
NORTH AYRSHIRE COUNCIL

30 October 2019

Local Review Body

Title: Notice of Review: 18/01123/PP – Site to North of Standingstone Hill, Kilbirnie.

Purpose: To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

Recommendation: That the Local Review Body considers the Notice of Review.

1. Executive Summary

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 18/01123/PP – the erection of a 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to include associated earthworks and infrastructure at the site to the north of Standingstone Hill, Kilbirnie.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 At its meeting on 4 September 2019, the Local Review Body agreed (a) to continue consideration of the Notice of Review to a future meeting for a hearing to be conducted in terms of the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, to consider the application for review and hear from the parties on specified matters; (b) that the following parties are invited to attend and address the hearing, after submission of a hearing statement, on the following specified matters (i) material considerations - the applicant/applicant's representative, any interested parties who made representations, and officers of the Council's Planning Service (ii) location of application site in regional park and wild land assessment - the applicant/applicant's representative, any interested parties who made representations, and officers of the Council's Planning Service (iii) air traffic control matters – the applicant/applicant's representative, Glasgow Airport, and officers of the Council's Planning Service;

(c) to undertake a site visit before the review hearing is considered; and (d) undertake all necessary notifications and any further procedure in terms of the said Rules.

2.4 In accordance with the hearing procedure and rules, the applicant/applicant's representative, interested parties, Glasgow Airport, and officers of the Council's Planning Service were invited to attend the Hearing Session and to submit a Hearing Statement and supporting documentation in advance of the session.

2.5 The following related documents are set out in the appendices to the report: -

- Appendix 1 - Notice of Review documentation;
- Appendix 2 - Report of Handling;
- Appendix 3 - Location Plan;
- Appendix 4 - Planning Decision Notice;
- Appendix 5 - Further representations from interested parties;
- Appendix 6 - Applicants response to further representations; and
- Appendix 7 - Hearing Statements.

2.6 Only those Members of the Local Review Body who attended the site visit on 2 October 2019 are eligible to participate in the determination of the review request at the Hearing.

3. Proposals

3.1 The Local Review Body is invited to consider the Notice of Review.

4. Implications/Socio-economic Duty

Financial

4.1 None.

Human Resources

4.2 None.

Legal

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 None.

Community Benefits

4.7 N/A.

5. Consultation

- 5.1 Interested parties (both objectors to the planning application and statutory consultees) were initially invited to submit representations in terms of the Notice of Review and these are attached at Appendix 5 to the report.
- 5.2 The applicant has had an opportunity to respond to the further representations and their response is set out in Appendix 6 to the report.
- 5.3 The applicant, interested parties, Glasgow Airport and the Council's Planning Service were subsequently invited to submit a hearing statement in advance of the hearing and these are attached at Appendix 7 to the report.

Craig Hatton
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

Background Papers

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Cunninghame House Friars Croft Irvine KA12 8EE Tel: 01294 324 319 Fax: 01294 324 372 Email: eplanning@north-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100167735-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Allan"/>	Building Number:	<input type="text" value="█"/>
Last Name: *	<input type="text" value="Wilson"/>	Address 1 (Street): *	<input type="text" value="██████████"/>
Company/Organisation	<input type="text" value="Radio City Association Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="██████"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="██████"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="██████"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="████████████████████"/>		

Site Address Details

Planning Authority:

North Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site to the North of Standingstone Hill Kilbirnie Ayrshire

Northing

658616

Easting

229172

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to include associated earthworks and infrastructure at Site to north of Standingstone Hill, Kilbirnie North Ayrshire

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The grounds for the review of the planning authority's decision are contained in the supporting document entitled 'RCA Community Turbine Planning Appeal'.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

RCA Community Turbine Planning Appeal Radio City Association Policy Framework Analysis RCA Garnock Valley Socio-Economic Analysis RCA Re-investment Strategy - Electric Valley

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/01123/PP

What date was the application submitted to the planning authority? *

07/01/2019

What date was the decision issued by the planning authority? *

06/03/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

Further written submissions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A Wild Land Assessment is currently underway and will require to be submitted.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

It is necessary to convene a hearing of the Local Review Body to determine this appeal

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Allan Wilson

Declaration Date: 03/06/2019



Radio City Association

Community Wind Turbine Planning Appeal

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1. Executive Summary

- 1.1 The proposed development consists of the construction of a single 2.5MW wind turbine, with a hub height of 65m and an overall blade tip height of 110m.
- 1.2 This turbine will be in **community ownership with full re-investment of all revenues** into the local communities of the Garnock Valley
- 1.3 There is **substantial local support from members of the local community** with 85 letters of support submitted and a significant number of petitioners with the same objective. This has not been recognised in the report of handling where officials note only 8 supportive comments and 21 negative comments as objections to the development despite receiving only 11 objector letters from groups outwith the community. The basis for a decision to refuse has not been fair and in the planning balance. It overlooks and underemphasises the strength of local support and benefits to the community.
- 1.4 The review body is respectfully requested to overturn the decision of the council on the grounds that:
 - Planners have failed to apply enough weight to material considerations regarding the wider **economic and social benefits** of the proposal in their decision. These benefits arising from community ownership include creation of employment estimated using detailed econometric modelling at **18 FTE jobs created/safeguarded per annum, benefits to the social fabric of the local area by combating issues such as inequality and promoting sustainable economic development** as well as the potential to provide power supply to local businesses via Power Purchase Agreements, thereby increasing their sustainability. There will also be **additional economic benefits to the voluntary sector and others in the local community, providing resources, building capacity and greater resilience**: this accords with the Authority's aspirations for **inclusive economic growth and community wealth capacity development**.
 - The planning authority have failed to apply sufficient weight to the material consideration regarding the **environmental benefit** of the proposal in their decision. The production of renewable energy resulting in reduction in emissions amounting to over 2.3million kilograms of CO2 annually is a vital part of tackling of climate change. This should be given adequate weight in the consideration for the proposal in line with the Authority's declaration of a '**climate emergency**' – where this proposal will demonstrate a real contribution.
 - The planning authority have failed to apply enough weight to the proposed development's **consistency with and reinforcement of stated local and national policy objectives**. This includes reference to community ownership, combating climate change and a series of other strategic policy objectives at local and national level as addressed within this report and the policy framework. The decision for refusal relied on subjective opinions on landscape impact based on an outdated policy.
 - In reply to the stated refusal reasons the following points are made that the proposal is supported by planning policy and is **in accord with policy PI9 criterion (a)-(i)** with a slight non-conformance regarding criterion (c) contrary to the report of handling and moreover the development is in compliance with policy **ENV 1, ENV 5, ENV 6** as detailed in the conclusion as well as with Policy **ENV 7** and **ENV 9** - contrary to the findings of the Report of Handling - in addition to PI 8 and HE 1, HE 4 and HE 5 and LDP General Policy and planning policy in respect of SPP 2014 and NPF3 as well as Planning Advisory Notes (PANs).

2. Grounds for Appeal

Grounds of appeal are stated in full in this main appeal document and other supporting materials including Radio City Association's (RCA) peer reviewed Socio-Economic Analysis alongside an analysis of the Council's Policy Framework and set out the detailed "Electric Valley" Re-Investment Strategy, all of which was conducted at significant voluntary time and expense by our Community Association.

The RCA has at all stages of the process complied with Council Planners requests and attempted to mitigate all the Planners' concerns including through the reduction in height of the originally proposed turbine in accordance with planners' request. Therefore, it is regrettable that despite this compliance at all stages over a sustained period of several years, the Planners have wrongly reached the conclusion they have done in refusing the application under delegated authority. Moreover, RCA's efforts to address any concerns and mitigate any detrimental factors by the RCA has been significant through the submission of a very considerable amount of information. This was done in good faith and at significant expense to a Community Association operating in one of the most deprived areas of Scotland. We have addressed the issues of landscape and visual impact (including 13 viewpoints for a single turbine), heritage impact assessment and in the areas of noise, ecology and hydrology.

Planners have failed to discharge their duty to apply enough weight to the wider environmental, economic and social benefits of the proposal in their decision. These benefits include farm diversification and rural development, production of renewable energy, reduction in Co2 emissions and by far and away the most materially important consideration, i.e. the significant economic and social benefits to the local communities of the Garnock Valley derived from community ownership of local renewable energy resources.

The planning authority have failed in their duty to consider socio-economic benefit as a material consideration which has been established as significant in the RCA's Socio-Economic Analysis, set out in the supporting statement and is addressed further again in the material considerations section of this appeal document. The proposal would foster sustainable development and address a multitude of socio-economic issues through targeted re-investment.

The proposed development contributes to the implementation of national policy objectives in particular, North Ayrshire Council's and the Scottish and UK Government's declarations of a Climate Emergency and a multitude of other policies aimed at tackling climate change and promoting renewable energy which will be addressed in the main body of the appeal document.

The planning authority have mistakenly confused this application for a single community owned and operated wind turbine with that of a wind farm by a commercial developer and have relied on this error in their report of handling. The landscape and visual impact assessment which was submitted with the original application provides an evidence base which justifies the granting of this planning application and demonstrates visually the small-scale nature of the proposal and the negligible landscape and visual impacts arising therefrom.

The planning authority have relied on out of date policies to form the basis for their refusal. The Ayrshire Supplementary Planning Guidance on Wind Farm Development and the Landscape Capacity Study for Wind Farm Development in North Ayrshire were both produced in 2009. It should also be

noted that the policy identifies wind *farms* and does not specifically address single wind turbines which this proposal relates. Since that study was written there have been approvals for multiple wind farm developments contrary to the policy. Neither the original 'Carol Anderson' Study nor its supplementary addendum actually studied the site area of the proposed turbine but instead relied on its simple inclusion within the 104 square miles of Clyde Muirshiel Regional Park (CMRP) to justify its refusal – despite the prior existence of 30 Wind Turbine generators (WTGs) in the North Ayrshire CMRP area – including 14 at 125m tip height which are of a much greater size and scale than that proposed by our community.

It is also noteworthy that there have been several major national policy changes in relation to renewable energy since this guidance was adopted. Therefore, less weight should be given to these landscape policies and more weight given to the bespoke LVIA conducted by RCA as the policies are largely out of date and predate national policy changes which have been amended to provide greater support for renewable energy initiatives and community empowerment.

RCA believes that the decision to refuse was not reached fairly and determined in the planning balance with a presumption against the development due to outdated and flawed landscape policy. At the meeting of the North Ayrshire Council Planning Committee of 20th March 2019 the Council's guidance on wind farm development was deleted – subsequent to the decision to refuse our application - due to it being outdated as the extract below shows:

2.2 It is recommended that the Council's extant guidance on wind farm developments is deleted. A new guidance note will be prepared to provide planning direction on development proposals for wind energy developments as part of the supplementary guidance programme. However, the existing guidance is over 10 years old and relates to a development plan system that was in place in 2009 and a development plan that was replaced in 2014. As a consequence, the guidance carries almost no weight in decision making on planning applications. Following deletion of this guidance, and in advance of preparation of replacement guidance, Scottish Planning Policy, the adopted and emerging LDPs and technical landscape studies on the impact of wind energy development will inform planning decisions."

The LDP Wind Farm Development (approved as non-statutory Supplementary Guidance November 2009):

10.44. The 'Landscape Capacity Study for Wind Farm Development in North Ayrshire' Phase 1 & 2 reports consider visual and landscape capacity to absorb wind farm development on mainland and the islands and make recommendations on the sensitivity of the land to such development. The 'Ayrshire Supplementary Guidance: Wind Farm Development' provides further guidance on matters to be considered in relation to applications for wind farms.

The revocation of this policy guidance therefore means that guidance reverts to Scottish Planning Policy which is supportive of community energy development and renewable energy in general and should merit approval of this proposal.

It has always been the position of RCA that any detrimental impact has been mitigated and that the tangible socio-economic benefit to the local community and environmental benefits in terms of reduced carbon emissions massively outweigh any subjective assumption regarding landscape impact, particularly as the area sees no economic benefit return from the wind turbines currently in place and which *dominate* the local landscape at every entry point to the Garnock Valley. This is highlighted by widespread community support for the Radio City proposal.

Planners have completely failed to take account of the mitigation effect of the *combined impact* of these 30 existing WTGs on the local landscape already in their assessment of the likely 'Landscape and Visual Impact' of our single, community owned and operated turbine.

3. Response to Report of Handling

3.1 Policy PI9

The Report of Handling determines the following in regard to determining the application against the criteria of policy PI9 that the proposal is contrary to policy PI9 (a) (b) (c) (d) (e) (h) and (i) and can meet the criteria in respect to (f) and (g) with criterion (j) not being applicable.

RCA refutes this via the original supporting statement and the reasons outlined below. There is a presumption in favour within the North Ayrshire Council Local Development Plan for the implementation of renewable energy developments, as stated within Policy PI 9: Renewable Energy, subject to satisfying several criteria including managing environmental impacts.

Section 10.28 of the LDP states that:

“Renewable energy production plays a crucial role in alleviating impacts from climate change. The Scottish Government has set a target of 100% of electricity production and 11% of heat from renewable sources by 2020. The main source of renewable energy production in North Ayrshire is currently onshore wind power, and whilst this is expected to continue, new technologies will increasingly make a contribution. The LDP supports a diverse range of appropriate renewable energy technologies”.

The identification of the Site involved consideration of several environmental, engineering and technical parameters. Considerable care was taken in the design of the development with planners consulted and extensive survey undertaken to avoid unacceptable landscape or environmental effects whilst ensuring that the development can contribute to Scotland's and the UK's requirement for more renewable energy generation.

3.1.1 PI9 (a)

The Report of Handling states:

Criterion (a) requires that the development is appropriate in design and scale to its surroundings. The proposal is for a large-scale wind turbine. It is not considered that the scale would be appropriate to its surroundings, as evidenced by the photo montages submitted with the application. Within the "Upland Core" area to the northwest of Kilbirnie, there is an absence of tall manmade structures of the height proposed, such as turbines. Whilst noting that there are various manmade features within the landscape, none are of a scale that diminish the "wild land" character which the area has. The large scale of the turbine would tend to diminish the open landscape of the Upland Core of the upper Garnock Valley within the vicinity of the site.

It is noted that there is a long-established electricity transmission line on lower ground, with pylons of approximately 40m in height. The pylons cross the rural agricultural landscape northwest of Kilbirnie. They continue towards Lochwinnoch and can be traced back to Hunterston. However, the pylons occupy lower ground and have as a backdrop the higher Upland Core area further west. It is not

considered that the presence of the pylons would mitigate nor justify the siting of the proposed development. In summary, it is not considered that the proposal would be appropriate in design and scale in relation to criterion (a).

Response:

The proposed turbine relates to the higher ground when viewed from the settled valley floor (and the bottom of the turbine tower is screened) as this creates the illusion of greater distance from settled areas. This is not the case for the pylons mentioned in the ROH which are closer to the population giving the illusion of being taller and having greater impact by being more imposing landscape features which are within areas of “high sensitivity” within the Landscape Capacity Study.

It is also the case that these pylons are highly visible landmarks already *alongside existing turbines* and a single turbine in an isolated location would have little or no adverse impact to the existing landscape character already subject to the considerable combined impact of the existing turbines already in situ and dominating the local skyline. Far from crossing “*rural and agricultural landscape*” the pylons mentioned cross residential areas with significant effect on the surrounding landscape character and visual amenity as well as being visible from the designated WLA.



As stated within SNH National Landscape Character Assessment Landscape Character Type 80 RUGGED MOORLAND HILLS AND VALLEYS:

Hilltop masts are prominent in the landscape. Even more prominent is the double line of electricity pylons which lead from Hunterston Power Station across the southern part of this landscape type and into the Garnock Valley. Windfarm development to the south, on the hills to the north of Ardrossan and south-east of Largs - Kelburn, Dalry and Millour Hill wind farms occupy core areas of the Landscape Character Type on the mainland - has also altered the character of this landscape.

In response to the detriment of the “wild land character” mentioned in the report of handling, the LVIA states *“The western portion of the Wild Land Area 4 would experience no intervisibility with the proposed turbine thus, limiting the effect of the proposed turbine on this resource”*(our italics).

This is similarly the case further into areas that are considered “wild” including Misty Law which is higher ground from where the proposal affects **only 3 degrees** of the 360-degree panorama and is considered insignificant.

Existing turbines including Kelburn and as far away as Whitelee are visible from that point already and the impact of a single turbine would have no significant impact. The proposal should also be viewed in context regarding ‘wildness’ as the site area is adjacent to Pundeavon reservoir which has been present since 1907 and was deconstructed in 2014 leaving a highly noticeable landscape impact legacy. Furthermore, the area has been in continuous agricultural use for centuries with the current landowner dating agriculture in the area by his family since the 18th century.

In terms of appropriate design and scale, the Development has been designed with considerable care to environmental, engineering and technical parameters. The proposal has been mitigated in terms of landscape impact and other factors such as ecology, through micro-siting of the turbine, as the original location for the proposed turbine was some 30 m higher in elevation and approximately 300 m north-west. In terms of the design of the ancillary infrastructure, (i.e. external transformer (if required) and switchgear building) it would be appropriate to the local environs, making use of local materials to ensure design is satisfactory. The site area is also lower than existing turbines in North Ayrshire including the closest wind farm at Kelburn which has a height of above Ordnance Datum of 460m. The proposed turbine would have a maximum height above Ordnance Datum of 440m.

As stated above, at 110m tip height, the proposed Community WTG is also a full 15m smaller than the existing 14 WTGs at Dalry and Millhourhill windfarms which are 125m tip height - all of which are already very visible to residents across Kilbirnie and Glengarnock and the wider Garnock Valley – whereas the proposed Community Wind Turbine (WTG) would be effectively screened from any visibility whatsoever from large areas of the Valley including from Dalry and substantial areas of Kilbirnie and Glengarnock.

The Development harmonises with the large, open and simple nature of the landscape in terms of design and scale. Whilst the Development would form a clear and distinct element within the landscape, it would not be prominent, and it would not diminish the scale of the summits in the locality. The windswept nature of the upland landscape is compatible with wind turbine development, the large scale and relatively simple landform and land cover is more able to absorb the large simple structures such as turbines.

The landscape and visual impact assessment submitted demonstrates that the proposal would not detract from the natural appearance and scenic quality of the area and would not be detrimental to visual amenity. This is demonstrated via the photomontages submitted which show that a single turbine does not detract from the wider landscape and the findings of the Landscape Architect accredited by the Landscape Institute who wrote the report using approved national guidelines concludes that there is **no significant landscape impact** - contrary to a highly subjective assessment within the ROH.

The Development will have no adverse impacts in terms of siting of nationally or locally designated features in terms of ecology, cultural heritage and hydrology. A key factor in the final design and location of the Development has been to minimise adverse landscape effects in terms of the WLA and surrounding visual receptors. This was assessed in the supporting Statement.

In summary, the Development would be appropriate in design and scale and therefore compliant with Policy PI 9 (a) and General Policy (a).

3.1.2 PI9 (b)

The Report of Handling states:

Criterion (b) requires it to be demonstrated that there is no significant adverse effect on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation and coastal areas). As noted above the site is within an area of wild land as well as within the Special Landscape Area of Clyde Muirshiel Regional Park. There is also a Special Protection Area nearby.

In response, it is considered that the large scale of the proposal raises a significant issue in terms of landscape and visual impact. Due to the elevated position of the site (330m AOD, with the 65m turbine tower reaching a height of at 395m AOD and the 110m tip reaching 440m AOD), the height of the turbine would be widely visible not only from the south and east but also from the north eastern approach to the Garnock Valley from Renfrewshire, particularly along the A737 road corridor between Roadhead Roundabout and Beith. The hill summits to the east of the site, on the opposite side of the steeply sloping upper reaches of the River Garnock, vary in height from 297m at Lamb Hill to 389m on higher parts of Ladyland Moor. To the east, the ground slopes downhill over a distance of approximately 2.5km to 100m, then falls more gradually over undulating ground onto the broad floor of the Garnock Valley to a level of around 32m - 36m AOD. The distance from the site to the floor of the valley is approximately 5km. The effect of both the scale and the elevated position of the site, with lower ground to the east providing direct views into the upland area from the more settled lowlands, would make the development conspicuous and highly visible. It is also considered that the form of the development, with its rotating blades, would contrast unsympathetically with the naturalistic rugged form of the landscape.

At closer range, the development would be highly visible from parts of the nearby settlements of Kilbirnie and Beith, as evidenced by the submitted photo montages which show a selection of viewpoints from public places. The development would also be highly visible for much of the eastern part of the Garnock Valley, adding cumulatively in longer views of the landscape to the existing windfarm developments at Dalry/Millour Hill/Kelburn. However, the separation distance between the existing cluster of turbines at Dalry/Millour Hill/Kelburn and the proposed turbine would avoid coalescence.

The development would be screened from the southwest by higher ground and would not be visible from the A760 road corridor for much of the route between Kilbirnie and Largs. This is due to the fact that the hill summits to the west of the site, such as Black Law (466m AOD) and Greenside Hill (447m AOD) would be higher than the hub and tip height of the turbine, providing significant mitigation when viewed from roadways to the southwest and west. However, whilst the hills to the west would provide screening from the A760 transport corridor, the turbine would still be highly visible from within the upland area itself, including relatively

uninterrupted views from Misty Law (510m AOD). There would also be direct and uninterrupted views from the hills nearer the site such as Lamb Hill, Black Law and Wings Law (386m AOD). Whilst the summit of Misty Law is just over 3km north of the site, the summits of Black Law, Wings Law and Lamb Hill are all closer at around 2km. The steeply sloping sides of the hills, especially the slopes through which the River Garnock and many small tributaries flow, also contribute to the rugged and naturalistic character of the upland core landscape. The development would result in a manmade element of significant scale within a distinct natural landform that appears to have remained largely unchanged over many centuries, other than a (now removed) reservoir development, a hill track to serve a pipeline and hill farming activities. The contrast in scale together with visibility over a long distance is considered to be a significant adverse negative effect on the landscape character of the area.

Although the turbine would not be visible from the North Coast area of North Ayrshire and nearby islands (such as Bute, the Cumbraes and Arran), it would be very visible from many parts of the Garnock Valley, including settlements, open spaces and transport corridors. The landscape and visual impacts would also extend into the closest parts of Renfrewshire to the North Ayrshire boundary. The applicant's view is that, as the Garnock Valley would be the principal geographic area to benefit from the income derived from the development, such impacts on the landscape would be tolerated, therefore making them more acceptable than would be the case otherwise.

The letters of representation received illustrate that many of those who support the development, including the applicant, view the landscape and visual impacts as "subjective". Those in support have focussed mainly on potential income and how this could be used to benefit the local area, which, in their view, would overcome any adverse landscape, visual and environmental impacts.

However, the difficulty with this approach is that it assumes a broad consensus within not just the local community but also in the neighbouring areas beyond, such as Renfrewshire. The applicant has not indicated that those parts of Renfrewshire would gain any financial or community benefit from the proposal. There is also an objection to the proposal from Lochwinnoch Community Council, which represents the neighbouring area. This objection is on the grounds of landscape and visual impact, rather on the lack of any direct benefit.

In summary, it has not been demonstrated that there would be no significant adverse effect on the intrinsic landscape qualities of the area in relation to criterion (b).

Response:

The photomontage produced within the LVIA demonstrates that the proposal will not detract from key views within the Garnock Valley with inter-visibility and screening limiting the landscape impact to a 2Km radius of the development site. **As demonstrated by the visualisations, views from the receptors within the Garnock Valley will be filtered and limited by the extensive areas of woodland and mature belts of tree planting associated with field boundaries** - a factor not recognised in the ROH

Historically important features will not be affected, and neither will it affect views from Renfrewshire (*including Lochwinnoch where it is not visible*) or along the Largs-Kilbirnie transport corridor. The planning authority have failed to apply enough consideration to the landscape and visual impact assessment and other photographic evidence which has been submitted with this application.

This assessment provides an evidence base which justifies the granting of this application and demonstrates visually the small-scale nature of the proposal and the negligible landscape and visual impacts. This is in contrast with existing turbines at Kelburn and Dalry which are highly conspicuous in nature and have cumulative impact in an area deemed as high overall sensitivity within the LCS.

Receptor	Susceptibility & Value	Level of Change	Effect
Special Landscape Area	High to Medium	Potential intervisibility is generally limited to the area immediately surrounding the proposed turbine, and an area south of the A760 around Cock Law and Brown Hill. As illustrated by the two hilltop visualisations from Misty Law (Viewpoint 5) and Irish Law (Viewpoint 6), the level of change lessens with distance and it is anticipated that a high level of change would be limited to approximately 2km radius. The level of change would quickly decrease with distance so that the majority of the SLA would experience a low to negligible level of change.	Moderate/ Major (Significant) Locally Minor/ Negligible (Not Significant) Elsewhere
Clyde Muishiel Regional Park	High to Medium	High locally, within approximately 2km of the proposed turbine for the same reasons as noted above. Low to Medium within the remainder of the CMRP for the same reasons as noted above.	Moderate/ Major (Significant) Locally Minor/ Negligible (Not Significant) Elsewhere

The intrinsic landscape qualities of the area would not be undermined by the Development, in line with Policy PI (b). The Development would not alter the key characteristics of the landscape character. The key characteristics of the landscape remain intact, even from the closer views e.g. Misty Law where it affects only 3 degrees of the 360-degree panorama and multiple other turbines are visible. The turbine is also located in an elevated position and is constrained on three sides by higher ground. This has the effect of narrowing the arc of visibility of the turbine as verified by the ZTV, any significant effects are highly localised, limited to the area of land on which the turbine is located and up to approximately 2 km radius.

The unique nature of the Valley Floor provides natural mitigation and screening allowing for the illusion of distance to be created when the turbine is viewed from closer vantage points. This is due to the lower section of the turbine not being visible and the angle of perception making the turbine appear further away than it is - effectively creating an optical illusion. The landscape and visual impact assessment which analysed the visual impact of the proposal on the landscape concludes that

whilst the turbine will be visible from parts of the immediate surrounding area, the actual visual impact will be minimal, due to the wide vistas, back clothing and available screening from topography. The proposal will *not* impact on the natural appearance of the open countryside, as the combination of distance, land-use and topography enables a high degree of absorption of the structure into the landscape. As the LVIA states:

“The landscape quality is currently affected by agricultural use that has taken place over centuries with 1750 sheep grazing on the pasture around the site as well as historical uses of the now defunct Pundeavon Reservoir built in 1907.” As can be seen below the landscape around 1km south of the site is the reservoir which has significant effect on perceived landscape character.



The area has also recently seen construction of the Pundeavon Hydro Scheme approved by North Ayrshire Council in 2015. Looking North beyond the proposed site there are several large borrow pits approximately 20 m in height and depth used to construct the road which extends approximately 2-3 km north of the development with a much more detrimental to 'landscape character' than a single turbine which does not extend as far into the area and which makes use of the pre-existing (public) road to facilitate its construction and continued operation and maintenance.



The Report of Handling states that the site is largely unchanged natural landform, which is contrary to the physical evidence of the site area which is dominated by agricultural use and has been for centuries as well as the Pundeavon reservoir, local hydro schemes and forestry previously discussed. The ROH states that the proposal is of greater scale than these prior developments which is a false interpretation. The Reservoir has been in place since 1907 and forms a significant part of the local landform. The track of the Pundeavon hydro scheme extends more than 2km north beyond the proposed site area with large borrow pits and the evidence of extensive agricultural use is widely visible.

The visibility over a longer distance is established as reasoning however as explored, this is not significant in its effect on the landscape character of the area and is not comparable to the impact of nearby windfarm(s) such as at Dalry/Millour Hill/Kelburn which are mentioned alongside the proposal.

The ROH also attributes views that “as the Garnock Valley would be the principal geographic area to benefit from the income derived from the development, such impacts on the landscape would be tolerated”. This is not the case overall as all objective evidence shows that the development would NOT have a significant effect and it is unclear how the decision to refuse has been reached on an informed basis in this regard with the report of handling stating: “it has not been demonstrated that there would be no significant adverse effect on the intrinsic landscape qualities of the area”.

Rather it is the case that the ROH has not clearly demonstrated there would be *any* adverse effects with all the evidence submitted to Planners highlighting the minimal impact or absence of any ‘significant adverse impact’ of the proposal on the intrinsic landscape qualities of the area in question and only the subjective viewpoint of planners offered in evidence to the contrary..

As stated above, this entire area has already been impacted by the existing and *approved* commercial turbines. If the intrinsic landscape qualities in the area have NOT been impacted by the construction

of 30 WTGs in the 'area' in question, then Quad Erat Demonstrandum, a single turbine will not significantly adversely affect these self-same 'intrinsic landscape qualities'.

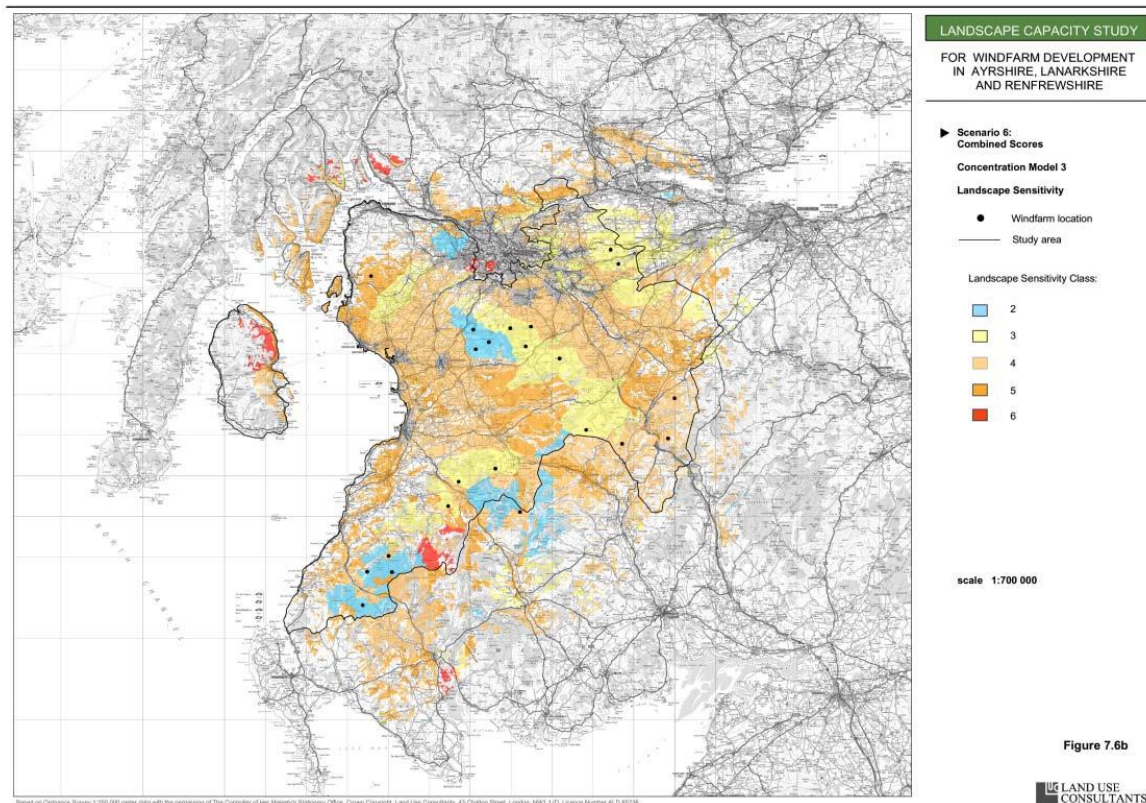
Consequently, it has been more than adequately demonstrated, by the evidence within the LVIA already submitted, of the **absence** of 'any significant adverse impact on the intrinsic landscape qualities of the area.'

