

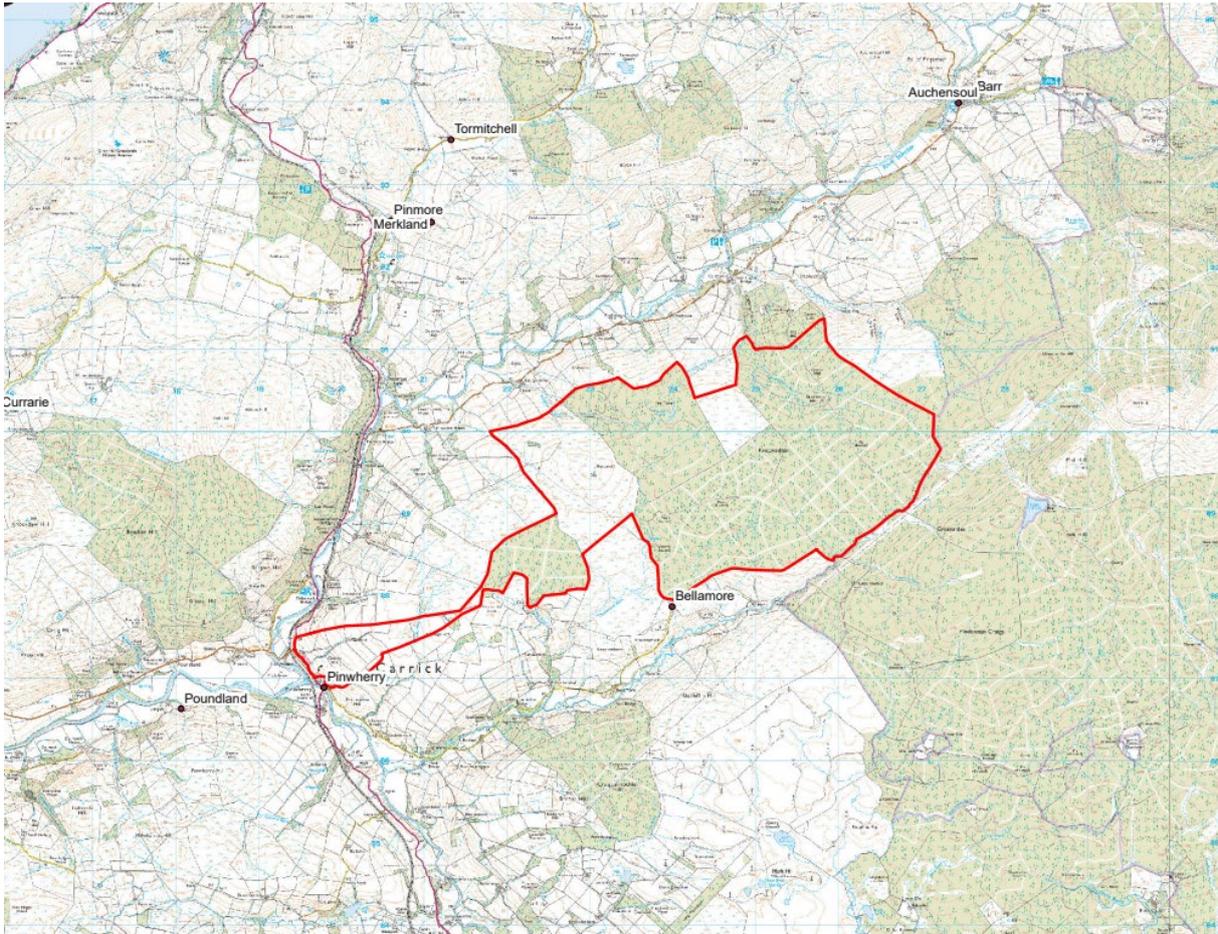
REGULATORY PANEL: 5 FEBRUARY 2026

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

23/00472/DEEM

KNOCKODHAR WINDFARM NEAR PINMORE AND BARR VILLAGES

Location Plan



Summary

This Section 36 application was previously reported to the Council's Regulatory Panel (Planning) on 15 May 2025 with a recommendation to object based on roads grounds, following consultee feedback from the Ayrshire Roads Alliance (ARA). The Panel agreed with the recommendation to object and submit the Council's response as a consultee to the determining authority, the Energy Consents Unit (ECU) on 16 May 2025.

In addition, the ECU received objections from key stakeholders of SEPA and Scottish Forestry. In response to the objections from SEPA and Scottish Forestry, the Applicant has amended the layout of the Proposed Development to reduce the volume of peat that requires to be excavated and to also reduce the amount of forestry that requires to be felled. These are not matters to be referred back to the Panel for further consideration, rather these issues will be considered and assessed by the ECU as the Determining Authority.

In response to the Council's objection, the Applicant has provided Additional Information (AI) to address the traffic and transport issues. An Abnormal Indivisible Loads Route Survey Report detailing the route to site for abnormal indivisible loads (AIL); detailed swept path analysis and the provision of vehicle axle weights was submitted to allow ARA to consider potential impacts of construction traffic upon local roads and adopted structures has been submitted.

Further work has been carried out in relation to the number of HGVs that will be required to import construction aggregate to the site. This work was informed by testing samples of borrow pit material and an Updated Borrow Pit Assessment. Using the findings of those tests, the Updated Transport Assessment is now based upon the need to import 31.5% of the total aggregate requirement to site, with the remainder being won within the two retained onsite borrow pit search areas.

The original Transport Assessment assumed that 70% of all material would be imported to site. The results of this the Updated Transport Assessment will see a reduction in peak construction vehicles movements from 162 per day associated with the Proposed Development to 112 vehicles per day as part of the Revised Proposed Development. Peak construction traffic would result in 68 HGV movements per day, which represents a 42% reduction in HGV traffic compared to the previous Proposed Development figures.

Following assessment of the Additional Information, Ayrshire Roads Alliance (ARA) as the Local Roads Authority concluded that there is now sufficient information (in particular, Abnormal Load movements) to allow for them to adequately assess the impacts on the adopted local road network and conclude that it can safely accommodate the proposed development trips. It should be noted that the proposed AIL route involves approximately 1.2km of track which currently does not exist between the A714 prior to entering the village of Barrhill and the unclassified road close to Barhill Railway Station. This road would be subject to a planning application and would be assessed on its merit.

Overall, when assessed against the Development Plan, the proposal aligns with the intent of primary NPF4 policies and LDP2 which seek to address the climate emergency through promoting development that minimises emissions to achieve zero carbon, restore the natural environment and adapts to the current and future impacts of climate change.

Having considered the application submission as a whole with the identified benefits of the scheme, together with the responses received including the updated position from ARA and having balanced the developers' interest against the wider community interest, the proposal is considered to be acceptable in principle. As is the now agreed position in regard to S36 consultations, it is recommended that the Council maintains our objection to the proposal unless the conditions set out below are imposed in their entirety, unless suitable alternative conditions are agreed in writing between the Energy Consents Unit and the Planning Service.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 5 FEBRUARY 2026

SUBJECT:	CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989
APPLICATION REF:	23/00472/DEEM
SITE ADDRESS:	KNOCKODHAR WIND FARM, PINMORE SOUTH AYRSHIRE
DESCRIPTION:	APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR PERMISSION TO ERECT AND OPERATE KNOCKODHAR WIND FARM
RECOMMENDATION:	MAINTAIN OUR OBJECTION TO THE PROPOSAL UNLESS THE CONDITIONS SET OUT IN THE APPENDIX ARE IMPOSED IN THEIR ENTIRETY OR THAT SUITABLE ALTERNATIVE CONDITIONS ARE AGREED IN WRITING BETWEEN THE ENERGY CONSENTS UNIT AND THE PLANNING AUTHORITY.

ADDENDUM TO APPLICATION REPORT

This addendum report together with the original report to Regulatory Panel on 15 May 2025 fulfils the requirements of Schedule 8, Part 2, Paragraph 2 (a) and Paragraph 4 of The Electricity Act 1989. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Section 36 of the Electricity Act applications.

1. Purpose:

- 1.1 South Ayrshire Council has been reconsulted by The Scottish Government Energy Consents Unit (ECU), under Section 36 of The Electricity Act 1989, regarding an application by REG Knockodhar Limited for the erection and operation of a wind farm, and associated infrastructure at Knockodhar, near Pinmore, South Ayrshire.
- 1.2 This Section 36 application was previously reported to the Council's Regulatory Panel (Planning) on 15 May 2025 with a recommendation of objection based on roads grounds following consultee feedback from Ayrshire Roads Alliance (ARA). The Panel agreed with the recommendation to object and submit the Council's response as a consultee to the determining authority, the Energy Consents Unit (ECU) on 16 May 2025.
- 1.3 In response to the objection, the Applicant has submitted further information to address the traffic and transport matters. A Route Survey Report detailing the route to site for abnormal indivisible loads (AIL) has been submitted and further assessment work has been carried out in relation to the number of HGVs that will be required to import construction aggregate to the site.
- 1.4 The Council is not the determining authority for this proposal. This report sets out the proposed response to The Scottish Government's reconsultation which was issued on 14 November 2025. An extension of time to 6 February 2026 has been agreed for South Ayrshire Council to provide its further consultation response.
- 1.5 Under the Council's Scheme of Delegation , all Section 36 consultation responses prepared by the Council require to be referred to the Regulatory Panel (Planning).

- 1.6 Under the Electricity Act 1989, Schedule 8, Part 2, Paragraph 2 (a), where the relevant Planning Authority notifies the Scottish Ministers that they continue to object to the application and their objection is not withdrawn, it will result in a Public Inquiry to be held.

2. Recommendation

- 2.1. It is recommended that the Regulatory Panel:

- Submits this report to The Scottish Government Energy Consent Unit as a position of maintaining our objection on behalf of the Planning Authority to the Section 36 application for the proposed development (ECU Reference: ECU00002153) unless the conditions set out in the appendix below are imposed in their entirety or that suitable alternative conditions are agreed in writing between the Energy Consents Unit and the Planning Service.
- Approves delegated authority to officers of the Planning Service to conclude planning conditions with the Scottish Government Energy Consents Unit, in writing, should the Scottish Ministers be minded to grant consent under Section 36 of the Electricity Act 1989 and deemed planning permission pursuant to Section 57 (2) of the Town and Country Planning (Scotland) Act 1997.

3. Background and Procedural Matters

- 3.1 The Regulatory Panel Report of 15 May 2025 is attached as an appendix to this report. In this report, the Planning Service recommended that the Council object to the application on the following grounds:

‘The uncertainty of the proposed developments impact on the local road network and adopted structures is considered to be of sufficient material consideration to warrant an objection by the Council.’

- 3.2 Following a review of consultation responses from South Ayrshire Council (SAC), Scottish Environment Protection Agency (SEPA) and Scottish Forestry, the Applicant has proposed changes to the layout of the Proposed Development.

- 3.3 The applicant considers that the proposed changes to the layout in terms of new build infrastructure, are relatively minor in scale. The number and heights of turbines remain the same as originally proposed and the operational life of the Proposed Development remains at 35 years.

- 3.4 The main changes to the layout of the Proposed Development relate to the movement of some turbines, the reorientation of some crane pads and associated changes to some of the originally proposed access tracks and re-orientation of some construction compounds. The Applicant is also proposing to delete two of the four originally proposed borrow pit search areas and there is a significant reduction in the area of commercial forestry to be felled.

Environmental Impact Assessment

- 3.5 The proposed changes have been subject to Environmental Impact Assessment (EIA), with the updated details set out and assessed in an Additional Information (AI) Report, which modifies and updates some of the findings of the previously submitted EIA Report, reflective of the changes to the layout of the Proposed Development.

4. Revised Development Proposal

- 4.1 The proposed development is largely unchanged and comprises the construction and operation of 16 wind turbines, an energy storage system, substation and compound, access, and associated infrastructure. Each turbine will be a three bladed with a horizontal axis. Two turbines (T3 and T10) would be 149.9m to blade tip and each have an installed capacity of approximately 4.5MW. The remaining 14 turbines (between 180m and 200m to blade tip height) will each having an installed capacity of approximately 6MW. The overall anticipated generating capacity of the wind farm would be approximately 93MW.

- 4.2 The proposed changes are that four wind turbines have changed position between the Proposed Development and Revised Proposed Development, specifically proposed turbines T4, T11, T12 and T15. Three of the relocated turbines are within the requested 75m micro-siting tolerance, with one turbine (T15) relocated by circa 100m to the east. The coordinates of the remaining 12 turbines are unchanged.

4.2 Full details of the proposed development can be summarised as the following:

- 16 wind turbines of variable tip height with the maximum being up to 200 metres (m);
- turbine foundations;
- areas of hardstanding at each turbine for construction purposes;
- an Energy Storage System (ESS) compound, up to 20 MW;
- a 132 kilovolt (kV) substation and compound, including control building;
- a network of buried cables;
- two accesses from the A714, one for abnormal loads only (which would require a separate planning application);
- a network of new (10.7km) and upgraded (up to 7.3km) access tracks throughout the site (totalling up to 18km),
- 13 watercourse crossings (six new and seven existing to be upgraded);
- 2 temporary borrow pits, located within identified borrow pit search areas.

5. Assessment

5.1 The assessment of this application remains as outlined in the report put before the Regulatory Panel on 15th May 2025 (attached as an appendix to this report), with the exception of the South Ayrshire Council Internal Consultee responses from ARA and Environmental Health (in relation to Private Water Supply).

5.2 The purpose of this addendum report is to assess the proposed changes made by the applicant in response to the objection by the Council in May 2025.

Landscape & Visual

5.3 AI Report Chapter 7 – Landscape and Visual Impact Assessment examined the new turbine locations and concluded there were no material consequence in terms of Landscape and Visual Impact.

5.4 Three of the relocated turbines are within the requested 75m micro-siting tolerance, with one turbine (T15) relocated by circa 100m to the east. The coordinates of the remaining 12 turbines are unchanged. It is unclear if the AI Report fully assessed the new positions as most are within the proposed micrositing distance. However, it is considered necessary to restrict further micrositing from both a landscape and visual perspective but also in relation to protection of nearby private water supplies (PWS).

