site history; the compliance with international, national and local planning policy and the lack of any adverse material considerations which would alter the position previously taken through the granting of the Consented Development or otherwise outweigh its acceptability, it is therefore considered that the section 36C variation application and S57(2ZA) direction to grant a new deemed planning permission should be granted.

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<sup>10</sup> The Scottish Energy Strategy

<sup>11</sup> Energy Statistics for Scotland, December 2019



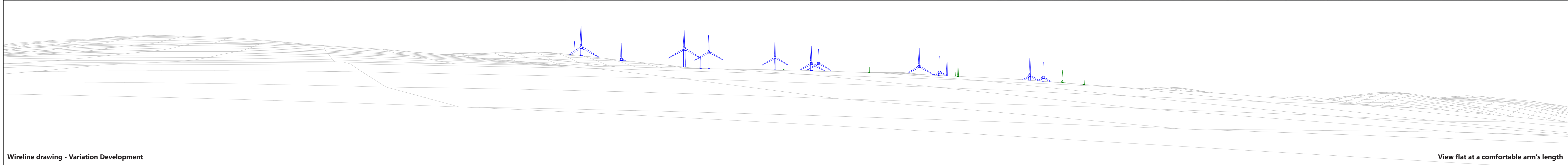


# Appendix A – Comparative Wireframes









<b>Wind Farm Key:</b> <span style="color: blue;">✦</span> Variation Development <span style="color: red;">✦</span> Consented Development <span style="color: black;">✦</span> Existing <span style="color: green;">✦</span> Consented <span style="color: orange;">✦</span> Application <span style="color: cyan;">✦</span> Scoping <span style="color: magenta;">✦</span> Variation	OS reference:	E258 507, N611 148	Horizontal field of view:	90° (cylindrical projection)	Camera:	Canon EOS 5D Mk2	Client		Enoch Hill Wind Farm Variation Application EIA Report	<b>Figure 1a</b> <b>Planning Statement Comparative Wirelines:</b> <b>Viewpoint 2: B741 South West of</b> <b>New Cumnock</b>	May 2020 <span style="color: green;">●</span> <span style="color: cyan;">●</span> <span style="color: purple;">●</span>	
	Eye level:	212.5m AOD	Principal distance:	522mm	Lens:	50mm (Canon EF 50mm f/1.8)						
	Direction of view:	199°	Paper size:	841mm x 297mm (half A1)	Camera height:	1.5m AGL						
	Nearest turbine:	3,205m	Correct printed image size:	820 x 130mm	Date and time:	20/03/2020 11:35						

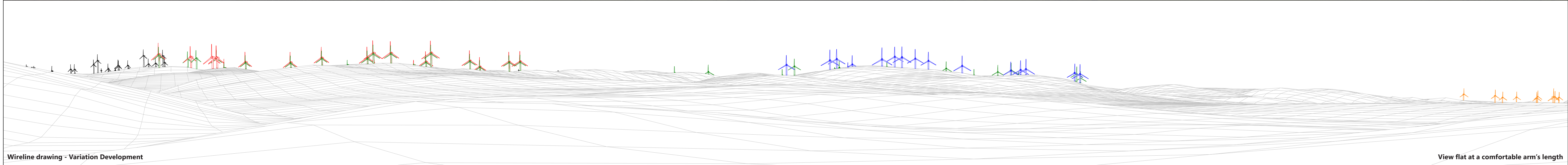
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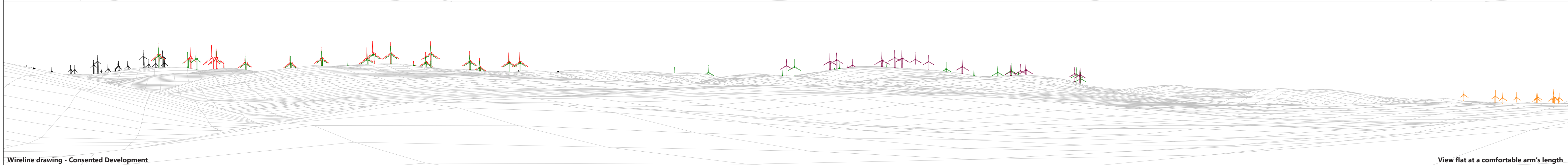
Baseline photograph