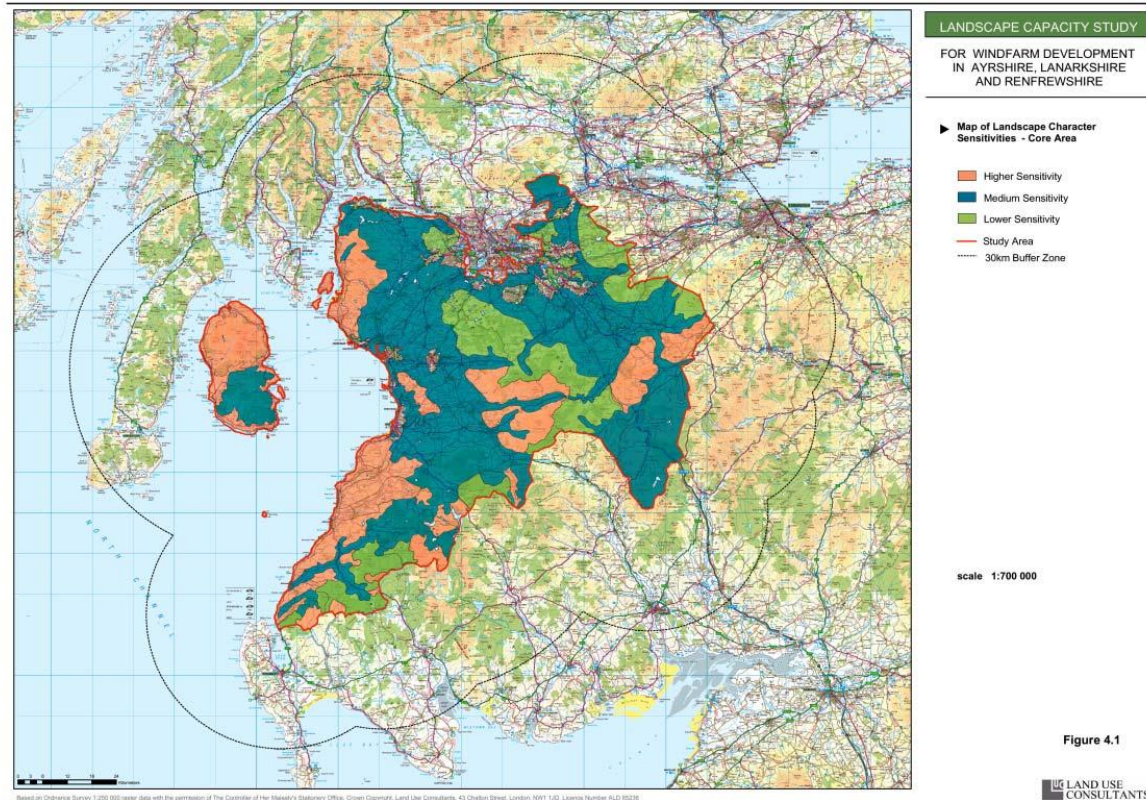
The LVIA in examining impacts upon dwellings and settlements came to the following conclusions:

Settlement	Approximate Distance	Level of Change	Effect
Kilbirnie	3.5 km	The ZTV indicates that views of the proposed turbine along the northern edge of the settlement nearest to the development would be dip in and out of visibility. This combined with the extent of woodland in the general area would ensure that direct views of the proposed turbine would be limited. The majority of the settlement would have no views as these would be obscured by the built form of the intervening dwellings. Therefore, the level of change is predicted to be Low to Negligible	Minor-None (Not significant)
Beith	7 km	The orientation of housing on the northern edge of Beith is such that there would not be direct views towards the proposed turbine. For the limited dwellings that may have direct views, the proposed turbine would be approximately 7km distance and viewed in the distance across the valley which has numerous routes and transmission lines crossing it. There is also an extensive degree of mature tree cover which would potentially limit/filter views. Consequently, the level of change is considered to be Low to Negligible.	Minor-None (Not significant)
Lochwinnoch	7 km	As illustrated by the ZTV, most parts of the settlement would	None (Not Significant)

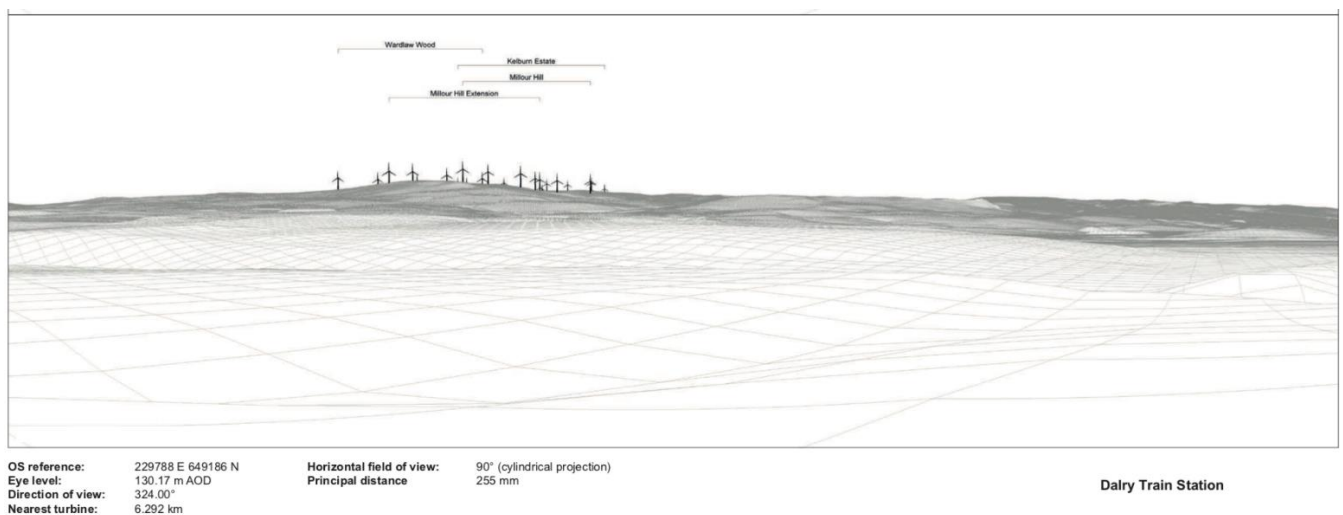
		potentially have views of the blade tip only whilst some parts of the town have no views at all. For this reason, the level of change effect is assessed to be Negligible to None	
Dalry	9.7 km	Viewpoint 9 from Blair Road near Stoophill Farm illustrates the type of view some residents of Dalry may experience. Notably the ZTV demonstrates that parts of the settlement would have no views and other areas would have potential for views of the blade tip only. Therefore, the level of change is considered to be Negligible to None.	None (Not Significant)

This is supported by the LUC Landscape Capacity Study. Which sets out the medium sensitivity of the landscape for “windfarm development” whilst the RCA proposal is for a single turbine. This is further supported by the bespoke LVIA conducted for the proposal whilst the North Ayrshire LCS did not even consider **area 19c (below)** – the *actual location* of the proposed turbine.





This proposal contrasts with existing turbines which are more conspicuous in nature for example the below is a vantage point represents a visualisation of the existing turbines at Dalry and Kelburn including extensions from the viewpoint of Dalry Train Station. In contrast, the proposed development is not visible from this vantage point with blade tip being the only visible section throughout Dalry when visible at all.



When viewed from viewpoint 1 from *Stoneyholm Road Kilbirnie*, the turbine is roughly level with existing electricity pylons in perceived height due to them being closer to the receptor point of view and lower than surrounding topography making the turbine appear smaller and more distant.

The following shows a selection of viewpoints of the main transport corridors in Kilbirnie from all of which turbines are visible.



Looking west on the (A760) entering Kilbirnie from where 43 Kelburn, Dalry and Ardrossan wind turbines are visible. None of these turbines return any revenue to the local communities where they are visible such as Kilbirnie. The RCA turbine would be visible from this vantage point if looking north but is not comparable in scale to these multiple turbines.



The above shows viewpoints from the Kilbirnie-Largs Road (A760) and the Kilbirnie-Dalry Road (B760) these are two of the main transport corridors in and out of the town. It should be noted that the RCA turbine would not be visible from these locations due to topography. It should also be noted that existing turbines are visible from other transport corridors including the Ayrshire Coast Line Railway and NCN7.

In terms of visual receptors from residential premises the existing turbines are highly conspicuous in areas throughout the Garnock Valley. The photos below show selected viewpoints throughout Kilbirnie. However, the existing turbines are visible from viewpoints in Dalry (which the proposal is not) and Beith whilst returning nothing to the local community in terms of direct benefit. The images below are at select viewpoints throughout Kilbirnie and Beith where the turbines are widely visible, including the last photo from Orr's Trust Park in Beith which was selected as a viewpoint in the screening process. As can be seen the Kelburn, Wardlaw Wood and Millourhill extension are extremely visible yet the ROH argues wrongly that **a single community owned and operated turbine** would adversely impact the landscape character of the area.



One final point to note is that the LVIA is based on current best practice of assuming worst case effects. It does not take into account that the perception of people varies in terms of their response to wind turbines. Some may agree with the worst case view of the appraisal whilst for others wind turbines may symbolise clean energy and a sustainable approach to living. In such cases the worst case does not accurately reflect the effect on visual amenity or indeed perception of impact on landscape resource. Given that the proposed is a community turbine this last point may be most relevant to this development. Moreover, it is abundantly clear through opinion polling that most of the Scottish public are in favour of wind turbine development and tackling of climate change something which is evident from community support for this application.

Polling for the Business and Energy Department (BEIS) found **four-fifths of people are now fairly or very concerned about climate change, the highest level since the regular survey began in 2012.** The new highs were driven by an increase in the number of people who are very concerned about the problem – with more than a third (35%) saying they feel that way. Almost half (48%) said climate change was caused entirely or mainly by humans, the highest level recorded in the survey. Just 7% thought it was an entirely natural phenomenon and only 2% said they did not think it existed. Young people were more likely to see climate change as being mainly or entirely caused by humans, with 61% of 16 to 24-years-olds. Since the survey was conducted, there have also been high-profile protests by Extinction Rebellion over the climate and environmental “emergency” which saw more than 1,000 people arrested amid huge disruption and demand for action on climate change.

People say they have seen rising temperatures and hotter summers in the UK in recent years. The poll found that seven in 10 people think climate change is already having an impact in the UK, with half (51%) saying they had noticed rising temperatures or hotter summers in recent years. Almost two-thirds (63%) expect higher temperatures and hotter summers over the next 15 to 20 years, while more than half expect to see rising sea levels and more flooding (56%) and extreme events such as storms (54%).

Support for renewable energy reached new highs with backing for solar, offshore and onshore wind, wave and tidal sources all at record levels. [This Official Government polling shows support for onshore wind at a record level \(79%\) meaning the UK public support this clean, cheap energy source.](#)

3.1.3 PI9 (c)

The ROH states the following in consideration of policy PI 9 (c):

Criterion (c) states, in the case of individual wind turbine or wind farm development, that the proposed development is not in an area designated as "high sensitivity" in the "Landscape Capacity Study for Wind Farm Development in North Ayrshire."

The site is within Landscape Character Type (LCT) 19c: The Upland Core. This character area is an area of high sensitivity, described as "the higher hills at the core of the uplands of the CMRP. It also forms the most remote part of the upland area with no roads and few tracks. Hills are generally more defined than elsewhere in the upland area with distinct domed summits, occasionally ringed by a faint tracing of crags and scree. The Hill of Stake and Misty Law are over 500m high; this latter peak forming a particularly distinctive landmark in wider views of the uplands from the east. A cluster of knolly peaks, centred on Irish Law (484m), lie in the southern part of this character area and also feature on the skyline in views from the west. Steep-sided narrow valleys cut into hill slopes and some of these are dramatically rocky in places. Small lochans occur within areas of slacker ground. Grass moorland is the predominant landcover and the absence of field enclosures contributes to the simplicity and openness of this landscape of open, sweeping summits and softly rolling ridges."

The study advises that "all development typologies would introduce built development into the more intact core area of these uplands and would

significantly affect the sense of seclusion and wildness which is commonly experienced when walking within this relatively unmodified core area of the CMRP."

The Study recommends that the spatial landscape strategy for the area maintains the rugged scenery and sense of wildness associated with the northern part of the Clyde Muirshiel uplands by directing wind farm development away from Landscape Character Types 19a-c and ensuring that turbine development sited in the adjacent Rolling Hill Slopes (8b) avoids significant impact on its setting and perceptual qualities. The Wild Land Area which covers a major part of these character types this adds weight to the protection of these uplands.

In view of the above, it is not considered that the proposal is satisfactory in relation to criterion (c)

Response:

Policy PI9 (c) states that individual wind turbines should not be located in an area designated as "*high sensitivity*" in the Council's Landscape Capacity Study. The proposal is within the 'Rugged Moorland – Upland Core' which is designated as "*high overall sensitivity*" in its entirety. The Landscape Capacity Study essentially places an effective moratorium on wind farm development within an approximately 860 km² area of North Ayrshire (i.e. the 'Rugged Moorland - Upland Core') by stating it has *high sensitivity*.

There are existing wind farms (e.g. Ardrossan Windfarm and Millhourhill extension) within the 'Rugged Moorland – Upland Core' which is also given "*high overall sensitivity*" in the Council's Landscape Capacity Study. This also relates to General Policy (c) which seeks to protect the landscape character from insensitive development using the Landscape Character Assessment to assist assessment of significant proposals.

Field study and the visualisations undertaken by RCA as requested during the screening process illustrate that there would *not* be a significant effect on the character areas. There will be localised areas within approximately 2 km of the Development (with inter-visibility) that would be significantly impacted as this is the area that would be most influenced by the Development with screening also affecting areas of visibility within the wider ZTV.

Radio City Association first engaged with Planners in August and September 2016 and in five subsequent meetings on 20th April 2017, September 6th 2017, 18th & 31st October 2017 and 26th March 2018 about any potential Landscape and Visual impact from their proposed Community Turbine and were directed by Planning Officer Gordon Craig to refer to the 2009 Carol Anderson Landscape Associates' Report and its 'Supplementary Study' and its predecessors, the SNH Commissioned Report No 065 and the Ayrshire Planning Guidance on Windfarm Development.

The SNH Study defines the landscape character as being of 'moderate sensitivity' and its landscape value within the medium core (Fig 4.1) and outwith the 'highly valued' areas while the latter concludes a) the area lies outwith those 'afforded significant protection' and b) within an area 'low sensitivity to small scale Windfarms.' Their dual advice, therefore, as referred to RCA by NAC planners confirmed that such a development as RCA proposed would *conform with both sources of pre-existing NAC landscape policy*.

On further inspection, however, RCA noted the Carol Anderson Associates (CAA) Report of 2009

concluded simply that the entire area (19c) was of ‘high sensitivity’ to any windfarm development simply because of its inclusion within the Clyde Muirshiel Regional Park. This position was maintained in the CAA ‘supplementary study’ of 2013, - despite Scottish Government DPEA’s Approval of the construction of Kelburn and Dalry Windfarms in the interim contradicting its opinion in the interim and repeated again in 2018 despite approval for Millhourhill 2 and Sorbie Windfarms by North Ayrshire Council’s local review Body in 2014 (see Figure 3 of CAA 2018 Study)



Given these inherent contradictions in advice from Planners therefore, Radio City sought clarification on North Ayrshire Council landscape policy with specific regard to our proposed site in the Kilbirnie Hills. Planner Anthony Hume (2/9/16) in an email to RCA amplified this apparent *dichotomy* in advice by writing to RCA stating:

“Gordon (Craig) will need to clarify this but I understand area 19c to be the Upland Core area referred to in the Phase 1 report from 2009. There was no capacity identified within that area in terms of the 2009 study and I assume this is the reason it was not identified or commented further in the Supplementary capacity study published in 2013.”

Planner Gordon Craig duly confirmed this in an e mail to RCA on (9/9/16):

“Following up from Anthony's earlier reply. I've had a look at the 2013 Capacity Study and see that para 1.4 (background to study) advises that the supplementary study principally considers landscape character types where the 2009 capacity study found there to be some potential to accommodate wind turbines and more settled lowland areas where there is more likely to be potential interest in single and smaller turbines from landowners. In the case of 19(c) this was not covered in the 2013 study as the

2009 study concluded that the Rugged Moorland (3-Upland Core) Landscape Character Sub-division had no capacity to accommodate wind turbines.”

RCA duly responded that this was a significant weakness in both CAA ‘capacity’ Reports in relation to our application as unlike both its predecessor Reports, the SNH Report no 65 and Ayrshire Planning Guidance on Windfarms (above) it had not actually studied the local landscape above Kilbirnie and contained no ‘sensitivity analysis’ to justify its findings. In addition, and counterintuitively to its actual conclusions, the CAA report further qualified its conclusions by reporting;

“Paragraph 2.28 The Development Plan policies associated with the CMRP and SLCAs do not preclude development but rather aim to protect landscape character and visual amenity from types of development that may be damaging to the intrinsic landscape qualities of these areas. Wind farm development is most likely to be able to be accommodated in those designated areas where, as elsewhere, landscape character and visual amenity is not significantly adversely affected. This capacity study provides a more detailed appraisal of how wind farm development may affect landscape character and visual amenity as not all designated landscapes would be equally and consistently affected by wind farm development as the landscape character and visual amenity associated with each is very different.”

RCA then pointed out that both the SNH Report and Ayrshire Guidance clearly indicated that an appropriately sited single turbine in this area would not ‘significantly affect landscape character or visual amenity adversely’ and was therefore compliant with NAC Landscape policy and advice including the CAA Reports. RCA sought and secured a meeting with planners in November 2016 and subsequent to that meeting Planners simply repeated their prior opposition and advised on 10th February 2017;

“At our meeting in November last year we advised of the policy opposition to choosing a site on the higher ground on the west side of the Garnock Valley and suggested that you examined a range of other possible locations, including the Lochshore area.”

RCA then duly commissioned Prevailing Ltd to independently look at alternative sites in the ‘Lochshore area’ as per Planners’ advice and that Report (31/3/17) was then shared with Planners on April 5th, 2017 (attached). This Report concluded that development at RC2 and RC3 locations at the Lochshore was

	Location RC1				
	L82-2.3	L82-2.3	L82-2.3	GE 3.2-103	
Hub height	59.0	80.0	100.0	75.0	m
Mean wind speed	7.73	8.09	8.39	8.02	m/s
Wind farm rated power	1.50	1.50	1.50	3.23	MW
Gross yield	6.038	6.444	6.759	11.477	GWh/annum
1 Availability	96.8	96.8	96.8	96.8	%
2 Wake effects	100.0	100.0	100.0	100.0	%
3 Turbine performance	98.5	98.6	98.8	97.0	%
4 Electrical losses	98.5	98.5	98.5	98.5	%
5 Environmental	99.0	99.0	99.0	99.0	%
6 Constraint and curtailment	100.0	100.0	100.0	100.0	%
Net yield	5.614	5.998	6.304	10.512	GWh/annum
Capacity factor	27.8 ¹	29.8 ¹	31.3 ¹	37.1	%

not financially viable for the Community unless it was developed to a size and scale (> 130m TH) that would completely dominate the local landscape and that further because of its proximity to dwellings could create issues of, noise and shadow flicker etc not present in the preferred location at RC1 in the hills above the town. In short, therefore the Study confirmed the Lochshore sites would not be as efficient as their hillside counterpart and would 'significantly and adversely affect the landscape character and visual amenity' of the area when compared to RCA's preferred location at RC1.

Location RC2					
	L82-2.3	L82-2.3	L82-2.3	GE 3.2-103	
Hub height	59.0	80.0	100.0	75.0	m
Mean wind speed	6.25	6.76	7.11	6.66	m/s
Wind farm rated power	1.50	1.50	1.50	3.23	MW
Gross yield	4.233	4.891	5.339	8.258	GWh/annum
1 Availability	96.8	96.8	96.8	96.8	%
2 Wake effects	100.0	100.0	100.0	100.0	%
3 Turbine performance	97.8	97.9	98.2	96.5	%
4 Electrical losses	98.5	98.5	98.5	98.5	%
5 Environmental	99.0	99.0	99.0	99.0	%
6 Constraint and curtailment	100.0	100.0	100.0	100.0	%
Net yield	3.906	4.521	4.949	7.526	GWh/annum
Capacity factor	19.4 ¹	22.4 ¹	24.5 ¹	26.6	%

Location RC3					
	L82-2.3	L82-2.3	L82-2.3	GE 3.2-103	
Hub height	59.0	80.0	100.0	75.0	m
Mean wind speed	6.92	7.34	7.64	7.26	m/s
Wind farm rated power	1.50	1.50	1.50	3.23	MW
Gross yield	5.110	5.630	5.984	9.796	GWh/annum
1 Availability	96.8	96.8	96.8	96.8	%
2 Wake effects	100.0	100.0	100.0	100.0	%
3 Turbine performance	97.8	98.3	98.6	96.0	%
4 Electrical losses	98.5	98.5	98.5	98.5	%
5 Environmental	99.0	99.0	99.0	99.0	%
6 Constraint and curtailment	100.0	100.0	100.0	100.0	%
Net yield	4.720	5.223	5.567	8.879	GWh/annum
Capacity factor	23.4 ¹	25.9 ¹	27.6 ¹	31.4	%

RCA and planners met again to discuss on 4th September 2017 following which RCA wrote further to Planner Anthony Hume on (6/9/17);

"It was good to meet and speak with you again on Monday at the above. I don't want to put words in your mouth but while we may disagree on the appropriate designation for the upland site we have chosen for our Community WTG project - your favouring the description of 'high overall sensitivity' as per the 2009 Landscape Capacity Study over my description of the site as 'low landscape sensitivity to small scale windfarms from the AJSPT study (referenced in the latest advice from SNH to which you also referred me to) - we can agree the socio - economic benefits that the project can deliver are a 'material factor' to be taken into account in your decision.

We (RCA Ltd) fully accept the challenge thrown down to us by you at our meeting to persuade you that this material consideration is such that, combined with the other factors that will be subject to screening opinion and the requisite studies can take together persuade you of the overall merit of our proposal. I hope you agree that is a fair synopsis of our discussion.

We will explore the Barrmill site further at your suggestion but as discussed we will want to discuss it with the very active Barrmill Community Association first as we would not want to be thought of in the same light as those commercial developers we discussed like RES for instance who built windfarms in relatively close proximity to the communities of Kilbirnie and Dalry and certainly within their line of sight but then diverted the (admittedly paltry) sums of Community benefit of £50k pa to the generally wealthier communities of Largs, Fairlie and Cumbrae instead! Obviously, we have no desire to do likewise by developing our scheme at Barrmill only to re-invest in the Lochshore which many Barrmill residents I expect might see as the equivalence of the crass decision of RES. We

also have to establish the technical constraints of grid connection with SPEN and wind speed that I can discuss with Intelligent Land Investments if they are willing to share them. As we discussed however, we are not in a position to put a lot of resource into a site search in this vicinity.

We fully appreciate the concern you expressed about future developers trying to 'piggyback' on our development and in addition to the arguments previously put forward by us in this regard can I also refer you to

the letter from the Scottish Government Planning and Architecture Division to all Heads of Planning entitled 'Energy Targets and Scottish Planning Policy' which was published on 11 November 2015. It sets out that despite some changes to UK policy, the Scottish Government's policy remains unchanged and that it "supports new onshore renewable energy

developments, including onshore wind farms and particularly community owned and shared ownership schemes". Importantly, it adds that "this policy support continues in the situation where renewable energy targets have been reached".

*The Heads of Planning Letter emphasises the importance of the opportunity presented by shared ownership. **Whilst it highlights that ownership per se of any development is not a 'material consideration', paragraph 169 of SPP makes it clear that socio economic benefits "are relevant material considerations in the determination of planning applications for renewable energy applications"**. The Heads of Planning Letter makes it clear that*

"it is our expectation that such considerations are addressed in the determination of applications for renewable energy technologies".

The letter makes specific reference to the Government's related guidance on 'Good Practice Principles for Shared Ownership' and states that the guidance is designed to assist Planning Authorities communities and developers "in considering a shared ownership renewable energy project within the planning system". Such a distinction being drawn in this manner by Heads of Planning hopefully gives you some reassurance on this point and hopefully helps you distinguish between our application and any subsequent such."

Anthony Hume duly replied on 6th September 2017:

"I agree that there would be a difference if the proposal were to deliver benefits that could be more measurable and direct. As opposed to spin-offs which might or might not materialise. The challenge, therefore, would be to build a case around a package of benefits which could accrue whilst also addressing and attempting to mitigate any environmental impacts.

Whether that package would be based on delivery of projects at Lochshore or elsewhere in Kilbirnie/Glengarnock/Beith, it would be useful to know how you see the revenue being re-invested. That doesn't equate to delivery targets as such, but at least a very clear idea of what type of projects could potentially benefit.

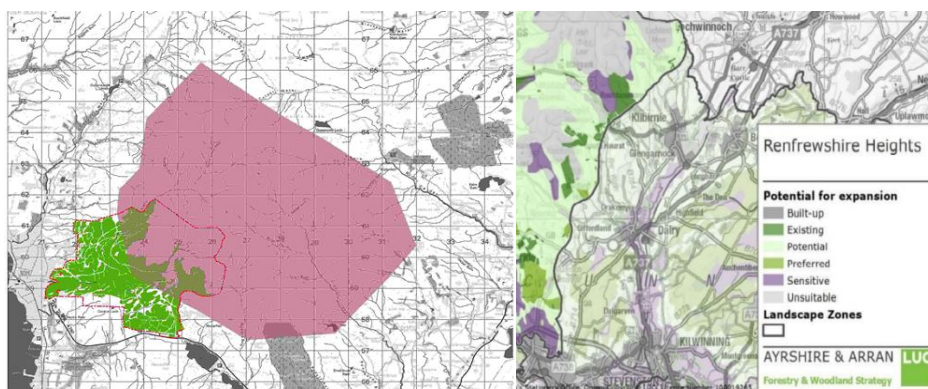
I hope that is fair comment."

Radio City then proceeded at Planners specific behest to develop their plans for the economic development 'package' that would be 'measurable and direct' and would accrue to the Garnock Valley from the re-investment of the revenues from the turbine in accord with both Planners wishes and the Scottish Government Planning and Architecture Division to all Heads of Planning entitled 'Energy Targets and Scottish Planning Policy' (attached). RCA has also developed these plans subsequently to provide for a detailed study and analysis of the Economic Development Benefits that will accrue to the Garnock Valley and matched those with North Ayrshire Council's own Strategy for the Economic development of the area so that both the RCA and NAC are working towards the same economic development objectives and the 'material consideration' of those benefits *far outweigh* any perceived divergence from local planning policy on 'Landscape' – given the contradictory advice - and any perceived 'environmental impact' that it is argued could be caused by a single turbine scheme.

Whilst there is a degree of non-conformance to Policy PI9 (c), the Development complies with the overall aim of the LDP regarding renewable energy in the fact that the Development supports a diverse range of appropriate renewable energy technologies. Considerable care throughout the design process has been taken to minimise effects on the wider landscape character area, and any assessment of the Development must consider the overriding benefits of the Development against the localised effects.

A bespoke project-specific landscape assessment has been undertaken as part of the assessment of the Development, and greater weight should be placed on this than the far broader Landscape Capacity Study which as noted above never actually studied' the site in question. Appendix F concludes that the Development would alter the experience of the local landscape character, but the key characteristics of the landscape would remain intact, thus the overall effect on the local landscape character would *not be significant*. This bespoke landscape assessment should be given considerably greater weight in the determination of the Application than the Council's Landscape Capacity Study which suggested approximately 860 km² (i.e. the 'Rugged Moorland - Upland Core') has the *same sensitivity*. The LVIA therefore offers a bespoke approach rather than the broad brush of the CAA LCS.

In terms of *Land Use*, the main aim of planning policy is in directing development. The Ayrshire and Arran Woodland Strategy Map considers the proposed development area as being potential and suitable woodland, as the map below shows and moreover the FCS is undertaking the Halkhill/Blairpark Forestry scheme. If this is the case then it can be assumed that the visual and ecological impact of (e.g.) Sitka Spruce the most common forestry planting (a non-native species growing 100m in height and 5m in breadth) could be said to not detract from the core WLA, this is no different than the proposed development.



Forestry of course has visual and ecological impacts and is not dissimilar to the proposed development as both are man-made. The history of human activity in the vicinity has limited impacts on the environment and overall net benefits. The Environmental Impact Assessment for the Halkhill and Blair Park Forestry Scheme *recently approved* in the same area as the site states the following:

“The impact on the attributes of wildness varies over the Wild Land Area. The core area where the sense of wildness is strongest would be little affected and the level of impact on this area was considered negligible to minor and not significant.”