Traffic & Transport

5.5 The relevant Development Plan policies are:

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

5.6 ARA responded to the reconsultation on 11th December 2025 following a review of the additional information submitted by the applicant.

Site Access

5.7 The Proposed Development includes two access points onto the adjacent public road network. The main site access is at the existing “Muck Road” access located at the junction of the A714/B734 (at Arnimean). An abnormal load entry access point located at the A714 Barrhill Road/ A714 Main Street/ Ligiartrie junction is also proposed and it should be noted that this would be subject to a separate planning application.

5.8 From examination of the detail provided by the Applicant, ARA understands that the abnormal load entry access point is intended to be used for AIL movement arrivals only, with departing AILs leaving via the main site access.

5.9 Whilst the proposed main access opposite the B734 is an existing and established access onto the public road network, the development proposals will see a significant intensification of use at this location. As such, ARA recommend that measures are required to be taken to cut back all vegetation within the applicant’s control to maximise achievable visibility splays.

5.10 ARA also recommend that mitigation in the form of additional warning signage compliant to the Traffic Signs Regulations and General Directions 2016 (TSRGD) is erected on public road approaches to the access point on both directions of the A714 and the B734. This mitigation detail can be captured within the Construction Traffic Management Plan (CTMP) that is recommended as a condition to form part of any consent issued by the ECU.

Construction Traffic

5.11 The applicant's indicative construction programme is over 20 months, with close to 33,000 vehicle trips anticipated over the programme. This includes close to 17,000 HGV movements, which includes requirements for imported materials, with estimates now revised down from an initial estimate of 70% to 31.5% based on the quality of stone that is able to be won from on-site borrow pits.

5.12 In terms of numbers of Abnormal Indivisible Loads (AILs), this will be in excess of 500 AIL vehicle trips over the construction programme, consisting both cranes and turbine component deliveries.

5.13 Peak construction time period is anticipated to occur in Month 9 of the applicants construction programme, with 68 HGV movements per day (34 inbound and 34 outbound) and 46 Car / Light Goods Vehicles (LGV) movements (23 inbound trips and 23 outbound trips). The distribution of construction traffic on the network would vary depending on the types of loads being transported. The applicants suggestions for the distribution of construction traffic during the peak month are:

- All construction traffic enters the site via the northern site access junction (except for AIL traffic that arrives at the southern junction)
- Deliveries associated with the batching of concrete and delivery of aggregate used in the construction of the site infrastructure are likely to arrive from the north via the A714
- No bulk material deliveries will arrive from the south through Barrhill
- A finalised Construction Traffic Management Plan (CTMP) will be required by ARA and is sought by the attachment of an associated planning condition. The CTMP shall be required to confirm all the exact material supplies required once the contractor has engaged with all suppliers.
- HGV deliveries associated with the high voltage (HV) electrical installation, control buildings, energy storage system (ESS), etc will arrive via the south
- It is anticipated that staff working at the site are likely to be based locally. It is assumed that 50% are likely to be based north of Pinwherry in and round Girvan and 50% to the south, in and around Newton Stewart; and
- General site deliveries will be from the north of Pinwherry. These are generally smaller rigid HGV vehicles.

5.14 With the above controls, agreements and mitigation measures, ARA are now satisfied that the Proposed Development in relation to construction traffic is generally acceptable, subject to conditions that will require to be issued within any consent issued by the ECU and enforced by the Council.

Abnormal Indivisible Loads (AILs):

5.15 The AIL port of origin and access route will be confirmed once the turbine selection has been confirmed; however, ARAs review has been based on the following route for AIL deliveries:

- Port of Cairnryan/ A77/ A751/ A75/ A714/ Kilgallioch Wind Farm Access Track/ C72/ New AIL access track/ A714/ AIL Site Access.

5.16 ARA have advised that all AIL access to the site shall require to be directed to the southern access junction. The applicant's intention is to pursue the proposed access route from the south via the A75, A714, Arecleoch Wind Farm access track, C72, Gowlands Terrace. A separate planning application will also be required to be submitted detailing the proposed new AIL access road from the A714 to the C72, Gowlands Terrace.

5.17 ARA therefore recommend conditions to be included with any consent in relation to required road improvements to accommodate AIL movements on roads within its control, including the C72, Gowlands Terrace and the A714.

5.18 Any road improvements outside adopted road limits required for the safe movement of AILs shall require to be managed and maintained by the Applicant for the duration of the development. Agreement with ARA will be required in relation to required mitigation measures for the safe passage of AILs located within adopted road limits.

- 5.19 ARA also requires that structural assessments, and any mitigation deemed appropriate because of the results of the assessments, shall be undertaken prior to the movement of the first AIL. The cost of all such improvements shall require to be fully borne by the Applicant.

Cumulative Impact

- 5.20 A total of three other consented wind farm developments are located in the same general area as the development proposals – these are:
- Kilgallioch Wind Farm Extension;
 - Chirmorie Wind Farm (bridge abutment and platform works only); and
 - Arecleoch Wind Farm Extension
- 5.21 ARA advise that careful monitoring of traffic impacts on the A714 will be needed to ensure that road safety is not compromised. They do advise through that the A714 provides an arterial route in the area, and as such is the only viable route option for most trips..

Proposed Mitigation

Construction Phase

- 5.22 ARA in their consultation response have provided a range of advisory notes and planning conditions that cover a range of measures and controls, which seek to minimise the impacts on the public road network wherever practicable. A summary of these are listed below and will require to be included within any consent issued by the ECU.

- **AIL Route** - The AIL route to/from site will be subject to requirements for various mitigation measures including road widening, requiring a combination of land within adopted road limits and third-party land at various points along the proposed route. Details for these mitigation measures to the AIL route will require to be submitted for approval by ARA, with measures fully implemented prior to the first AIL movements.
- **CTMP** – having an approved CTMP will be a critical in setting out the controls to be set in place and monitored throughout the construction programme. The CTMP will require to include the protocols for ongoing community engagement. It has been proposed that during the construction period this will take the form of a project website, blog or social media feed, which would be regularly updated to provide the latest information relating to traffic movements associated with vehicles accessing the site.

The CTMP shall also require to set out the measures to be deployed to enforce the correct use of construction routes by drivers – this will be a critical area to ensure that traffic impacts faced by the local community are insofar as is practicable minimised.

- **Traffic Management Group** - The submitted Draft CTMP advises of the intention for a Traffic Management Group to be established with the local communities to provide a convenient forum for the discussion of traffic management measures and to review the operation of construction traffic and learn from previous experiences of construction traffic on the local network. The ARA are in favour of such an approach that gives our local communities the opportunity to raise concerns directly with the Developer, and allow corrective actions to be implemented, as appropriate.
- **Section 96 Agreement** – The Applicant/Developer will be required to enter into a Section 96 Agreement under the Roads (Scotland) Act 1984. This will require a bond to be lodged by the Applicant/Developer to provide security in relation to any necessary repairs needed to the affected sections of the local road network because of abnormal wear and tear associated with development construction traffic and/or AIL movements.
- **Road Condition Surveys** - Road condition surveys will also be required by ARA to both ensure a baseline for road network condition is recorded prior to construction and keep a regular record of any impacts to the affected routes throughout the construction programme. ARA would only seek to call on the bond in exceptional circumstances – the expectation is that an agreement is reached whereby a contractor appointed by the Applicant/Developer shall undertake any appropriate repair works. This would also help to ensure any repairs were undertaken as quickly as possible.

Operational Phase

- 5.23 In general, traffic generated during the operational phase of the development is likely to be negligible and associated with scheduled maintenance duties. ARA advise that any AIL movements for replacement parts are required during the operational phase of development, the same route restrictions, mitigation measures, etc, shall require to be followed unless a variation is sought and agreed with Council as Roads Authority.

Conclusions on Traffic and Transport

- 5.24 The proposal has the potential to have adverse effects on the local road network with an increase in vehicles including HGVs during the construction phase. The traffic would largely utilise the trunk road network within Dumfries and Galloway and South Ayrshire. Mitigation is proposed for the trunk road to allow for wind turbine component deliveries and these would be agreed with Transport Scotland. No objection has been raised by Transport Scotland or Dumfries and Galloway Council and the proposed development is therefore considered to be acceptable from a trunk road perspective.
- 5.25 ARA have assessed the potential impacts that the preferred AIL route will have on the local road network and adopted structures. From a local road network perspective, ARA advise that the additional information submitted by the applicant, including the AIL access route assessment for the site, is now to be considered acceptable and they can move from a position of objection. However, it should be noted that the proposed AIL route involves approximately 1.2km of track which currently does not exist between the A714 prior to entering the village of Barrhill and the unclassified road (C72) close to Barhill Railway Station. This road would be subject to a planning application and would be assessed on its merit.
- 5.26 In light of this, the proposal is now considered to comply with the key policy requirements of NPF4 Policy 11 and LDP2 Policy: Land Use and Transport. Based on the review undertaken by ARA, the position of no objection is subject to recommended Advisory Notes and Proposed Conditions. The outcome of this assessment does not prejudice the assessment of any future planning application for the proposed AIL access.

Private Water Supply

- 5.27 Since the original assessment, 4 turbines (T4, T11, T12 and T15) have been micro-sited, as outlined above. The Council's Environmental Health Service originally offered no objection to the proposed development, this position based on the several thorough, professional risk assessments that had been undertaken in relation to PWS and subsequent mitigation instigated by these risk assessments. However, the impact of the micro-siting on PWS has not been re-assessed and it is therefore considered prudent and necessary to attach a condition which restricts the micro-siting of T4, T11, T12 and T15 in order to protect PWS quality/quantity for human consumption.

6 Overall S36 Consultation Conclusion

- 6.1 Having considered the application submission as a whole including the identified benefits of the scheme, together with the consultation responses received (particularly that of the ARA of 11 December 2025) and having balanced the developer's interest against the wider community interest, the proposal is considered to be acceptable in principle. However, the Council's own assessment and the responses of consultees have identified a range of measures that are essential to ensure that the adverse effects are properly mitigated. Accordingly, it is recommended that the Council maintains our objection to the proposal unless the conditions set out below are imposed in their entirety or that suitable alternative conditions are agreed in writing between the Energy Consents Unit and Planning Service.
- 6.2 The previous uncertainty in relation to the impacts on the local road network and adopted structures as a result of the proposed development is considered to be fully addressed by the applicant and is a sufficient material consideration to alter the recommendation of the Council in May 2025. It is noted that a proposed AIL route from the A714 to C72, Gowlands Terrace would be subject to an additional planning application.

Recommendation

- 6.3 Maintain our objection to the proposal unless the conditions set out in the appendix are imposed in their entirety or that suitable alternative conditions are agreed in writing between the Energy Consents Unit and the Planning Service.

7. Background Papers

1. Additional Information submitted by the applicant to the ECU
2. Consultation response from Ayrshire Roads Alliance 11 December 2025
3. Panel Report 15 May 2025
4. National Planning Framework (NPF) 4 - February 2023
5. South Ayrshire Council Local Development Plan 2 - August 2022

8. Person to Contact:

Craig Iles – Service Lead Planning and Building Standards
Email: craig.iles@south-ayrshire.gov.uk

Appendix – Conditions & Reasons and Informative Notes for Developer

- C1: The consent is for a period of 35 years from the date of Final Commissioning. Written confirmation of the date of First Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.
- R1: To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of The Planning (Scotland) Act 2006.

Commencement of Development

- C2: The commencement of development shall be no later than five years from the date of this consent. Written confirmation of the intended date of commencement of development shall be provided to the Planning Authority no later than one calendar month before that date.
- R2: To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of The Planning (Scotland) Act 2006.

Implementation of Consent

- C3: That the development hereby granted shall be implemented in accordance with the approved plan(s) and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority.
- R3: To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Turbine Design

- C4: No turbines shall be erected until details and specification of the proposed wind turbines, (including the size, make and model, power rating and sound power levels, nameplate generating capacity, type, external finish and colour) any anemometry masts and all turbine associated apparatus have been submitted to and approved in writing by the Planning Authority.

For the avoidance of doubt the scale of the turbines shall not exceed the parameters assessed in the EIA Report and Additional Information Report and set out in the description of the Development at Annex 1.

The submission shall demonstrate that all wind turbine blades shall rotate in the same direction.

Thereafter the wind turbines, any anemometry masts and all associated apparatus shall be constructed and operated in accordance with the details approved under part (1) and shall be maintained in the free from external rust, staining or discolouration, until such time as the Development is decommissioned unless otherwise agreed in writing by the Planning Authority.

- R4: To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.

Sub-station & Ancillary Development

- C5: There shall be no Commencement of Development on the sub-station until final details of the location, layout, external appearance, dimensions, and surface materials of the substation and control room buildings, any above ground electrical equipment, associated compounds, construction compound, boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the details of the sub-station shall not exceed the parameters assessed in the EIA Report and Additional Information Report.

Thereafter, the substation and control room buildings, any above ground electrical equipment, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the details approved under part (1).

- R5: To ensure that the environmental impacts of the sub-station and ancillary development forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.

Design of Energy Storage Facility

C6: There shall be no Commencement of Development on the energy storage facility until details of the location, layout, external finishes and appearance, dimensions and surface materials of the energy storage facility, inclusive of battery containers, substation(s), control buildings, external above ground electrical equipment, associated compounds, construction compound, boundary fencing and other enclosures, external lighting, security cameras and parking areas have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the details of the energy storage facility shall not exceed the parameters assessed in the EIA Report

Thereafter, the battery energy storage facility shall be constructed in accordance with the details approved under part (1) and the infrastructure shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the Development is decommissioned.

R6: To ensure that the environmental impacts of the energy storage facility forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.

Micro-siting

C7: All wind turbines, buildings, masts, areas of hardstanding, Energy Storage System (ESS) and associated infrastructure and tracks shall be constructed in the locations shown on plan reference [AI 4.1- Proposed Site Layout Ref: 70114311-WSPE-FG-Z-00001_P01.] and at the grid references for the turbines set out in AI 4.1- Proposed Site Layout Ref: 70114311-WSPE-FG-Z-00001_P01. The locations of wind turbines, buildings, masts, ESS, areas of hardstanding and tracks may be adjusted by micro-siting within the redline boundary shown on plan reference AI 4.1- Proposed Site Layout Ref: 70114311-WSPE-FG-Z-00001_P01. Any such micro-siting is subject to the following restrictions unless otherwise approved in advance in writing by the Planning Authority.