This image provides landscape and visual context only



Wireline drawing - Variation Development

View flat at a comfortable arm's length



Wireline drawing - Consented Development

View flat at a comfortable arm's length

**Wind Farm Key:** Variation Development Consented Development Existing Consented Application Scoping Variation

OS reference:	E261 534, N612 477	Horizontal field of view:	90° (cylindrical projection)	Camera:	Canon EOS 5D Mk2
Eye level:	216.5m AOD	Principal distance:	522mm	Lens:	50mm (Canon EF 50mm f/1.8)
Direction of view:	229°	Paper size:	841mm x 297mm (half A1)	Camera height:	1.5m AGL
Nearest turbine:	5,878m	Correct printed image size:	820 x 130mm	Date and time:	07/04/2020 15:40



Client  
Enoch Hill Wind Farm Variation Application  
EIA Report

**Figure 1b**  
Planning Statement Comparative Wirelines:  
Viewpoint 4: New Cumnock Cemetery

May 2020



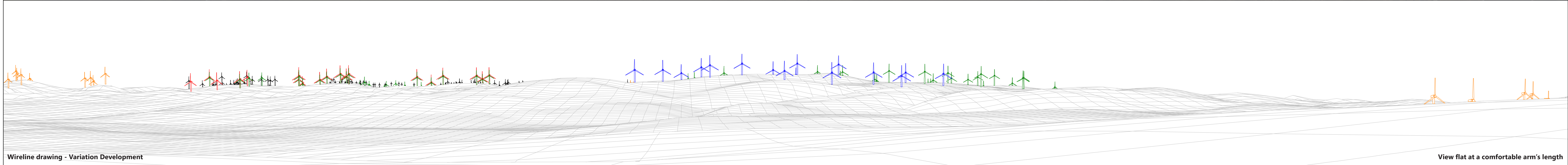
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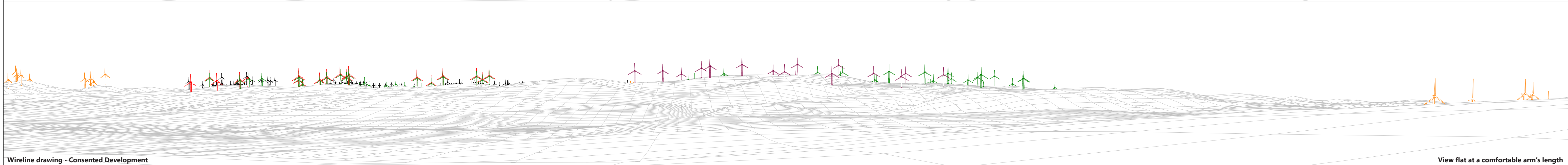
Baseline photograph

This image provides landscape and visual context only



Wireline drawing - Variation Development

View flat at a comfortable arm's length



Wireline drawing - Consented Development

View flat at a comfortable arm's length

**Wind Farm Key:** Variation Development Consented Development Existing Consented Application Scoping Variation

OS reference:	E257 336, N614 528	Horizontal field of view:	90° (cylindrical projection)	Camera:	Canon EOS 5D Mk2
Eye level:	283.5m AOD	Principal distance:	522mm	Lens:	50mm (Canon EF 50mm f/1.8)
Direction of view:	191°	Paper size:	841mm x 297mm (half A1)	Camera height:	1.5m AGL
Nearest turbine:	6,479m	Correct printed image size:	820 x 130mm	Date and time:	20/03/2020 11:05

Client Enoch Hill Wind Farm Variation Application EIA Report

**Figure 1c**  
**Planning Statement Comparative Wirelines:**  
**Viewpoint 5: Highpoint north of site (near Auchinross)**  
 May 2020

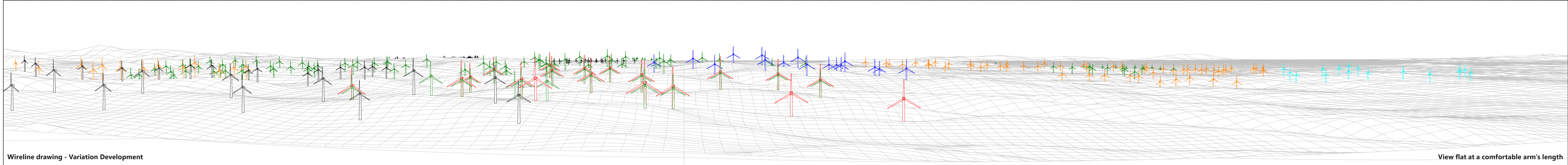
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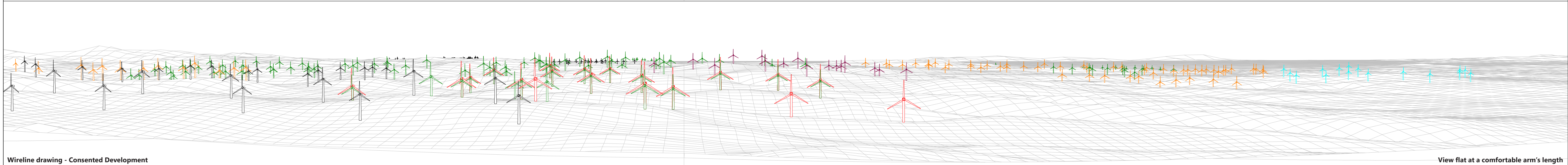
Baseline photograph