The Ayrshire Landscape Capacity Study is now outdated since it was originally published in 2009. The study also uses a number of subjective descriptions e.g. describing areas as “distinct”. Since the study was published there have been approvals for numerous wind turbines and therefore it would be disingenuous to rely on this statement for a refusal reason. The Study uses language that is inaccurate:

“Wind farms have the potential to create significant long-term adverse impacts on the amenity of an area or health, wellbeing and quality of life of people living or working nearby”

This is disproven by North Ayrshire planning reference (17/00034/PPM) where evidence was submitted contrary to the claims of the Ayrshire Landscape Capacity Study by health professionals.

Health Protection Scotland concluded:

the objectively reviewed scientific evidence does not support there being a direct causal link between the symptoms described by residents of Fairlie and the operation of nearby wind turbines.

This was re-iterated by NHS Ayrshire and Arran:

“Wind turbines are unlikely to be the cause of symptoms”

The Wild Land Area is not prohibitive to development as SPP 2014 states:

In areas of wild land, development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation

The proposed turbine has been micro-sited to mitigate its impact visually and in relation to cultural heritage, hydrology and ecologically and consultation undertaken with planners as to this location which is far removed from the core WLA - with other locations also previously considered. The impact on the physical attributes of the wild land area will be limited in extent relative to the scale of the wild land area and respective site area. As the email below from Arcus shows the micro-siting of the turbine was based on several factors in order to mitigate any perceived adverse effects:

Allan/Gordon

Further to the below, I've had a chat with technical teams and summarised their recommendations of turbine location.

The turbines are named as follows:

- *Location 1 – the original position you came to us with (Grid reference: 228610, 658845) – furthest west on screenshot;*

- Location 2 - micro-sited turbine (Grid reference: 228640, 659041) which is ~240 m north east of the Location 1 – furthest north on screenshot; and
- Location 3 - ~620 m east south east (Grid reference: 228771, 658654 – furthest south on screenshot) of Location 1.



Location 1 is not considered further due to being within 50 m of watercourses and visibility on ZTV, it's unlikely to be suitable.

Environmental Subject	Difference in effects at Location 2 and Location 3	Location Preference
Cultural heritage	No direct effects at either location. Two more settings to be considered for the Location 3 (scheduled monument other Designed Landscape – both at 10 km from proposed turbine). No significant indirect effects anticipated at either Location 2 or 3.	No difference.
Landscape	Location 3 ZTV ensures that views of the proposed turbine are kept to the eastern half of the WLA whereas Location 2 spreads further small areas of theoretical visibility into the western portion of the wild land area. The ZTV's show that	Location 3 preferred.

	Location 3 will not increase the visibility from Beith, Kilbirnie and Glengarnock.	
Ecology	Location 3 is adjacent to the existing track. It will reduce the need to construct further access track (upgrading will still be required). This will result in less habitat disturbance. Land at Location 3 is grazed acid grassland which is more stable and dry than Locations 2.	Location 3 preferred.
Hydrology	Fewer watercourse to cross with access track. Less potential for Ground Water Dependent Terrestrial Ecosystems (GWDTE's). No difference in terms of flood risk as per SEPA's map.	No difference.
Noise	TBC following cumulative search finalised. Stuart will finalise on Monday.	
Other	Location 3 closer to hydro construction so in a more "man-made" environment.	Location 3 preferred.

There is also a history of development within the vicinity of the proposed development with multiple recently approved schemes including hydro-electrical development and forestry and historical development of Pundeavon reservoir. Consequently, claims of the quality of the WLA itself is called into question when removed from the upland core of the area with its history of man-made development, agricultural use, ease of accessibility by road and absence of obstacles to access and other factors. As seen below the wild land area has widely visible "man-made" influence, including the council approved Pundeavon hydro scheme which continues into the SPA/SSSI area around 2km north.



The proposed development would not, therefore, be significant as it comprises a single turbine and given this history of development and the mitigation measures undertaken by the developer and when weighted against material considerations including;

- the extent to which the proposed development accords with and is supported by Scottish Government and North Ayrshire Council policy;
- the amount of renewable energy produced, its contribution to renewable energy targets and its carbon payback; and
- the estimated net economic and social benefits of the proposed development.

These are all material considerations which should be taken account of when assessing this development. The economic and social benefit as a direct result of this proposal far outweigh the already minimal mitigated landscape 'impact' as explored in the support statement when compared with the job creation and economic development projects deriving as a direct consequence of this development. The executive summary of the support statement outlines that the development accords with the local development plan and also conforms with multiple other local and national policies in regards to tackling of climate change via the displacement of 2.3 tCO₂e annually and promotion of community ownership and community empowerment and associated economic development and social benefit that would be enabled by the development.

Any adverse impact would not be 'significant' and could be said to be *negligible* given the development history in the vicinity and the above material considerations far outweigh such minimal environmental impact.

3.1.4 PI9 (d)

The Report of Handling states:

Criterion (d) requires that proposals shall not result in unacceptable intrusion, or have an unacceptable adverse effect on the natural, built, cultural or historic heritage of the locality. In this regard, it is considered that the proposal would result in unacceptable intrusion both on the immediate natural landscape around the site and within the wider area beyond. There would be less direct adverse effects on the built, cultural or historic heritage of the locality, primarily due to the remoteness of the site from historic sites and conservation areas in the surrounding area. In summary, it is not considered that the proposal would be acceptable in relation to criterion (d).

Response:

There would be no impact on cultural or historic heritage it is not visible in local conservation areas, Glengarnock Castle and other historic important areas as set out in the LVIA and does not interfere with heritage sites with mitigation measures established in the cultural heritage report.

A Heritage Impact Assessment (HIA), was undertaken to establish the known or potential archaeological resource baseline in order to assess the effects of the Development it was concluded that the development would have no adverse effects which was acknowledged by WoSAS, with mitigation measures also established within that assessment.

The Development will not have an unacceptable adverse effect on the natural, cultural or historic heritage of the locality, in accordance with LDP Policy PI 9 (d). As established the site already has distinguished manmade features built into the landscape including Pundeavon Reservoir and agricultural use as well as the construction of the NAC approved Pundeavon Hydro Scheme. The impacts on natural heritage of the area would be insignificant as determined by the LVIA and the landscape character of the area.

3.1.5. PI9 (e)

The Report of Handling states:

Criterion (e) states that it requires to be demonstrated that there are no unacceptable adverse impacts on the operation of tourism or recreation interests. In this regard, the applicant and supporters of the proposal argue that visitor numbers to destinations at Clyde Muirshiel Regional Park have increased during recent years, despite the presence of large wind farm developments within the uplands to the south of the A760. However, opponents of the proposal argue that the wild land area where the application site is located is not an area where visitor numbers are a key consideration, and that one of the qualities of wild land is the absence of development and large numbers of people. Without doubt, due to its elevated position in the landscape, the development of the application site as proposed, would alter the backdrop to the views from, for example, the National Cycle Network between Lochwinnoch and Kilbirnie, from the main transport corridors (both road and rail) which pass through the area as well as commercial facilities such as Auchengree Farm. As noted above, it is considered that the large scale of the development would adversely alter such views of the upland landscape. The perception of the landscape by those experiencing the area on foot would also be changed by the presence of a large turbine in a wild land area. Whether or not this factor would ultimately harm tourism or recreation interests to an unacceptable degree is unclear, but the outlook from certain key locations in the area, and within the upland area surrounding the site, would certainly be affected by the large scale of the development. As such, it is not considered that the proposal is satisfactory in relation to criterion (e).

Response:

Whilst the Site is located on the fringes of CMRP, there are no known tourism or recreation interests which would be directly affected by the Development which therefore accords with Policy PI 9 (e).

Pre-application discussions with the CMRP Board Members confirmed the absence of any perceived recreational impact of the Development and that the new track associated with the Pundeavon Hydro Scheme makes the route more accessible for those engaged in recreational walking pursuits. It is worth noting that the Council also **agreed** there were no impacts on the CMRP for the Pundeavon hydro scheme (Planning Reference: 15/00683/PP) indeed **acknowledging that a by-product would be increased public access to the CMRP** within the report of handling.

This is demonstrated in the support that the proposal can draw support from PAN 60 “Planning for Natural Heritage”:

35. Planning authorities can contribute to the development of improved access for the enjoyment of natural heritage by:

- safeguarding key routes and path networks designed to meet the needs of communities and visitors;*

- identifying locations for key recreational facilities; and
- making links with other important policy agendas such as health, social inclusion, and sustainable transport.

36. Regional and Country Parks provide opportunities for recreation and enjoyment of the countryside close to the main centres of population. While most Country Parks are owned and managed by local authorities, most of the land in Regional Parks is in private ownership and local authorities prepare management plans in order to ensure that recreation and the conservation of the qualities which people enjoy are well integrated with other land uses. It is important that policies and management objectives for Regional and Country Parks are reflected in statutory development plans.

CMRP has acknowledged that visitor numbers have increased while the numbers of wind turbines constructed has also increased over the same period indicating the absence of any negative impact on tourist or visitor numbers to CMRP

It is considered that the impact on tourism will be negligible to non-existent. The judgement of any potential impact to tourism will be a subjective one. In this instance, due to the scale of this development as a single turbine, it would not have adverse impact on tourism. Furthermore, there would not be a significant negative impact with the development in terms of a cumulative impact as established in PI9 (h).

The Report of handling cannot state with the certainty that it does, using terms such as “*without doubt*” and be considered objective. NCN 7 is well screened with trees and steep former railway embankments limiting visibility toward the site for most of the route except for Viewpoint 12. In the event, that it is even possible to view the site from NCN 7, the LVIA states that the impact is low to negligible:

Viewpoints 12 and 13 illustrate the effect of the proposed turbine on sections of the NCR7 which are likely to experience the worst-case views. Based on these viewpoints and the field survey, the level of effect is low in parts and negligible in general.

The LVIA, however, did consider recreational assets including NCN as displayed in the table below. Again, and similarly in the case of Auchengree Café, with the site being obscured by trees - whilst it can be viewed from the car park which is less well screened. In any event, a single turbine would have limited visual impact and quite *how* the proposal would have a detrimental effect upon recreation has not been proved or demonstrated within the report of handling.

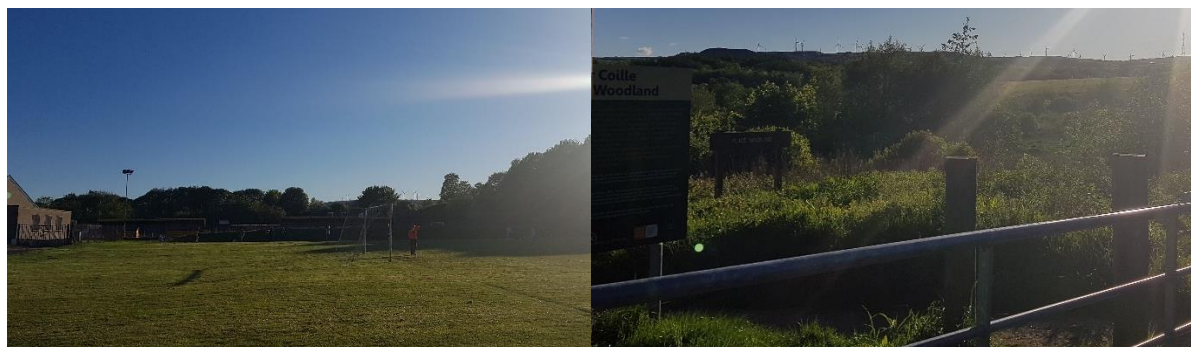
In terms of recreational assets, the LVIA conducted viewpoints as part of the screening process including Beith Golf Club, Countryside Walkers, users of public parks and the national cycle network concluding for each and every one there would be **no significant impact** based on approved national guidelines rather than subjective opinion.

Receptor	Susceptibility & Value	Level of Change	Effect
Beith Golf Course			
Recreation – Golfers and local walkers	High Medium to Low:	The change to the view would be noticeable.	Moderate to Moderate/ Minor (Not Significant)

		However, the proposed turbine would affect a small part of the large-scale landscape within the panoramic view. From most of the Golf Course views of the proposed turbine would be filtered through mature vegetation associated with the golf course.	
Misty Law			
Walkers	High/Medium Low	The proposed turbine affects a very small part (up to 3 degrees) of the panoramic 360 view. The turbine is located on the edge of the upland area and away from the interior. It is sufficiently downslope as to be looked down upon. The cone of view already contains wind turbines, so this is not a new element within the view.	Moderate/ Minor (Not Significant)
Orr Trust Public Park			
Recreation– users of the Park	High Medium to Low	The proposed turbine would form a clear and distinct element on the horizon. It would relate to the higher ground of the hills and does not affect any focal point within the landscape. The intervening valley, much of which is visible in this view, contains vertical man-made elements such as pylons. To the left of the view (westwards) there are existing wind turbines in the distance which also relate to the higher ground of the hills. The proposed turbine would be filtered by the mature tree planting associated with the Park from other locations within the park	Moderate to Moderate/ Minor (Not Significant)
National Cycle Network 7			
NCR7	High to Medium Low:	The proposed turbine would be apparent on the norther horizon and would affect a small part of the view.	Moderate /Minor (Not Significant)

Current wind turbines have landscape impact on recreation assets within Kilbirnie as evidenced by the photos below. Valefield as below shows is a popular recreation site for community and youth football as well as being home to Kilbirnie Ladeside FC, where turbines are widely visible. Place

Woodland is another popular recreation site for walkers and includes the historic sites of Kilbirnie Castle and Place House from where multiple turbines in Dalry and Kelburn are visible.



3.1.6. PI 9 (h)

The Report of Handling states:

Criterion (h) requires, when considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no negative impacts due to the cumulative impact of development proposals. In this regard, the nearest operational wind turbine developments are those to the south at Dalry/Millour Hill/Kelburn. As noted above, this cluster of 28 large turbines which vary in height from 100m to 125m (to blade tip) with an overall maximum height above Ordnance Datum of 460m. The proposed turbine would have a maximum height above Ordnance Datum of 440m, with higher upland areas in between to create separation and avoid coalescence. As noted above, in longer views towards the upland landscape of Clyde Muirshiel, particularly from the southeast, east and northeast, the existing windfarms and the proposed turbine would be visible from certain positions, such as transport corridors or rural land. Arguably, this would add to a sense of cumulative impact of large-scale turbine development on the high ground above the Garnock Valley, albeit of lesser impact than would be the case if the proposed development were for multiple turbines. As such, the proposal would not meet the requirements of criterion (h).

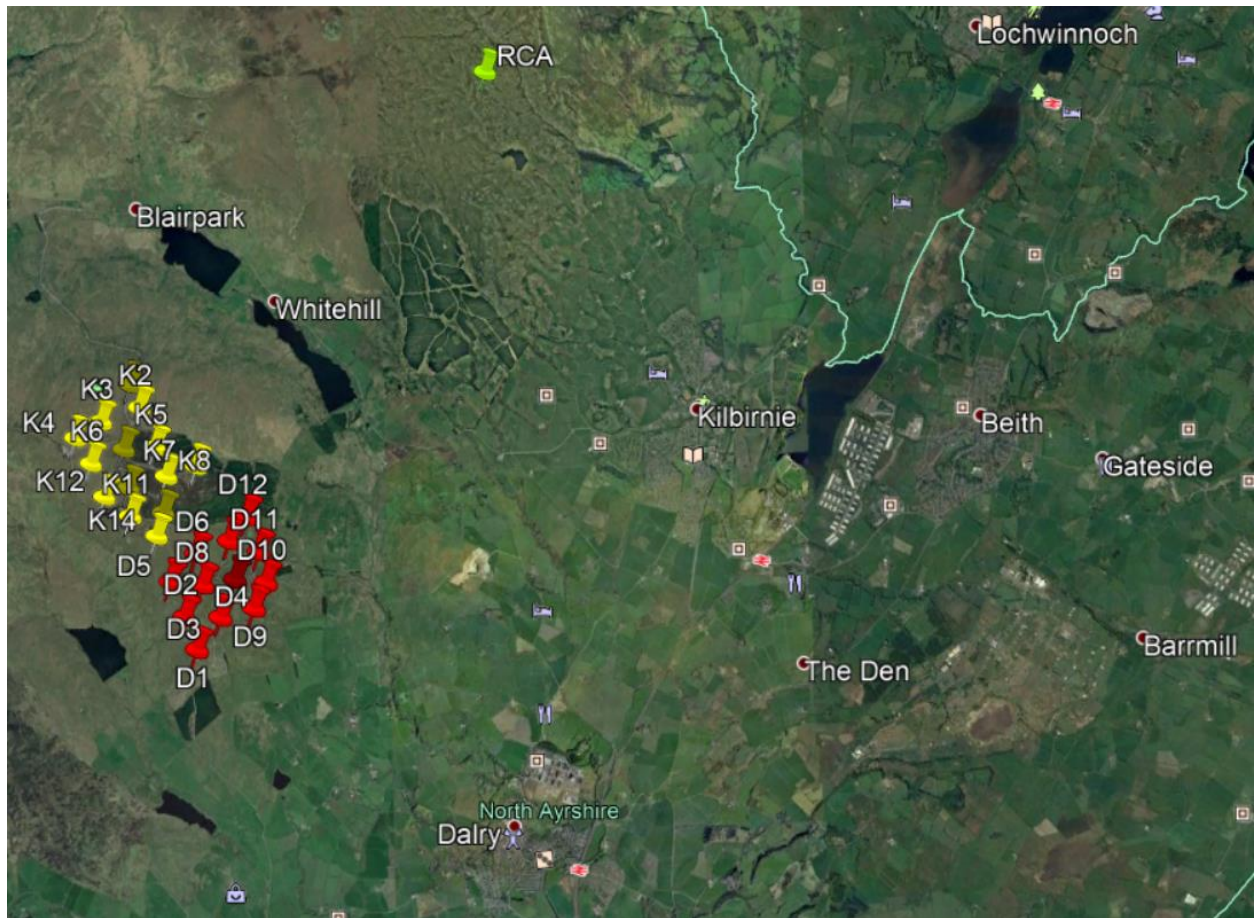
Response:

The closest cumulative development is the operational Kelburn Wind Farm, the closest turbine of which is located approximately 5.7 km from the Development and 1.98 km from the closest noise-sensitive receptor.

Given both the substantial separation distance from Kelburn Wind Farm and the closest receptors (in terms of noise and landscape), there will be no negative impacts due to the cumulative impact of the Development which accords with Policy PI (h).

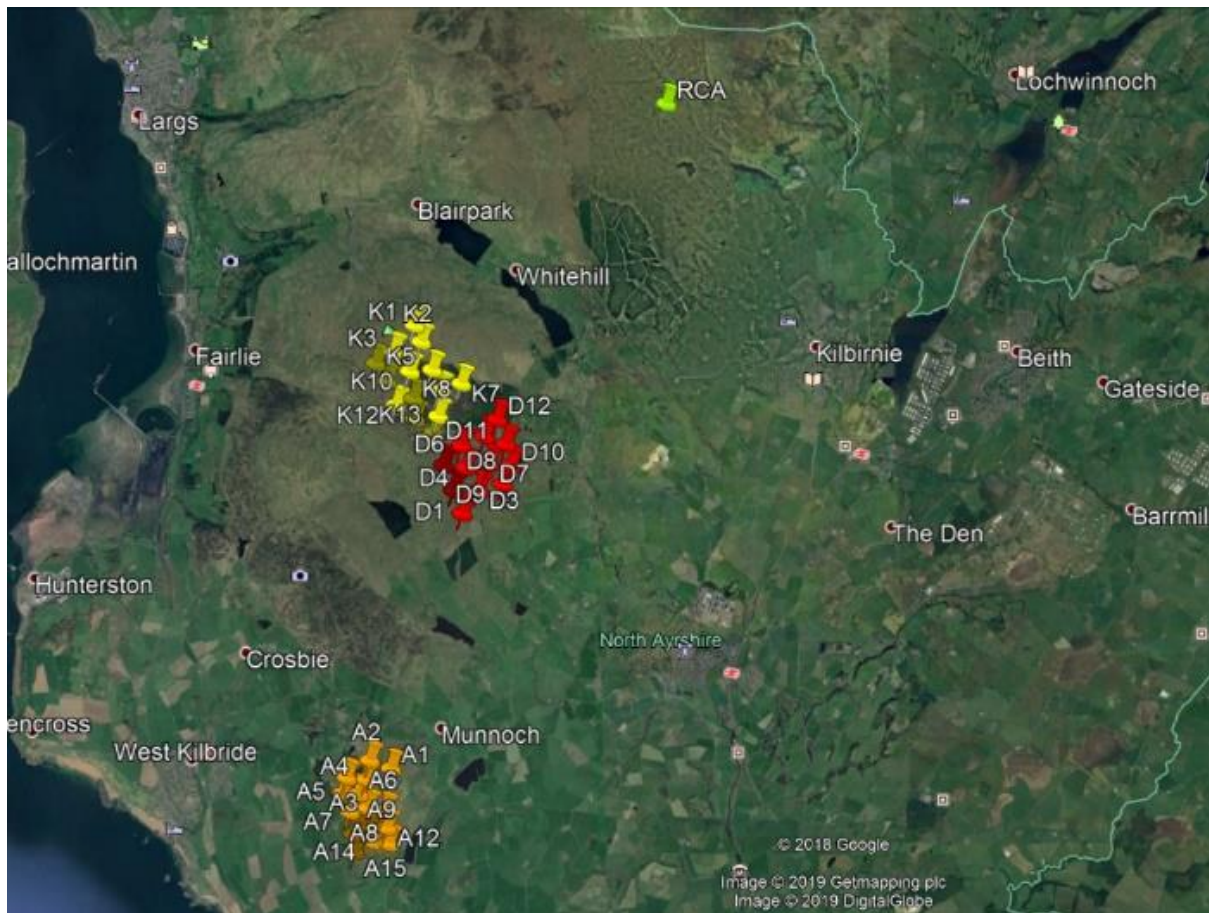
The landscape and visual impact assessment which analysed the visual impact of the proposal on the landscape concludes that whilst the turbines will be visible from parts of the immediate surrounding area, the actual visual impact will be minimal, due to the wide vistas, back clothing and available screening from topography. The proposal will not impact on the natural appearance of the open

countryside, as the combination of distance, land-use and topography enables a high degree of absorption of the structure into the landscape.



RCA's single Turbine would return *more* in 'benefit' to the local community through Community Ownership than what is supposed to be returned by ALL the 28 Turbines shown above. This is materially different from a Community Benefit Agreement. Only a small minority of the Dalry and Millhourhill WTGs and *none* of the Kelburn Wind Farms pay a community benefit of £5,000 per MW installed which is the amount recommended by Scottish Government Guidelines - though it is disputed by some community organisations in Dalry whether this is the actual amount being paid.

Currently in the Garnock Valley only the town of Dalry receives any significant community benefit via the Warldaw Wood Wind Farm. The Kelburn turbines pay a paltry sum (£50k pa) in community benefit to the areas of Fairlie, Largs and Milport despite not being visible in those areas (as they are in the Garnock Valley) and arguably being in lesser need than the more deprived communities of Beith, Dalry and Kilbirnie.



As can be seen above there is also a greater separation distance between RCA's proposed single turbine and the cluster of 28 at Kelburn and Dalry (Wardlaw Wood) – all within the CMRP and an area of High Overall Sensitivity according to NAC Landscape Capacity Study.

The Separation distance between the 15 turbines at Ardrossan and 28 at Kelburn and Dalry is 4.5km (2.8miles) judged by shortest distance from turbine mapped A2 and D1. This contrasts with the distance of 5.69km (3.53miles) from the proposed RCA WTG to the nearest wind turbine in the Kelburn cluster mapped as K1 above.

In preliminary discussions with council planners, it was agreed that a reduction in the height of the proposed turbine would mitigate possible impacts of the proposal. As noted above, this cluster of 28 large turbines which vary in height from 100m to 125m (to blade tip) with an overall maximum height above Ordnance Datum of 460m. The proposed turbine would have a maximum height above Ordnance Datum of 440m therefore the *proposed turbine is lower than the existing cluster* despite being in an area of "high sensitivity". This coupled with the nature of the topography of the valley floor creates an illusion of distance and reduced height. It should be noted that the clusters of turbines are already highly visible from within the WLA.

3.1.7. PI9 (i)

Criterion (i) states, in the case of individual wind turbine and wind farm development, that the proposal satisfies the contents of the Ayrshire

Supplementary Guidance: Wind Farm Development (October 2009). Whilst further work has taken place on landscape capacity issues since this guidance was published, it nonetheless identifies the site and surrounding area as having high sensitivity to large scale wind farm development. The guidance also covers a range of other topics that are addressed in the wider LDP policy framework and are therefore covered elsewhere in this report. Accordingly, the proposal would not meet the requirements of criterion (i).

Response:

It should be noted that the proposal is for one wind turbine and should not be confused with a wind farm comprising multiple turbines. It has been demonstrated by the landscape and visual impact assessment that the proposal will not negatively detract from the amenity and appearance of the countryside.

In regard to The Ayrshire Supplementary Planning Guidance on Wind Farm Development – 2009, it should be noted that the policy identifies ‘wind farms’ per se and does not specifically address single wind turbines which the proposal relates to. Both the SNH Commissioned Report No 065 and the Ayrshire Planning Guidance on Windfarm Development confirm that the site is not in an area of ‘high sensitivity’.

The SNH Study defines the landscape character as being of 'moderate sensitivity' and its landscape value within the medium core (fig 4.1) and outwith the 'highly valued' areas while the Ayrshire Study concludes a) the area lies outwith those 'afforded significant protection' and b) within an area 'low sensitivity to small scale Windfarms.' i.e. their dual advice was that such a development as RCA proposed would conform with both sources of pre-existing NAC landscape policy.

In regard to the Landscape Capacity Study for Wind Farm Development in North Ayrshire – 2009, it should be noted that the proposal is for a small scale single wind turbine and not a wind farm and since this study was written there have been approvals for multiple wind farm developments ostensibly contrary to the ‘policy’ - if planners arguments are to be taken at face value.

In accordance with Policy PI (i), the Development satisfies the contents of the Ayrshire Supplementary Guidance: Wind Farm Development (October 2009). The landscape and visual impact assessment have evidenced that whilst the turbine would be visible it would not be detrimental to visual amenity as the careful siting techniques employed and considerable topographical advantages of the site help to absorb the impact of the turbine. Nevertheless, it is important to distinguish between the impact of the development and the magnitude of this impact and whether the magnitude is enough to warrant a refusal of planning permission.

A change to the outlook from a property is not a enough material consideration to prompt a refusal of permission. Indeed, even a fundamental change in outlook is not necessarily unacceptable. No individual has the right to a particular view but there comes a point when, by virtue of the proximity, size and scale of a given development, a residential property would be rendered so unattractive a place to live that planning permission should be refused.

The test of what would be unacceptably unattractive should be an objective test. In this case, there would be no effects on the visual component of residential amenity which would be so unacceptable as to become a matter of public interest, reasonably capable of justifying refusal of planning permission, whether in the case of any individual dwelling, groups of dwellings or settlements. It is therefore reasoned that the impact on visual amenity will be minimal.

Given the various combinations of distance, partial screening by landform, and the very wide vistas available from most houses in this area, there is no case where the proposed turbine would be so visually dominant as to be over-bearing. On that basis it can be concluded that the development would not be significantly detrimental to the visual amenity of the area. Whilst the wind turbine would impact minimally on the landscape character, it would not significantly detract from the attractive views and historically important features.

3.1.8. Summary of Policy PI 9

The Development fully accords with the aims and requirements of Policy PI 9 (a), (b), (d), (e), (f), (g), (h) and (i). Regarding criteria (c), there is a degree of non-conformance as the Development is located within an area of high sensitivity as per the Council's Landscape Capacity Study. However, the project-specific landscape assessment concludes that the Development would not be a significant effect on the character areas of the area which should be given greater weight than the far broader Landscape Capacity Study.

The tangible socio-economic benefits (minimum of £6 million invested into Garnock Valley and a net creation/safeguarding of 18 Full-Time Equivalent (FTE) jobs per annum liable to exist for ten years (minimum) and contribution to Scottish Government policy in terms of low-carbon, community projects (displacement of 2.3 million kgCO₂ annually) outweighs the subjective localised adverse landscape impacts of the proposal and in the planning balance, the proposal is acceptable in terms of PI 9.

3.2 Policies ENV7 and ENV9

The report of handling wrongly determines that the proposal is contrary to policy ENV 7 and ENV 9. RCA as the applicant refutes this via the original supporting statement and for the reasons outlined below as response to the ROH.

The Development draws **significant support from Policies Policy ENV 1, Policy ENV 5 and Policy ENV 6.** There is a clear geographic need for the investment generated by the Development to address economic stagnation and social and health inequalities in the local communities of the Garnock Valley towns.

3.2.1 ENV 7

The ROH states the following:

Policy ENV 7 (Special Landscape Areas) presumes against development in such areas unless it can be demonstrated that, in the case of renewable energy developments, is appropriate in design and scale to its surroundings. The policy also requires that proposals must have no unacceptable direct, indirect and cumulative impacts on landscape character and/or the natural and built heritage resource; has no unacceptable impacts on visual amenity and, where applicable, takes cognisance of the Rural Design Guidance.

The above matters have all been considered in terms of Policy PI 9, above. For similar reasons, it is considered that the proposed development would not accord with Policy ENV 7.

Response:

A total of 28 turbines already exist within the CMRP and SLA. This community proposal will return *more to the local community than all those commercial projects combined* and will serve as an example of community enterprise in action inspiring others. Furthermore, the proposal will increase access to the public to the natural assets in the CMRP.

As has been demonstrated via responses to PI 9 and the evidence submitted in the LVIA report there are no unacceptable visual impacts on the area as a single turbine and that the material considerations outweigh any subjective assessment on the matter in the Report of Handling.

The development has been demonstrated to have no significant impact upon the natural heritage of the surrounding area by both the LVIA. The following graph is also contained in the section regarding Policy PI 9 (b) demonstrating that the SLA would experience low to negligible change outwith the 2km radius. In addition, the response by WoSAS and the cultural heritage assessment underline that the development has no adverse impact upon cultural heritage.