- (a) No wind turbine (excluding T4, T11, T12 and T15 – see (e) below), building, mast or hardstanding shall be moved more than 75m from the position shown on plan reference AI 4.1- Proposed Site Layout Ref: 70114311-WSPE-FG-Z-00001_P01 and at the grid references set out in AI 4.1- Proposed Site Layout Ref: 70114311-WSPE-FG-Z-00001_P01.
- (b) No access track shall be moved more than 50m from the position shown on plan reference Updated Figure AI 4.2 Proposed Main Site Access Track Ref: 70114311-WSPE-FG-Z-00002_P01.1.
- (c) No micro-siting shall take place with the result that infrastructure (excluding floating tracks or hardstanding) has a greater overall impact on peat than the original location;
- (d) No infrastructure other than as required for a water course crossing shall be micro-sited to within 50 metres of a water course;
- (e) For the avoidance of doubt, there is no micro-siting allowance for Turbine No's 4; 11; 12 and 15 as shown on plan reference AI 4.1- Proposed Site Layout Ref: 70114311-WSPE-FG-Z-00001_P01, unless otherwise agreed in writing by the Planning Authority, in consultation with the ECoW, NatureScot and SEPA.

All micro-siting permissible under this condition shall be submitted to and approved in writing by the Ecological Clerk of Works ("ECoW") in advance of any works or development associated with the micro-siting request being implemented.

No later than six months after the Date of First Commissioning, an updated site layout plan showing the final position of all wind turbines, buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority. The plan shall also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

R7: To control environmental impacts while taking account of local ground conditions and to maintain a secure and adequate water quantity and quality private water supply to all properties dependent on private water supplies that may be affected by the Development.

Implementation of mitigation measures

C8: No development (including the Site Enabling Works) shall commence until a Schedule of Mitigation has been submitted to and approved in writing by the Planning Authority. This Schedule shall encompass a list of all mitigation measures from the EIA Report and Additional Information Report, any other commitments made by the applicant and all relevant mitigation secured by conditions attached to this permission with defined timescales for implementation of each mitigation measure.

Thereafter, the approved Schedule of Mitigation shall be implemented in full unless otherwise approved in writing by the Planning Authority.

R8: To ensure that the identified mitigation through the EIA Report and Additional Information Report is carried out in accordance with the approved details.

Planning Monitoring Officer

C9: (1) There shall be no Commencement of Development until the terms of appointment by the Company of an independent and suitably qualified consultant as Planning Monitoring Officer ("PMO") have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

- (a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;
- (b) require the PMO to submit a quarterly report to the Planning Authority summarising works undertaken on site, matters of compliance or otherwise with the terms of the deemed planning permission and conditions attached to it, alongside a summary of the incidents recorded and reported by the ECoW and GCoW; and
- (c) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity, and no later than 10 working days following the incidence of non-compliance.

(2) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.

(3) Prior to the decommissioning, restoration and aftercare phases of the Development or the expiration of the operational period of the consent (whichever is the earlier), details of the terms of appointment of a and suitably qualified consultant as PMO by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to and approved in writing by the Planning Authority.

(4) The PMO shall be appointed on the terms approved under part (3) throughout the decommissioning, restoration and aftercare phases of the Development.

R9: To ensure compliance with the planning permission and the conditions attached to it.

Ecological Clerk of Works

- C10: (1) There shall be no Commencement of Development until the terms of appointment of a suitably qualified, experienced, and independent Ecological Clerk of Works (“ECoW”) by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:
- (a) impose a duty to monitor compliance with the ecological and hydrological commitments provided in Schedule of Mitigation - AI Report Volume 1 Chapter 20 Summary of Mitigation, any micrositing approved under condition 7, the Construction and Environmental Management Plan approved under condition 13; the Habitat Management Plan approved under condition 17; bird protection plans approved under condition 20 , and consider and approve any micro-siting requests in accordance with the provisions of condition 11 (“the ECoW works”);
 - (b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
 - (c) require the ECoW to submit a quarterly report to the Planning Authority summarising works undertaken on site; and
 - (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity, and no later than 5 working days following the incidence of non-compliance.
- (2) The ECoW shall be appointed on the terms approved under part (1) throughout the period from pre-construction works , Commencement of Development to completion of construction works and post-construction site reinstatement works.
- (3) No later than 18 months prior to either decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier), the Company shall submit details to the Planning Authority, of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and any aftercare phase of the Development, shall be submitted to and approved in writing by the Planning Authority.
- (4) The ECoW shall be appointed on the terms approved under part (3) throughout the decommissioning, restoration and aftercare phases of the Development.
- R10: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction, post-construction restoration, decommissioning, restoration and aftercare phases.

Environmental Clerk of Works

- C11: (1) There shall be no Commencement of Development until the terms of appointment of an independent Environmental Clerk of Works (“EnvCoW”) by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:
- (a) impose a duty to monitor compliance with the environmental commitments provided in the EIA Report, any micrositing under condition 7, the Construction and Environmental Management Plan approved under condition 13, the Habitat Management Plan approved under condition 17], any species or habitat management plans identified in the EIA Report and Additional Information Report, and other plans approved under condition 11 (“the EnvCoW works”);
 - (b) require the EnvCoW to report to the nominated construction project manager, developer and Planning Authority any incidences of non-compliance with the EnvCoW works at the earliest practical opportunity;
 - (c) require the EnvCoW to submit a monthly report to the construction project manager, developer and Planning Authority summarising works undertaken on site.
- (2) No later than 18 months prior to either decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier), the Company shall submit details to the Planning Authority, of the terms of appointment by the Company of an independent EnvCoW throughout the decommissioning, restoration and any aftercare phase of the Development, shall be submitted to and approved in writing by the Planning Authority

(3) the EnvCoW shall be appointed on the terms approved under part (2) throughout the decommissioning, restoration and aftercare phases of the Development.

R11: To secure effective and transparent monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction, decommissioning, restoration and aftercare phases

Geotechnical Clerk of Works

C12: (1) There shall be no Commencement of Development until the terms of appointment by the Company of an independent and suitably qualified engineer as a Geotechnical Clerk of Works ("GCoW") have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

- (a) impose a duty to monitor compliance with the Construction and Environmental Management Plan approved under condition 13, the Peat Management Plan, the Peat Landslide Risk Management Plan, and consider and approve any micro-siting requests in accordance with the provisions of condition 12 ("the GCoW works");
- (b) require the GCoW to report to the Planning Authority and nominated construction project manager any incidences of geotechnical risks at the earliest practical opportunity, and no later than 5 working days following the incidence of non-compliance; and
- (c) require the GCoW to report to the Planning Authority any incidences of peat land slips at the earliest practical opportunity to SEPA where there is a direct risks to the water environment, and no later than 5 working days following the incidence of peat land slips.

(2) The GCoW shall be appointed on the terms approved under part (1) throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.

(3) No later than 18 months prior to either decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier), the Company shall submit details of the terms of appointment of a suitably qualified engineer as a GCoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to and approved in writing by the Planning Authority.

(4) the GCoW shall be appointed on the terms approved under part (3) throughout the decommissioning, restoration and aftercare phases of the Development.

R12: To secure effective monitoring of and compliance with the mitigation related to geotechnical matters, particularly peat land slip and management measures associated with the Development during the construction, post-construction restoration, decommissioning, restoration and aftercare phases.

Construction and Environmental Management Plan

C13: (1) There shall be no Commencement of Development until a Construction and Environmental Management Plan (CEMP) containing site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot and SEPA. The CEMP shall be informed by the site and ground investigation works and best practice guidance.

(2) The CEMP shall provide:

- (a) a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat and other carbon rich soils), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment, evidencing all proposals comply with SEPA's guidance and the requirements of the waste management licensing regime as appropriate;
- (b) details of the location, layout, formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil, fuel and chemical storage, lighting columns, and any construction compound boundary fencing required for the construction period;
- (c) a dust management plan detailing all mitigation/dust suppression measures intended to reduce the impacts of dust on site, including measures to reduce dust on roads;

- (d) site specific details for management and operation of any concrete batching plant (including disposal of pH-rich waste water and substances);
- (e) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- (f) a Pollution Prevention and Incident Plan incorporating a Pollution Prevention Plan, Pollution Incident Plan and a Pollution Control Monitoring Plan, this shall provide measures to protect watercourses, groundwater, management of natural surface hydrological flows (flushes, springs, etc.) and protection of peatland/soils, arrangements for the storage and management of oil and fuel and other chemicals on the site and sewage disposal and treatment;
- (g) details of soil storage and management including outline quantities, locations (other than peat and other carbon rich soils) management of long term storage of construction generated to facilitate future site restoration;
- (h) a drainage management strategy, demonstrating how all surface and waste water arising during and after construction is to be managed and prevented from impacting on the water environment and to mitigate flood risk;
- (i) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (j) details of temporary site illumination, including measures to ensure light spill/pollution is minimised and avoids habitats within the site and does not extend beyond the immediate working area, and not beyond the site boundary;
- (k) Protected Species Plan. The Plan shall be informed by [insert protected species] surveys carried out by a suitably qualified person. The surveys shall inform the mitigation measures required to protect [insert protected species] during construction of the Development. The Plan shall provide mitigation measures, as required, and a timetable for implementation.
- (l) details of the construction of the access into the site, including associated drainage and the creation and maintenance of associated visibility splays;
- (m) Site-specific Construction Method Statements for the following:
 - i. crane pads;
 - ii. turbine foundations;
 - iii. working cable trenches;
 - iv. erection of the wind turbines and meteorological masts;
 - v. Energy storage compound formation and installation of energy storage equipment;
 - vi. Substation compound formation, erection of associated buildings and ancillary infrastructure;
 - vii. watercourse crossings including full details and plans of the design and specification of all new and upgraded watercourse crossings to be constructed, ensuring continuous flow and fish passage with no hanging culverts, noting all crossings shall be oversized bottomless arched culverts or traditional style bridges;
- (n) details of post-construction restoration/reinstatement of the working areas not required during the operation of the Development;
- (o) Historic Environment Protection Plan including details of protective fencing of the location of the historic environment features to be protected during construction works, including appropriate buffers;
- (p) a wetland ecosystems survey and mitigation plan;
- (q) a tree felling and management plan;

- (r) A Construction Noise Management Plan including details of the management of noise and vibration during construction and post-construction restoration, including that caused by construction traffic, to the lowest practicable levels and in accordance with BS 5228:2009 “Code of Practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration” (or any updated version/document which superseded this document) and how any properties likely to be affected by construction noise will be kept informed;
- (s) Construction Method Statements for all roads/tracks to be altered/formed within the development site including their width, likelihood of widening or passing places, means of drainage (which shall have regard to SUDS principles), means of construction, and edge reinstatement including verge width. The specification shall be accompanied by relevant plans at a scale sufficient;
- (t) the cable trenches;
- (u) A phasing plan for the construction works; and
- (v) A written scheme which details the methodology for dealing with any revisions to any of the documents required under this part (3). Any revised documents will require to be submitted to and approved in writing by the Planning Authority prior to the revisions being implemented on site.

(3) The Development shall be implemented in accordance with the CEMP approved under part (1) unless otherwise approved in advance in writing by the Planning Authority.

R13: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIA Report and Additional Information Report accompanying the application, or as otherwise agreed, are fully implemented.

Borrow Pits – Scheme of Works

C14: (1) There shall be no Commencement of Development until a scheme for the working and restoration of each borrow pit forming part of the Development has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. The scheme shall include the following:

- (a) a detailed working method statement based on site survey information and ground investigations;
- (b) details of the handling of any overburden (including peat, soil and rock);
- (c) drainage measures, including measures to protect and manage surrounding areas of peatland, water dependant sensitive habitats and ground water dependent terrestrial ecosystems from drying out;
- (d) a programme of implementation of the works described in the scheme; and
- (e) Outline details of the reinstatement, restoration and aftercare of the borrow pits to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

(2) The scheme approved under part (1) shall thereafter be implemented in full following Commencement of Development.

R14: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period.

Borrow Pits - Blasting

C15: (1) No blasting shall take place until a scheme specifying blast monitoring locations is submitted to and approved in writing by the Planning Authority.

(2) Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at the blasting monitoring locations approved in the scheme. The measurement is to be the maximum of three mutually perpendicular directions taken at the ground surface.

(3) Unless otherwise approved in writing in advance by the Planning Authority, blasting shall only take place between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on a Public Holiday .

(4) The scheme shall be implemented as approved.

R15: To ensure that blasting activity is carried out within defined parameters and timescales to control impact on amenity.

Construction Hours

C16: (1) Construction work shall only take place between the hours of [07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00] on Saturdays, with no construction work taking place on a Sunday or Public Holiday. Outwith these specified hours, maintenance works, emergency works and construction works shall be limited to concrete pours, wind turbine erection, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority.

(2) HGV movements (excluding abnormal loads) to or from the site during construction of the wind farm shall be limited to [07.00 to 19.00 Monday to Friday (inclusive), and 07.00 to 16.00 on Saturdays] , with no HGV movements to or from site taking place on a Sunday or Public Holiday. Outwith these hours, and subject to paragraph (1), HGV movements are to be limited to wind turbine delivery [(unless otherwise approved in advance in writing by the Planning Authority)] .

R16: In the interests of local amenity.

Habitat Management and Monitoring Plan

C17: (1) There shall be no Commencement of Development until a Habitat Management Plan (HMP) taking account of the Outline Draft Habitat Management Principles (EIAR Technical Appendix 10.5) of the EIA Report, has been submitted to, and approved in writing by the Planning Authority.

(2) The HMP shall set out proposed habitat management of the site during the period of construction, operation, and decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of the site specific details, particular species (badger, otter, pine marten, red squirrel, water vole), habitats or wetland habitat on site.