This image provides landscape and visual context only



Wireline drawing - Variation Development

View flat at a comfortable arm's length



Wireline drawing - Consented Development

View flat at a comfortable arm's length

**Wind Farm Key:** Variation Development Consented Development Existing Consented Application Scoping Variation

OS reference:	E264 735, N606 450	Horizontal field of view:	90° (cylindrical projection)	Camera:	Canon EOS 5D Mk2
Eye level:	701.5m AOD	Principal distance:	522mm	Lens:	50mm (Canon EF 50mm f/1.8)
Direction of view:	281°	Paper size:	841mm x 297mm (half A1)	Camera height:	1.5m AGL
Nearest turbine:	7,256m	Correct printed image size:	820 x 130mm	Date and time:	07/04/2020 13:45

Client Enoch Hill Wind Farm Variation Application  
EIA Report

**Figure 1d**  
**Planning Statement Comparative Wirelines:**  
Viewpoint 6: Blackcraig Hill  
South of New Cumnock  
May 2020



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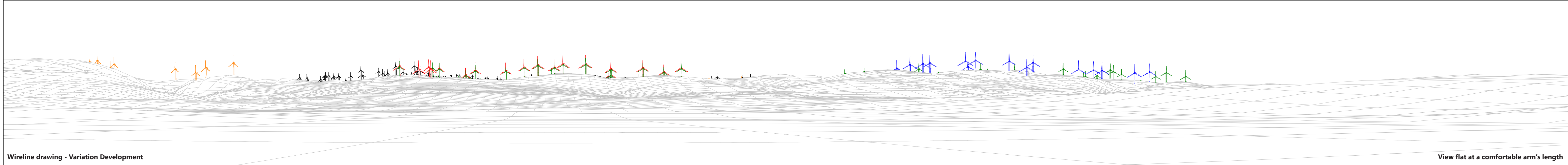
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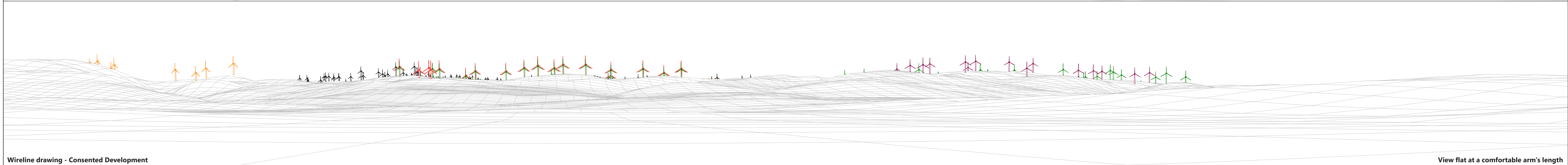
Baseline photograph

This image provides landscape and visual context only



Wireline drawing - Variation Development

View flat at a comfortable arm's length



Wireline drawing - Consented Development

View flat at a comfortable arm's length

**Wind Farm Key:** Variation Development Consented Development Existing Consented Application Scoping Variation

OS reference:	E260 282, N614 749	Horizontal field of view:	90° (cylindrical projection)	Camera:	Canon EOS 5D Mk2
Eye level:	194.5m AOD	Principal distance:	522mm	Lens:	50mm (Canon EF 50mm f/1.8)
Direction of view:	190°	Paper size:	841mm x 297mm (half A1)	Camera height:	1.5m AGL
Nearest turbine:	7,187m	Correct printed image size:	820 x 130mm	Date and time:	02/11/2017 11:55

Client		Enoch Hill Wind Farm Variation Application EIA Report	<b>Figure 1e</b> Planning Statement Comparative Wirelines: Viewpoint 7: Lochside Hotel	May 2020 	
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