Receptor	Susceptibility & Value	Level of Change	Effect
Special Landscape Area	High to Medium	Potential intervisibility is generally limited to the area immediately surrounding the proposed turbine, and an area south of the A760 around Cock Law and Brown Hill. As illustrated by the two hilltop visualisations from Misty Law (Viewpoint 5) and Irish Law (Viewpoint 6), the level of change lessens with distance and it is anticipated that a high level of change would be limited to approximately 2km radius. The level of change would quickly decrease with distance so that the majority of the SLA would experience a low to negligible level of change.	Moderate/ Major (Significant) Locally Minor/ Negligible (Not Significant) Elsewhere
Clyde Murshiel Regional Park	High to Medium	High locally, within approximately 2km of the proposed turbine for the same reasons as noted above. Low to Medium within the remainder of the CMRP for the same reasons as noted above.	Moderate/ Major (Significant) Locally Minor/ Negligible (Not Significant) Elsewhere

3.2.2 ENV 9

In relation to policy ENV 9 the ROH states the following:

Policy ENV 9 deals with Nature Conservation and covers a range of international, national and local wildlife designation. The policy presumes against developments that would adversely affect the integrity of such areas.

The proposal was subject to several environmental studies, including a Preliminary Ecological Appraisal and a hydrology study, as noted above. Subject to the adoption of certain mitigation measures, as recommended by the studies, the applicant considers that the nature conservation issues raised can be resolved satisfactorily. However, consultation responses from Scottish Wildlife Trust indicate a number of concerns with the proposal in terms of nature conservation, especially in relation to wild birds, as noted above. Scottish Natural Heritage (SNH) has not, however, expressed such a view, and although the site is within 1.5km of the SPA/SSSI, SNH considers the site to be unattractive to hen harriers. Nonetheless, SNH has expressed other concerns in relation to the wild land area designation at the site and surrounding area. Further environmental matters have been raised by third parties who have objected to the proposal. On the basis of these concerns, it is not considered that the proposal would not have any adverse effects on the integrity of the wildlife designations in the vicinity of the site. As such, the proposal would not accord with Policy ENV 9.

Response:

The report of handling handles policy ENV 9 with confusion, by relating opinions expressed by SNH on the policy of nature conservation and landscape. Moreover, the Report of handling has failed to take cognisance of the relevant ecological appraisal undertaken by relevant professionals and submitted with the application, instead relying on uninformed opinion of a handful of objectors and the misinformed submission of the SWT.

The SWT response quotes the supporting statement out of context in so far as it refers to a breeding bird survey area over 2km from the proposed development site and we would refer them to the statement by SNH in which no detriment to breeding birds or raptors is acknowledged. As addressed by the Preliminary Ecological Appraisal and the SNH Consultation Response, the statement of the SWT is incorrect as the site area is unsuitable for nesting, breeding and hunting. The response of SNH states there would be no adverse ornithological or ecological impact as a result of the development as well as no impact on designated areas of the SPA and SSSI.

It is the policy of the CMRP to promote and foster sustainable development within the surrounding areas of the park. Despite this, no investment of note has taken place within the Garnock Valley or wider North Ayrshire despite North Ayrshire forming the majority area and the local authority's contributions to the management of the park. This proposal will see **realisable investment** in the CMRP area through projects promoting natural and cultural heritage and healthy activity amongst other issues.

The Board of the CMRP, including the two representatives of North Ayrshire Council, has received planning guidance from their Planning Adviser, Mr Fraser Carlin of Renfrewshire Council, that is clear in stating that existing CMRP 'policy' on windfarms constituted an 'opinion rather than a policy' and was not 'robust enough to withstand scrutiny' at a Planning Committee Hearing or PLI.

The proposed turbine location has been selected due to the micro siting process allowing for limited ecological impact located outside of carbon-rich soil, deep peat and priority peatland habitat as identified by the SNH heat map. The proposal is instead located on "acid grassland" which the North Ayrshire Local Biodiversity Action Plan (LBAP) sets out: "large expanses of uniform, acid grassland occur in the uplands and are considered to have limited biodiversity interest". This is agricultural land unsuitable for breeding and hunting of raptors as acknowledged by SNH and will have no impact on designated SSSI and SPA sites.

As per the supporting statement section 4.5: "the development will not have a significant effect on ecology, ornithology and biodiversity receptors and as such, accords with Policy ENV 9: Nature Conservation and General Policy H.

3.3 General Policy

In terms of general policy the ROH states the following:

Turning to the General Policy, the relevant criteria are discussed below:

Criterion (a) Siting, Design and External Appearance, (b) Amenity and (c) Landscape character have all been discussed extensively above in terms of Policies PI 9 and ENV 7.

The proposal also requires to be considered in relation to criterion (d) Access, road layout, parking provision. In this respect and Abnormal Loads Route Access Assessment has been submitted. This report indicates that alterations would be required at various locations en route to allow the delivery of the large turbine parts (e.g. tower and rotor blades). The proposed widening of the existing narrow access track to 5m with 1m verges either side over a distance of 1km would further increase the environmental impact of the development on the upland landscape leading to the site from the former Pundeavon Reservoir. [Note: The stone surfaced access track north of the former reservoir is temporary and was formed to facilitate pipe laying works for a hydroelectric power development near Holehouse Farm. This track requires to be removed upon the completion of a hydroelectric development.] Therefore, whilst access could potentially be achieved through a combination of road improvements and reconstruction, the effect of such engineering operations would further damage the natural landscape character of the upland, wild land area due to the scale and design of the proposed track.

There are no other relevant matters in terms of the General Policy.

Response:

The development complies with General Policy (a), (b), (c) and (d) (h).

As assessed in section 4.2 of this response document and contrary to claims in the ROH the proposal would not have any unacceptable environmental impact in regards to the access road i.e. General Policy (d) as the current track is extant and is **5.2m wide** at the site area with any further works required being minor. The Development would generate only small vehicle movements during construction and during future maintenance operations. Off road parking during construction would be provided in the temporary construction compound. **The upgraded access track would also improve public access to the area as an indirect consequence of the Hydro Development.** The Council considered this of value to the Pundeavon Hydro application (Planning Reference: 15/0068/PP). As such, the Development accords with General Policy (d) regarding access being compliant with North Ayrshire Council's Roads Development Guidelines

As the noise levels associated with Development are considered acceptable noise, it complies with General Policy (b) in terms of amenity. In terms of General Policy (b), it is also worth noting that the Development would NOT have any adverse effects on neighbouring land uses in terms of smoke, soot, ash, dust or any other form of environmental pollution generated by the Development. Given the limited number of vehicles associated with the construction of the Development, and the temporary nature of the installation phase, it is anticipated there will be no notable effects on air quality as a result of the Development. There are no safeguarding zones and the precautionary principle (General Policy (f)) is not considered relevant to the Development, as there is policy support for renewable energy developments when the various criteria are met. The Development will not have an adverse effect on the integrity of a 'Natura 2000' site and therefore, complies with General Policy H.

4. Inaccuracies Within Report of Handling

4.1 Previous applications

The Report of Handling also contains several misinterpretations or inaccuracies. Under listing of the previous applications it states none and then goes on to mention several other locations within the overall report including at the top of page 10 where a previous windfarm application for 24 turbines by a commercial developer is drawn as comparison to this single turbine community development which is explored further in section 4.4 of this appeal document.

In terms of planning history, an application for the development of a 24-turbine wind farm at Ladyland Moor, which includes the application site, was refused on 24th February 2009 (ref. 07/00761/PP). The grounds for refusing the application were based on the "significant adverse impact on Clyde Muirshiel Regional Park resulting from its adverse landscape and visual impact, cumulative visual impact and being detrimental to recreational and tourism interests and the enjoyment of visitors to the Regional Park and the wider area in general."

There is also no mention of the approved Pundeavon hydro scheme which is in the vicinity and has resulted in the access track being extended a further 2.5km beyond the turbine site of RCA. There is a long list of man-made development in the vicinity and approved planning applications that have failed to be addressed and given adequate consideration among these are;

- 04/00076/PP - Ladyland Moor, Erection of temporary 50 m met mast for 2 years – approved subject to condition in April 2004;
- 06/00843/PP - Erection of temporary 50 m met mast for 2 years – approved subject to condition in August 2006;
- 06/00844/PP - Erection of temporary 50 m met mast for 2 years – approved subject to condition in August 2006;
- 06/00700/PP - Site to north of burnt hill, erection of met mast – approved subject to condition in September 2006;
- 09/00144/PP - Site to west of Waterhead Moor, erection of 2 temporary 70 m met masts – approved subject to condition in May 2009;
- 15/00295/PP - Site to the North of Gogo Water, 500 kw hydropower scheme – approved subject to condition in May 2015;
- 15/00167/PP - Greeto Hydro Scheme, 817 kW hydro scheme – approved subject to condition in July 2015; and
- 15/00683/PP - Pundeavon Reservoir, 900kW Hydro Electric Scheme – approved subject to condition in December 2015.

4.2 Access Track

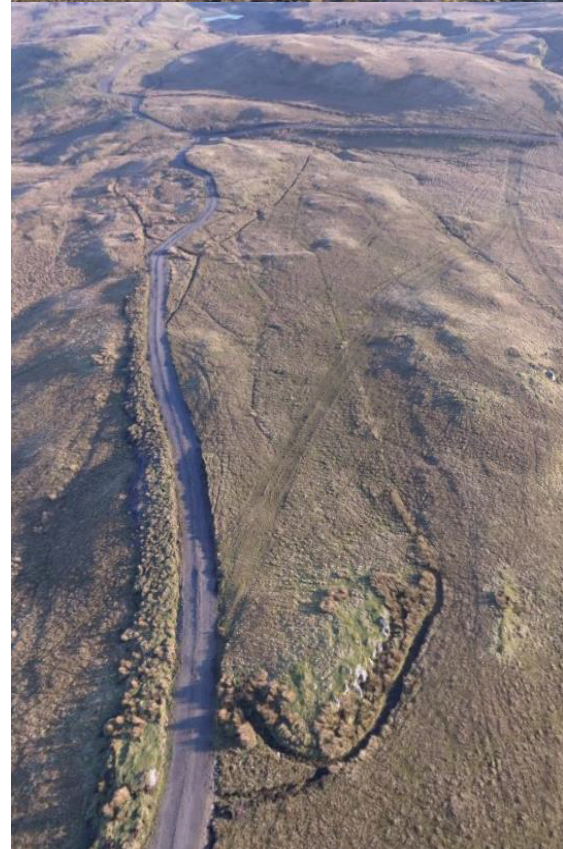
The report of handling is also confused regarding the access track for the development:

"In order to construct the development, it is also proposed that an existing 3.5m access track leading to Kings Burn from Plan Farm via the former Pundeavon Reservoir would be reconstructed and widened to 5m with 1m verges either side"

The site location already has extant access constructed from the former Pundeavon Reservoir and subsequently extended as approved by NAC Planners which is used for agricultural purposes and to

facilitate access for the Pundeavon hydro scheme (Planning Reference: 15/00683/PP). This “track” could be deemed a road as it is 5.2m wide at the site area for context a standard carriageway is deemed to be 5.5m wide. Moreover, it is worth noting that the Council also agreed there were no impacts on the CMRP for the Pundeavon hydro scheme which is currently under construction and the report of handling of which states that *“the improved access track would also improve public access to the area as an indirect consequence of the proposed development”* and as such, could facilitate further recreation in the CMRP.

As the picture of the site below show (at site location facing south towards Kilbirnie) shows a standard saloon style car can easily access the site via the 5m wide track which continues approximately another 2-3km north of the proposed development site shown bottom right with borrow pits and agricultural use visible.



As evidenced below this track continues far beyond the development site around 2.5Km north into the SPA/SSSI area for the council approved Pundeavon Hydro Scheme traversing the “wild land area” at a far greater scale than the proposal.



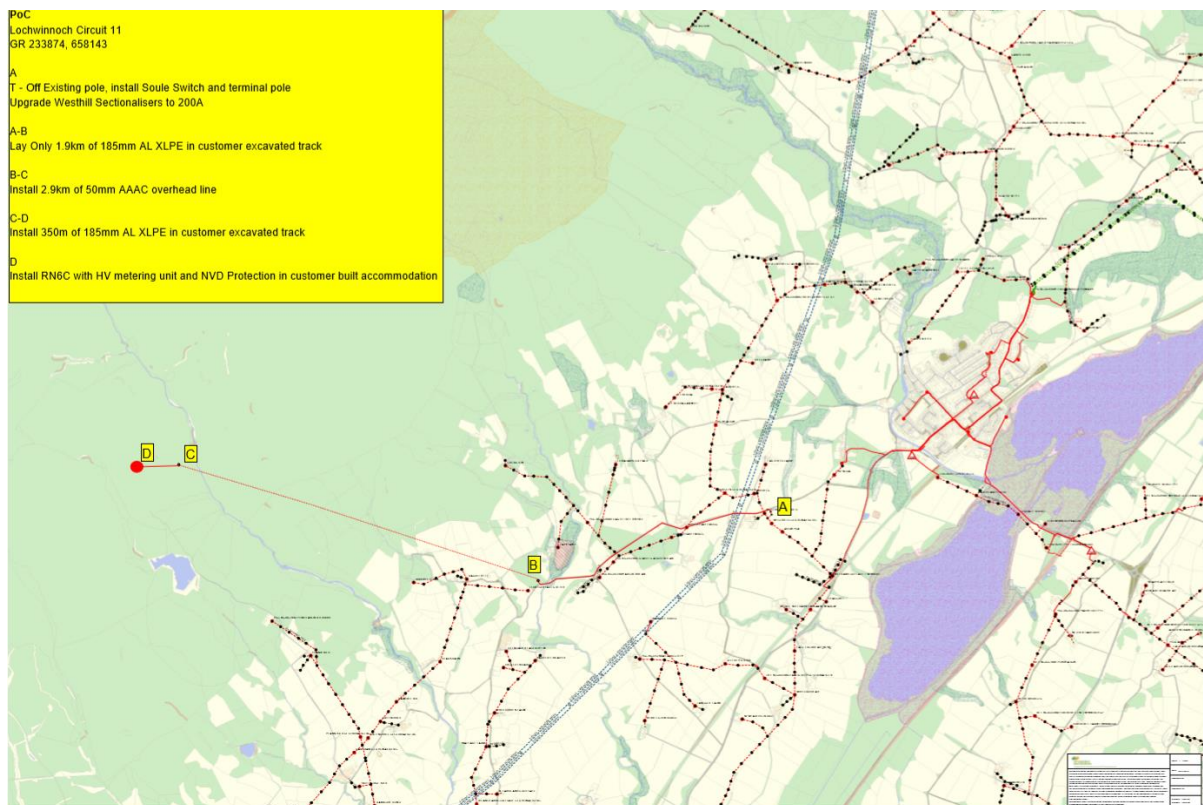
4.3 Grid Connection

The Report of Handling Page 7 (Paragraph 3) states: “At this stage, the precise route for a grid connection is not known”. The Supporting Statement submitted in the original request for planning permission states multiple times that grid connection has been secured. Section 2.1 Project Development which states connection date of August 2019 and Section 2.2.6 Grid Connection, shown below detailing the precise location with grid co-ordinates, distance from the proposed development

and circuit number. In addition, a grid connection route provided by SPEN subsequent to offer of grid connection is also below.

2.2.6 Grid Connection

Although the grid application will be subject to a separate planning application, a key of the Site is the proximity to existing electricity infrastructure which can facilitate the grid connection. The Applicant has held initial discussions with Scottish Power Energy Networks (SPEN) and has a grid offer at Lochwinnoch Circuit 11 (NGR: 233874, 658143), approximately 4.8 km from the Development.



4.4 Ladyland Moor Planning Application (07/00761/PP)

Reference is made to planning application 07/00761/PP as part of North Ayrshire Council's report of handling. It is unclear as to why this was included especially given the statement of no planning history on the site at the beginning of the ROH.

Reference and drawing comparison to this previous planning application is inconsistent (as above) and inappropriate as it is a commercial development of a much greater in scale with much greater visual impact than our proposed development, comprising 24 turbines as opposed to our single such.

In terms of planning history, an application for the development of a 24-turbine wind farm at Ladyland Moor, which includes the application site, was refused on 24th February 2009 (ref. 07/00761/PP). The grounds for refusing the application were based on the "significant adverse impact on Clyde Muirshiel Regional Park resulting from its adverse landscape and visual impact, cumulative visual impact and being detrimental to recreational and tourism interests and the enjoyment of visitors to the Regional Park and the wider area in general."

As this proposal is for a single community owned and operated turbine and not wind farm scale commercial development it should be considered by planners to be a more acceptable proposal in terms of its limited landscape & visual impact and its considerable economic benefit should be a significant material consideration with the ROH reference to a refused development of 24 turbines irrelevant to both these factors.

5. Material Considerations within Report of Handling

5.1 Considerations in ROH

The ROH states the following:

Turning to other material considerations, it is noted that the applicant wishes significant weight to be attached to both community ownership and the potential regeneration benefits for the local area from the income generated by the turbine over its lifespan. The applicant estimates that this would amount to £300,000 per year or £6 million in total.

Whilst both factors are significant, the key spatial planning issue is whether or not these potential benefits would outweigh development plan policy, and whether the chosen site is essential to secure these outcomes. Fundamentally, land use planning is spatial, and has the role of directing development to appropriate places. The application site and the surrounding upland area is provided with a significant level of protection in terms of the adopted Local Development Plan, as has been discussed above. Therefore, prior to the submission of the application, the applicant was asked to consider a number of other less sensitive sites, including within existing windfarm areas nearby, and at lowland locations outside the Regional Park altogether.

In response, the applicant advised that other such options were considered, but ultimately discounted on the basis that the sites that were investigated were not available or that it could result in a different host community having to accept the environmental impacts of the development without any benefits to them.

The applicant also advised that other sites investigated may not have generated the same level of financial return, potentially rendering the development unviable or substantially reducing the income for spending on local regeneration projects.

A smaller turbine (or turbines) may also generate a revenue stream, but even a reduced scale of turbine (i.e. lower height) on the same site would raise broadly similar issues in relation to the high sensitivity of the landscape. In terms of the Landscape Capacity Study, only small turbines (15m - 30m height) are ranked as having medium sensitivity within the Upland Core area.

A further option would be the development of a number of smaller turbines at another, less constrained location (or locations), thus limiting the vertical scale and extent of the associated landscape and visual impacts. Such alternatives are not before the Council and would need to be the subject of separate application(s).

Over the last decade, the Council has acted, through planning policies and landscape capacity studies, to direct large-scale wind turbine developments away from the Upland Core area of Clyde Muirshiel Regional Park. The level of

protection has arguably increased since the refusal of the Ladyland Moor windfarm application in February 2009, with a much clearer spatial strategy now in place to provide a robust framework for decision making. The 2014 Wild Land Designation by SNH has added another layer of protection for the Upland Core area, with other manmade developments, such as an underground pipeline serving a hydro electric generator near Holehouse Farm, being of lesser scale than the proposed wind turbine.

Whilst noting that the applicant has strongly argued that the application site is the most suitable from the applicant's perspective, and that the impacts on the landscape are merely 'subjective,' it is not agreed that the potential benefits of the project are entirely dependent only on this particular site for their realisation, notwithstanding the efforts of the applicant to mitigate and reduce environmental impacts through the consideration of constraints.

As noted above, the application site is particularly constrained, and it is considered that its development in the manner proposed would erode the special landscape character of the location. It is therefore not agreed that this is the most appropriate site for a large-scale wind turbine. The potential benefits that could be gained by the community in terms of ownership, low-carbon energy generation and revenue are not considered to be sufficient mitigation in this particular case, as the long term effects on the Upland Core landscape would be very significant and permanent, with re-powering a likely outcome beyond the lifespan of any initial development.

Response:

Planners response while effectively noting the ‘material consideration’ of the economic benefit accruing to the local community as ‘significant’ in the context of the job creation and investment inherent in the proposal, grossly underestimates and virtually ignores both the scale of the potential benefits accruing over the lifetime of the project (25 years) and the regeneration impacts of the wider ‘Electric Valley’ concept of the proposed development and the integral nature of the Turbine and its location to the economic development potential of the project.

Put simply, who else do planners envisage **investing £6m (net) in the Garnock Valley** over the lifetime of this project – or at all – and who else plan to create or even sustain 18 FTE jobs pa for 10 years on a permanent basis as envisaged in this application?

Planners then head off at a tangent to argue that the ‘key issue’ is planning in a ‘spatial’ context as opposed to an economic development context when in fact, the North Ayrshire Council Planning LDP Main Issues Report begins its Foreword and Executive Summary by Councillor Alex Gallagher, Cabinet Member – Economy with the following statement;

“We are reviewing our adopted Local Development Plan (LDP1) to ensure that we continue to capitalise on our outstanding towns and natural environment to make the most of our economy and bring benefits to our communities.”

Again, put simply, and contrary to what Planners are arguing in RCA's application, the LDP 2 has been specifically developed to **maximise** economic development benefit and particularly ensure that **'our communities' are beneficiaries** of this revised LDP.

It is clear therefore that the first test of the 'key spatial planning issue' of the revised LDP is met by virtue of the fact that the proposal contains defined and unprecedented (in North Ayrshire) economic development benefits which would not only outweigh the negligible landscape and visual impact as a single turbine scheme but that it *fully complies* with the spatial planning imperatives for the Council as outlined in the Cabinet Member's Forward to the LDP 2 Consultation itself.

The second test set by Planners in their own words, irrespective of the LDP's ambitions in this regard, is whether the chosen site is essential to secure these outcomes.

Although Planners pointedly ***ignore*** the series of pre-planning meetings that led to the site's selection (see Pages 20 -25 above) , this test too is passed by RCA as it was the subject of considerable pre-planning discussion with Planners when at their behest again RCA conducted an independent survey by Prevailing Ltd of alternative sites suggested by them (Planners) which demonstrated without contradiction that ***the only site*** (in spatial terms) suitable to secure these 'essential outcomes' in economic development benefit is indeed the one ultimately chosen – subsequently ***micro sited*** 620ms south west of its original location to ***further minimise*** the environmental, landscape and visual impact of the development within the overall area concerned.

At Planners *specific* behest RCA procured a comparison of the economic development benefits of two competing sites at the Lochshore area and demonstrated conclusively that not only would the lower wind speeds prevalent at these sites preclude an economically viable development, in the context of securing the required return on the capital deployed to pay off interest on the loan capital secured and provide future revenue streams for the community, but that for any such scheme to even border on the viable it would require turbine tip heights in excess of 130m and be too close to existing settlements.

RCA also contacted, again at Planners *specific* behest, two existing commercial operators, RES at Kelburn and CWP at Dalry to enquire if *either* commercial company would consider a joint venture with RCA and local landowners to construct a community owned and operated WTG in the curtilage of their existing windfarms to meet Planners wishes.

RES told RCA that it didn't support community ownership of WTGs and was in the process of redefining their 'community benefit' contributions to local communities where new development was being proposed to stop such payments in the wake of the premature closure of the Renewable Obligations subsidy in July 2017. CWP didn't even respond to three separate requests to meet and discuss a joint venture with them in conjunction with Dalry or Millhourhill.

RCA also looked at a site proposed by Planners in Barmill with extant planning permission but again the wind speeds at that site precluded a viable development and in any event contradicted RCA's own policy that community benefits should be re-invested in the 'host' communities rather than being hosted by a community which wasn't then the main beneficiary of the revenue from the development itself – as this would simply ape the behaviour of those commercial companies like RES who are responsible for imposing L&V impacts on communities like Kilbirnie & Glengarnock and Beith & Barmill but then distribute the *absolute minimum* benefits to communities like Largs, Millport and Fairlie for whose residents the L & V impacts are non-existent!

The Planning response (above) notes that:

“A smaller turbine (or turbines) may also generate a revenue stream, but even a reduced scale of turbine (i.e. lower height) on the same site would raise broadly similar issues in relation to the high sensitivity of the landscape. In terms of the Landscape Capacity Study, only small turbines (15m - 30m height) are ranked as having medium sensitivity within the Upland Core area.”

This only serves only serves to demonstrate the absurdity of the Planners position in a spatial context as it represents an effective **moratorium** on development irrespective of their LDP 2 objectives of maximising the economic development benefit to the area and sharing that with local communities as an instrument of Planning Policy.

Here again Planners confuse RCA's single turbine community owned and operated turbine with previous much larger commercial applications that have no direct relevance to this application other than the RCA's application shares one 1/24 or c 4% only of the ecological and environmental footprint of for example the former Wings Law Application while returning considerably more in development benefit. It is worth repeating in this context and at this juncture that the net returns to the local community from this **single turbine would exceed ALL the net returns from ALL the other operational turbines in the NAC area.**

Planners however persist with their view – irrespective of the above - that it is *not* agreed that the potential benefits of the project are entirely dependent only on this particular site for their realisation BUT provide no evidentiary base to substantiate this statement, even going as far to argue that - without any economic foundation whatsoever - that a further 'option' would be the potentially controversial development of a number of 'smaller turbines' (sic) at 'another, less constrained location (or locations)' without reference to those already studied thus far which precluded same – apparently with a view to 'limiting the vertical scale and extent' of the associated landscape and visual impacts of a single turbine with an unspecified number of so called 'smaller turbines'. Quite how multiplying the spatial visual impact of multiple turbines is compatible with 'limiting ...the extent' of the visual impact is left unexplained, unsurprisingly.

In fact, as evidenced in pages 20 -25 of this Appeal Document, Planners actual advice to RCA in this context was included in their e mails to RCA and six meetings with RCA and CARES where Planning Officer Anthony Hume confirms that: *“there would be a difference if the proposal were to deliver benefits that could be more measurable and direct* (our italics). As opposed to spin-offs which might or might not materialise. The challenge, therefore, would be to build a case around a package of benefits which could accrue whilst also addressing and attempting to mitigate any environmental impacts.”

5.2 SPP

The report of handling states:

Another material consideration applicable to the proposal is Scottish Planning Policy, which offers guidance on renewable energy developments. SPP was published in June 2014 and is therefore slightly more up to date than the LDP, which was adopted in May 2014. Among other things, SPP advises that “development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales - including extensions and re-powering - taking account of the considerations set out at paragraph

169," where it is highlighted that "proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities."

Response:

In response the proposal would not establish precedent for extension as each application is dealt with on its merits and the granting of one wind turbine does not in any way guarantee that a separate application would be approved. The council address this in their report of handling for a similar application; **"Regarding the point raised with the undesirable precedent, each application is dealt with on its merits and the granting of one wind turbine does not guarantee that a separate application would be approved"**, (Report of Handling 11/00408/PP paragraph 2, p4).

This refusal reason should be dismissed because of the inherent double standards in the council's decision making. This proposal is for a single turbine in community ownership not a multi-turbine windfarm for a commercial developer. The economic impact including socio-economic benefits have not been assessed adequately and not been given appropriate consideration by council planners in line with **SPP 2014** - including the direct community benefit of reinvestment of a minimum £6m of revenue and creation of an estimated 18FTE jobs created/safeguarded per annum as set out in the support statement and econometric model.

The refusal reason also ignores current commercial realities that would mean any commercial developer would require to use turbines that are upwards of 20ms higher at tip height than that proposed by RCA to secure any sort of return to shareholders and of course a commercial developer could not even hope to match the economic development benefit generated by the RCA Community WTG which of itself is the 'material consideration' that warrants it's approval.

SPP 2014 states the following:

This SPP introduces a presumption in favour of development that contributes to sustainable development.

Going on to state:

152. NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government's Report on Proposals and Policies. Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore.

It is clear therefore that the purpose of planning policy is to be supportive of development such as this proposal as it contributes to the aims of sustainable development and reduction of carbon emissions This is further established in the setting out of the vision of SPP:

1.2 Our vision is a Scotland which is:

- a successful, sustainable place. We have a growing low carbon economy which provides opportunities that are more fairly distributed between, and within, all our communities. We live in high quality, vibrant and sustainable places with enough, good quality homes. Our living environments foster better health and we have reduced spatial inequalities in well-being. There is a fair distribution of opportunities in cities, towns and rural areas, reflecting the diversity and strengths of our unique people and places.*
- a low carbon place. We have seized the opportunities arising from our ambition to be a world leader in low carbon energy generation, both onshore and offshore. Our built environment is more energy efficient and produces less waste and we have largely decarbonised our travel.*
- a natural, resilient place. Natural and cultural assets are respected, they are improving in condition and represent a sustainable economic, environmental and social resource for the nation. Our environment and infrastructure have become more resilient to the impacts of climate change.*

The SPP 2014 clearly recognises therefore the need to promote inclusive growth to reduce inequalities through the creation of a low carbon economy as well as tackle climate change. This is not examined within the report of handling and is therefore not taking full account of the vision of the SPP.

Furthermore, the following aims are stated within the vision of SPP:

1.6 A sustainable, economically active rural area, which attracts investment and supports vibrant, growing communities, is essential to our vision. Within this, we recognise the collective national importance of our networks of rural towns and villages. We are committed to safeguarding our natural and cultural assets and making innovative and sustainable use of our resources.

2.6 Our strategy aims to ensure that all parts of Scotland make best use of their assets to build a sustainable future. Planning will help to create high quality, diverse and sustainable places that promote well-being and attract investment.

3.2 At present, the energy sector accounts for a significant share of our greenhouse gas emissions. To address this, we need to employ our skills and innovation to help capitalise on our outstanding natural advantages.

In addition, SPP fully recognises the value of community ownership of renewable resources stating the following:

it is recognised as an opportunity to improve the long-term resilience of rural communities. We are seeing more communities benefiting from local ownership of renewables

Going on to state that:

3.24 Local and community ownership and small-scale generation can have a lasting impact on rural Scotland, building business and community resilience and providing alternative sources of income. Collectively, the potential benefits of community energy projects are nationally significant.

12. We will build on progress to date to deliver our target of 500 MW of community and locally owned renewable energy and promote greater benefits from renewable energy generation.