(3) The HMP shall provide provision and details for regular monitoring and review to be undertaken against the HMP objectives and reasonable measures for securing amendments or additions to the HMP in the event that the HMP objectives are not being met.

(4) Until otherwise approved in advance in writing by the Planning Authority, the approved HMP (as amended from time to time with written approval of the Planning Authority) shall be implemented in full in line with the timescales set out in the approved plan.

R17: In the interests of good land management and the protection of habitats.

Pre-Construction Surveys

C18: Pre-construction surveys shall be carried out no more than 3 months prior to the commencement of development for protected species that can be surveyed at any time of the year (e.g. otter and badger), or if there is a restricted window within which a survey can only be undertaken (e.g. breeding birds, bats and water vole), as close to the start of works as possible, and always within the most recent survey window.

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

R18: In the interests of the protection of species.

C19: That all of the biodiversity enhancement mitigation measures outlined within the Outline Draft Habitat Management Principles, including enhancement of retained hedgerows and creation of wildflower meadow and ponds, shall be implemented and maintained to the satisfaction of the Planning Authority.

R19: In the interests of the protection and enhancement of habitats and species and in response to the specific requirements of Policy 3 of National Planning Framework 4 (NPF4).

Bird Protection Plan

C20: (1) There shall be no Commencement of Development until a Construction Breeding Bird Protection Plan (CBBPP) has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The CBBPP shall be informed by pre-commencement breeding bird surveys and set out measures to protect [black grouse, nightjar] including post construction ornithology surveys at intervals to be agreed with the Planning Authority.

(2) Thereafter, the approved Construction Breeding Bird Protection Plan shall be implemented in full within the timescales set out in the approved Bird Protection Plan

R20: In the interests of protecting ornithological interests through the construction, operational and decommissioning of the wind farm.

Enabling Works

C21: That no development or works shall commence on the Site unless and until a programme of Site Enabling Works, detailing the extent, area and timings of such works (the 'Site Enabling Works Programme') has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The Site Enabling Works Programme must as a minimum provide for the following:

- (a) A plan showing the extent and layout of the enabling works;
- (b) The employment of a suitably qualified and experienced Ecological Clerk of Works, or equivalent, for the project, with specific responsibility for environmental management and the authority to take action when required, including stopping operations and implementing mitigation measures;
- (c) The employment of a Planning Monitoring Officer, to discharge and to monitor compliance with this condition, including provision of a quarterly compliance report to the Council;
- (d) A programme for environmental auditing and monitoring within the Site, before and during the Site Enabling Works, to provide the establishment of an environmental checklist, to monitor and input into the planning of construction activities and ensure implementation of all environmental mitigation measures;
- (e) A forest felling and management plan;
- (f) A site specific statement outlining drainage and sediment management for all exploration areas and measures to limit above ground construction activities during periods of high rainfall, including weather forecasting and actions to be taken in advance of adverse forecasts.
- (g) Working arrangements, including a programme for the phasing of operations, and particularly the movement of plant, materials and rock into, across and out of the site to minimise, so far as reasonably possible, impact on communities or businesses adjacent to or in close proximity to the Site.
- (h) Waste Management and Pollution Controls including contingency plans in case of pollution incidents;

- (i) A programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the Development, including a timetable for investigation, which must be submitted for the written approval of the Planning Authority. The approved programme must be implemented in accordance with the agreed timetable for investigation unless otherwise agreed in writing with the Planning Authority;
- (j) Measures to protect any scheduled monument(s) within the area of the enabling works;
- (k) Details for the delivery, storage, loading and unloading of plant and materials to be used in constructing the development, with particular regard for the deployment of HGVs and any abnormal loads;
- (l) Measures to control the emission of dust and dirt during construction;
- (m) Provision of welfare facilities on site during construction and the means of disposal of foul drainage;
- (n) Measures to protect all existing public water, private water and drainage arrangements, with suitable back up arrangements in case of any disruption to these provisions from Site Enabling Works;
- (o) An Access Management Plan to maintain public access and promote the general safety of walkers, cyclists, fishing and game stalking parties, canoeists and other marine users³ out-with the principal construction areas and access roads serving the Development during the Site Exploratory Works. A key principal to be advanced within the Plan is to minimise restrictions on public access to important recreational facilities;
- (p) Wheel washing facilities to prevent vehicles associated with the Site Enabling Works from depositing mud or dirt on the public road network when leaving the Site.
- (q) Lighting for Site Enabling Works which will minimise illumination, glare or light spillage outwith the site boundary;
- (r) Details of watercourse crossings, to be agreed in consultation with SEPA.
- (s) Peat management, covering all aspects outlined in condition 24 in so far as it relates to enabling works, to be agreed in consultation with SEPA.

All Site Enabling Works must be carried out in accordance with the approved Site Enabling Works Programme unless otherwise agreed in writing with the Planning Authority.

R21: To ensure that all Site Exploratory Works are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the EIA Report accompanying the application are fully implemented.

Forestry Felling Plan

- C22 (1) No felling shall take place until a Forestry Felling Plan (FFP) has been submitted to and approved in writing by the Planning Authority in consultation with Scottish Forestry. The FFP shall cover the Development site and shall provide:
- (a) details of felling and restocking proposals;
 - (b) details of the management measures to reduce the amount of felling required to accommodate the Development;
 - (c) measures to deal with forest waste including brash in line with the UK Forestry Standard and the joint guidance from SEPA, NatureScot and Scottish Forestry on Use of Trees Cleared to Facilitate Development on Afforested Land;
 - (d) timelines for implementing the plan;
 - (e) details setting out annual monitoring of the felled area and reporting procedures to be carried out by a qualified expert;
 - (f) details of forestry management practices; and

- (g) details demonstrating compliance with The UK Forestry Standard and the Scottish Government's Policy on Control of Woodland Removal (as amended or replaced from time to time) and [insert any local woodland strategy.

(2) The approved FFP shall be implemented in full upon Commencement of Felling.

R22: to minimise and manage the effects of forestry felling required to accommodate the Development.

Landscape Management

C23: Prior to the commencement of development on site, a detailed landscape management plan and aftercare regime for the proposed areas of woodland mix, amenity and wildlife grassland and additional hedge/tree planting, as well as the maintenance and enhancement of the existing hedgerow shall be submitted to and approved in writing by the Planning Authority. This should include details of how habitats will be established and maintained. Thereafter, the management and aftercare of the planting shall be carried out in accordance with the approved details and be maintained on site for the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

R23: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

Peat and Carbon Rich Soils Management Plan

C24: (1) There shall be no Commencement of Development until a detailed Updated Peat and Carbon Rich Soils Management Plan (PMP), taking account of the Peat Management Plan (Technical Appendix 11.2] and Peat Management Plan Addendum (Appendix AI 11.2 of the EIA Report) has been submitted to and approved in writing by the Planning Authority in consultation with SEPA.

(2) The PMP shall:

- (a) take account of site and ground investigations to minimise the loss of peat and other carbon rich soil and minimise carbon loss;
- (b) include actions, including micrositing, to minimise excavated peat and other carbon rich soils volumes;
- (c) encourage use of excavated peat and other carbon rich soils in an appropriate manner; and (d) follow good practice for handling, storing and reinstating peat and other carbon rich soils.

(3) The Peat and Carbon Rich Soils Management Plan shall thereafter be implemented as approved upon the Commencement of Development.

R24: To ensure that disruption to peat is minimised.

Private Water Supply

C25: (1) There shall be no Commencement of Development until a private water supplies method statement has been submitted to and approved in writing by the Planning Authority, detailing all contingent mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to any properties which are served by private water supplies at the date of this planning permission which may be affected by the Development.

(2) The method statement shall set out:

- a) details of the methodology for water quality and quantity sampling for a period of 12 months prior to construction (including abstraction points);
- b) details of the methodology and programme for undertaking water quality and quantity sampling during the construction period (including abstraction points); and
- c) details of the methodology for water quality and quantity sampling for a period of 12 months post construction (including abstraction points);

(3) The approved method statement shall thereafter be implemented in full upon the Commencement of Development.

R25: To maintain a secure and adequate quality and quantity of water supply to all properties with private water supplies for human consumption that may be affected by the Development.

Archaeology

C26: (1) There shall be no Commencement of Development unless an archaeological Written Scheme of Investigation (WSI) has been submitted to, and approved in writing by, the Planning Authority. The WSI shall provide details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the Written Scheme of Investigation will be provided throughout the implementation of the programme of archaeological works. The WSI shall also detail how any requirement for reporting, post-excavation analysis, archive deposition, publication of results, and the delivery of public benefit (including how this will be recorded and reported) will be undertaken.

(2) A programme of archaeological works must be carried out in accordance with the approved WSI, and any addendums to it, as agreed under part (1).

(3) Should the archaeological works carried out under part (2) reveal the need for post excavation analysis, the development hereby approved shall not be occupied or brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results, including additional public engagement, and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

R26: To ensure the protection or recording of archaeological features on the site.

Access Management Plan

C27: (1) There shall be no Commencement of Development until an Access Management Plan ("AMP") has been submitted to and approved in writing by the Planning Authority. The AMP should ensure that public access is retained within and across the Development site during construction, where appropriate, and thereafter that suitable public access is provided during the operational phase of the wind farm.

(2) The approved plan shall be implemented in full upon Commencement of Development.

R27: In the interests of securing public access rights

Aviation and Other Lighting

C28: (1) No wind turbines shall be erected until a scheme for aviation lighting (Aviation Lighting Scheme) for the Development has been submitted to, and approved in writing by, the Planning Authority in consultation with the Civil Aviation Authority. The scheme shall provide details of aviation lighting which is to be applied.

(2) No later than the third and fifth anniversary of the date of First Commissioning and every five-year anniversary thereafter, the Company shall submit a written review of the Aviation Lighting Scheme to the Planning Authority. Each review shall provide:

- a. An assessment of options available for the reduction in the number of visible lights installed on turbines, the time period when lights are visible, and/or the intensity of the visible lighting;
- b. An assessment of the potential for installation of an Aircraft Detection Lighting System ("ADLS"), including a statement setting out the current and anticipated regulatory environment in relation to ADLS; and
- c. An assessment of whether it is technically feasible, through the regulatory framework to install an ADLS at the Development (taking into account installation and operational costs)

(3) The review may propose amendment of the Aviation Lighting Scheme. Specifically regarding ADLS, if a review assesses that it is technically feasible to install ADLS, provided that such installation shall not require planning permission, such review shall also provide the Company's proposals for installation of ADLS together with a proposed timetable for installation. Any proposed amendment shall be compliant with the then current aviation lighting requirements of the Civil Aviation Authority and the Ministry of Defence.

(4) Any proposed amendment to the Aviation Lighting Scheme under part (3) must be submitted to, and have received the written approval of, the Planning Authority in consultation with the Civil Aviation Authority and the Ministry of Defence and shall thereafter be installed in accordance with the approved details.

(5) The Aviation Lighting Scheme, or such alternative scheme as may be approved under part (4), shall thereafter be maintained throughout the operational life of the Development.

(6) The Development shall be operated in accordance with the approved scheme, or any alternative scheme as may be approved under part (4), unless otherwise approved in advance in writing by the Planning Authority in consultation with the Civil Aviation Authority and Ministry of Defence as a result of a periodic review.

R28: In the interests of aviation safety and to minimise visual effects of the Development.

Aviation Lighting

C29: Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 15.2 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the written approval of the Planning Authority, in consultation with the Scottish Government, the Civil Aviation Authority and the Ministry of Defence. The aviation lighting scheme shall define how the development will be lit throughout its life to maintain civil and military aviation safety requirements as required under the Air Navigation Order 2016 determined necessary for aviation safety by the Civil Aviation Authority. This should set out:

- a) details of any construction equipment and temporal structures with a total height of 15.2 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme.

The lighting installed will remain operational for the lifetime of the development.

R29: To maintain aviation safety.

Aviation Charting and Safety Management

C30: The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

R30: To maintain aviation safety.

Traffic & Transport – Transport Scotland

C31: Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road network must be submitted to and approved by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority.

R31: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

C32: Prior to the movement of any abnormal load any accommodation measures required, including the removal of street furniture, junction widening and traffic management must be approved and implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland as the trunk roads authority.

- R32: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.
- C33: Prior to the movement of any wind turbine components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland as trunk road authority.
- R33: To ensure that the transportation of any components/materials will not have any detrimental effect on the road and structures along the route.

Traffic & Transport - ARA

New Access Road

- C34: That no development shall take place until such time that planning permission for the construction of the proposed new access road for Abnormal Indivisible Loads (AILs) from the A714 to C72, Gowlands Terrace has been approved by the Planning Authority.
- R34: To ensure that a satisfactory means of vehicular access for AILs is provided to the site in the interests of road safety and to prevent premature development.

Access onto Public Road – site access:

- C35: All vehicular site access points onto the A714 shall be constructed in accordance with the specifications in the SCOTS National Roads Development Guide. This shall require full compliance with geometric design, visibility splays, and construction make-up. Each point of access shall be constructed, as approved by condition and in conjunction with the necessary Road Opening permits, prior to the commencement of construction works within the site.
- R35: In the interest of road safety and to ensure an acceptable standard of construction.

Gates Set Back/ Open Inwards (Commercial/ Industrial):

- C36: Prior to occupation of the development any gates shall be set back a minimum of 10.0 metres from the rear of the public footway/ roadway, and open inwards away from the public roadway.
- R36: In the interest of road safety.

Distance of Turbine from Public Road:

- C37: All turbines shall be positioned at a distance from the public road at least equal to 125% of the overall turbine to blade tip height.
- R37: In the interest of road safety.

Land Acquisition:

- C38: The applicant/ developer shall be responsible for the acquisition and maintenance of all land required adjacent to the public road to allow the passage of Abnormal Indivisible Loads (AILs) whose swept path cannot be contained within the existing road widths. Any road widening provided adjacent to the public road shall be built to the specification provided by the Council as Roads Authority and shall be left in place when the work is complete.
- R38: In the interest of road safety.

Structural Assessments:

C39: Prior to movement of any Abnormal Indivisible Loads (AILs) associated with the construction phase of the development, the applicant/ developer shall submit for the approval of the Planning Authority in consultation with the Ayrshire Roads Alliance structural assessments on the following structure:

- A714/100 Pinwherry Bridge, Main Street, Pinwherry, O.S. Grid Ref 219779E 586872N

No construction traffic or Abnormal Indivisible Loads (AILs) shall access the site via the above structure until such times that the structural assessments have been approved in writing by the Ayrshire Roads Alliance. The applicant shall be liable for the costs of these works.

R39: In the interest of road safety

Structural Inspections

C40: The applicant/ developer shall, in consultation with the Council as Roads Authority, carry out any before and after inspection surveys deemed necessary for any structures which are the responsibility of South Ayrshire Council. The before and after surveys shall form the basis for establishing any reinstatement costs for damage due to abnormal traffic conditions and /or loading associated with the development of the site. The applicant shall be liable for the costs of these works.

R40: In the interest of road safety

Construction Traffic Management Plan

C41: There shall be no Commencement of Development until a works specific Construction Traffic Management Plan ("CTMP") has been submitted to and approved in writing by the Planning Authority in consultation with the Ayrshire Roads Alliance and Transport Scotland. The approved CTMP shall provide (but not be limited to) the provision of the following:

- a) the routing of all traffic associated with the Development on public roads;
- b) measures to ensure that the specified routes are adhered to, including monitoring procedures;
- c) proposed traffic management and mitigation measures along the approved access route, as required;
- d) proposed mitigation measures at the main site access, anticipated to consist of measures to maximise achievable visibility splays, and the addition of TSRGD compliant warning signage;
- e) A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;
- f) traffic movement supporting information including borrow pit site investigation reports, where appropriate;
- g) during the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the Council as Roads Authority and Transport Scotland. All measures shall require to be fully installed before AIL movements commence;
- h) details of measures to minimise traffic impacts to existing road users where practicable, including consideration of avoiding busy road periods, and requirements for all drivers to always drive in a safe and defensible manner;
- i) details of measures/ contractual agreements to be put in place to manage the compliance of contractors and sub-contractors with using agreed/approved construction traffic routes. This shall include any associated monitoring procedures, and any specific training and disciplinary measures to be established to ensure the highest standards are maintained;
- j) details of all arrangements for emergency vehicle access;

- k) details of measures to prevent loose and deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent public road network;
- l) identification of a nominated person to whom any road safety issues can be referred.
- m) measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
- n) details of wheel wash facilities to be established at the site entrance or an alternative suitable location to ensure no tracking of mud onto the public highway;
- o) details of the provision of construction updates to be distributed to elected ward members, the community council, and residents within an agreed distance of the site.

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

R41: In the interests of road safety and to ensure that abnormal loads and egress the site in a safe manner.

Abnormal Loads

C42: (1) There shall be no abnormal load turbine component deliveries to the site until an Abnormal Load Route Assessment Report has been submitted to and approved in writing by the Planning Authority in consultation with the Ayrshire Roads Alliance and Transport Scotland. The Abnormal Load Route Assessment Report shall provide:

- a) Details of a communications strategy to inform the relevant communities of the programme of abnormal load deliveries;
- b) Details of any accommodation measures required for the local road network including the removal of street furniture, junction widening and traffic management measures;
- c) Details of the route for abnormal load turbine components on the local and trunk road networks and any recommendations for these deliveries;
- d) An assessment of the capacity of any structures adopted by the Ayrshire Roads Alliance on behalf of Council on the route to cater for abnormal indivisible loads, including turbine components, and details of proposed upgrades and mitigation measures required for any bridge crossings;
- e) Details of inspections of any identified structures adopted by the Ayrshire Roads Alliance on behalf of Council; and
- f) A plan for access by vehicles carrying abnormal load turbine components, including but not limited to the number and timing of deliveries and the length, width and axle configuration of all such traffic associated with the Development.

(2) Prior to the first delivery of an abnormal load, a programme for abnormal load turbine component deliveries shall be submitted to and be approved in writing by the Planning Authority in consultation with Transport Scotland and the Ayrshire Roads Alliance.

(3) Prior to any movement of abnormal load turbine components, the Applicant must complete any mitigation works set out in in the scheme approved under part (1) of this condition and maintain such measures during the period of turbine component deliveries.

(4) The details in the approved report shall thereafter be implemented in full prior to the first delivery of an abnormal load turbine component.

R42: In the interest of road safety and to ensure that abnormal loads access and egress the site in a safe manner.

Road Modifications

- C43: No development shall commence until the detailed design and specification for the proposed access junction and road upgrades have been submitted to and approved by the planning authority in consultation with the Ayrshire Roads Alliance. Thereafter the road modifications shall be constructed in accordance with the approved plans prior to construction of any part of the Development.
- R43: To ensure that road alterations comply with the relevant standards and that the safety of the traffic on the public road is not diminished.

Public Road Wear & Tear and Protection of Road Infrastructure

- C44: (1) No development shall commence until a procedure for the regular monitoring of road conditions and the implementation of any remedial works required as may be reasonably attributable to the Development's construction plant and vehicle movements during the construction period, has been agreed by the Planning Authority in consultation with the Ayrshire Roads Alliance. The agreement should be made under Section 96 of the Roads (Scotland) Act 1984 (As Amended) and must include the following:
- An agreed study area that the Wear & Tear Agreement will cover;
 - The specifications for the preparation of the pre-commencement, interim and post construction road condition surveys of roads affected by the construction and delivery traffic;
 - An agreed interval for interim road condition surveys of roads affected by the construction and delivery traffic;
 - Details of an approved contractor who can undertake ongoing repairs to the roads that are caused by construction development traffic;
 - An agreed minimum response period for road repairs to be undertaken by the Applicant, following the identification of defects that have been caused by construction development traffic operating to and from the Development;
 - Details of a bond or other suitable security to underwrite the Section 96 agreement; and
 - A process to resolve disagreements in damage claims via an independent adjudicator.
- (2) The agreement shall be in place prior to construction works commencing or deliveries to the site.
- (3) The post construction survey shall be issued to the Planning Authority and Ayrshire Roads Alliance within three weeks of construction works ceasing at the development site.
- R44: To ensure that road alterations comply with the relevant standards and that the safety of the traffic on the public road is not diminished.

Operational Noise

- C45: The turbine shall be designed to permit individually controlled operation, or cut-out, at specified wind speeds in order to enable, and ensure, compliance with the noise level criteria stated in these conditions.
- a. Details from the turbine supplier and/or manufacturer regarding the tonality assessment carried out on the turbine require to be provided. A copy of the standard detailing the assessment method shall be submitted for approval by the Planning Authority. Where the tone level above audibility is 2dB or greater then a tonal penalty shall be applied to the permitted noise levels in accordance with figure 16 in the document "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97).
 - b. The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty and amplitude modulation (AM) penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1 and 2 at any dwelling which is lawfully existing or has planning permission at the date of this permission.
 - c. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(b). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(b) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
 - d. No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.
 - e. Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant and provide a written protocol to be approved by the Planning Authority. The protocol shall describe the procedure to assess the level and character of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Planning Authority shall set out as far as possible the time or meteorological conditions to which the complaint relates and time or conditions relating to tonal noise or AM if applicable. Measurements to assess compliance with the noise limits shall be undertaken in accordance with the assessment protocol which shall be approved in writing by the Planning Authority.
 - f. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.
 - g. The wind farm operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the protocol within 2 months of the date of the approval of the protocol by the Local Authority unless otherwise agreed by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis, such data to be provided in a format to be agreed with the Planning Authority. Certificates of calibration of the equipment shall be submitted to the Planning Authority with the report.
 - h. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 5(b) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's initial assessment unless otherwise agreed by the Planning Authority.

Table 1 - Between 07:00 and 23:00 – Noise limits expressed in dB $L_{A90,10\text{-minute}}$ as a function of the standardised wind speed (m/s) at ten metres height as determined within the site averaged over 10 minute periods

Location	Standardised Wind Speed at 10m height in m/s averaged over 10 minute periods, Sound Pressure Levels in dB, $L_{A90\ 10\text{min}}$								
	4	5	6	7	8	9	10	11	12
Auchlewan	35.0	35.0	35.0	35.0	36.1	37.3	36.4	40.0	44.7
Balligmorrie Farm	40.9	41.9	43.2	44.8	46.3	47.6	48.5	49.0	48.9
Bellamore Farm	39.4	37.7	36.7	33.1	30.8	34.4	38.7	41.6	46.0
Laggansarroch Farm	42.3	42.5	43.0	43.9	45.0	46.2	47.4	48.4	49.4
Lambdoughty Cottage	35.0	35.0	35.0	35.3	37.3	37.7	43.3	46.8	49.3
Lilybank Cottage	35.0	35.0	35.0	35.0	36.1	37.7	37.0	40.4	44.9
Mark Farm	35.0	35.0	36.5	33.1	30.3	34.1	38.6	40.1	41.8
Milk House	35.0	35.0	35.0	35.0	36.1	37.4	36.7	40.1	44.7
Pinclanty Cottage	35.0	35.0	35.0	35.0	36.1	37.7	38.0	41.0	45.2
Pinmore Mains	40.9	41.8	43.1	44.8	46.3	47.6	48.5	49.0	48.9
Traboyack Farm	35.0	35.0	35.0	35.3	37.2	37.3	43.2	46.7	49.3
White Knowes	35.0	35.0	35.0	35.3	37.0	37.2	43.2	46.7	49.3

Table 2 - Between 23:00 and 07:00 – Noise limits expressed in dB $L_{A90,10\text{-minute}}$ as a function of the standardised wind speed (m/s) at ten metres height as determined within the site averaged over 10 minute periods

Location	Standardised Wind Speed at 10m height in m/s averaged over 10 minute periods, Sound Pressure Levels in dB, $L_{A90\ 10\text{min}}$								
	4	5	6	7	8	9	10	11	12
Auchlewan	42.7	42.6	42.6	42.5	42.1	41.8	41.6	41.2	40.7
Balligmorrie Farm	42.8	42.7	42.6	42.6	42.4	43.1	46.3	49.7	49.6
Bellamore Farm	42.7	42.0	41.6	40.8	38.7	38.7	38.7	38.5	41.0
Laggansarroch Farm	42.9	42.8	42.8	42.7	42.7	43.5	45.2	46.8	46.8
Lambdoughty Cottage	42.7	42.5	42.5	42.3	41.9	41.5	41.0	47.6	47.1
Lilybank Cottage	42.8	42.7	42.6	42.5	42.3	42.0	41.7	41.4	41.1
Mark Farm	42.7	41.9	41.6	40.8	38.5	38.5	38.3	38.9	41.2
Milk House	42.8	42.7	42.6	42.5	42.2	41.9	41.6	41.3	40.8
Pinclanty Cottage	42.8	42.7	42.7	42.6	42.4	42.3	42.1	42.0	41.8
Pinmore Mains	42.8	42.6	42.5	42.4	42.3	43.1	46.2	49.7	49.6
Traboyack Farm	42.6	42.5	42.5	42.3	41.8	41.3	40.9	47.6	47.0
White Knowes	42.6	42.5	42.5	42.3	41.7	41.3	40.9	47.6	47.0

Note to Table 3: The geographical co-ordinates references are provided for the purpose of identifying the general location of dwellings to which the noise limits in Tables 1 and 2 apply.

Table 3 - Coordinate locations of the properties listed in Table 1 and Table 2.

Property	Grid Coordinates	
	X	Y
Auchlewan	224936	592098
Balligmorrie Farm	222134	590587
Bellamore Farm	223272	586889
Laggansarroch Farm	220143	588736
Lambdoughty Cottage	225406	591402
Lilybank Cottage	224490	591754
Mark Farm	224979	587879
Milk House	224936	591977
Pinclanty Cottage	223206	591221
Pinmore Mains	221142	590116
Traboyack Farm	225816	591893
White Knowes	227305	592094

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the planning condition on noise. The measured data is to be split into bins as described below. The rating level in each bin is the arithmetic sum of the wind farm noise level, any tonal penalty applied in accordance with Note 3 and any AM penalty applied in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI). IOA GPG is "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise" or any update of that report current at the time of measurement. The IOA Metric is "A Method for Rating Amplitude Modulation in Wind Turbine Noise" dated 9th August 2016 or any update of that current at the time of measurement.

Note 1 – Data Collection

- a. Values of the LA90,10-minute noise index should be measured in accordance with the IOA GPG. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and to allow an AM penalty to be calculated for selected periods where a tonal or AM assessment is required.
- b. To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s) and arithmetic mean wind direction in degrees from north in each successive 10-minutes period in a manner to be agreed in writing with the Planning Authority. The wind speed at turbine hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which are correlated with the noise measurements determined as valid. The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle, arithmetic mean rotor RPM and whether each wind turbine is running normally during each successive 10-minutes period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Universal Time (UT).

Note 2 – Data Analysis

- a. The independent consultant shall identify a sub-set of data having had regard to:-
 - the conditions (including time of day and corresponding wind directions and speeds) at times in which complaints were recorded;
 - the nature/description recorded in the complaints if available;
 - information contained in the written request from the local planning authority;
 - likely propagation effects (downwind conditions or otherwise);
 - the results of the tonality/AM analysis where relevant.

In cases where it is possible to identify patterns of clearly different conditions in which complaints have arisen additional sub-sets may be considered provided this does not introduce unreasonable complexity in the analysis and can be justified by the independent consultant.