The socio-economic benefits of community ownership are therefore clearly recognised within SPP but not within the ROH, therefore the report of handling is flawed in its interpretation of SPP. The socio-economic benefits of the proposal would be significant and should be considered as a material consideration with presumption in favour of the development. As the following letter from Scotland's Chief Planner John McNairniey to All Heads of Planning in Scotland states:

Local Government and Communities Directorate
Planning and Architecture Division

T: 0131-244 7888 F: 0131-244 7949
E: chief.planner@gov.scot

All Heads of Planning



Our ref: A12537067
11 November 2015

Dear Colleague,

Energy Targets and Scottish Planning Policy

On 22 June this year Amber Rudd, UK Secretary of State for Energy and Climate Change, made a statement to the UK Parliament stating that there is enough onshore wind in the pipeline to meet the 11-13GW of electricity from onshore wind by 2020. This statement was made in the context of the UK Government's decision to bring an early closure to the Renewable Obligation subsidy scheme. The statement went on to confirm that community led wind energy remained supported and was clear that onshore wind is an important part of the current and future low-carbon energy mix.

I am writing to you to re-emphasise that the Scottish Government's Scottish Planning Policy (2014) and Electricity Generation Policy Statement (2013) set out the Scottish Government's current position on on-shore wind farms and that this remains the case.

The Scottish Government's target is to generate at least the equivalent of 100% of gross electricity consumption from renewables by 2020. The Electricity Generation Policy Statement is clear that this target is a statement of intent and that it is known Scotland has the potential resource to deliver and exceed it.

Scottish Planning Policy on delivering heat and electricity is clear that the planning system should support the transformational change to a low carbon economy, consistent with national objectives and targets, including the 100% target mentioned above. This does not place a cap on the support for renewable energy developments, including on-shore wind once the target has been reached.

We expect development plans to continue to provide spatial frameworks for onshore wind in accordance with the approach in Scottish Planning Policy and that individual decisions be informed by the relevant development plan policies, themselves informed by the considerations set out in paragraph 169 of Scottish Planning Policy.

Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot



Whilst the ownership of any development is not a material consideration in determining the acceptability of the development in planning terms, in National Planning Framework 3 and the Electricity Generation Policy Statement the Scottish Government commits to achieving at least 500 megawatts of renewable energy in community and local ownership by 2020. National Planning Framework 3 paragraph 3.24 states 'Local and community ownership and small-scale generation can have a lasting impact on rural Scotland, building businesses and community resilience and providing alternative sources of income. Collectively the potential benefits of community energy projects are nationally significant.'

Scottish Planning Policy paragraph 169 is clear that net economic impact including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of planning applications for renewable energy applications, including on-shore wind. It is our expectation that such considerations are addressed in the determination of applications for renewable energy technologies.

While the Scottish Government's 500 MW target for community and locally owned renewables has recently been met, we will be reviewing it to maintain momentum, and our support for community and local ownership remains undiminished. The Minister for Business, Enterprise and Tourism recently launched the 'Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments'. This is an annex to the Community Benefit Good Practice Principles for Onshore Renewable Energy Developments. The guidance is based on the policy position of National Planning Framework 3 and Scottish Planning Policy. It is designed to assist planning authorities, communities and developers in considering a shared ownership renewable energy project within the planning system. I encourage you to become familiar with this guidance and highlight it to communities and renewable energy developers in your area. Local Energy Scotland assists communities and rural businesses through a variety of means including advice and support to access funding through CARES and and (in the case of communities) the Renewable Energy Investment Fund. If you or your colleagues are unsure whether the community involvement in a proposed development is meaningful you should consult Local Energy Scotland for advice: <http://www.localenergyscotland.org/>

You can download the good practice principles guidance from the Local Energy Scotland website at: <http://www.localenergyscotland.org/good-practice/>.

I trust this information clarifies that despite changes to UK policy the Scottish Government's policy remains unchanged. Our policy supports new on-shore renewable energy developments, including onshore wind farms and particularly community-owned and shared ownership schemes. This policy support continues in the situation where renewable energy targets have been reached.

Yours faithfully,



John McNairney

Chief Planner

Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot



Furthermore, SPP is supportive of the proposal to de-carbonise the Scottish economy in order to tackle the effects of climate change. The environmental objectives and the need to reduce emissions of CO2 contained within SPP are not recognised within the ROH:

6.10 We expect to see significant progress over the next five years and recognise that action is needed now to ensure that we also achieve our longer-term goals.

As well as delivering the suite of national developments, there are many other actions that need to be taken forward to deliver the aims of the spatial strategy in NPF3. The Action Programme for NPF3, which will be updated as delivery progresses, identifies the following 30 Actions which will ensure that the delivery

of priorities is co-ordinated with other strategies and targets for the Scottish Government and its agencies.

9. We will continue to take action to help generate the equivalent of 100% of Scotland's gross annual electricity consumption from renewable sources by 2020, with an interim target of 50% by 2015.

25. We will take forward the actions in the Climate Change Adaptation programme.

The ROH goes onto state further:

The spatial frameworks recommended by SPP for local development plans states that areas of wild land as shown on the 2014 SNH map, as well as areas containing carbon rich soils, deep peat and priority peatland habitats, should be treated as areas of significant protection from wind farm development. The site is within a wild land area in terms of the SNH map. It is outwith an extensive deep peat area by approximately 300 metres. It is therefore considered that, as per the above analysis, any weight that can be attached to the local and community socio-economic benefits which the proposal may generate would be outweighed by the location of the site within a wild land area, where, in terms of SPP, there is a presumption against wind turbine development.

Moreover, the status of SPP is non-statutory, and clearly highlights that the 1997 Planning Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Local Development Plan (LDP) provides the basis for decision-making and enables an assessment to be undertaken for renewable energy developments (such as wind turbines) and for developments within Special Landscape Areas, such as Clyde Muirshiel Regional Park.

Response:

The development is not in an area identified as having Carbon rich soils, deep peat and priority peatland habitats according to SNH Heat Map.

The Wild Land Area is not prohibitive to development as SPP 2014 states:

In areas of wild land, development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation

The turbine location has been selected with care, taking account of factors of ecology and landscape to mitigate against any perceivable adverse effect by 'siting and design.'

In addition, the 'Wild Land Area' is not a national designation that precludes development but rather our turbine site – as with the WLA in general- was not in original search area for wild land but then

added to it when SNH subsequently 'assessed' all of Scotland. RCA has asked SNH what unique factors made this area compatible with SNH Wild Land criteria in the 'desk top study' which created it when there is a distinct absence of these criteria in this location.

One of SNH's policy statements also suggests 'wild land should be viewed in context of surrounding area', which in our case is an industrialised West of Scotland and has to apply to all the criteria (below) being 'well expressed', which as Planners and the Council are aware are not in this instance (see below) as it is judged on a 'wider comparative context' – i.e. a less demanding context than the vast bulk of WLAs in the North and West of the country i.e.;

"There is a judgement to be made about the degree of fit of the criteria against setting, and this should be informed by considering how these criteria come together to create a strong expression of wildness, thereby to help identify wild land. There may also be a wider comparative context to be taken into account across the nation, in recognising small areas of wild land away from the north and west."

As we have pointed out and as Planners have confirmed in conversation with RCA, there is NO 'high degree of naturalness in either vegetation cover, which local SNH officer Graeme Walker himself described as 'overgrazed' and the only 'wildlife' present would be a few very common birds. Unless that is SNH want to count the 1800 sheep that graze there.

Far from there being a 'lack of modern artefacts or structures', again as Planners can testify to, our site is next to a 5.2m wide road, c 500m north of a Scottish Water reservoir and associated infrastructure such as a pumping house and associated pipework, weirs, borrow pits and walls and fences introduced by the farmer to contain the sheep grazing there. The road, weirs, borrow pits, drainage ditches and fencing etc extend over 2.5Kms beyond our site to the north well into the Special Protection Area and SSSI.

All this amounts to substantial 'evidence of contemporary human uses of the land', e.g. Agriculture, Water supply, and Hydro Power Renewable Energy generation. As Planners are also aware the landform concerned is neither 'rugged' nor 'physically challenging' and far from being 'remote' or 'inaccessible', as Planners know from their approval of the Pundeavon Hydro Scheme and Greeto Hydro Scheme – also in the WLA - it is a ten minute drive from the town centre.

SNH originally in their response of the 10th of January to North Ayrshire Council Planners reported that "we (SNH) were satisfied with the level of survey and with the mitigation recommendations provided within the Preliminary Ecological Appraisal Report" which RCA think to most, including NAC planners, would be seen as an endorsement of the proposition.

Previously, when approached by Radio City's partners in this process, the Scottish Government's Community and Renewable Energy Scheme (CARES), SNH (Kenny Taylor) sent the following email to Chris Morris for the CARES Board on 23 March 2018 (below):

"From: Kenny Taylor [mailto:Kenny.Taylor@snh.gov.uk] Sent: 23 March 2018 10:15 To: Chris Morris Subject: RE: CARES loan application review - Radio City

Dear Chris,



I've discussed this proposal with the Area team who know about the hen harrier use of Renfrewshire Heights SPA. We wouldn't foresee any Likely Significant Effect (LSE) on the hen harrier qualifying interest of the SPA. The nearest breeding sites are too far away (beyond the 2km connectivity distance).

The habitat around the turbine looks like grassy/rushy moorland – probably good hunting habitat but not much use as nesting habitat. So, birds are unlikely to be nest prospecting/displaying or fledging around here – the behaviours we believe bring higher risk of collision with a turbine. Not only is the risk low in principle, but hen harriers have been very few and far between in the last few years, so I don't think we should recommend any vantage point watches for hen harrier.

If there is no LSE an appropriate assessment wouldn't be required (planning authority would do this). They wouldn't have to provide information to inform an appropriate assessment.

You'll be familiar with the guidance on our website about what surveys they should consider, if this goes forward.

Kind regards, Kenny"

It was a matter of considerable surprise to RCA, therefore, given SNH's prior two statements which contained no objection to the RCA proposal and following SNH's failure to respond to RCA contacting them on 6th December 2018 to confirm their intention to submit a planning application and *offering to engage* with them on any outstanding issue, including the WLA, to learn at second hand on the 8th February 2019 that SNH had performed a u turn on their prior acceptance that the RCA WTG would not adversely affect the local environment including the SSSI and SPA to the north of the site and instead issued a 'holding objection' to the proposal pending a 'wild land assessment'.

RCA duly contacted SNH to express our concern that the community had been ignored in SNH's deliberations and on request, provided the following briefing note for SNH Vice Chairman Angus McLeod setting out RCA's case for support for their Community turbine:

It remains unclear what 'additional information' is required by SNH regarding a Wild Land Assessment and the response contains a prejudicial caveat that they would likely object in any event.

RCA accepts the SNH statement that there will be no Likely Significant Effect (LSE) on ornithology as well as no impact upon the SPA or SSSI or wider ecology.

Landscape impact is addressed within the LVIA and section 5.2.2 of the supporting statement. Visually the turbine is restricted in views from the WLA and does not impact on 'wildness' of core area affecting only 3 degrees of a 360-degree panoramic view from atop Misty Law one of the highest points in the west of Scotland and within the WLA having no significant impact.

There is a long and varied history of 'man made' development in this area including agricultural use, hydroelectric development across the WLA including the Greeto,

Gogo and Pundeavon Hydro Schemes, historic uses including mining activity and a century old reservoir and associated development

Commercial Forestry has been approved by the FCS as part of the Halkshill and Blairpark Forestry Scheme. The EIA for the approved stated that “The impact on the attributes of wildness varies over the Wild Land Area. The core area where the sense of wildness is strongest would be little affected and the level of impact on this area was considered negligible to minor and not significant.”

Agricultural use and human activity in the area have existed for centuries in this area. For example, within 2km of the site lies Glengarnock Castle present since the 12th century as well as Pundeavon Reservoir constructed in 1907, as well as modern agricultural use with a flock of 1800 sheep grazing there. This is not ‘wild land’ as defined by SNH or as understood by the term.

The Ayrshire and Arran Woodland Strategy Map considers the proposed development area as being potential and suitable woodland, as the map below shows. If this is the case then it can be assumed that the visual and ecological impact of for instance Sitka Spruce, the most common forestry planting (a non-native species growing up to 100m tall) could be said to not detract from the core WLA, this is no different in terms of land and visual impact than the proposed development.

The SPP 2014 is not prohibitive against development in WLA: “In areas of wild land, development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.” RCA has demonstrated there is no significant effect on the qualities of this WLA and that through micro siting of the proposed turbine and other mitigation measures substantially overcome any significant effects perceived by SNH on the WLA.

There is precedent in Scottish Planning Policy derived from the Court of Session case [CSOH 113 P41/17](#) which upheld the decision of Scottish Ministers to grant planning permission for 5 wind turbines with tip height of 125m located within Wild Land Area 37 in 2017.

Using SNH own criteria the site is not within what could be called a WLA. SNH wild land maps were developed from a model based on the presence of five physical attributes and the perceptual responses they evoke as follows:

<i>Physical Attributes</i>	<i>Perceptual Responses</i>
<i>A high degree of perceived naturalness in the setting, especially in its vegetation cover and wildlife, and in the natural processes affecting the land.</i>	<i>A sense of sanctuary and solitude.</i>

<i>The lack of modern artefacts or structures</i>	<i>Risk, or for some visitors, a sense of awe or anxiety, depending on the individual's emotional response to the setting.</i>
<i>Little evidence of contemporary human uses of the land.</i>	<i>Perceptions that the landscape has arresting or inspiring qualities</i>
<i>Landform, which is rugged, or otherwise physically challenging.</i>	<i>Fulfilment from the physical challenge required to penetrate these places.</i>
<i>Remoteness and/or inaccessibility.</i>	

By the criteria above the site area could not be characterised as a WLA, human activity is widely visible within the site area including signs and settlements, electricity pylons and properties and agricultural and other commercial uses are widely visible within the vicinity of the site. It is possible to drive a standard family car to the site location. It is neither remote nor inaccessible.

SNH own assessment states that the wildness of the area surrounding the site is already impacted by factors such as fencing, drainage ditches, sheep pens and borrow pits clearly visible from the site of the development and extending to Black Law.

SNH further refer to RCA, not submitting 'sufficient information on the effects on the wild land qualities' yet at NAC Planners behest we wrote on RCA's behalf to SNH on 5th December 2018 to 'offer to discuss' all of these matters and to host a meeting at Radio City or in their office in Ayr, to 'answer any question or query you (sic SNH) may have on any aspect of our proposal' yet SNH ignored our offer and didn't even have the courtesy to acknowledge its receipt. Now several months later SNH ask RCA to agree the 'scope' of the wild land assessment they claim is additionally now required to enable SNH to remove their objection - adding the prejudicial caveat that there is a 'strong possibility' that SNH would object in any event.

RCA asked SNH why RCA Ltd as a community organisation is required to undertake a 'wild land assessment' when other commercial organisations operating for commercial gain in the same vicinity (see above) as our proposal and with arguably substantially greater 'adverse effects' on the 'Wild Land Area' have NOT

been required by SNH to undertake such an assessment? We have yet to receive their response.

COIGACH COMMUNITY WIND TURBINE NEAR ACHILTIBUIE

SNH DID NOT object to an application by Coigach Community CIC which owns and operates a 77m tall 500 kW wind turbine in Coigach, in a National Scenic Area (NSA) near Achiltibuie. NSAs are national designations. WLAs however are identified as nationally important in Scottish Planning Policy but are NOT a statutory designation.

They concluded that “whilst there will be some adverse effects on the special qualities of the Assynt - Coigach National Scenic Area, these are not considered to be significant and will have no effect on the integrity of this designation. However, any further proposals for turbines at this location or along this stretch of coastline would be likely to have significant cumulative impacts affecting the qualities of the NSA. Any consent for this proposal should not be taken as an indication that further turbines could be accommodated without affecting the integrity of the NSA “

The turbine was commissioned in 2017 with the aim, as with RCA, of providing a regular income stream to support the community of Coigach, which is situated on a remote peninsula in the Northwest Highlands of Scotland and has generated over 800,000 kWh of clean energy to date. It was built on Peat Land as identified within SNH’s Carbon and Peatland Map which identifies ‘carbon rich soils, peat and priority peatland habitat.’ RCA’s proposed turbine is on ‘acid grassland’.

Like RCA, Coigach Community CIC expects to generate surpluses of around £4.4 million after paying operating and finance costs over the next 20 years. 100% of these profits will be reinvested in the community to fund projects which help to ‘develop affordable housing, bring employment or workspace into the area, develop transport links and amenities or conserve the natural area.’

Coigach Community Turbine is also in a Ben Mor Coigach ‘nature reserve’. According to SNH, “Three protected species have the potential of being affected by the proposed development – Otter; Bats; and Golden Eagle; and the ES recognises this...” There are, of course, NO impacts by the RCA development on ‘protected species’

All we ask from SNH is parity of esteem with Coigach Community. RCA WTG is in a Wild Land Area and while there will be some modest impact on the ‘special qualities’ of the WLA, these are not be considered ‘significant’ and will have no effect on the ‘integrity’ of the WLA. A WLA -unlike an NSA – is not a statutory designation and SNH should withdraw their ‘holding objection’.”

SNH then treated our communication as a 'complaint' and subsequently launched their own internal investigation into their handling of our various efforts to engage with them on the Community's aspirations to secure their support for the proposed Community - owned WTG. Darren Helmsley of SNH was duly appointed as the 'independent' investigator on behalf of SNH and he quantified the RCA' complaint' as follows:

- 1. You feel there has been inconsistency in your treatment by SNH in comparison with other commercial activity already taking place, proposed and consented in the Wild Land Area 4 (Waterhead Muir-Muirshiel).*
- 2. You feel that the email from Nick Halfhide of 11 March does not accurately reflect the experience you have had in dealing with SNH.*
- 3. You feel the designation of the area of the proposed development as wild land was erroneous, given the nature of development and agriculture usage."*

On 30th April Mr Helmsley concluded his investigation and determined as follows;

"Complaint 1: I have decided to uphold this complaint.

It is clearly SNH policy to request a Wild Land Assessment where development will affect the special qualities of a WLA. However, as a consequence of this investigation and your input I have confirmed that two hydro schemes which you refer to in your email were not requested to do so. This was not as a result of SNH policy but due to the issue being overlooked at the case officer level, though for Pundeavon it was also due to relying on commitments from the developer on the temporary nature of any works in the WLA.

Complaint 2: I have decided to partially uphold this complaint.

The bulk of the factual information in Nick's email is correct but two points can be considered an inaccurate representation of the case. The main error is that of assuming that as applicants you were unaware the application was being made on a wild land area. I have discussed the issue with Nick, and he notes that this was a mistake. It was not as a result of others reporting this to him, but rather an incorrect assumption on Nick's part. Nick's reference to a single hydro scheme case as an individual anomaly when there are two such cases is also incorrect. Both of these cases involved some problems in the way SNH handled them, though Nick is correct in his statements that Pundeavon does not appear to have been constructed according to the details of its permission, and enforcement by the planners is ongoing.

It is also clear to me that there has been a series of failures by SNH, each compounding the effect of the last to result in your understandable anger and frustration. Although Nick's email may be (largely) factually correct I can fully understand that it appears to you to underplay those errors. These are:

- *We failed to note the location in wild land during the initial site checking for the CARES process.*
- *We failed to respond to your pre-application email contact requesting engagement – our staff have no record of receiving this but it is still a point of failure.*
- *We failed to note the location in wild land whilst doing our own internal checks for responding to the initial planning application.*
- *We failed to realise that the application told us it was within a WLA in its supporting documents.*
- *We have also failed to request adequate consideration of Wild Land on two other commercial applications in WLA4*

Complaint 3: I have decided not to uphold this complaint.

The decisions made in creating the map are based on a defensible methodology, though I do appreciate the issues that the subsequent decisions in land management and planning have brought to the picture. These should be an important part of the consideration of the wild land qualities when considering any development in a future Wild Land Assessment so that the current baseline is clear when the assessment occurs. There was a public scrutiny on both the methodology and the finalised maps. Our web based Guidance clearly notes how an assessment of impacts on wild land areas should be considered. “

Consequently, Mr Helmsley made the following ‘Recommendations’ to the SNH board.

- Initiate a more formalised consultation process between our CARES liaison staff and the Area to ensure any checks for important constraints are properly highlighted and less ad hoc.
- Raise awareness of Wild Land Assessment issues within the SNH Area team as already initiated by the case officer and communicated in his meetings with Radio City, including a clearer quality assurance process for responses within the team.
- Improve the initial assignment process (triage) for cases within the SNH Area so that wild land cases are clearly flagged by the officer assigning the case.
- An apology will be made to Radio City from Director regarding the email errors identified.
- Ongoing support in working up a wild land assessment for the turbine proposal.”

On 24th May 2019, after a further exchange of correspondence between SNH and RCA, Nick Halfhide, Director of Sustainable Growth at SNH wrote to RCA Chair Gordon McGuinness in the following terms;

“Dear Gordon

Thank you for your response of 5 May 2019, replying to the SNH letter of 29 April, sent by Darren Hemsley.

Firstly, I would like to apologise formally for the way that we have handled a number of aspects of advice around your planning proposal. This fell below our usual standards.

I welcome your offer to find a resolution so that we can work constructively to resolve matters. On that basis, and as a goodwill gesture in response to Darren's findings, we would like to pay up to £6,000 (inclusive of VAT) towards the Wild Land Assessment. My colleague David Law (David.Law@nature.scot) will be in touch with you directly to discuss the mechanics of this....

I hope you find this response helpful and I look forward to a constructive relationship between SNH and the Association moving forwards.

Consequently, at the time of writing this appeal to North Ayrshire Council Local Review Body, a *further* environmental assessment has been agreed with SNH, this time comprising a 'Wild Land Assessment' to quantify what – if any – impact the Radio City Turbine is liable to have on the SNH's WLA 4 (Waterhead Moor – Muirshiel) distinct or special character as one of Scotland's Wild Land Area's.

In conclusion, therefore, Radio City maintain, as per their original briefing to the SNH Board (above) that the '*key attributes and qualities of wild land*' as defined by SNH themselves are largely absent at this location and where they are present within the 'core area' of the WLA some 4-6Kms north of the RCA site, those qualities will be *unaffected* by the proposed development, certainly in comparison to other developments in the vicinity of the RCA site and previously *approved by SNH* at the Greeto and Pundeavon Hydro schemes and Halkshill and Blair Park Forest (Stakis) - **ALL of which are within the existing boundaries of WLA 4.**

Radio City therefore expect the Wild Land Assessment currently in progress will *further* demonstrate the absence of any 'significant adverse environmental impact' as a direct consequence of the RCA Community WTG proposal and as in the case of WLA no 37 and Coigach Community Turbine at Achilitibuie, any such adverse impact will have no effect on the 'integrity' of the wild land area. In addition, where any adverse effect, however minimal, is identified, as in the case of Scottish Planning Policy derived from the Court of Session case CSOH 113 P41/17, it will be secondary to the *overwhelming* economic development benefit accruing to the communities of the Garnock Valley as outlined elsewhere in this appeal document.

5.3 LDP 2

Turning finally to the proposed Local Development Plan (LDP) 2, which is also a material planning consideration to which some weight requires to be attached. LDP 2 takes into account the wild land and special landscape designations and states that the Council "will only support development in Wild Land Areas or which affect Special Landscape Areas where they would not have an unacceptable impact on the special character, qualities and the settings of the Wild Land and Special Landscape Areas." Furthermore, Policy 29 (Energy Infrastructure Development) illustrates the Council's Windfarm Spatial Framework and identifies the site and its surroundings as an "area of significant protection." Therefore, in relation to the protection of such areas from unsuitable development, the policy framework between LDP and LDP 2 has been reinforced.

Response:

Statute sets out the following:

Section 16(1) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 requires local planning authorities to prepare a local development plan(s) (LDP) for all parts of their district at intervals of no more than five years. Under Section 3(e) of the 1997 Act as amended, local planning authorities must exercise their functions, including with respect to LDP preparation, "with the objective of contributing to sustainable development".

The stated aim of updated LDP is therefore to support the objective of sustainable development.

The proposal also complies with the council aims of supporting inclusive growth and attracting investment stating:

"This proposed Local Development Plan is a critical tool in our aim of achieving inclusive growth for North Ayrshire."

The LDP2 foreword states the following:

"North Ayrshire has not returned to pre-recession rates of development, and still bears the scars of previous industrialisation, high levels of poverty in some communities, a forecasted decline and ageing of our population, with significant numbers travelling out of the area each day for work to Glasgow and surrounding areas.

Yet, North Ayrshire is also an area with great opportunity and the Council and partners are striving to change the area's fortune by attracting new jobs and investment, supporting and growing our business base and regenerating our towns and communities.

The proposal addresses the challenges as set out within the LDP 2 as well as seizing upon the opportunities. The Socio-economic analysis establishes the proposals contribution to sustainable and inclusive economic growth, to meet the challenges. The council stated aim is supporting the

regeneration of towns through support of communities to grow the economy and business in North Ayrshire.

Furthermore, the LDP states that planning decisions should take account of the council's wider objectives and in putting communities at the front of decision making:

Delivering on Community Priorities:

In support of our overall vision for a healthier, working, safer and thriving North Ayrshire, we will recognise and give due weight to proposals that address the priorities identified by our local communities including as assessment of whether the proposal promotes equality of opportunity and inclusive growth in line with our Fair for All approach. Community Planning: We want communities to be at the heart of our decision-making process. We recognise the Locality Planning Partnerships and the areas that they cover. The LDP shares the vision North Ayrshire – A Better Life with our six Partnerships and acknowledges that they have their own priorities. We want to ensure that Locality Priorities are given appropriate consideration when development is proposed within their area.

The report of handling has not given due consideration to the council wider strategic objectives, as evidenced with the policy framework analysis conducted by RCA, the proposal is supported by the council's stated aims and policies and is a shining example of community empowerment which is a key aim of the council as stated in LDP 2 and also identified within the SCRIG Analysis of North Ayrshire as an enabler of inclusive growth.

This is further established in the section "A Successful, Sustainable North Ayrshire"

We want to enable a successful sustainable North Ayrshire by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

Furthermore LDP 2 identifies the Garnock Valley Locality Priorities as identified by the CPP:

- Moving around
- Facilities and amenities
- Work and the local community

The proposal assists in these priorities identified and this is examined within the policy framework analysis and the socio-economic analysis conducted by RCA.

The North Ayrshire Council Planning LDP Main Issues Report begins its Foreword and Executive Summary by Councillor Alex Gallagher, Cabinet Member – Economy with the following statement;

"We are reviewing our adopted Local Development Plan (LDP1) to ensure that we continue to capitalise on our outstanding towns and natural environment to make the most of our economy and bring benefits to our communities."

Again, put simply, and contrary to what Planners are arguing in RCA's application, the LDP 2 has been specifically developed to maximise economic development benefit and particularly ensure that 'our communities' are beneficiaries of this revised LDP.

This is further stated within the aims of LDP 2 under the heading “A Successful, Sustainable North Ayrshire”:

We want to enable a successful sustainable North Ayrshire by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

Furthermore, LDP 2 under Chapter 4 “A Low Carbon North Ayrshire” states the following:

“We want to reduce our impact on climate change and facilitate our transition to a low carbon economy.....

.....It will significantly contribute to our Working North Ayrshire outcome by providing support for our ‘investment’ and ‘open for business’ internationalisation themes through our energy infrastructure development and heat networks policies and waste management and responsible extraction of minerals policies.”

On issues relating to the CMRP, LDP 2 states the following:

Proposals that affect Clyde Muirshiel Regional Park must have regard to the Park’s statutory purpose of providing recreational access to the countryside. Proposals should also take account of wider objectives as set out in relevant management plans and strategies, namely to:

- Provide visitors of all ages and abilities the opportunity for quality recreation. Using its unique assets, the Park will facilitate a high-quality programme of leisure activities which contribute to the health agenda*
- Ensure the Park is an increasingly popular and productive venue for formal and informal education and outdoor learning. More people will participate in learning opportunities and will develop a better appreciation of the area’s natural and cultural heritage*
- Ensure the Park is an attractive and ecologically important visitor destination with increased biodiversity value. The Park embraces opportunities for positive environmental change*

The RCA proposal addresses ALL of these criteria and is in line with founding aims and principles of the CMRP to foster sustainable economic growth for the communities in its midst. This development would improve access to the CMRP and increase the public’s ability to enjoy the park and its natural assets as a result. RCA also proposes walking routes and support of active travel to improve health and support education on the natural environment and cultural and social history. The proposal will support enhancement of biodiversity by providing for tackling of climate change and promotes positive environmental change.

It is clear therefore that the first test of the ‘key spatial planning issue’ of the revised LDP is met by virtue of the fact that the proposal contains defined and unprecedented (in North Ayrshire) economic development benefits which would not only outweigh any negligible landscape and visual impact as a single turbine scheme but that it fully complies with the spatial planning imperatives for the Council

as outlined in the Cabinet member's Foreword to the LDP 2 Consultation itself, as well as the LDP2 proper.

In terms of spatial planning, the Spatial Strategy Policy: The Countryside Objective states the following:

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes. We want to encourage opportunities for our existing rural communities and businesses to grow,

This section of the spatial planning policy has been ignored by planners in their consideration within the ROH. The need to promote sustainable development is recognised within LDP 2 as it can result in positive social and economic outcomes which have not been duly considered, as is improving access to the countryside. The stated aim within the policy is to encourage opportunities to support communities to grow – exactly as proposed by RCA.

The proposal is also supported by the Regeneration Opportunities Policy:

"In principle, we will support proposals outwith our identified towns and villages for: c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms. We will support development of the regeneration opportunities for a range of integrated urban uses including:

- Residential.*
- Local-scale community and leisure uses.*
- Other local employment uses like shops, banks, cafes, workshops, garages, and small offices (including working from home). We will also support alternative solutions which would improve the amenity or economic outlook of the surrounding area such as*
- Greening (Woodland planting, allotments etc.)*
- Renewable Energy Generation*
- Protection and enhancement of green and blue networks"*

RCA has demonstrated the "specific locational need" of the proposal for the community benefit and as such accords with the policy, which has not been recognised in the ROH, as well as the mitigation measures taken to limit any impact - as well as *not* recognising the improvements that would result to the economic outlook of the area.

Furthermore, the proposal is also supported by Policy 29, the Energy Infrastructure Development Policy:

“We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

- *Community*
 - *Establishing the use of the site for energy infrastructure development;*
 - *providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;*
 - *Scale of contribution to renewable energy generation targets;*
- *Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;*
 - *Impacts on tourism and recreation;*
- *Specific locational opportunities for energy storage/generation.”*

As set out RCA has established the reason for the site location and micro-sited the turbine to limit any perceived adverse effects and demonstrated those effects which may occur based on worst case scenario as not significant. There is no cognisance within the ROH regarding the benefits of the proposal for public access to CMRP nor the beneficial recreational impact that would result. In addition, the contribution of the project towards national targets and tackling of climate change is not assessed adequately nor is the substantial socio-economic benefit which would accrue to the community as a result of the proposal.