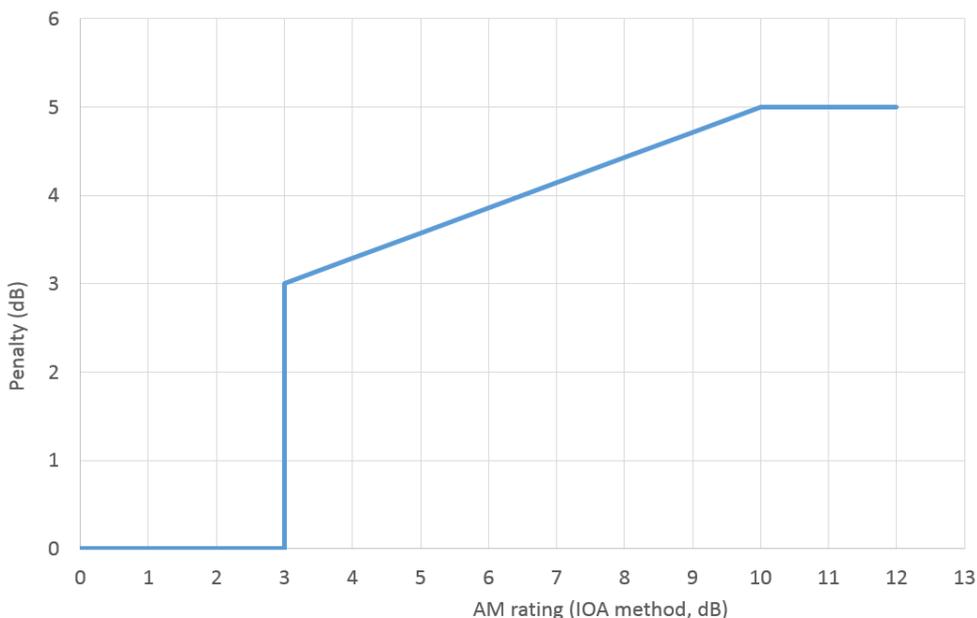
- b. Within each of the sub-set(s) of data identified, data shall be placed into separate 1 m/s wide wind speed bins.

Note 3 – Tonal Penalty

- a. Where, in accordance with the protocol, the noise contains or is likely to contain a tonal component, a tonal audibility shall be calculated for each ten-minute period using the following procedure.
- b. For each 10-minute period for which a tonal assessment is required this shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure").
- c. For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted. Where data for a ten-minute period are corrupted, that period shall be removed from the tonal analysis.
- d. The tone level above audibility for each ten-minute period shall be placed in the appropriate data sub-set and wind speed bin.

Note 4 – AM Penalty

- a. Where, in accordance with the protocol, the noise contains or is likely to contain AM, an AM penalty shall be calculated for each ten-minute period using the following procedure.
- b. For each 10-minute interval for which an AM assessment is required this shall be performed in accordance with The IOA Metric. The value of AM for each ten-minute period shall be converted to a penalty in decibels in accordance with the graph below and the penalty shall be placed in the appropriate data sub-set and wind speed bin. Where a penalty is zero it should be placed in the bin in the same way.



Note 5 – Calculation of Rating Level

- a. The LA90 sound pressure level for each data sub-set and wind speed bin is the arithmetic mean of all the 10 minute sound pressure levels within that data sub-set and wind speed bin except where data has been excluded for reasons which should be clearly identified by the independent consultant. The tonal penalty for each bin is the arithmetic mean of the separate 10-minute tonal audibility levels in the bin converted to a penalty in accordance with Fig 17 on page 104 of ETSU-R-97. The AM penalty for each bin is the arithmetic mean of the AM penalties in the bin. The assessment level in each bin is normally the arithmetic sum of the bin LA90, the bin tonal penalty and the bin AM penalty except where the AM penalty and the tonal penalty relate to the same characteristic (e.g. amplitude modulated tones) when the sum of both penalties may overly penalise the characteristics of the noise. Such cases should be identified and only the larger of the AM or tonal penalty should be applied.
- b. If the assessment level in every bin lies at or below the values set out in the Table(s) attached to the conditions then no further action is necessary. In the event that the assessment level is above the limit(s) set out in the Tables attached to the noise conditions in any bin, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only. Correction for background noise need only be undertaken for those wind speed bins where the assessment level is above the limit.

- c. The wind farm operator shall ensure that all the wind turbines in the development are turned off for such periods as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- i. Repeating the steps in Note 1, with the wind farm switched off, and determining the background noise (L_3) in each bin as required in the protocol. At the discretion of the consultant and provided there is no reason to believe background noise would vary with wind direction, background noise in bins where there is insufficient data can be assumed to be the same as that in other bins at the same wind speed.
 - ii. The wind farm noise (L_1) in each bin shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal nor AM penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

- iii. The rating level shall be calculated by adding the tonal and AM penalties to the derived wind farm noise L_1 in that bin.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal and AM penalties in every bin lies at or below the values set out in the Tables attached to the condition at all wind speeds then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Table(s) attached to the condition then the development fails to comply with the planning condition in the circumstances represented by that bin.

R45: To protect nearby residents from undue noise and disturbance and to ensure that noise limits are not exceeded and to enable prompt investigation of complaints.

Shadow Flicker

C46: (1) No turbine shall be erected until a scheme for the avoidance or mitigation of shadow flicker at residential properties which lawfully exist or for which planning permission has been granted as at the date of this Section 36 consent, has been submitted to, and approved in writing by, the Planning Authority.

(2) The approved mitigation scheme shall be implemented in full in line with the approved scheme.

R46: To offset any impacts of shadow flicker on residential property amenity.

Emergency Action Plan

C47: Prior to the commencement of development on site, a full Emergency Action Plan shall be submitted to and approved in writing by the Planning Authority. This shall include a Fire Safety Management Plan which outlines the measures in place to limit the fire risk, and a response and management plan in the event of a fire. Thereafter, the development shall be constructed, implemented and operated in strict accordance with the measures contained within the approved Emergency Action Plan, and these shall be maintained for the lifetime of the development, unless otherwise agreed in writing by the Planning Service.

R47: In the interest of health and safety.

Turbine Operation

C48: (1) The wind turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

R48: In the interests of the visual amenity of the area.

Redundant Turbines

- C49: (1) If one or more wind turbines fails to generate electricity on a commercial basis to the public network for a continuous period of 12 months, then unless otherwise approved in writing by the Planning Authority in consultation with SEPA, the Company shall:
- (a) Within one month of the expiration of the 12 month period, submit a scheme to the Planning Authority for written approval setting out how the relevant wind turbine(s) and associated infrastructure will either be repaired or removed from the site and the ground restored to a condition agreed with the Planning Authority in consultation with SEPA; and
 - (b) Implement the approved scheme within 12 months of the date of approval of the scheme, all to the satisfaction of the Planning Authority.
- R49: To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

Decommissioning, Restoration & Aftercare

- C50: The Development will be decommissioned and will cease to generate electricity by no later than the date falling 35 years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Decommissioning without prior written approval of the Planning Authority.

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

No later than 3 years prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier) a detailed Decommissioning, Restoration and Aftercare Plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with NatureScot, SEPA and Transport Scotland.

The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

- (a) A Site Waste Management Plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- (b) Details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- (c) A Dust and Air Pollution Management Plan;
- (d) Details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the Site entrances and the adjacent local road network;
- (e) A Pollution Prevention Plan, including arrangements for the storage and management of oil and fuel on the Site;
- (f) Soil storage and management;
- (g) A Ground and Surface Water Management Plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (h) Sewage disposal and treatment;

- (i) Temporary Site illumination;
- (j) The construction of any temporary access into the Site and the creation and maintenance of associated visibility splays; and,
- (k) Details of watercourse crossings.
- (l) a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the Decommissioning, Restoration and Aftercare Plan)

The Development shall be decommissioned, Site restored, and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

- R50: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.
- C51: The development shall be decommissioned, the site restored, and aftercare thereafter undertaken in accordance with the decommissioning, restoration and aftercare strategy and associated plan approved under Condition 49, within one year of the expiry of the consent or within one year of permanent cessation of the use of the development site for the purpose of operating the approved wind farm whichever is the sooner, unless otherwise agreed in writing in advance with the Planning Authority.
- R51: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

Financial Guarantee

- C52: That no less than 1 month prior to the commencement of development, the Company shall deliver a bond or other form of financial guarantee in terms which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in conditions 49 and 50 has been submitted to and approved in writing by the Planning Authority.

The value of the financial guarantee shall be agreed between the applicant and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in conditions 49 and 50.

The financial guarantee shall be maintained in favour of the Planning Authority until the completion of all decommissioning, restoration and aftercare obligations referred to in conditions 49 and 50.

The value of the financial guarantee shall be reviewed by agreement between the applicant and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional not less than every five years, and at the time of the approval of the detailed decommissioning, restoration and aftercare plan approved under condition 49. The value of the financial guarantee shall be increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations referred to in conditions 49 and 50 and best practice prevailing at the time of each review.

The Company shall:

- (a) ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and,
- (b) pay for the guarantee, bond or other financial provision to be subject to a review five years after the Commencement of Development and every five years thereafter until such time as the Development is decommissioned and the Site restored.

- R58: To ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the applicant.

Signage & Advertising

C53: No turbine infrastructure and apparatus, substation infrastructure or buildings, ESS or any other infrastructure constructed on site shall display any illuminated text, sign, logo, or advertisement, other than those required by law under other legislation.

R53: In the interest of visual amenity.

Informative Notes for Developer

Road Opening Permit

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

Roads (Scotland) Act

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

New Roads and Street Works Act 1991

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

Costs of Street Furniture

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

Costs of TROs

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

Signage to TSRGD 2016

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

RSA

The Council as Roads Authority advises that prior to the commencement of works to construct any new or amended roads infrastructure; a Stage 1+2 Combined Road Safety Audit in compliance with GG 119 of the Standard for Highways Design Manual for Roads and Bridges shall be submitted for the approval of the Planning Authority in consultation with the Ayrshire Roads Alliance. This applies to all proposed new roads and any alterations to existing roads carried out under RCC or a Section 56 Agreement with the Council as Roads Authority & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

RSA

The Council as Roads Authority advises that prior to the commencement of works to construct any new or amended roads infrastructure; a Stage 3 Road Safety Audit in compliance with GG 119 of the Standard for Highways Design Manual for Roads and Bridges shall be submitted for the approval of the Planning Authority in consultation with the Ayrshire Roads Alliance. This applies to all proposed new roads and any alterations to existing roads carried out under RCC or a Section 56 Agreement with the Council as Roads Authority & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

Abnormal Loads (S96 Agreement)

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

Tonnage Contribution (S69 Agreement)

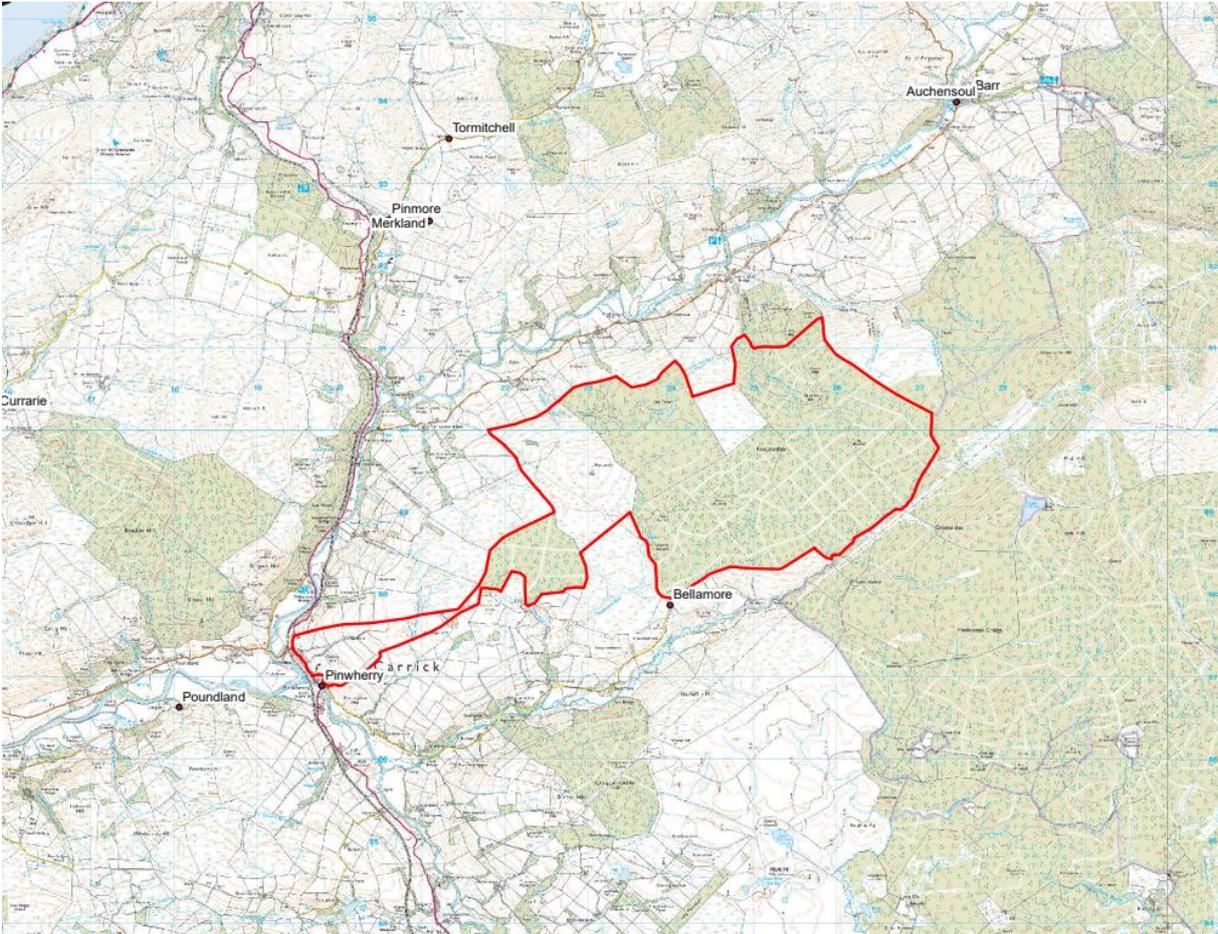
The Council, as Roads Authority, reserves the right to seek a contribution based on the tonnage of construction material imported using local public roads within South Ayrshire Council under Section 69 of the Local Government (Scotland) Act 1973. As such, the developer shall be required to enter into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

REGULATORY PANEL: 15 MAY 2025

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

KNOCKODHAR WINDFARM NEAR PINMORE AND BARR VILLAGES

LOCATION PLAN



Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

Overall, when assessed against the Development Plan, the proposal aligns with the intent of primary NPF4 policies and LDP2 which seek to address the climate emergency through promoting development that minimises emissions to achieve zero carbon, restore the natural environment and adapts to the current and future impacts of climate change. However, ARA have raised concerns that are deemed significant enough to merit an objection and which have not been addressed to date.