The Landscape and Seascape Policy (Policy 16) states the following:

Wild Land and Special Landscape Areas. We will only support development in Wild Land areas or which affect Special Landscape Areas where they would not have an unacceptable impact on the special character, qualities and the settings of the Wild Land and Special Landscape Areas.

For all development with the potential to have an adverse impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. The current Ayrshire Landscape Character Assessment will be a key consideration in determining whether development proposals would be acceptable within the landscape.

Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and comply with the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails

The RCA re-iterate our single turbine does not have ‘an unacceptable impact’ of the ‘WLA and that appropriate ‘mitigation measures’ have been taken resulting in no significant impact upon landscape qualities of the area and have pointed out the flaws of the LCS.

As previously outlined the LCS character area 19c has not been examined since 2009 whilst development of wind has been ongoing in North Ayrshire areas of ‘high sensitivity’ in the interim (Kelburn/ Millhourhill/ Sorbie) and simply designated unsuitable for development due to the CMRP with supplementary guidance from 2013, not assessing the landscape capacity of the area and failing to provide a bespoke landscape assessment.

The Report of Handling cannot definitively state that the development would have unacceptable impact on the special character on qualities of the wild land in the absence of a ‘Wild Land Assessment’. Furthermore, the policy guidelines have been deleted and not updated as part of the adoption of LDP2

The upgrade to the existing ‘road’ actually assists CMRP to meet it’s ‘Statutory Purpose, for lots more people to enjoy – particularly the disabled – and offers a multitude of ‘learning opportunities’ for local schools and for local people to get a better understanding of their natural heritage.

The proposal is not for a ‘windfarm’ and shouldn’t be judged as one as the ROH has relied on to support refusal. The proposal is for a single turbine in community ownership which will result in significant socio-economic benefits for local people.

The North Ayrshire LDP2 Proposed Plan Strategic Environmental Assessment ; Environmental Report states the following:

The LDP2 Vision identifies the value of North Ayrshire’s countryside and coastal areas but does not provide a clear hook to prioritise environmental protection or enhancement, including in respect of climate change mitigation and adaptation. A Neutral effect on this SEA Objective is therefore predicted; and, Policy 1: Spatial Strategy aligns with this SEA Objective through the promotion of renewable energy production, district heating opportunities and support for active travel and sustainable transport measures.

Going on to state:

The LDP2 Vision would benefit from the inclusion of a reference to the need to transition to a low carbon economy and to adapt to Scotland’s changing climate.

6. Report of Handling Summary

The Report of handling states in its summary:

Given this planning policy framework, the above considerations all emphasise the difficulty in using community ownership and income as a justification for the proposed development.

In summary, whilst it is agreed that community ownership together with the potential income stream could contribute to positive socio-economic outcomes for the local area of the Garnock Valley, the proposed location for the development within the Upland Core area of Clyde Muirshiel Regional Park is and remains the most critical determining land use planning issue. Ultimately, the role of the planning system, as noted in SPP, is to direct development to appropriate places, and to help protect and enhance natural assets, such as the Upland Core landscape. In this instance, it is not considered that the proposed development would be appropriately located. The protection of the Upland Core area from large scale wind turbine development, as per the above analysis, should therefore be given more weight than the other material considerations identified by the applicant.

Notwithstanding possible alternatives, the planning authority must determine the application that has been submitted. Therefore, on balance, given the high overall sensitivity of the landscape to large scale turbine development, it is recommended that planning permission is refused.

Response:

The community benefits of the proposal have not been considered meaning the application has not been determined in the planning balance. The extent to which the proposal accords with and is promoted by council policy as well as wider national targets and frameworks are material considerations that should have been determining factors.

Planners have not acknowledged or given significant credence to land use in directing development regarding Scottish Government policy outlined below with reference to (a), (d), (e), (f), and (h). This is Scottish Government published advice from “Getting the best from our land – A land use strategy”

“Principles for Sustainable Land Use

The Principles below are in line with the principles of sustainable development. They also reflect Government policies on the priorities which should inform land use choices across Scotland. We expect that they will be used by public bodies when making plans and taking significant decisions affecting use of land.”

- a) Opportunities for land use to deliver multiple benefits should be encouraged

- b) Regulation should continue to protect essential public interests whilst placing as light a burden on businesses as is consistent with achieving its purpose. Incentives should be efficient and cost-effective
- c) Where land is highly suitable for a primary use (for example food production, flood management, water catchment management and carbon storage) this value should be recognised in decision making
- d) Land use decisions should be informed by an understanding of the functioning of the ecosystems which they affect in order to maintain the benefits of the ecosystem services which they provide
- e) Landscape change should be managed positively and sympathetically, considering the implications of change at a scale appropriate to the landscape in question, given that all Scotland's landscapes are important to our sense of identity and to our individual and social wellbeing
- f) Land use decisions should be informed by an understanding of the opportunities and threats brought about by the changing climate. Greenhouse gas emissions associated with land use should be reduced and land should continue to contribute to delivering climate change adaptation and mitigation objectives.
- g) Where land has ceased to fulfil a useful function because it is derelict or vacant, this represents a significant loss of economic potential and amenity for the community concerned. It should be a priority to examine options for restoring all such land to economically, socially or environmentally productive uses
- h) Outdoor recreation opportunities and public access to land should be encouraged, along with the provision of accessible green space close to where people live given their importance for health and well-being
- i) Opportunities to broaden our understanding of the links between land use and daily living should be encouraged.
- j) People should have opportunities to contribute to debates and decisions about land use and management decisions which affect their lives and their future.

As previously explored the site area is deemed suitable for forestry. Why this development would be more suitable land use given the similarities in terms of any man-made development on landscape and ecology is unclear.

Ultimately, the only way to “help protect and enhance natural assets, such as the Upland Core landscape” as the ROH states is to **combat climate change** through developments such as this proposal, given the looming and alarmingly ever-growing threat climate change poses to our environment.

The location within the CMRP is entirely in keeping with the founding aims of the CMRP which are to promote and foster environmentally sustainable development for the social and economic well-being of the communities within the area. As discussed in section 3.1.3 alternative locations have been examined and determined unsuitable. Furthermore, the site location has been selected after extensive deliberation and consideration of a variety of factors in order to determine the best possible location and mitigate against

The purpose of the planning system is established in several documents stating the policy aims of the role of the planning system to promote a low carbon future for Scotland and foster sustainable development and communities to promote sustainable economic growth.

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The “National Planning Vision” sets out the following aims:

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

This is further supported in the stated goals within the “National Planning Outcomes”:

Planning makes Scotland a successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed places.

Planning makes Scotland a low carbon place – reducing our carbon emissions and adapting to climate change.

Planning makes Scotland a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

The Scottish Government as set out in the **National Performance Framework** states that it is expected for public agencies such as planning authorities to support the aims of sustainable economic growth:

"To focus government and public services on creating a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth".

7. Material Considerations not Considered

7.1 Environmental Impact

As part of its commitment to tackling climate change the Scottish Parliament passed the Climate Change (Scotland) Act 2009. That Act set out targets for reducing greenhouse gas emissions to an interim target of 42% by 2020 and an 80% target by 2050 of 1990 levels. One of the main ways of achieving these targets is the replacement of carbon emitting energy generation with renewable sourced energy. The Scottish Government has set a target of providing 30% of overall energy demand from renewable sources by 2020.

The targets to tackle climate change has become more urgent given the impact of global warming. This has led to the declaration of a Climate emergency by the Scottish Government and the setting of a legally binding target of net-zero greenhouse gas emissions by 2045 at the latest with Scotland becoming carbon neutral by 2040. In order to meet the net-zero target for 2045, Scotland must reduce emissions by 70% by 2030 and 90% by 2040.

This proposal therefore is necessary in order to deliver this reduction and combat climate change. The UK Government has also followed suit aiming to be carbon neutral by 2050.

North Ayrshire has also set about tackling climate change as an organisation by declaring a climate emergency and reviewing the environmental sustainability and climate change strategies with Council Leader Joe Cullinane publicly stating the target of NAC addressing climate change within 12 years.

It is therefore incumbent on the council to support efforts to tackle climate change like this proposal. Radio City Association is the only member in North Ayrshire of the Community Climate Action Network and will look to work constructively with the council in developing the strategy to tackle climate change.

The summary of the report of handling does not adequately consider the environmental benefits of the proposal. North Ayrshire Council alongside the Scottish and UK Governments have subsequently declared a “climate emergency” following the highlighting of the issue by extinction rebellion protests. This call for radical action that is demanded by the public and required to combat climate change has been acknowledged by the council and government.

The proposal is equivalent to displacing carbon over 2.3 million kgCO₂e per year, which is the same as removing roughly 600 cars from the road or powering approximately 1600 homes on purely green electricity.

As electricity demand will continue to rise with the roll out of electric vehicles and electrical heating systems the need to produce low carbon forms of electricity becomes increasingly more important.

The United Nations *Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services* released a summary of an upcoming 1,500-page report on the state of biodiversity on Earth. The report has 145 authors from 50 countries, and it sums up about 15,000 scientific papers.

The report's findings are stark. It finds that species of all kinds — mammals, birds, amphibians, insects, plants, marine life, terrestrial life — are disappearing at a rate “tens to hundreds of times higher than the average over the last 10 million years” due to human activity.

In all, it warns, as many as 1 million species are now at risk of extinction if we don't act to save them; that number includes 40 percent of all amphibian species, 33 percent of corals, and around 10

percent of insects. It amounts to a biodiversity crisis that spans the globe and threatens every ecosystem and the future of all life on the planet.

The impacts that climate change and global temperature increases will have on the lives and livelihoods of people around the world, including on the health, safety and wellbeing of North Ayrshire residents will be devastating. There is an urgent need for action to be taken for there to be a chance of further climate change being limited to avoid the worst impacts of drought, floods, extreme heat and poverty for hundreds of millions of people around the globe.

The opportunity exists for individuals and organisations at all levels including community organisations such as RCA to act on reducing carbon emissions, particularly from both production of low carbon electricity which accounts for 25% of UK Carbon emissions. This is required to meet the historic international commitment made at the 2015 United Nations Climate Change Conference in Paris regarding the future of renewable energy and that global temperatures have already increased by 1oC compared to pre-industrial levels, are still rising, and are on track to overshoot the Paris Agreement limit before 2050.

The Intergovernmental Panel on Climate Change's Special Report (November 2018) makes clear the need to ensure global carbon emissions start to decline well before 2030 to avoid overshoot and enable global warming to be limited to 1.5°C.

Bank of England Governor Mark Carney has warned banks that they cannot ignore the "catastrophic" effects of climate change and must be at the heart of tackling the problem, highlighting that \$20 trillion of global assets are on the line as a result of climate change, calling on governments and financial institutions to take a pivotal role in keeping temperature rises "well below 2C" as the "enormous human and financial costs of climate change are having a devastating effect on our collective wellbeing".

The Committee on Climate Change (CCC) is the independent adviser to Parliament, and Government, on climate change issues and providing advice to government on building a low-carbon economy and preparing for climate change. The CCC is suggesting a tenfold increase in wind capacity by 2050 and for Scotland to meet the net-zero target by 2045. The CCC also states "Estimates from both the government and industry suggest onshore wind is the cheapest form of new build generation in the UK, and cheaper than new build fossil fuel generation. Therefore, deploying onshore wind in the UK can reduce consumer energy bills over the long-term."

7.2 Socio-Economic Benefit

The socio-economic analysis conducted by RCA demonstrates the need for this form of development as a means of creating change at a community level and tackling of local socio economic issues through community empowerment.

The planning authorities' report of handling states that:

Given this planning policy framework, the above considerations all emphasise the difficulty in using community ownership and income as a justification for the proposed development.

The conclusion by the planning authority that the economic benefit will be minor and not a justification is at best questionable and as stated above without any evidentiary base in comparable terms with other proposed investments in the local economy over the same period. Consequently, far

from being considered 'minor' it is possible to argue that it could realistically be '*transformatory*' in economic development benefit terms for the beneficiary area of the Garnock Valley- on a par with any 'community wealth building' proposal from whatever source.

It would appear that not for the first time Planners are at odds with other Departments of the Council in A) failing to recognise the 'Climate Emergency' declared by the Council and B) acknowledging the principles of Community Wealth Building in its investment and employment policies.

North Ayrshire Council only recently replied to a Scottish Parliament consultation on the establishment of the Scottish Investment Bank (SIB) – one of RCA's prospective funders of the WTG, to argue that 'Community Wealth Building is an approach to delivering an inclusive economy through focusing on the role of anchor institutions and other large employers in supporting and developing the local economy in which they are located (through their role as purchasers, employers, owners of assets, and enablers of wider economic activity)'.

Yet when faced with just such an opportunity to put into practice the Community Wealth Building principles they espouse for others e.g the SIB, Planners ignore the concept and defer instead to an outdated and outmoded 'Landscape' policy that actively **prevents** any attempt at 'Community Wealth Building' in this area of North Ayrshire Council itself by a £6m community investment.

In technical economic terms, the additionality effects will be significant and the follow-on multiplier effects will generate a positive ripple effect in terms of jobs, income and services provided in the local area. This will all provide enhanced community capability and capacity building to create a stronger platform for sustainability and growth, addressing the severe challenges that the area faces and has faced for many decades. Other local projects have not had the change effect that this project will provide – it is a game changer for the community and can be delivered with confidence. This proposal will be a shining example of community enterprise and empowerment in action. This will enable community development led from and by members of the local community to show the enterprise, innovation and sustainability working together to create a balanced and valuable project.

The positive effects from this should be recognised and they extend well beyond the immediate returns to the community – this application will open up creativity in realising the principles and ethos of a local circular economy that delivers for the people. It will do so in ways that address deeper underlying issues including population decline, outward migration of young and skilled people and a vast array of social issues prevalent since the economic decline of the area in recent decades. This is a community project for community benefit and will be aspirational for local people.

It is the strong belief of RCA that this development can address many of the challenges and socio-economic issues in the local area and promote sustainable and inclusive economic growth. The evidence and professional views expressed in this paper show the need for the development. The positive benefits from the development will change the prospects positively for many individuals and community groups currently bereft of such opportunities to improve their lives and the sustainability of the local community without further dependency on subsidies and welfare support that is diminishing with prolonged budgetary pressures. The project benefits and impacts will change lives positively and could literally - in some cases- save lives.

If we are to confront the spectre of climate change in the modern world and the complications presented in this new era by the third industrial revolution with all the advances forthcoming in terms of automation, digitalisation, biotechnology, Moore's Law and artificial intelligence - all of which offer

what could be overwhelming, significant promise of change but could also pose a significant new set of challenges with diffuse benefits and palpable acute effects – then the approach has to be grassroots and community-led in order to tackle some of these challenges that will be presented and will be the touchstone of value in the coming decades, with promotion of community wealth building to deliver an inclusive economy through focusing on the role of anchor institutions and others in supporting and developing a sustainable local circular economy where they are located.

This calls for a mission led approach to develop a net job exporter situation and tackle the disproportionate impacts on communities and people that will be introduced by coming challenges of the future. These factors and more make the compelling case for imaginative and predictive solutions from governments and institutions as well as local communities. There are limits to that which can be done from the community level up, such as the limits of scaling up, critical mass, connectivity between sectors and clustering.

The proposed development is an exceptional approach that will create positive impact, foster local governance and generate a mission led approach to yield true community wealth building and provide inspiration for communities increasing aspirations and reaping the benefits of those auspicious and providential outcomes delivered. Strategic direction, therefore, is required from policy makers and institutions like the local authority in supporting projects such as this.

7.3 Policy Context

The proposal is in line with a number of North Ayrshire Council policies, targets and frameworks as well as those of the Scottish and UK Government's. This is established in the Policy Framework Analysis conducted by RCA which examined all relevant policies and determined those supportive of the development

The Electric Valley vision for redevelopment is broad and conforms with a great deal of the strategic direction of both local and national government meaning a number of strategies and policies have been identified, but the list provided is not exhaustive and there are other priority areas that may fit with the Electric Valley not listed, for example the recent "climate emergency" declarations will bring a more urgent demand for action on climate change. It is the intention of RCA to work with the council and partners to assist in the implementation of the strategies on behalf of the Garnock Valley community and provide for the outcome that both the Council and RCA envisage.

The following have been identified in this report as having parallels with Electric Valley project consisting of North Ayrshire Council, Scottish and UK Government Policies, Strategies, Plans and Frameworks;

- 1) Ayrshire Growth Deal
- 2) Beginnings, Belonging, Belief – A Community Justice Plan for Ayrshire
- 3) Better Off North Ayrshire
- 4) Climate Change (Scotland) Act 2009
- 5) Community Empowerment (Scotland) Act 2015
- 6) Community Energy Strategy
- 7) Council Plan 2015-20
- 8) Democratic Services Directorate Plan
- 9) Economic Development and Regeneration Strategy 2016-25
- 10) Economy and Communities Directorate Plan
- 11) Education and Youth Employment Directorate Plan
- 12) Fair For All Strategy 2017-32
- 13) Garnock Valley Locality Plan 2017
- 14) Local employment activity plan

- 15) Local Outcomes Improvement Plan 2017 – 2022
- 16) Low Carbon Economic Strategy of Scotland
- 17) NAC Digital Strategy
- 18) North Ayrshire Environmental Sustainability & Climate Change Strategy 2017-2020
- 19) North Ayrshire Health and Social Care Strategic Plan 2018–21
- 20) North Ayrshire Inclusive Growth Diagnostic
- 21) North Ayrshire Priority Sectors for Business Growth
- 22) North Ayrshire Strategic Community Learning and Development Plan 2018–2021
- 23) North Ayrshire's Children's Services Plan 2016-20
- 24) Open Space Strategy 2016 – 2026
- 25) Other Local Plans with potential tie-in
- 26) Place Directorate Plan
- 27) Police Local Plan 2017-20
- 28) Public Health Reform
- 29) Scottish Fire and Rescue Local Plan 2017-20
- 30) Scottish Government Community Energy Policy
- 31) Scottish Government Economic Strategy
- 32) Scottish Government National Performance Framework
- 33) Social Enterprise Strategy
- 34) The North Ayrshire Anti-Social Behaviour Strategy 2015-18
- 35) The North Ayrshire Violence Against Women Strategy 2015-18
- 36) Vacant and Derelict Land Strategy
- 37) Youth Citizenship and Participation Strategy 2015-19
- 38) Youth Employment Strategy for North Ayrshire 2013 – 2020

By using the strategies as outlined and other national strategies and best practice guidance, the 'Electric Valley' project allows for the following outcomes;

- Community empowerment;
- Local community benefit;
- Building capacity of and encouraging a sustainable voluntary and community sector in the Garnock Valley area;
- Increased economic activity and associated economic development and economic wellbeing outcomes in locality;
- Creation of social enterprise cluster, increased access to services and improved social well-being;
- Environmental and Place transformation and improved environmental well-being; and
- Increased access to leisure and recreational opportunity and promotion of active travel solutions and improved health and physical wellbeing.

7.4 Rural Development

This application support sustainable economic growth in rural areas and adheres to Scottish Planning Policy on rural development and PAN 73 - Rural Diversification. It should also be noted that in restricting development in "isolated locations", the planning authority is failing to adhere to Scottish Planning Policy on rural development and PAN 73 - Rural Diversification.

Scottish Planning Policy on rural development states:



“The planning system has a significant role in supporting sustainable economic growth in rural areas. By taking a positive approach to new development, planning authorities can help to create the right conditions for rural businesses and communities to flourish. The aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality”.

PAN 73 - Rural Diversification states that;

“The Scottish Ministers are committed to supporting rural life, rural communities and the rural economy. This includes promoting sustainable development in rural areas”.

It goes on to state that;

“24. Rural diversification helps make our rural areas more sustainable. It allows individuals to continue to live in rural areas, close to their places of work, without needing to commute to towns or cities. In some cases businesses can be brought closer to their suppliers and markets. Successful diversification also attracts new skills and new people to rural areas benefiting existing businesses and helping to retain essential services, sustaining local communities and maintaining their quality of life. In fragile areas this influx of new businesses and new people may make the difference between decline and growth. As well as supporting the rural economy, diversification can help bring brownfield sites or otherwise redundant buildings back into use, and deliver environmental enhancements or much needed community benefits”.

In addition, the outlining of SPP 15 states that:

Rural Scotland needs to become more confident and forward looking both accepting change and benefiting from it

Further stating that:

Wider economic and social objectives should also be considered as should Scotland’s distinctive environment and heritage.

SPP 15 concludes by stating that:

Rural areas are evolving in response to changes in the global, European, national and local economy. Planning policy needs to keep pace with this change and has to be realistic, relevant and sensitive to the processes underway. The aim is to plan in a way that reflects current and anticipated economic, social and environmental changes. The diversity and distinctiveness of many places needs to be recognised and policies tailored and applied accordingly. This means appropriate development in the right places. It also means that planning has to embrace innovation and entrepreneurship whilst protecting what is valuable through good stewardship.

The application promotes sustainable development in rural areas and supports the local economy. In terms of farm diversification, the proposal also offers benefits. The National Farmers Union Scotland (NFUS) Magazine (Scottish Farming Leader) February 2012 recognised that there should be a trade off between the potential landscape impact and the economic return of a turbine.

The refusal reason does not accord with Scottish Planning Policy on Rural Development and PAN 73 – rural diversification. These policies are even more relevant because of the isolation of the location. Income generated in rural economies possesses excellent multiplier effects and is more likely to be recycled into the local economy, this is especially the case for a community development such as this rather than a commercial wind farm which would have no benefit to the immediate area as is the existing position.

An example of isolated turbines are not difficult to find. One of the most recognisable is Cathkin brae which as an example 125 metres (410 ft) in height including the blades and has been in place at the brow of the Braes, just inside the City of Glasgow boundary, where its landscape impact is high due to the nature of the surrounding and visual receptors as a populated cityscape. Due to its prominent location, the turbine can be seen from across the city and represents a classic example of a Council recognising the community benefits accruing renewable energy over any perceived ‘landscape’ impact.

Precedents can be found for appeals granted by the Directorate for Planning and Environmental Appeals against similar refusal reasons to those given by North Ayrshire council, namely the impact on scenic views and establishing a precedent for further wind farm development in isolated locations.

Precedent 1:

DPEA Case Reference	Planning Authority	Site Address and Case Description	Decision
PPA-270-431	Highland Council	HILL OF STROUPSTER, AUCKENGILL, WICK, CAITHNESS. ERECTION OF 12 WIND TURBINES, ACCESS TRACKS, 2 TEMPORARY CONSTRUCTION AREAS & REFURBISHMENT OF OLD STEADING	Appeal Allowed

This application was refused by the Highland Council as it was contrary to policies relating to impact on scenic views. It was appealed and subsequently approved by the Directorate for Planning and Environmental Appeals.

Precedent 2:

DPEA Case Reference	Planning Authority	Site Address and Case Description	Decision
PPA-410-2000	Comhairle nan Eilean Siar	7 BORNISH, ISLE OF SOUTH UIST, OUTER HEBRIDES, 1 NO. 20kw, 1 NO. 15kw, 1 NO. 10kw & 1 NO. 5kw WIND TURBINES, 4 NO. 15m ANEMOMETER & 1 NO. 5m METEOROLOGICAL MASTS	Appeal Allowed

This application can be seen as comparable in terms of an isolated location. The application was refused by Comhairle nan Eilean Siar and subsequently appealed to the Directorate for Planning and Environmental Appeals and approved. It can be argued therefore that a precedent was established in this case for wind farm development in isolated locations.

8. Consultations and Representation

The report of handling only draws 8 points of note from a total of around 85 supporters' comments and 21 from a total of 11 objection letters. In response to the 21 points raised RCA submitted the following responses;

1. The site is within the CMRP close to the SPA and SSSI and should be protected from adverse developments. The applicant claims that one turbine would have no significant impact. However, the proposal is for a significant structure. To allow a development such as this opens the way for future expansion using the same argument. The application should be refused.

- The proposed development location is located within the 28,100Ha of the CMRP alongside 30 other commercially operated turbines within the North Ayrshire section of the regional park. The impact on the park is explored in Section 5.2.5 of the support statement. The proposal is not out of scale relative to the scope of the area of the CMRP which is 104sq. miles.
- The single turbine proposal of the RCA will improve access to the regional park for increased ability to experience the CMRP for recreation. The return to the community is estimated at £300,000 PA greater than the return of all commercial turbines combined. It is a founding principle of the CMRP to foster development in the areas surrounding the park
- At the meeting of the CMRP Consultative Forum held (15/02/2019) Mr Fraser Carlin, Head of Planning and Housing (Renfrewshire Council) stated that the CMRP 'Policy on Windfarms' is not a 'policy but an opinion'. He also stated it (the opinion) would not stand scrutiny at a PLI or Planning Committee consideration and therefore was not admissible as a defence against development of a wind turbine in the CMRP.
- The proposed development site is not within or adjacent to any statutory designation sites. The supporting statement and relevant supporting documents including the Preliminary Ecological Appraisal outline that there will be no impact upon the outlying SPA or SSSI zones which are around 1.5km North of the site. This is reaffirmed in the response received by Scottish Natural Heritage who have confirmed that the proposal would have no negative ecological impact nor impact upon the SSSI or SPA areas
- Each planning application is judged purely on its own merits and approved or refused in "the planning balance". The proposal brought forward by the RCA is for a single – community owned and operated – wind turbine smaller than those already in situ in the locality. The CMRP and surrounding areas contains a total of 55 approved turbines, *all* of which operate for commercial gain and return comparatively small sums to their respective local communities.
- The development in no way sets a precedent for further "commercial development" as no commercial developer could match the return in terms of the estimated socio-economic benefit from the single RCA turbine (which is a material consideration and supported by numerous national and local policies in terms of community empowerment).
- In order to make commercial development viable developers are now starting at tip heights of 150m plus which as set out in the support statement was unacceptable to the RCA & planners in the proposed location. There are multiple approved schemes, some even within North Ayrshire itself i.e. 'Auld Clay Windfarm' which are not being developed because of the

premature ending of the Renewable Obligation Certification Scheme in July 2017 which has made commercial development at the scale proposed completely unviable in a commercial context.

2. Any limited financial benefit should not even be a consideration when discussing an area of outstanding beauty such as this. The positive environmental benefits, such as a reduction in the carbon footprint generated by one turbine cannot outweigh the very direct adverse impact on the area from both the temporary construction works and the permanent situation.

- The financial benefit from the single turbine could not properly be described in context as 'limited'. It is a very significant sum for re-investment in the local area of the Garnock Valley. The estimated annual sum of £300,000 minimum could potentially fund the bursaries for 30 local students to attend university or to support 60 apprenticeship schemes annually, which could prospectively transform individuals lives by providing opportunity that would otherwise be non-existent.
- The local need for re-investment and the potential socio-economic benefit is examined within the supporting statement at section 4.3 and within numerous support letters submitted to the Council. Community Ownership is promoted by the Scottish Government and North Ayrshire Council
- The construction works are limited in scope and would be managed in accordance with "Best Practice" to limit any potential adverse environmental effects including site management practices overseen by an ECoW. The development has significant carbon payback equivalent to 2.3million kg CO2e - calculated below.

(Capacity KW) x (assumed efficiency of 30%) x (Hrs in Year) / (Average Yearly Scottish HH Consumption figures in KWh)

2500 x 0.3 x 8760 / 4122

Energy Supply for = 1594 homes

1594 x 4122 = 6,570,468KWh

Displacement of CO2 emissions = 2,309,914kgCO2e compared to home supplied by UK National Grid

- Energy accounts for 25% of the UK's CO2 emissions, the efforts to reduce this and supply renewable energy is rightly supported by national planning policy.
- The P90 Figure assumes the RCA's Turbine efficiency rate as 39%, so this is a conservative estimate of the carbon payback of the development. The figure of 2.3 million kg CO2e displaced annually is equivalent to removing approximately 595 cars from the road every year of the proposed operational period of 25 years. Transport accounts for 26% of the UK's CO2 emissions causing air pollution and premature deaths as a result.
- In order to combat climate change it is necessary to reduce greenhouse gases such as CO2 and this development aids in that global effort in a small but meaningful way. It is, therefore, in no way correct to suggest that the proposed development would not contribute to ambitions to reduce carbon emissions and have a negative environmental impact. Global

warming is the biggest single threat to our natural heritage, a fact recognised by the Scottish Government and North Ayrshire Council.

3. The area already has a significant number of wind turbines and is fully saturated, a point noted in the capacity assessment carried out for the Council.

- There Landscape Character Study states that the development site is described as ‘Rugged Moorland – Upland Core’ in the North Ayrshire Landscape Capacity Study. This is designated “*high overall sensitivity*”, the LCT recognises smaller developments such as a single turbine have less impact than larger developments.
- There are existing wind turbines within the ‘Rugged Moorland - Hauland Muir’ also designated high sensitivity. Field studies and visualisations as set out in the LVIA determine that the landscape impact of this single turbine development is in keeping with the landscape with no significant effect on the character areas.
- The bespoke landscape assessment conducted on behalf of the RCA should be given greater weight than the Council’s Landscape Capacity Study which states that 8,600km² of North Ayrshire has the same sensitivity and landscape character.
- Visual impact is entirely subjective with surveys consistently recording that a considerable majority of the Scottish public are in favour of wind turbines.

4. The noise assessment is of limited scope and assumes that no further outlying properties would be affected.

- The Noise Assessment has been conducted in line with best practice taking account of ESTU-R-97 and PAN 1 / 2011 as set out in the detailed 23 pages long noise assessment.
- North Ayrshire Council Environmental Health have raised no objection to the noise impact of the development.

5. To the south of the site, also within CMRP is a significant windfarm, with another further south (Ardrossan) just outwith the CMRP. To the south east are situated Whitelees where there are hundreds of turbines. There are various others dotted around. If consented, this could well set a precedent which invariably tends to attract further similar development.