Having considered the application submission as a whole and notwithstanding the identified benefits of the scheme, together with the responses received and having balanced the developers' interest against the wider community interest, it is recommended that the Council confirms a position of objection to this proposed development be submitted to the Scottish Government at this time.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 15 MAY 2025

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

1. Purpose of Report:

- 1.1 South Ayrshire Council has been consulted by The Scottish Government Energy Consents Unit (ECU), under Section 36 of The Electricity Act 1989, regarding an application by REG Knockodhar Limited for the erection and operation of a wind farm, and associated infrastructure at Knockodhar, near Pinmore, South Ayrshire.
- 1.2 The Council is not the determining authority for this proposal. This report sets out the proposed response to The Scottish Government's consultation which was issued on 13 June 2023. An extension of time to 16 May 2025 has been agreed for South Ayrshire Council to provide its consultation response.
- 1.3 Under the Council's Scheme of Delegation relative to planning, all Section 36 consultations from the Scottish Government Energy Consents Unit require to be referred to the Council's Regulatory Panel.
- 1.4 Under the Electricity Act 1989, Schedule 8, Part 2, Paragraph 2 (a), where the relevant Planning Authority notifies the Scottish Ministers that they object to the application and their objection is not withdrawn, the Scottish Ministers shall cause a public inquiry to be held.

2. Recommendation

- 2.1. It is recommended that the Regulatory Panel:

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

3. Background and Procedural Matters

Consenting

- 3.1 On **26 May 2023**, The Applicant submitted to The Scottish Government a Section 36 Application together with an application that planning permission be deemed to be granted in respect of the construction and operation of a wind farm exceeding 50 Megawatts of electricity comprising of 16 turbines with variable tip heights, with the maximum up to 200 metres high. The proposal also includes an energy storage system of up to 20MW, access and ancillary development at land to the south-west of Barr in South Ayrshire.
- 3.2 Under Section 36 of The Electricity Act 1989, the construction of a generating station with a capacity which exceeds 50 MW requires the consent of Scottish Ministers. The proposed windfarm and energy storage system will generate approximately 93MW per annum.
- 3.3 The Scottish Government formally consulted the Council on the proposed development on 13 June 2023 with the date for response being 13 October 2023. The Planning Service made an initial request for the time period for responding to be extended to the 2 February 2024 and this extension was agreed by the Applicant. Further requests were made due to the lack of information provided by the applicant on roads matters with the last and final request for an extension of time until 16 May 2025.

Environmental Impact Assessment

- 3.4 The proposed development constitutes a Schedule 2 development as classified by the Electricity Works (EIA) (Scotland) Regulations 2017 and the application is supported with an Environmental Impact Assessment Report (EIAR). An EIA Scoping request was submitted to the ECU in November 2020 and the Council contributed to the Scoping Response issued by the ECU on 10 February 2021.
- 3.5 Under the Electricity Works (Environment Impact Assessment) (Scotland) Regulations 2017, Scottish Ministers are required to consider whether any proposal for a generating station is likely to have a significant effect on the environment. These Regulations stipulate that Scottish Ministers must consult the local Planning Authority, NatureScot (formerly 'Scottish Natural Heritage), Scottish Environment Protection Agency and Historic Environment Scotland. The Regulatory Panel are asked to note that in the event that a Planning Authority objects to a Section 36 Application, and does not withdraw its objection, a public inquiry must be held, before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).
- 3.6 In reaching their decision, Scottish Ministers have to take into account the environmental information submitted with the application and supporting Environmental Impact Assessment, the representations made by statutory consultative bodies and others in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Scottish Planning Policy on Renewable Energy (now superseded by NPF4), other relevant Policy, Planning Advice Notes, the relevant Planning Authority's Development Plans and any relevant supplementary guidance.
- 3.7 An EIA Scoping Request was submitted to the ECU October 2021, and a Scoping Opinion was issued in February 2021. South Ayrshire Council provided their response in January 2021.
- 3.8 The grid connection of the proposed wind farm with the local electricity distribution network requires consent for any overhead lines under Section 37 of The Electricity Act 1989. This would be subject to a separate application to the Energy Consents Unit and consultation with South Ayrshire Council.

Section 37 EIA Screening Opinion

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

4. Development Proposal

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

5. Application Site

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

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

6. Consultations

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

ECU - Statutory Consultees

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

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

Internal Scottish Government Advisors

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

ECU Non-statutory Consultees

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

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

Neighbouring Councils and Community Council responses received by the ECU

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

South Ayrshire Council Internal Consultees

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

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

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

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

7. Applicant's Supporting Information

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

8. Planning History

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

9. Development Plan

- 9.1 The proposal has been submitted under Section 36 of the Electricity Act 1989 and consequently Section 25 of The Town and Country Planning (Scotland) Act 1997 (as amended), which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise, does not apply in this instance. However, the Development Plan remains a significant material consideration as deemed planning permission will be granted if Scottish Ministers approve the development.
- 9.2 Following the implementation of The Planning (Scotland) Act 2019 and the adoption of National Planning Framework 4 (NPF4) on 13 February 2023, the current Development Plan for South Ayrshire incorporates NPF4 and the South Ayrshire Local Development Plan 2 (LDP2) (2022)
- 9.3 Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”); Section 24(3)). NPF4 was adopted after the adoption of LDP2, therefore NPF4 will prevail in the event of any incompatibility between the policy frameworks.
- 9.4 NPF4 and the policies which apply in the context of the development proposal subject to this application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2. Greater weighting will be given to the assessment criteria for renewable energy within NPF4 than in LDP2 as it is the most up to date policy on this subject.

NPF4

- 9.5 NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering, and restoring our environment.
- 9.6 The primary development plan policy which the proposal will be assessed against is **NPF4 Policy 11 – Energy**.
- 9.7 The following policies of NPF4 are also applicable to the assessment of the application and can viewed in full at <https://www.gov.scot/publications/national-planning-framework-4/>.
- Policy 1 – Tackling the climate and nature crises
 - Policy 2 – Climate mitigation and adaption
 - Policy 3 – Biodiversity
 - Policy 4 – Natural Places
 - Policy 5 – Soils
 - Policy 6 – Forestry Woodland and Trees
 - Policy 7 – Historic assets and places
 - Policy 11 – Energy
 - Policy 22 – Flood Risk and Water Management
 - Policy 25 – Community Wealth Building
 - Policy 29 – Rural Development
- 9.8 It is important to note that the provisions of NPF4 must be read and applied as a whole and as such no policies should be read in isolation. An assessment of the proposal against the provisions of NPF4 and the above policies is set out below.

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

NPF4 - National Developments

- 9.11 National developments are significant developments of national importance that will help to deliver the Spatial Strategy for Scotland. NPF4 identifies 18 national developments that aid in supporting the delivery of this strategy and Scotland's commitment to net zero. These support the planning and delivery of:
- sustainable places, where we reduce emissions, restore and better connect biodiversity;
 - liveable places, where we can all live better, healthier lives; and
 - productive places, where we have a greener, fairer and more inclusive wellbeing economy.
- 9.12 Six of the national developments support the delivery of sustainable places which is of most relevance to this proposed development. National Development 3 covers Strategic Renewable Electricity Generation and Transmission Infrastructure to support renewable electricity generation and associated grid infrastructure around Scotland. This sets out that any on shore electricity generation development from renewables exceeding 50MW capacity and would normally be classed as a major application, would also constitute a National Development.
- 9.13 As this proposal is an onshore wind farm exceeding 50MW, it would constitute a National Development and would help support the overarching aims of the NPF4 and spatial strategies to achieve net zero targets and provide renewable energy. National development status does not mean permission is automatically granted for the development and all require to be robustly assessed.
- 9.14 NPF4 and their designation as a National Development means that the principle of the development is considered acceptable but a full understanding of the potential impacts and required mitigation is required before any determination can be made.

South Ayrshire Council Local Development Plan 2 (LDP2)

- 9.15 The following policies of LDP2 are considered relevant in the assessment of the application can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>.
- LDP Spatial Strategy
 - Strategic Policy 1: Sustainable Development
 - Strategic Policy 2: Development Management
 - LDP Policy: Landscape Quality
 - LDP Policy: Woodland and forestry
 - LDP Policy: Preserving Trees
 - LDP Policy: Water Environment
 - LDP Policy: Flood and Development
 - LDP Policy: Agricultural Land
 - LDP Policy: Air, Noise and Light Pollution
 - LDP Policy: Renewable Energy
 - LDP Policy: Historic Environment
 - LDP Policy: Natural Heritage
 - LDP Policy: Land Use and Transport

- 9.16 As per NPF4, the provisions of LDP2 must be read and applied as a whole and as such, no single policy should be read in isolation. The application has been considered in this context and alongside NPF4.

10. Assessment

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

- 10.2 Having regard to the Development Plan policy considerations set out above, the following matters have been identified in the proceeding sub-sections below.

Sustainable Places

- 10.3 Both NPF4 and LDP2 promote sustainable development through creating sustainable places that respect the environment and manage and adapt to the effects of Climate Change. Tackling the climate and nature crises, through climate mitigation and adaptation, is a key requirement of the following NPF4 policies and Strategic Policy 1 in LDP2.

- 10.4 **NPF4 Policy 1 – Tackling the climate and nature crises:** When considering all development proposals significant weight will be given to the global climate and nature crises.

- 10.5 **NPF4 Policy 2 – Climate mitigation and adoption:** Seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

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

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

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

- 10.8 There is a clear national and local policy emphasis towards tackling the climate crisis and a drive towards green energy and reduction of carbon. NPF4 sets out that significant weight must be given to tackling the climate and nature crises and thereby proposals which support tackling these, would have significant support. Discussion on the nature crisis will be set out later in the report with this section focussing on the climate crisis impact. NPF4 also sets out that any development should be sited and constructed in a way to minimise lifecycle greenhouse gases. These aims need also be put in the context of sustainable development which aims to ensure that development is carried out sustainability without significant detrimental impacts which would outweigh the developments positives and carbon reduction benefits. Policy 1 of the South Ayrshire Local Development Plan 2 sets out criteria in this regard. NPF4 puts forward a presumption in favour of development which will help tackle the climate and nature crises, but this must be balanced against any significant detrimental impacts of a development which may outweigh these positives.
- 10.9 The supporting information submitted with the application sets out that the proposal will generate approximately 93MW of renewable electricity, supported by an ESS of up to 20MW, which help meet the Scottish Government's renewable energy generation targets in the post 2020 period.
- 10.10 **Chapter 7.1.5** of the applicants **Planning Statement** states that the proposed development would help meet the Scottish Government's Net Zero greenhouse gas emission target by 2045 as well as the key interim target of 2030 target of a 75% reduction compared to 1990 levels.
- 10.11 **EIAR Chapter 19 - Carbon Balance** uses a carbon calculator tool, which is designed for applications for the construction and operation of onshore wind farms in Scotland located where peat is present. It states that on the basis of potential annual CO₂ savings of 91,505t/year, the proposed development could result in a total carbon saving of 3.2 million tonnes over its 35-year operational life. It is predicted that carbon loss in developing the proposal would be paid back in approximately 2.7 years, based upon the expected outcome under the fossil fuel mix, the proposed development would have achieved the carbon balance within approximately 6.5 years.
- 10.12 It is considered that the development would comply with NPF4 Policies 1 and 2 as the proposal would assist in tackling the climate crisis and would have a positive effect in terms of greenhouse gas emission reduction targets.
- 10.13 In terms of LDP2 Strategic Policy 1, it is considered that the proposal meets the criteria specified within the policy. Detailed assessment against the specific applicable criteria within this policy are set out within other sections of the report. There is a notable overlap between the criteria of LDP Strategic Policy 1 and NPF4 Policy 11 - Energy, therefore these matters will be discussed in appropriate sections below to avoid unnecessary repetition.

Conclusion on Sustainable Places

- 10.14 The proposal is considered to meet the objectives and overarching policies of tackling the climate and nature crises which are the primary policies of NPF4 and the sustainable development policies of the LDP2. This compliance with the Development Plan is considered to add significant weight in the decision-making process for this development.

Renewable Energy

- 10.15 **NPF4 Policy 11 – Energy** is the most relevant policy for the proposed development. This policy encourages, promotes and facilitates all forms of renewable energy development onshore and offshore. This policy sets out detailed criteria for assessment of this type of development and this will be used to structure the report. The corresponding criteria from **LDP2 2022 and Wind Energy Planning Policy Guidance 2015** are also assessed under each topic.
- 10.16 NPF4 Policy 11 – Energy states:
- a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
 - i. wind farms;
 - iii. energy storage, such as battery storage;
 - vii. proposals including co-location of these technologies.
 - b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.
 - c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
 - d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.
 - e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:
 - i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
 - ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
 - iii. public access, including impact on long distance walking and cycling routes and scenic routes;
 - iv. impacts on aviation and defence interests including seismological recording;
 - v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
 - vi. impacts on road traffic and on adjacent trunk roads, including during construction;
 - vii. impacts on historic environment;
 - viii. effects on hydrology, the water environment and flood risk;
 - ix. biodiversity including impacts on birds;
 - x. impacts on trees, woods and forests;
 - xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
 - xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
 - xiii. cumulative impacts.
- 10.17 In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.
- 10.18 Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.
- f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.

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

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

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

Criteria (c) – Socio-economic impact

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

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

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

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

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

Criteria (d) – international and national designations

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

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

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

- 10.27 In considering the appropriateness of the proposed development, NPF4 and LDP2 requires consideration of the impacts of the development on local communities including the amenity of the surrounding residents, visual impacts, noise and dust resulting from the development.
- 10.28 **Criteria (b) and (e) of LDP2 Policy: Wind Energy** seeks to protect residential amenity and states the following:
- (b) They do not have a significant detrimental visual impact, taking into account views experience from surrounding residential properties and settlements, public roads and paths, significant public viewpoints and important recreational assets and tourist attractions.*
- (e) They would have no other unacceptably detrimental effect upon the amenity of nearby residents, including from noise and shadow flicker*
- 10.29 **Criteria c** of Communities Quality of Life and Amenity of the Wind Farm Energy Planning Policy Guidance on Wind Energy states:
- 10.30 ***We will support proposals if:***
They do not have significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker.
- 10.31 The following LDP2 Policies are also applicable to assessing the impact on communities and individual dwellings:
- **LDP Policy: Sustainable Development**
 - **LDP Policy: Air, Noise and Light Pollution**
 - **LDP Policy: Land use and Transport**

Residential Visual Amenity

- 10.32 The SAC Planning Policy Guidance on Wind Energy 2015 states that the design process for wind farms should take into account local residential properties and the extent to which the proposal will be visible. The design process should seek to minimise significant visual effects on private properties and the extent to which the proposal will be visible. Significant visual effects on private properties should be minimised. This section relates specifically to impacts on residential visual amenity. A detailed discussion on wider landscape and visual impacts will be discussed in later sections.
- 10.33 The Wind Energy Planning Guidance advises that a minimum required separation distance of 2km from towns and villages to a turbine. It also advises that all properties within 2.5km of wind turbines should be assessed for visual amenity impacts.
- 10.34 A Residential Visual Amenity Assessment (RVAA) (EIAR Appendix 7.3) has been undertaken by the applicant for properties within 2.5km of the proposed wind turbine locations. The RVAA considers effects on 27 residential properties within this distance. The following seven receptors have the potential to be significantly visually effected.
- Lambdouhty Cottage – 1,186m from Proposed Turbine 3
 - Lambdoughty – 1,420m from Proposed Turbine 10
 - White Knowes – 1,879m from Proposed Turbine 3
 - Milk House – 1.903m from Proposed Turbine 10
 - Clash Na Croy – 1,950m from Proposed Turbine 10
 - Auchiewan 1,998m from Proposed Turbine 10
 - Tapathebrae – 2,014m from Proposed Turbine 3
- 10.35 The applicant considers that none would be affected to such a degree that the residential visual amenity threshold would be breached, due to intervening distance, partial screening and use / orientation of the properties i.e. the proposed development would not make any of the properties an unattractive place to live.

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

Noise

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

Shadow Flicker

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

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

Construction Dust

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

Conclusion on residential amenity assessment

- 10.50 Overall, whilst there are no significant issues identified, there are sufficient controls through proposed planning conditions that can mitigate potential significant impacts on noise and dust. In addition, a planning condition is proposed which would ensure mitigation is provided for any property which might experience an impact with regards shadow flicker. The impact on the nearest properties would not be so significant as to be unacceptable particularly when weighted against the benefits of renewable energy in tackling the climate crisis. The proposal is therefore considered to accord with the Development Plan in this regard.

Criteria e(ii) Landscape and Visual Impact

- 10.51 **NPF4 Policy 4 - Natural Places:** aims to protect, restore and enhance natural assets making best use of nature-based solutions. Under this criterion, NPF4 sets out that significant landscape and visual impacts needs considered, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable. **NPF Policy 11 - Energy** also sets out that development proposals that impact on international or national designations will be assessed in relation to Policy 4.
- 10.52 **LDP2 Policy Landscape Quality** aims to maintain and improve the quality of South Ayrshire's landscape and its distinctive local characteristics. Proposals for development must conserve features that contribute to local distinctiveness, including:
- a. Community settings, including the approaches to settlements, and buildings within the landscape;
 - b. Patterns of woodland, fields, hedgerow and tree features;
 - c. Special qualities of river, estuaries and coasts;
 - d. Historic and cultural landscape;
 - e. Geodiversity of the area;
 - f. Skylines and hill features, including prominent views.
- 10.53 The corresponding LDP2 policy outlined above seeks to maintain and preserve the local landscape qualities and characteristics by meeting criteria a-f.
- 10.54 **LDP2 Policy: Wind Energy** states the following:
- 10.55 *All proposals will be assessed against the following criteria:*
- a. *They consider and respect the main landscape features and character through careful site selection, layout and overall design. Potential impacts will be mitigated appropriately to ensure that significant effects on the landscape and the wider area are minimised;*
 - b. *They do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions.*
- 10.56 Criterion (a) and (b) of the Wind Farm Energy Planning Policy Guidance provides advice on landscape character and visual impacts, which states:
- 10.57 The Council will support proposals if:
- *They are capable of being accommodated in the landscape in a manner which respects its main features and character (as identified in the South Ayrshire Landscape Wind Capacity Study or in any subsequent updates to that study), and which keeps their effect on the landscape and the wider area to a minimum (though careful choice of site, layout, and overall design and;*
 - *They do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints and important recreational assets and tourist attractions.*
- 10.58 The following LDP2 Policies are also applicable
- **LDP Policy: Sustainable Development**
 - **LDP Policy: Landscape Quality**
 - **LDP Policy: Dark skies**
- 10.59 Before assessing the landscape and visual impact of the development, it is important to set out the policy hierarchy and context for assessment following the adoption of NPF4 in February 2023 and LDP2 in August 2022.

- 10.60 Prior to 2023, the main policy assessment was based on the LDP (2017) and the Supplementary Guidance: Wind Energy (now non-statutory Planning Policy Guidance (PPG)) which formed part of the Development Plan at that time. The LDP and PPG contained a spatial framework which was drafted in accordance with the criteria for wind farm capacity set out within Scottish Planning Policy (SPP)(2014).
- 10.61 Following adoption of LDP2, The Wind Energy Supplementary Guidance is no longer 'Supplementary' Guidance and not part of the Development Plan. It is however Planning Policy Guidance (PPG) and remains a material consideration. Following the adoption of NPF4 this now forms part of the Development Plan along with LDP 2. SPP (2014) is no longer relevant including the spatial framework within it.
- 10.62 While Section 25 of the Planning Act does not apply to the determination of this application, the policies within the Development Plan are significant material considerations and used as the basis for assessment because they are land use policies and this is a land use proposal. For assessing the visual and landscape effects of this development as NPF4 is the newest document in the Development Plan, and if it is any conflict with LDP2 in terms of assessment weighting or criteria, NPF4 should be given the greatest weight.
- 10.63 Unlike SPP 2014, NPF4 does not include any spatial frameworks. The policies discuss situations in which windfarms should not be supported. NPF4 also outlines that localised impacts are to be expected of energy development and generally this should not render a proposal unacceptable.
- 10.64 **NPF4 Policy 4 – Natural Places** also sets the relevant for national and international considerations that require to be considered. The assessment of landscape and visual impacts will remain consistent with recent and previous reports identifying where significant effects may exist. However, the consideration of whether these impacts would result in the proposal being unacceptable will be different based on the new weighting given to each relevant policy.

Proposal and Design Overview

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

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

Effects on Landscape Character

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

Effects on Views

General visibility of the Proposal

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

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

Effects on landscape designations and other valued landscapes

South Ayrshire Local Landscape Areas

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

East Ayrshire Local Landscape Areas

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

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

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

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

Tourism and Recreation

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

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

Conclusion on tourism and recreation

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

Wild Land and Dark Sky Effects

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

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

Conclusion on landscape and visual impact

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

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

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

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

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

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

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

10.113 The following LDP2 policies are also applicable:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion on aviation and defence interests including seismological recording

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

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

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

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

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

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

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

Conclusion on telecommunications and broadcasting

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

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

10.133 The relevant policies are:

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

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

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

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

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

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

Conclusions on road traffic and trunk road impact

10.146 The proposal has the potential to have adverse effects on the local road network with an increase in vehicles including HGVs during the construction phase. The traffic would largely utilise the trunk road network within Dumfries and Galloway and South Ayrshire. Mitigation is proposed for the trunk road to allow for wind turbine component deliveries and these would be agreed with Transport Scotland. This is considered to be acceptable from a trunk road perspective.

10.147 However, ARA advise that the lack of AIL access route assessment for the site is considered unacceptable. Without having any detail on the potential impacts that a preferred AIL route may have on local roads or adopted structures. ARA have had no means to fully assess the proposed developments impact on the local road network. In light of this, the proposal is not considered to comply with Policy 11 of NPF4 and LDP2 Policy: Land Use and Transport.

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

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

10.148 The relevant policies are:

- **NPF4 Policy 7** - aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.
- **LDP2 Policy: Historic Environment** - We will protect, preserve and, where appropriate, conserve and / or enhance South Ayrshire's historic environment.
- **LDP2 Policy: Archaeology** - Development proposals that do not safeguard archaeological sites or resources in situ will not be supported unless it is demonstrated to the satisfaction of the Council that the benefit of the proposal outweighs the archaeological value of the site.

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

10.150 HES have no objection to the application. They are satisfied that the methodology used in the assessment is appropriate. The impacts on the integrity of the setting of the scheduled monuments in the vicinity would not be significantly adverse and would not raise issues of national interest.

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

Conclusion on historic environment impact

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

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

- 10.155 The relevant policies are:

- **NPF4 Policy 22: Flood risk and water management** - seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- **LDP2 Policy: Water Environment** - We support the objectives of the Water Framework Directive (2000/60/EC). We will only allow development that meets these objectives and shows that: a. It will protect, and where possible, improve the water environment; b. It will not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water); and c. It will not harm the biodiversity of the water environment. d. It seeks to avoid (or remove) instances of construction works and structures in and around the water environment; e. It provides an appropriately sized buffer strip between the development and a water course
- **LDP2 Policy: Flood and Development** - Development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere. We will assess development proposals against the Scottish Environmental Protection Agency's (SEPA) publication 'Flood Risk and Land use Vulnerability Guidance' (2018), or subsequent updates.

- 10.156 The intent of the relevant NPF4 and LDP2 Policies is to ensure the water environment and ecological features are protected and improved where possible and flood risk is understood and managed to accord with SEPA's advice. Furthermore, the policies require that risks to others is not exacerbated as a result of new development in flood prone areas.

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

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

Conclusion on hydrology, water and flood risk

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

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

- 10.163 The relevant policies are:
- **NPF4 Policy 3: Biodiversity** - highlights the importance of nature protection, restoration and securing biodiversity enhancements to reverse biodiversity loss, deliver positive effects from development and strengthen nature networks
 - **LDP2 Policy: Natural Heritage** - Planning Permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation. Criterion (f) requires development to not have an unacceptably detrimental effect upon natural heritage, including wild land, birds and carbon rich soils.
- 10.164 The site does not form part of any statutory designated site for nature conservation with qualifying ecological interests. The nearest such designation is the Lendalfoot Hills Complex Special Area of Conservation (SAC) and Aldons Hill Site of Special Scientific Interest (SSSI) which are located approximately 1.65km to the west of the site. In terms of non-statutory local nature conservation designations, the Muck Water Provisional Local Wildlife Site (PLWS) intersects the southern site boundary while the River Stinchar (Minuntion to Pingerrach Burn) PLWS adjoins part of the northern site boundary.
- 10.165 **EIAR Chapters 9 and 10 – Ornithology and Terrestrial Ecology** considers that following mitigation such as the appointment of an Ecological Clerk of Works (ECoW), pre-construction surveys, preparation of a CEMP and habitat enhancement post construction, there would be no significant adverse residual effects on any identified important ecological and ornithological receptors during construction.

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

Chapter 9: Ornithology

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

Chapter 10: Terrestrial Ecology

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

Conclusion on biodiversity

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

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

10.184 The relevant policies are:

- **NPF4 Policy 6: Forestry, woodland and trees** – aims to protect and expand forests, woodland and trees
- **LDP2 Policy: Preserving Trees** - When assessing proposals for development that might involve loss of, or work to trees, we will consider how much it would affect the local area and will take measures to protect trees, especially those covered by a provisional or confirmed Tree Preservation Order. Ancient and veteran trees of high nature conservation and landscape value will be protected.
- **LDP2 Policy: Woodland and Forestry** - We will support proposals for woodland and forestry that are: a. Consistent with the objectives and main actions of the Ayrshire and Arran Woodland Strategy; and b. Sympathetic to the environmental (including landscape and visual impacts), nature and wildlife interests of the area, and, wherever appropriate, provide recreational opportunities for the public. Relevant advice contained within The Scottish Government's Policy on Control of Woodland Removal will be taken into account when determining planning applications.

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

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

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

Conclusion on trees, woods and forest impact

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

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

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

Conclusion on decommissioning and restoration

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

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

- 10.196 Under this criterion, NPF4 Looks to ensure that the site restoration plans are of high quality and include any measures or guarantees of the financial viability of the restoration proposals.
- 10.197 As previously discussed, full details of the site restoration has not yet been submitted and will need to be agreed with the Council. Planning conditions and agreement by the Council will ensure that the restoration plan is high quality.
- 10.198 The proposal is therefore considered to comply with Policy 11 part (e)(xii).

Criteria (e)(xiii) – Cumulative impacts

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

Conclusion on cumulative impact

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

11 Other Policy Considerations

Soils and peat

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

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

Conclusion on soil and peat

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

Socio-Economic Impact including Community Wealth Building

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

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

Inclusive Ownership

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

Workforce

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

Finance

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

Land & property

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

Spending

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

Conclusion on Socio-Economic Impact including Community Wealth Building

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

12. Overall S36 Consultation Conclusion

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

Recommendation

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

13. Background Papers

1. Application form plans and supporting documentation including the Planning Statement and the Environmental Impact Assessment Report and supplementary appendices and figures.
2. Consultation responses to the ECU
3. Representations to the ECU
4. National Planning Framework (NPF) 4 - February 2023
5. Historic Environment Scotland Policy Statement
6. Planning Advice Note 2/2011 'Planning and Archaeology'
7. South Ayrshire Council Local Development Plan 2 - August 2022
8. South Ayrshire Council Planning Policy Guidance: Wind Energy
9. South Ayrshire Landscape Wind Capacity Study 2018
10. South Ayrshire Local Landscape Designations Review 2018
11. South Ayrshire Planning Policy Guidance: Dark Sky Lighting
12. SNH Guidance – Siting and Design of Windfarms 2017
13. Residential Visual Amenity Assessment Technical Guidance Note 2/19 (Landscape Institute)
14. Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation: Nature Scot Et al (2021).
15. Scottish Government Control of Woodland Removal Policy.

14. Person to Contact:

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