- This proposal for a single community owned and operated turbine in no way sets a ‘precedent’ for future development. Each planning application is determined on its individual merits in the “planning balance”.
- It would NOT be feasible for a commercial developer e.g. SP at Whitelee, to promote the same economic benefits as RCA are i.e. all revenue staying locally. Unlike community ownership, which is what we are proposing, a voluntary community benefit payment is not considered a material planning consideration so would not balance against the landscape effects of a larger scheme.
- Equally important is the difference in landscape effects from a multi-turbine commercial scheme compared to what RCA are promoting. Given changes in subsidy, commercial developers are now starting at heights around 150 m and looking at far larger schemes. The effects of this would be so much greater and more extensive than for our single, smaller, turbine that it not feasible to suggest that this one development could ‘open the way’ for future commercial development or make any subsequent large-scale development acceptable from a planning perspective. Planners and North Ayrshire Council can, in any

event, make a very clear statement as to why they are approving our scheme should they choose to do so i.e. that the economic benefits from community ownership far outweigh any landscape and visual impacts.

6. The proposal would appear to be within an area to be afforded significant protection with natural important environmental interests such as carbon rich soils, deep peat and priority peatland habitat as described in the Spatial Framework for Onshore Windfarms, as noted in the Main Issues Report for LDP 2, January 2017.

- The ecological appraisal conducted by Arcus determined the site area to be located within acid grassland of little ecological value. This was chosen as a location as part of the micro-siting of the turbine to limit its environmental impact taking account of several considerations including ecology.
- The North Ayrshire Local Biodiversity Action Plan sets out that “large expanses of uniform, acid grassland occur in the uplands and are considered to have limited biodiversity interest”.
- The site is also determined as suitable for forestry within the Ayrshire and Arran Woodland Strategy.

7. Without proper protection, Regional Parks would suffer death by a thousand applications. Gradually, such developments will eat away at an area that we want to hand down to future generations.

- The proposed development in no way threatens the integrity of the park given 38 turbines are already present within the CMRP in North Ayrshire. In reality, the development will considerably increase the public’s ability to utilise the park for recreational and leisure purposes making it more accessible to local people who live on the fringes of the CMRP, as per the CMRP’s founding objectives and continuing aims.
- Visitor numbers recorded as a matter of public record and provided to the Scottish Government determine that the CMRP has been unaffected by windfarm development with visitor numbers increasing with development ongoing (see below)

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Edinburgh Castle	1,314,974	1,240,940	1,417,434	1,498,804	1,609,106	1,808,715	2,082,048
Kelvingrove Art Gallery and Museum	1,000,274	1,050,224	1,097,339	1,051,598	1,300,735	1,264,000	1,248,144
Burrell Collection	199,029	180,073	192,280	167,609	151,945	93,937	0
Clyde Muirshiel Regional Park	No Data	606,649	615,486	645,170	649,465	694,129	644,882

Note: the Burrell Collection closed for refurbishment in October 2016 with expected re-opening at the end of 2020

- Visit Scotland Surveys have indicated that intentions to visit a place are unaffected by wind turbine development with 83% saying it would not impact their decision to visit.
- Other wind farms, such as Whitelees have joined the Association of Scottish Visitor Attractions after nearly 250,000 visitors - including 10,00 school children -were attracted there between June 2009 – June 2012. In addition, ‘at least another 100,000 people had accessed the wind farm’s trails for recreational purposes such as jogging and cycling.’
- Radio City propose to collaborate with, local walking groups, local schools and the Priory Education Group to facilitate recreational and educational access to the WTG and assist with curriculum studies on the natural environment.
- If we wish to hand the park to future generations the need to tackle climate change must be recognised and renewable energy promoted to reduce greenhouse gases.

8. Allowing community benefit to become a consideration would set a dangerous precedent and open the door to effectively selling off CMRP to the highest bidder.

- It is a matter of SPP that Planning Authorities take account of material considerations and determine applications in the “planning balance”, the benefit to the community and community ownership in this case is significant and is a material consideration unlike a ‘Community Benefit Agreement’ with a commercial developer.
- There are already 53 WTGs approved in the CMRP area and it has had no adverse impact on popular perception of the CMRP or popular participation with its various attractions. Consequently, the analogy of ‘selling off the CMRP to the highest bidder’ is neither accurate nor appropriate.

9. CMRP is also home to breeding Hen Harriers and Peregrine Falcons, some of the latter nesting near by the proposed site. Both are declining in numbers and we should respect and protect their natural habitats for them, alongside protecting valuable peat bogs also prevalent around the proposed site.

- The site area has been determined to be unsuitable for nesting and hunting within the ecological appraisal similarly the issue of the local terrain is covered within the study.
- SNH have raised no objection on ecological grounds to the development in this respect.

10. The proposal would introduce industrialisation to the southern heartland of the park, within the only Wild Land Area in west Central Scotland which was designated in 2014 for its special qualities. To introduce such development north of the A760 would almost certainly prove to be the thin end of a large wedge that would encourage further applications and result in the death of CMRP’s hill country enjoyed so much by the public.

- The WLA is addressed in our response to SNH.
- The supposed boundary of the A760 is an arbitrary designation and there is no reason it should be prohibitive to development of the proposal. The ‘thin end of the wedge’ argument is addressed above and this proposal in no circumstances represents a template for future commercial development for reasons already explained.

- This application is for a single turbine and in no way could it be construed as resulting ‘in the death of the CMRP hill country enjoyed so much by the public.’ Indeed - unlike the CMRP in Dalry, Kilbirnie, Beith and Glengarnock - RCA are proposing to substantially *invest* in ways and means by which more local people can enjoy the ‘hill country’ contained within the CMRP. (see answer to 7 above)

11. As well as not being a sustainable development due to numerous adverse environmental impacts, the turbine would have a very negative impact both on landscape and visual grounds not only within the park but also for those living in parts of North Ayrshire and Renfrewshire.

- The development is supported as a leading example of sustainable development by the Scottish Government (CARES) programme. The support statement addresses the need for this form of development and its benefits in section 4.3.
- The design and location of the turbine has been chosen to minimise potential adverse landscape and environment effects in terms of the WLA and surrounding area as set out in section 5.2.2 and section 4.4.1.1 of the supporting statement.
- The ZTV and LVIA and viewpoints in Landscape Figures 8.1 - 8.13 determine that the visual impact of the development is not significant and is limited to within 2km of the development with inter-visibility meaning there is no significant impact upon the area. Section 4.4.2.1 of the support statement demonstrates there is no significant impact upon dwellings within the adjacent settlements.
- Visualisations from the viewpoints are based on ‘worst case scenario’ and demonstrate that the development has no significant visual impact. The ZTV shows that the views are restricted to the immediate Garnock Valley area with no adverse effects anticipated on the conservation areas or indeed upon any residences in the Garnock Valley or Lochwinnoch in Renfrewshire.
- The turbine has been micro-sited to prevent ecological and environmental damage and to allow for extremely limited visual impact in what has been an extensive process.
- Visual impact is subjective. A significant majority of the public are in favour of wind turbine development. There are several similar structures within view already including electricity pylons and cranes.
- Landscape capacity does not form part of the spatial frameworks for wind as defined in the SPP. The proposed development is supported by numerous National and Local Policies as well as according with numerous council planning policies.

12. Increasing renewable energy developments is needed but they must be appropriately sited. The applicant does not appear to have attempted to find any alternative site outwith CMRP.

- As set out in the support statement RCA has been engaged with council planners for a sustained and lengthy period over three years in order to determine a suitable location taking account of a number of considerations and looking at some cost to our community association at a variety of alternative locations for the WTG including the Lochshore area and sites of pre-existing windfarms or those with consents to site a WTG that could still meet the commercial loan repayment requirements of the Scottish Government’s Community and

Renewable Energy Scheme (CARES) and produce the significant socio economic benefits for the community while minimising its environmental, landscape and visual impacts.

- RCA only determined upon this proposed location after a very detailed scoping exercise initiated by us in response to NAC's scoping requirements and a micro-siting process that ultimately identified two alternative locations from the original and moved the original preferred location to the optimum site subsequently chosen which is 620ms to the east, south east to minimise any impact on landscape, noise, cultural and natural heritage, the WLA and hydrology.

13. EU Directive 2011/92/EC states that, in order to justify a decision on a windfarm, the competent authority is required to complete its own environmental impact assessment. Such a document has not been produced and is awaited. There needs to be an EIA for a proposal of this type in CMRP, especially in a Wild Land Area.

- A screening request was submitted on 30th April 2018. NAC responded an EIA was not required on 23rd May 2018 - Reference (18/00401/EIA). RCA then undertook the recommendations of the council as to what was required to be contained within the planning proposal.
- As above, RCA would stress that we have co-operated with Council Planners throughout the process and we are an environmentally focused and conscientious local community organisation who have taken every opportunity to minimise any potential impact on the local environment.

14. It is misleading of the applicant to state that, as a community turbine, the development would benefit the local community of Kilbirnie. Whilst this is partially correct, given that money derived from the turbine would be given to the charity RCA who would then use it for local benefit, it could be misconstrued by people thinking that the electricity generated would be used locally. If the charity wish to gain revenue from a wind turbine, they have the whole of the UK from which to identify a suitable location which is not environmentally sensitive.

- A community turbine requires to be located adjacent to the community it hopes to benefit. RCA did at planner's instigation look at other sites outwith the Garnock Valley but a) were rebuffed in our overtures by the commercial developers in situ and b) concluded that it would not constitute environmental justice to introduce a turbine to another community whilst channelling the revenues from same to a different community.
- In terms of 'Environmental Justice' it is clearly unfair that the Communities of Dalry, Kilbirnie, Beith and Glengarnock currently receive no 'community benefit' from the Kelburn Windfarm (for example) where it is visible and prominent on the local skyline while other less deprived communities in North Ayrshire, where it is not visible and has no landscape impact, do. This proposal will address this current imbalance to the Garnock Valley's benefit.
- Approximately 3 years of preparation has gone into the location of the turbine to maximise its revenue and limit its impact with multiple studies conducted as a wind turbine cannot just be randomly placed on a map.
- RCA is considering Power Purchase Agreements with local businesses and industries which would supply those businesses with cheaper energy thus safeguarding jobs as well as

increasing the potential revenue to be returned to the community. It would be incorrect, however, to describe a community owned and operated turbine as proposed by RCA as anything other than such, if it chose to sell all its electricity to the National Grid but still returned all surplus revenues after debt interest charges and loan repayments from those sales to the host community as per the RCA default position.

15. The applicant claims that wind farms in CMRP haven't affected visitor numbers. It is probably correct that the vast majority of visitors only go to visitor centres (e.g. Castle Semple). However, there is no mechanism for calculating how many people visit the wild land area. The numbers are not likely to be large but would be diminished further by the presence of any more wind turbines. People who want to experience the solitude and sense of place of the wild land find turbines incongruous in such settings.

- As set out within the support statement recorded visitor numbers to CMRP supplied to the Scottish Government have increased alongside wind turbine development within the CMRP
- The development will increase the general public's ability to access the "WLA"
- The development does not impact upon the wildness of the core WLA
- As set out in answer to questions 3, 7 and 11, most of the Scottish public are in favour of wind turbine development which has no empirical detrimental effect on tourism or visitor numbers.

16. The Wild Land is a wonderful asset within walking distance of Kilbirnie. Unlike extremely remote wild land where visitors have to travel and walk long distances, the Wild Land at the application site is easily and quickly reached on foot from the town. It is a wonderful free community asset yet the applicant proposes to despoil it.

- RCA do not propose to 'despoil' the WLA or indeed any aspect of our local environment. The WLA is addressed in the response to SNH Consultation
- The proposed development would increase the public's ability to experience the WLA. Access to the WLA for those who wish to do so will be greatly aided and abetted by the RCA proposal and it will have no adverse effect upon the wildness of the area.

17. In the event of a turbine fire, the Fire Brigade could not reach it with their hoses. Some nacelle oil would spill onto the ground, probably alight and the moorland is likely to catch fire as well as being polluted. If fire gets into peat, it can burn underground for weeks or even months and the Fire Brigade will confirm to you that it is particularly difficult to extinguish.

- A report into the wind industry, commissioned by the Health and Safety Executive in 2013, concluded that the safety risks associated with wind turbines are very low
- The writer demonstrates a failure to understand the safety and integrity standards for fire safety that are standard practice in any wind turbine.
- Wind turbines are designed to international standards to meet mandatory health and safety standards including fire safety risks. There are 10,000 wind turbines operating in the UK daily.

18. The development would have potential pollution risks, during and after construction for the River Garnock. This would affect fishing and those with private water supplies, as has happened elsewhere.

- The detailed hydrology report establishes this is not a likely eventuality, RCA will follow best practice including appointing an ECoW during construction. Good practice and proper management will avoid pollution incidents.
- Any material or substance which could cause pollution will be prevented from entering watercourses by the appropriate use of and placement of silt fences, cut off drains, silt traps and drainage matting.
- To prevent any potential pollution, all concrete pours will be planned, and specific procedures adopted where there may be a risk of groundwater or surface water contamination in line with CIRIA C532

19. The development would have an adverse effect on protected species such as water voles and badgers. Though there will be no bats in the immediate surrounds they are known to travel surprisingly long distances to places with a good concentration of midges such as wind turbines. Turbine blades are propellers and create a different atmospheric pressure. The effect on bats, going into this different atmospheric pressure is that their lungs explode and needless to say they are killed. Bats are protected species.

- There is no potential for this eventuality as per the ecological appraisal.

20. Lochwinnoch Community Council object to the application particularly as it would lead to further reduction in the Wild Land and beautiful open countryside of CMRP which is used by so many people for recreation purposes.

- Lochwinnoch Community Council are unrepresentative of the local communities within the Garnock Valley from where community support for this proposal is widely evidenced in the supporting statement and in responses from ordinary members of the public to this application – by a factor of approximately 10 -1.
- The WLA is addressed in response to the SNH Consultation

21. The CMRP Forum understands the obvious local financial benefits of the project to Kilbirnie, but highlights that any such project needs to consider the wider impacts and needs of the community and future generations. While local association may have been the driver for this application there is no link between location and local electricity usage. Therefore, there is no reason why this project could not be located in a more appropriate location outside the Park and still generate the same financial benefit to the community.

- The meeting of the CMRP Consultative Forum of (15/02/2019) was attended by RCA Board Members. where it was evident that the 'Forum' had not previously discussed or formulated a 'Forum' view that could reasonably be attributed to all its members with their agreement and that further it was established by Fraser Carlin in agreement with the Forum Chairman, Councillor Steele and the other councillors present that the Forum per se was **unable to make a collective representation to NAC planning committee** in accord with its constitution and accepted modus operandi.
- The individual therefore inaccurately and inappropriately purporting to write on the CMRP's behalf states that the - "project needs to consider the wider impacts and needs of the community and future generations". The development does exactly that by providing a more positive future for the local community which suffers from severe and multiple

deprivation by re-investing £6m over a sustainable period. Detailed Assessment has been undertaken as to the turbines location to take account of windspeeds and other factors as well as the micro-siting of the turbine to limit its impact This prolonged process has taken place over a timescale of approximately 3 years.

- RCA strongly suspect that certain members of the CMRP Forum but far from them all or even a simple majority - would 'object' to the development wherever it was placed in the locality.
- As a community turbine the WTG must be located adjacent to the community it serves, in a viable location to earn much needed revenue for the community while minimising environmental impact.
- RCA is considering PPA's with local businesses and industries which would supply those businesses with cheaper energy thus safeguarding jobs as well as increasing the potential revenue to be returned to the community.

9. Summary

In summary the response to the refusal reasons are outlined below;

Reason 1

That the proposed development would be contrary to the provisions of Policy PI 9 and ENV 7 of the adopted North Ayrshire Council Local Development Plan by reason of the large scale of the development and associated adverse landscape and visual impacts on the surrounding Special Landscape Area of Clyde Muirshiel Regional Park that is offered significant protection by the above policies. In addition, the development would be within an area identified as being of high overall sensitivity to large scale wind turbine development in terms of the Council's Landscape Capacity Study for Wind Farm Development in North Ayrshire. In terms of the above policies, there is a presumption against wind turbine development within areas of high sensitivity for reasons of adverse impacts on landscape character.

In Response to refusal reason one

As has been demonstrated the proposal accords with Local Development Plan contrary to ROH in regards to Policy PI9 (a), (b), (d), (e), (f), (g), (h) and (i), there is slight degree of non-conformance with Criteria C, but the significant material considerations of Socio-Economic benefit to the local community as evidenced by the socio economic analysis, environmental benefit and community development far outweigh any limited landscape impact as demonstrated by the bespoke LVIA which determined that impacts would be insignificant. The bespoke LVIA which used national policy guidelines for landscape assessment should be lent more weight than the broad brush, ten-year-old LCS and the subjective opinion expressed in the ROH. Furthermore, the proposal fits with a number of key strategic aims of the council at local level as well as at national level.

In regards policy ENV 7 and ENV 9 the proposal would not create any significant landscape impact and limit ecological impacts. In accord with SPP 2014 any detrimental effects have been mitigated against. This has included micro-siting of the turbine for the following reasons;

- Increase separation from core area of the Natura Site and separation from Renfrewshire Heights SSSI and SPA to limit potential effects on wildlife;
- Reduce the Zone of Theoretical Viability (ZTV) if the development, and reduce visibility within the wider WLA;
- Located immediately adjacent to the existing track to minimise need for new access tracks which crosses fewer watercourses;
- Sited closer to existing infrastructure/development (i.e. Pundeavon Reservoir, existing track and hydro scheme under construction) to minimise encroachment of any additional 'man-made' features;
- Reduce the possibility of radar impact on receptors such as Glasgow Prestwick and Glasgow International Airports; and
- Reduce environmental effects on sensitive habitats. The final turbine location is preferred due to its location on unimproved acid grassland. This would avoid the need to disturb habitats with higher sensitivity in the north and west of the wider vicinity of the site such as active blanket bog, which is Annex 1 habitat (under the directive 92/43/EEC 'the Habitats Directive) and marshy grassland which has potential for GWDTE's

Reason 2

That the proposed development would be contrary to the provisions of General Policy criterion (c) Landscape Character and (d) Access in relation to the formation and widening of an access track to 5m with 1m verges either side over a distance of 1km, which, in addition to the wind turbine and its associated hardstanding, would further increase the adverse environmental impacts of the development to the detriment of landscape character within the Special Landscape Area and Wild Land area.

In response to refusal reason two:

As demonstrated via the bespoke LVIA report conducted by RCA and expressed further within this appeal document, the landscape impact would be minimal and is considered to be negligible/not significant to visual receptors including residential, recreational and transport corridors due to intervisibility and screening and the natural topography limiting the visual impact to a 2km radius as confirmed by the ZTV.

Also, as outlined the North Ayrshire LCS, Area 19c was *not* assessed and simply deemed unsuitable for development as it was within CMRP area and in comparison RCA has actually conducted a bespoke LVIA and produced visualisations demonstrating that the proposal would have no significant impact.

Any minimal impact is far and away outweighed by the material considerations of socio-economic benefit of the proposal creating/safeguarding 18FTE jobs per annum as expressed in the Socio-economic analysis conducted by RCA, the degree to which the proposal is supported by stated Council and Government policies and strategies as set out in the Policy Framework Analysis and the environmental benefit of the proposal, in displacing over 2.3million kgCO₂e per annum which assists in meeting binding international targets to tackle climate change.

Contrary to the flawed interpretation within the ROH, the road is extant and is 5.2m wide at the site area as evidenced by the photos submitted in this appeal document, the proposal would not create any further adverse environmental impact with an Ecological Clerk of Works being retained as part of the development and mitigation measures set out within the hydrology report and evidence submitted in the ecological appraisal regarding the site.

The proposal was specifically micro-sited to mitigate against any possible detrimental impacts regarding ecology and landscape impact and is located on acid grassland considered to have little ecological value within the North Ayrshire Local Biodiversity Action Plan. The temporary construction compound and the crane hardstanding would have very few visible impacts subject to ground reinstatement being satisfactory. The natural environment forms the foundation of the spatial strategy set out in NPF3, and the environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity.

Planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use. By upgrading this track, the proposal can draw support from PAN 60 and the LDP 2 regarding improved access to the CMRP and supporting learning regarding natural heritage and healthy living.

RCA is conducting a wild land assessment in order to demonstrate the limited localised impact upon the WLA and the ROH assertion that the proposal would have a detrimental impact without any assessment of same and prior to the RCA/SNH assessment taking place relegates this assertion to the status of a subjective opinion.

Reason 3

The proposed development, by reason of its siting, scale and design, would be contrary to the provisions of the Windfarm Spatial Framework as illustrated in Policy 29 (Energy Infrastructure Development) of the North Ayrshire Council Proposed LDP 2. The site is within an area of significant protection and the proposed development would adversely affect the character of the Waterhead Moor - Muirshiel Wild Land area.

In response to refusal reason three:

The stated aim of the LDP 2 is supporting sustainable development and promoting inclusive growth and this is ignored by the ROH.

Furthermore, the need and support for renewable energy development is recognised within LDP 2 but not within the ROH, as is the benefit of improved access to the countryside and the CMRP.

The RCA re-iterate our single turbine does not have ‘an unacceptable impact’ on the ‘WLA and that appropriate ‘mitigation measures’ have been taken, resulting in no significant impact upon the landscape qualities of the area and have pointed out the flaws of the LCS. As previously outlined the LCS character area 19c has not been examined since 2009 whilst development of wind energy has been ongoing in North Ayrshire and the CMRP in the interim and simply designating an area of 104sq miles as unsuitable for development due to the existence of the CMRP is an untenable position for the Council – as evidenced by successive successful planning appeals against the conclusions of the LCS. With the guidance from 2009 deleted by the council, and further not assessing the landscape capacity of the area in the interim whilst RCA provided a bespoke landscape assessment that demonstrates its compliance with national and local strategy and policy, the planners’ position on ‘landscape and visual impact’ is entirely subjective and based on an outdated and outmoded Report that no longer features on the Council’s website as advice to applicants. In addition, the **Report of handling cannot definitively state that the development would have unacceptable impact on the special character on qualities of the wild land without a ‘Wild Land Assessment’**. In relation to spatial policy as demonstrated conclusively in this document ,

SPP states the following

6.11 We expect strategic and local development plans to take into account the strategy, actions and developments set out in NPF3. We will use the actions and outcomes identified in the Action Programme to monitor progress over the next five years.

SPP also states the following regarding NPF3:

152. NPF3 is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the Scottish Government’s Report on Proposals and Policies. Our spatial strategy facilitates the development of

generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore.

POLICY PI 9: RENEWABLE ENERGY		
Policy Description	Notes	Relation to Development
(a) the development is appropriate in design and scale to its surroundings	The Development will have no adverse impacts in terms of siting of nationally or locally designated features in terms of ecology, cultural heritage and hydrology. A key factor in the final design and location of the Development has been to minimise adverse landscape effects in terms of the WLA and surrounding visual receptors. In summary, it is considered that the Development would be appropriate in design and scale and therefore compliant with Policy PI 9 (a) and General Policy (a).	Accords
(b) it can be demonstrated that there is no unacceptable adverse impact on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation, and coastal areas)	The intrinsic landscape qualities of the area would be not be undermined by the Development, in line with Policy PI (b)	Accords
(c) in the case of individual wind turbine or wind farm development, that the proposed development is not in an area designated as "high sensitivity" in the "Landscape Capacity Study for Wind Farm Development in North Ayrshire	Regarding criteria (c), there is a degree of non-conformance as the Development is located within an area of high sensitivity within the Council's Landscape Capacity Study. However, the project-specific landscape assessment concludes that the Development would not be a significant effect on the character areas of the area which should be given greater weight than the far broader Landscape Capacity Study. The significant socio-economic and environmental benefits outweigh any subjective assessment of landscape impact.	Non-Conformance
(d) the proposal shall not result in unacceptable intrusion, or have an unacceptable adverse effect on the natural, built, cultural or historic heritage of the locality	The Development will not have an unacceptable adverse effect on the natural, cultural or historic heritage of the locality, in accordance with LDP Policy PI 9 (d). The compliance of the Development with these environmental topics is assessed within the supporting statement and the cultural heritage assessment.	Accords

(e) it can be demonstrated that there are no unacceptable adverse impacts on the operation of tourism or recreation interests	CMRP has acknowledged that visitor numbers have increased while the numbers of wind turbines constructed has also increased over the same period indicating the absence of any negative impact on tourist or visitor numbers to CMRP	Accords
(f) it can be demonstrated that any unacceptable adverse effects on telecommunications, transmitting, receiving, or radar systems for civil, broadcasting, aviation or defence interests can be effectively overcome	Report of handling agrees proposal could meet the requirements of criterion (f).	Accords
(g) the proposal can be satisfactorily connected to the national grid without causing any unacceptable negative environmental impacts	Report of Handling agrees proposal could meet the requirements of criterion (g).	Accords
(h) when considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no unacceptable impacts due to the cumulative impact of development proposals	The closest cumulative development has been identified as the operational Kelburn Wind Farm, the closest turbine of which is located approximately 6 km from the Development and the closest noise-sensitive receptors. Given both the substantial separation distance from Kelburn Wind Farm and the closest receptors (in terms of noise and landscape), there will be no negative impacts due to the cumulative impact of the Development which accords with Policy PI 9 (h).	Accords
(i) in the case of individual wind turbine and wind farm development, that the proposal satisfies the contents of the Ayrshire Supplementary Guidance: Wind Farm Development (October 2009)	In accordance with Policy PI 9 (i), the Development satisfies the contents of the Ayrshire Supplementary Guidance: Wind Farm Development (October 2009) as detailed in the supporting statement	Accords
(j) where appropriate, applicants will be required to demonstrate consideration of colocation with significant electricity or heat users.	N/A	N/A
ENV Policy		
ENV 1 New Development in the Countryside (Excluding Housing)	The Development can draw significant support from Policy ENV 1 (c) as it is "essential public infrastructure" to overcome economic stagnation and social	Accords

	and health inequalities within the immediate locality of the Site (i.e. Garnock Valley). It has been demonstrated that there is <i>"a specific operational need to be located on site"</i> given the proximity to a grid connection and wind speed data which was discussed with the Council. Finally, <i>"a range of alternative sites have been examined and no suitable site can be made reasonably available"</i> as discussed with the Council. The Development fully accords with Policy ENV 1 (c) as it encourages appropriate development in the countryside and seeks to enhance the viability of rural industry and services while minimising environmental impact.	
ENV 5 Farm Diversification	The Development supports farm diversification which will support, and enhance, the rural economy of the Garnock Valley while maintaining the viability of existing agricultural operations. In line with Policy ENV 5, there is a presumption in favour of sensitive farm diversification and as such, the Development can draw considerable support from Policy ENV 5.	Accords
ENV 6 Economic Development or Diversification in Rural Areas	Proposal has significant socio-economic benefit (minimum of £6 million over the lifetime of the Development and a net creation/safeguard of 18 FTE jobs per annum liable to exist for ten years (minimum)) to the Garnock Valley through social, community and educational projects.	Accords
ENV 7: Special Landscape Areas	The Development is compliant with Policies ENV 7 (c) a renewable energy development and is (d) appropriate in design and scale; (e) has no unacceptable effect on landscape character; (f) has no unacceptable impacts on visual amenity and (g) takes cognisance of the Rural Design Guidance.	Accords
ENV 9: Nature Conservation	The Development will not have a significant effect on ecology, ornithology and biodiversity receptors and as such, accords with Policy ENV 9: Nature Conservation and General Policy H.	Accords
Other Policy		
HE 1: Conservation Area	HE 1 (b): Development Adjacent to Conservation Areas as it will not have adverse effect the wider setting of Conservation Areas.	Accords
HE 4: Scheduled Ancient Monuments and Archaeological Sites	The Development complies with Policy HE 4 (a) and (b) as it would not adversely affect the site or setting of any scheduled Ancient Monument and would not have an unacceptable impact on sites of archaeological significance.	Accords
HE 5: Historic Landscapes	The Development will not have any adverse direct or indirect effects on significant archaeological and historic assets, and the wider historic environment.	Accords

<p>Policy PI 8: Drainage, SUDS and Flooding</p>	<p>The Site is out with an area of flood risk as per the SEPA flood map. As the Site is within an upland location and well drained, only minor areas within the vicinity of watercourses are classified as being at medium to high risk of surface water and river flooding. It is anticipated that the Development design, layout and materials (including permeability) used to construct any permanent hardstanding's within the Site would be the subject of a planning condition placed on any consent for the Development. As such, the Development will have no adverse effect on flood risk in the area and is compliant.</p>	<p>Accords</p>
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10. Conclusion

- All the energy produced from the turbine will be sold to the national grid. All surplus revenue will be fully re-invested locally in sustainable community projects addressing areas of need in the Garnock Valley such as the creation of employment and training opportunities for local people.
- The power requirements of local businesses may be met through agreement of a PPA which would allow for cheaper energy and more sustainable local business.
- The proposed development is consistent with and contributes to the implementation of national policy objectives and in particular, Government objectives for 100% of Scotland's electricity to be generated from renewable sources by 2020
- The landscape and visual impact assessment submitted with this application and appeal demonstrates that the proposal would not detract from the natural appearance and scenic quality of the area and would not be detrimental to visual amenity.
- The photomontage report submitted demonstrates that the proposal will not detract from key views and historically important features.
- The proposal would not establish a precedent for wind farm development in isolated locations as each application is dealt with on its merits and the granting of one wind turbine does not guarantee that a separate application would be approved. (Report of Handling – App: 11/00408/PP Paragraph 2 Page 4).
- The site has been chosen to mitigate an adverse landscape impact taking advantage of existing screening and backclothing, thereby reducing the visual impact of the proposed turbine further
- Scottish Government renewable energy policy and targets are a material consideration, and there is a clear commitment from the Scottish Government to support renewable energy developments as set out in SPP. The current target is for 100% of Scotland's electricity to be generated from renewable sources by 2020 and net zero emissions by 2045. This is a material consideration of significant weight in support of the proposal, which would clearly contribute to meeting that target. It is noted that Scottish Planning Policy also states that planning authorities should support wind energy development in locations where the technology can operate efficiently, and environmental and cumulative impacts can be satisfactorily addressed.
- Given the various combinations of distance, partial screening by landform, and the very wide vistas available from most houses in this area, there is no case where the proposed turbine would be so visually dominant as to be over-bearing. On that basis it can be concluded that the development would not be significantly detrimental to the amenity of people living nearby in terms of its visual impact. Moreover, the benefit to the local community far away exceeds any subjective assumption and the development is widely supported in the local area.
- Given the mitigation measures undertaken in the proposals, it is considered that there would not be an adverse impact on the landscape qualities of the area and would not have a significant adverse impact on the natural, cultural and built heritage of the area.
- The proposal supports the main aims of the Scottish Climate Change Programme and is wholly consistent with the Scottish Planning Policy and guidance and is necessary in the face of a climate emergency.

- Where limited breaches of adopted development plan policy have been identified by the planning authority such as PI 9 (c), the appeal submission has endeavoured to demonstrate that these policies are overly restrictive and out of date as they predate more recent national planning policy initiatives on renewable energy. The weight to be attached to the full suite of facilitative other material considerations is such that planning permission should be granted in any event.
- The Scottish Government recognises that farm diversification is a means for farmers to widen and strengthen the economic base of their businesses and contribute to a more diversified rural economy. Local Authorities have a key role to play in supporting attempts at diversification. This proposal strongly adheres to this policy and contributes to sustainable economic growth in rural areas.

For the reasons given in this submission, it is respectfully requested that the delegated decision to refuse by Planning officials be overturned and that the Local Review Body grant planning permission for this much needed development proposal to provide a better future for the people and communities of the Garnock Valley as a result of the above re-investment of revenues from the development and to tackle the threat of climate change in accord with North Ayrshire Council's declaration of a 'climate emergency'.



Radio City Association

Policy Framework Analysis



Executive Summary

Radio City Association (RCA) examined **North Ayrshire Council (NAC)** Strategies and Policies to determine best practice in the “Electric Valley” project and work within existing local frameworks and development of the **Seven Areas of Strategic Focus** for the proposed reinvestment to achieve the greatest Socio-Economic impact as per the RCA **Socio-Economic Analysis Report**.

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8. Conclusion

1 Council Plan 2015-20

The **Council Plan 2015-20** identifies five main “*building blocks*” to achieve the stated mission of the council which is:

“To improve the lives of North Ayrshire people and develop stronger communities”



In order to achieve this mission, the Council has stated its **Strategic Priorities**. The proposals of the “Electric Valley” developed by the Radio City Association (RCA) as contained within the Socio-Economic Analysis report support all five of the priorities of the North Ayrshire Council according to the Council Plan 2015-2020 outlined below:

- **Priority 1: Growing our economy, increasing employment and regenerating towns**

Four of the Five Strategic Aims (as aim five is relevant to the islands) under Priority 1 are relevant to the “Electric Valley” as outlined below;

- To have a thriving economy where there are leading companies and the best business support in Scotland
- North Ayrshire to be recognised as a place where new companies and small businesses can flourish
- Unemployment levels to be at an all-time low, and wealth to be shared more fairly between communities
- To have towns that are more vibrant with a wider choice of quality housing as well as retail and leisure facilities

The local authority aims to address economic and social challenges as well as promote opportunities for development. It is stated that the Council wants to address;

“economic differences across different areas of North Ayrshire are significantly reduced and the wealth of North Ayrshire is fairly distributed.”

The relevant ways to the “Electric Valley” the Council hopes to achieve this by;

- Listening to and working with businesses to create an environment which supports growth
- Working with partners to develop creative solutions and activity which responds to local economic challenges
- Continuing to develop important business sectors and focusing on exporting to increase investment and the wealth of the area
- Giving residents the opportunity to follow new routes from education to employment
- Continuing to reduce youth and adult unemployment

- Working with those who need extra help, including our looked after children (children in care) and focusing on our areas of greatest deprivation
- Working with our communities to develop local business opportunities for them to be involved in
- Supporting commercial and residential development that will provide the right support for attracting investment, expanding business and transforming our surroundings, particularly town centres
- Supporting our town centres and neighbourhoods to flourish by providing co-ordinated council-wide services and assets
- Providing high-performing services.

The proposed re-investment as a result of the Electric Valley can address these strategic aims and by using the focus of the council policy framework this can ensure that RCA's strategic vision is in concert with North Ayrshire Council and the wider community.

- **Priority 2: Working Together to Build Stronger Communities**

Within the stated strategic aims of Working Together to Build Stronger Communities the Council looks to encourage a North Ayrshire where:

- More people are confident, skilled and active members of their community
- More empowered, connected communities
- Communities that have more of a say in local decisions
- To have neighbourhoods with agreed local priorities and goals
- There to be community organisations that are recognised for their effectiveness and can access resources and provide services effectively
- To have more productive networks and relationships which help communities to become stronger and reduce inequalities
- There to be places which communities are proud of and people want to visit.

The Electric Valley aims to create an environment where “more people are confident, skilled and active members of their community” as well as fostering the empowerment of local communities, which have an increased leadership base, and which have more influence. The Electric Valley also outlines proposal by means which communities can have expanded and more diverse participation in local decision making. The Council Plan also states that Community organisations should be recognised for their enterprise and innovation which RCA believes itself to have shown in its innovative outlook which potentially allow for access resources to deliver services effectively which will address the aim: “support communities to reduce exclusion and inequalities and increase resilience”. The sated aim of “There to be places which communities are proud of and people want to visit” is in congress with the Electric Valley regeneration proposals.

- **Priority 3: Ensuring people have the right skills for learning, life and work.**

Two of the relevant strategic aims of the “Electric Valley” under priority 3 are:

- A learning environment where school leavers have access to positive opportunities through them gaining appropriate skills and qualifications
- A North Ayrshire that provides improved opportunities and outcomes for looked-after children and young people.

RCA's Electric Valley provides for future investment in people and communities with skills and training opportunities with an estimate 18 jobs created/safeguarded per annum as stated in the Socio-Economic Analysis Report. The RCA also has a close working relationship with Priory, one of Europe's largest care providers, based in the Radio City building who support children in residential care outside of mainstream education and look to build upon that relationship within the Electric Valley concept.

- **Priority 4: Supporting people to stay safe, healthy and active**

The vision at the heart of plan in Priority 4 is that:

“All people who live in North Ayrshire are able to have a safe, active and healthy life”.

To achieve this, the Council has stated it will focus on the following five priorities:

- Tackling inequalities
- Engaging communities
- Prevention and early intervention
- Improving mental health and wellbeing

The Electric Valley overriding ambition is the tackling of inequalities in the communities of the Garnock Valley, as well as empowering those communities. The RCA also has ambitions to provide for public health solutions including in the areas of mental health and wellbeing where work has already taken place e.g. securing of funding for creation of the Active Travel Hub.

- **Priority 5: Protecting and enhancing the environment for future generations**

The three strategic aims of Priority 5 are as follows;

- There to be a supply of high-quality affordable housing that meets the changing needs of our communities
- To prevent homelessness and make sure that people who have been made homeless have access to permanent housing
- Less anti-social behaviour in North Ayrshire

The Electric Valley can assist in the achievement of these goals by providing opportunity for investment in homelessness prevention and schemes which will reduce outcomes such as Anti-Social Behaviour

Summary of Electric Valley and Council Plan 2015-20

Community capacity and empowerment, community ownership and sustainability are key priorities within the areas of policy focus by the Council.

Performance indicators include;

- Working with local communities to help them flourish and Leverage of External Funding and;
- Working with local communities to help them flourish with an increase in the number of community ownership initiatives.

The “Electric Valley” Project itself involves the creation of a more circular local economy in the Garnock Valley with the revenues of the renewable energy projects being reinvested locally in sustainable environmentally friendly community led projects with the aims of creating employment, skills and training opportunities and growing the local economy.

The project will also address and tackle the social and health issues through the promotion of heritage, culture and art, address health issues and promote wellbeing through provision of sport and recreation facilities, increase financial and digital inclusion, provide for greater access to environmentally friendly transportation and tackling of poverty including fuel poverty all in aid of creating a centre of social enterprise for the benefit of the local community. These aims are all in unison with North Ayrshire Council's own Priorities and Strategic Aims.

2 Directorate Plans



The Council Directorate plans are in the areas of the council highlighted below the plans in blue will be examined. The Council is also performing a structural reform internally.

- Democratic Services
- Economy and Communities
- Education and Youth Employment
- Finance and Corporate Support
- Place

With the formation of the Health and Social Care Partnership the Social Services and Health Service Plan has been replaced with the HSCP Strategic Plan which is examined in Section 6.9

2.1 Democratic Services

The Democratic Services Directorate Plan has 3 Priorities as outlined below. Of these, relevant to the Electric Valley is Priority 1 which aims to carry out council policies by embedding equality and working with partners to “Make it Happen” which the Electric Valley assists in doing.

- **Democratic Services Directorate Priorities**
 1. Supporting the Council and its Partners to Make it Happen
 2. Provide a comprehensive and responsive Legal Service
 3. Effective delivery of Communications

2.2 Economy and Communities

The relevant Directorate Plan of the Economy and Communities has 6 Priorities as outlined below. Of these, two are particularly relevant to the Electric Valley, namely Priority 2 “Locality Planning” and Priority 3 “Inclusive Growth”

- **Economy and Communities Directorate Priorities**
 1. Investment
 2. Locality Planning
 3. Inclusive Growth
 4. Service Transformation
 5. Best In Class – The 2020 Challenge
 6. Essential Ingredients

Locality Planning

"To work with our communities to empower and increase capacity within our localities and promote local democracy"

Inclusive Growth

"To address the main barriers to economic growth to improve the North Ayrshire economy for all our residents"

2.3 Education and Youth Employment

The Education and Youth Employment Directorate Plan has 5 Priorities as outlined below. The Electric Valley is relevant to Priority 1 and Priority 5. These are the aims of reducing inequality and ensuring that young people have a more prosperous start and exciting future which are all key aims of RCA's Electric Valley.

- **Education and Youth Employment Priorities**
 1. We are reducing inequalities and delivering improved outcomes for children and young people
 2. High quality learning and teaching is taking place in all our establishments
 3. Self-evaluation and performance improvement are embedded throughout our schools and central support teams
 4. Levels of attainment and achievement are improving for all learners
 5. High numbers of our young people are entering positive and sustained post-school destinations

2.4 Place

The Directorate Plan of Place has 5 Priorities as outlined below. Of these, relevant to the Electric Valley are Priority 1 Effective Asset Management, Priority 2 "Environment Sustainability" and Priority 3 "Inclusive Growth". The Electric Valley will assist in effective asset management particularly the Knox Institute proposal which will immediately increase occupancy levels of council property, the proposals also benefit the long term environmental sustainability of North Ayrshire by creating renewable resource and investing in environmentally sustainable propositions such as the investment already outlined in the Valefield and Institute projects. The Electric Valley will also contribute to social outcomes providing regeneration and opportunity which in turn has an effect of reducing anti-social behaviour.

- **Place Directorate Priorities**
 1. Effective Asset Management
 2. Environment Sustainability
 3. Service Transformation
 4. Safe Communities
 5. Customer Service

3 Fair For All Strategy 2017-32

The Fair For All Strategy sets out the Community Planning Partnership's vision for North Ayrshire residents:

"North Ayrshire - A Better Life"



To achieve this the CPP believes it must ensure that life is "Fair for All" in North Ayrshire. Fair for All is therefore a strategy for promoting equity and is underpinned by multiple other strategies.

The key pledge within Fair for All is: "North Ayrshire pledges to tackle the root causes of child poverty and mitigate its impact to create a better life for local people." This was in response to local trends in child poverty levels since the previous Single Outcome Agreement 2013-17.

The Fair For All Strategy has four priority areas:

- *A Working North Ayrshire*
- *A Healthier North Ayrshire*
- *A Safer North Ayrshire*
- *Thriving North Ayrshire – Children and Young People*

A Working North Ayrshire

Relevant Policy:

- Economic Development and Regeneration Strategy 2016-25

CPP Ambition

“To have created the most improved economy in Scotland by 2026”

CPP Aims

- **Investment** - An area with a high level of investment in businesses, people, infrastructure and other assets
- **Innovation** - An economy where there are high levels of research and development activity and entrepreneurship
- **Internationalisation** - An economy where there are large numbers of businesses trading internationally and new companies located in the area
- **Inclusive Growth** - An area where all sections of the community aspire to achieve and benefit significantly from economic growth

CPP Objectives

1. We will provide the best conditions for business, creating a diverse and inclusive economy.
2. We will develop our transport and digital connectivity to support business growth and link people and opportunity.
3. We will maximise the economic and social potential of our islands and towns.
4. We will build the capacity of our communities to promote inclusive growth.
5. We will improve the productivity of our people and workforce through top class education and skill services.
6. We will reduce significantly long-term unemployment and low incomes in working households

Electric Valley Policy Summary

The Electric Valley accords with the CPP's “Working North Ayrshire” aims and economic development and regeneration strategy providing investment in people and community assets providing community leadership and encouraging social innovation and entrepreneurship all in aid of supporting sustainable and inclusive growth. Also, within the aims is co-hub development which RCA has already initiated with the Knox Institute project.

The Electric Valley project accords with all six of the CPP's objectives in terms of creating a “Working North Ayrshire”.

A Healthier North Ayrshire

Relevant Policy

- Health and Social Care Partnership Strategic Plan 2016-18

CPP Ambition

“All people who live in North Ayrshire are able to have a safe, healthy and active life.”

CPP Aims

North Ayrshire Health & Social Care Strategic Plan 2018-21 has five targets.

- We will tackle inequalities
- We will engage with communities
- We will bring services together
- We will focus on prevention and early intervention
- We will support improved mental health and wellbeing

In addition, the CPP has the following priorities within the Fair for All Strategy

- We will make sure our services to children support them to have a better start in life.
- We will work with Community Planning Partners (CPP) to implement Fair for All

CPP Objectives

1. We will support localities to create their own local solutions to health and social care needs via locality planning forums.
2. We will develop locality based multi-disciplinary teams to support and care for people with complex care needs.
3. We will implement our review of island services on Arran and will undertake a review of how services are working on Cumbrae.
4. We will promote self-management to enable people to take control and better manage their own health.
5. We will make sure there are additional services to support people to avoid admission to hospital.
6. We will increase opportunities for people to get involved in their local communities.
7. We will adopt a holistic, whole life approach with a range of community services to support people throughout their life to live well for longer.

Electric Valley Policy Summary

The Electric Valley accords with CPP objectives 4,5,6 and 7 in the CPP aim of creating a healthier North Ayrshire as well as several the HSCP Strategic Plan. The Electric Valley will provide positive health effects and offer public health solutions with investment in community assets such as the proposed development of sporting facilities at the Valefield, Kilbirnie.

Positive impacts on education, training and employment availability and access, should, in turn, impact positively on health and wellbeing.

May want to add in something about “The RCA will seek out opportunities to engage with the locality working model advocated by both the Community Planning Partnership and HSCP to foster relationships with key community partners and ensure a joined-up approach to the RCA’s development.”

A Safer North Ayrshire

Relevant Policies:

- The North Ayrshire Anti-Social Behaviour Strategy 2015-18
- The North Ayrshire Violence Against Women Strategy 2015-18
- Police Local Plan 2017-20
- Scottish Fire and Rescue Local Plan 2017-20

CPP Ambition

“North Ayrshire is a safer place to live, residents feel safer and communities are empowered.”

CPP Aims

1. We will reduce levels of crime and anti-social behaviour and increase detection rates.
2. We will reduce reoffending.
3. We will reduce the harmful effects of drugs and alcohol.
4. We will reduce levels of domestic abuse and give a higher level of support to victims.
5. We will improve road safety.
6. We will improve fire safety.
7. We will reduce fear of crime and anti-social behaviour.
8. We will increase the number of people engaging in community activities and Volunteering.

CPP Objectives

1. Crimes of violence and knife crime in particular will be reduced.
2. Levels of crime detection will increase.
3. Victims of domestic violence will experience an improved and integrated response from service providers.
4. Local communities will be supported by both an asset-based approach and delivering services on a locality planning basis.
5. Public re-assurance will be increased

Electric Valley Policy Summary

The Electric Valley addresses a number of the CPP’s key aims in creating a safer North Ayrshire in particular aims 2, 3 and 8 by increasing the number of people engaging in community

activities and volunteering and supporting the recovery of those with substance misuse problems, as well as providing opportunities to combat recidivism, all of which will have knock-on effects such as reducing anti-social behaviour.

A Thriving North Ayrshire – Children and Young People

Relevant Policy

- North Ayrshire's Children's Services Plan 2016-20

CPP Ambition

"We want young people to have the best start in life and for North Ayrshire to be the best place in Scotland to grow up."

CPP Aims

- We will improve how you engage with school.
- We will help you to be physically active and be at a healthy weight.
- We will prevent smoking, drinking and taking substances at an early age.
- We will support your social and emotional development.

CPP Objectives

- These take the form of promises which are detailed in North Ayrshire's Children's Services Plan 2016-20.

Electric Valley Policy Summary

The Electric Valley will support the CPP aims 2, 3 and 4 by providing for healthy living and physical activity with provision of community sporting facilities in as detailed in the Valefield proposals as well as providing in future for public health initiatives around addiction working in conjunction with healthcare providers such as Priory in the Radio City and NHS Ayrshire and Arran and HSCP. In addition, RCA will support the development of young people with initiatives supporting learning around subjects such as the natural environment with site visits to the community turbine and a naming competition for local young people.

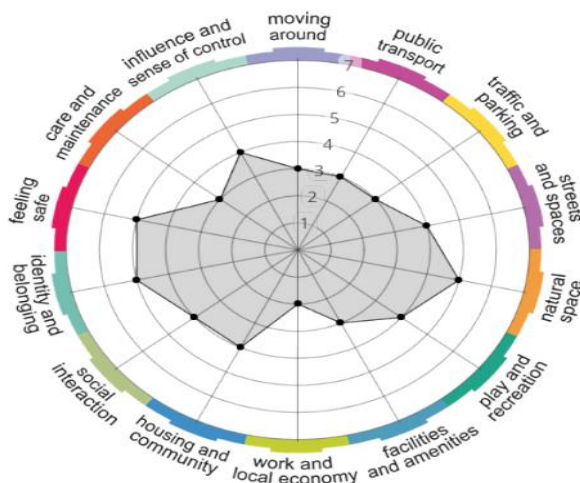
4 Local Outcomes Improvement Plan (LOIP) 2017–2022

The Locality Partnerships agreed their local priorities in 2017. The diagram below shows the LOIP themes based upon the Fair For All Strategy.



4.1 Garnock Valley Locality Plan 2017

Garnock Valley Locality Plan sets out the challenges and opportunities associated with the enhancement of the Garnock Valley. The Plan is overseen by a Locality Partnership which includes local people and Council officers with a local remit.



Local priorities have been decided by each locality and were based on information gathered about their own local area. This includes national data, local statistics and the views of local people through the people's panel survey.

Garnock Valley Locality Priorities

1. Moving Around
2. Work and Local Community
3. Facilities and Amenities

4.2 Go Garnock 2016

Go Garnock was a charrette plus exercise designed to understand local needs and issues across each of the areas within the Garnock Valley. Issues identified for Kilbirnie during the exercise are:

- Little / no support for new / small businesses
- Not enough local jobs: people have to travel to work which is expensive
- Communities have opportunities but are not aware of what they could do
- Lots of community groups working separately
- Broadband speed and reliability is an issue
- There are jobs locally but fewer career opportunities
- Concerns about shops closing due to relocation of school

In addition, the following ideas were identified which could contribute to addressing some of the issues noted above:

- complete the cycle path
- support Grow Kilbirnie
- establish enterprise incubator units and pre-hatchery space
- develop activity at Kilbirnie Loch.

4.3 Town Centre Audits

Ekos completed “Your Town Centre Audit(s)” on behalf of North Ayrshire Council.

Using Kilbirnie as the indicator of the three Garnock Valley towns including Beith and Dalry applying this standardised tool led to the following conclusions:

- Kilbirnie can be categorised as an ‘Interdependent to dependent town’ – meaning it has a low number of assets in relation to population
- Kilbirnie is reliant on neighbouring towns for assets and jobs
- Social and council housing is the norm
- Manufacturing and construction are dominant forms of employment
- Higher level of unemployment
- Educational attainment is low
- Car ownership is low
- Higher than average retail unit vacancy

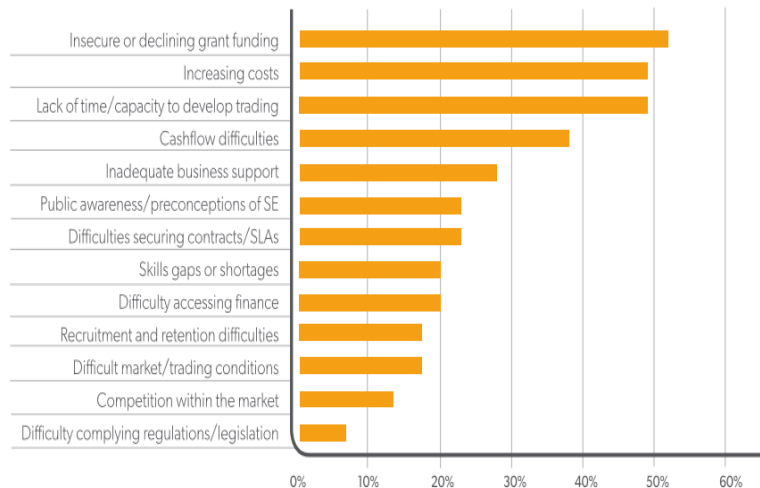
4.4 LOIP, Garnock Valley Locality Plan and Go Garnock Summary

The Electric Valley and the areas of strategic focus developed by RCA aim to address these concerns of local people and the work carried out on behalf of the council with the seven targeted areas of the re-investment strategy. RCA will work with the community re-investing locally and thereby creating skilled long-lasting employment, providing employability training, roll out of an electric vehicle club and more to address these issues and the socio-economic statistics as identified in the socio—economic analysis paper.

5 Social Enterprise Strategy

The purpose of North Ayrshire Council Social Enterprise Strategy is to create a comprehensive and robust partnership-based strategy to maximise the social and economic impact of social enterprises in North Ayrshire.

The Strategy Census identified the barriers to growth for social enterprise in North Ayrshire with the largest reason being insecure or declining grant funding which the Electric Valley can address with the sustainable model of re-investment developed as well as the potential to tackle the other issues.



Social Enterprise Strategy Strategic Priorities:

- 1 Developing a High Profile Sector**
Building a strong dynamic sector that is more ambitious, more coherent, and more wide-reaching
- 2 Growing Market Share**
Developing business opportunities and growing market share across sectors and building on potential by making the most of assets available in local communities
- 3 Improving Sustainability**
Achieving greater sustainability through leadership development, business support, investment and improved competitiveness
- 4 Demonstrating Impact**
Success of increased development and sustainability of the social enterprise sector will be measured over the next three years

Social Enterprise Vision

The Electric Valley is supported by these strategic priorities and also accords with the social enterprise vision by creating social value improving lives locally and growing the local economy through re-investment.

A diverse, vibrant and sustainable social enterprise sector in North Ayrshire, playing a key part in delivering a successful economy, maximising social value and improving the quality of people's lives in local communities.

6 Other Relevant Strategies, Policies and Plans

6.1 North Ayrshire Environmental Sustainability & Climate Change Strategy 2017-2020

The Sustainability and Climate Change Strategy has obvious synergies with Electric Valley proposals regarding the environmental benefits of the project, but the policy also outlines:

“North Ayrshire’s vision of sustainability joins together environmental protection and enhancement, social development, and economic growth to build a sustainable future and create a triple bottom line of benefit across these three agendas”

6.2 Local employment activity plan

The Electric Valley can contribute greatly to this strategy working alongside the existing hubs North Ayrshire Council’s Employability & Skills Team and partners to deliver alongside the Employability Skills Pipeline and Employability Hubs

6.3 Beginnings, Belonging, Belief – A Community Justice Plan for Ayrshire

This plan is known as a Community Justice Outcomes Improvement Plan (CJOIP) and is a statutory requirement of the Community Justice (Scotland) Act 2016:

Community Justice Ayrshire is a partnership which is focused on preventing and reducing re-offending. They have published a Plan called ‘Beginnings, Belonging, Belief’ to help do this. The Plan is for all of those affected by crime. That includes people involved in offending, their families, victims, communities and those working in the justice system.

The RCA has ambitions to combat recidivism as Ayrshire has the 2nd highest re-conviction rate in Scotland. The plans are included in the areas of strategic focus and as contained within the Knox Institute project business plan to create skills opportunities for ex-offenders as provided to NAC for the purposes of Asset Transfer.

6.4 Ayrshire Growth Deal

The Ayrshire Growth Deal is a partnership across the three Ayrshire Local Authorities intended to transform the business environment across the region. The **Ayrshire Growth Deal Prospectus** (2017) sets out a combined Vision for the three Ayrshire authorities:

“Our vision is for Ayrshire to be a vibrant, outward looking, confident region, attractive to investors and visitors, making a major contribution to Scotland’s growth and local well-being, and leading the implementation of digital technologies and the next generation of manufacturing”.

The Growth Deal includes projects around the themes of improving connectivity, developing key sectors, innovation and export, developing skills and the digital environment.

Of considerable potential relevance to Electric Valley is the creation of Co-Hubs – a coordinated approach to tackle deep rooted deprivation and provide routes out of poverty through accessible job opportunities, social enterprises and business start-ups. Partnerships across public, private and voluntary sectors will be created to develop a hub and spoke model and creation of Co-Hub Community Incubator spaces, offering employment services and

entrepreneurial assistance. These incubators will act as a hub for activities and Ayrshire Co-Hub Support Unit. The Electric Valley proposals contain the Knox Institute development which consists of co-hub development.

6.5 Open Space Strategy 2016 – 2026

The open space strategy has synergies with the Electric Valley proposals given the creation of the Active Travel Hub and associated projects alongside the greater use of public realm proposed and greater utilisation of the natural asset of the CMRP.

6.6 Youth Citizenship and Participation Strategy 2015-19

The Youth Citizenship and Participation Strategy aims that young people in North Ayrshire; Have a good start in life, be physically and emotionally healthy and be successful learners, confident individuals and responsible citizens who make a positive contribution to their communities and leave school to work learn and contribute to society. The Electric Valley contributes to a number of those aims

6.7 Youth Employment Strategy for North Ayrshire 2013 – 2020

The Youth Employment Strategy for North Ayrshire is in tune with the Electric Valley proposals which can help to deliver the council strategy by providing employability and skills training opportunities within and will align with the North Ayrshire Economic Development and Regeneration strategy (EDRs). The EDRs aims to revitalise communities by stimulating economic growth and creating employment.

6.8 North Ayrshire Health and Social Care Strategic Plan 2018–21

With the formation of the Health and Social Care Partnership the Social Services and Health Service Plan has been replaced with the HSCP Strategic Plan. The Electric Valley assists in delivery of the strategy by providing for improved health and wellbeing, promoting healthy living and other facilities such as access to services and other determiners that all have an impact on health.

6.9 Vacant and Derelict Land Strategy

The Vacant and Derelict Land Strategy sets out that NAC has the largest proportion of Vacant and Derelict Land in Scotland with approximately 1,333 hectares. To contextualise this, it is the equivalent land area of the Three Towns. This Electric Valley project would see the removal of urban vacant sites and use of derelict land in the regeneration of the Garnock Valley.

6.10 NAC Digital Strategy

The “Smarter Ways of Working A Digital Strategy for North Ayrshire Council” strategy promotes digital inclusion as it forms an important part of modern society, the Electric Valley will contribute greatly to this inclusivity as digital inclusion is a category under the heading of “Poverty and Inclusivity” and RCA has already been involved in the community consultation regarding the roll-out of superfast broadband.

6.11 North Ayrshire Strategic Community Learning and Development Plan 2018–2021

Community Learning and Development (CLD) supports primarily disadvantaged or vulnerable groups and individuals of all ages to engage in learning, personal development and active citizenship with a focus on bringing about change in their lives and communities including Community development i.e. building the capacity of communities to meet their own needs, engaging with and influencing decision makers

The North Ayrshire CLD Plan states that within the context of “Capacity Building” the key priorities of the Council will be:

- Local community asset development – the economic dimension of community empowerment that builds social capital.
- Development of Participatory Budgeting – giving communities a decision on spending and resource allocation through a representative model of locality planning. (Stage one and stage two developments – which begin to explore the allocation of 1% of the Council’s budget).
- Empowering disadvantaged communities – closing the gap through early and effective intervention.
- Support for community organisations and groups seeking to exercise local management of community assets whether through ownership or in partnership.

6.12 North Ayrshire Priority Sectors for Business Growth

North Ayrshire Council’s Business Growth Manager for the Garnock Valley identified the following priority sectors for business growth:

- Manufacturing
- Life Sciences
- Construction
- Tourism and Leisure

This Electric Valley has already identified how future re-investment could be aligned with these strategic priority sectors through our re-investment proposals which aim to foster business and economic growth in the area whilst having a broad social impact.

6.13 North Ayrshire Inclusive Growth Diagnostic

Inclusive Growth Diagnostic is a joint piece of work between the Office of the Chief Economic Adviser at the Scottish Government and North Ayrshire Council (NAC) which aims to assess what is holding back long-term sustainable inclusivity and growth in North Ayrshire and implement an Inclusive growth action plan. The Electric Valley project contributes to inclusive growth in a number of ways and this is demonstrated in the Socio-Economic Analysis.

6.14 Better Off North Ayrshire

The Electric Valley concept is in keeping with the Better Off North Ayrshire aims of:

“Improving lives and building stronger communities by building financial capability and resilience through offering a package of support services, through key workers, to low income, workless and lone parent families including budgeting, benefits, debt and energy advice, together with direct access to affordable loans and affordable furniture.”

6.15 Other Local Plans with potential tie-in

- Stoneyholm Mill Redevelopment Plan, Lochshore Masterplan and Kilbirnie Public Park Proposals

Have key synergies with the re-investment proposals of the Electric Valley all of which will assist in attracting investment and wide regeneration and provide community assets and facilities.

- Kilbirnie Conservation Area Regeneration Scheme (CARS)

The CARS scheme was completed in 2018 and has helped to conserve and enhance the physical appearance of several key buildings in Kilbrinie including the Knox Institute which RCA propose to redevelop.

7 National Strategies, Policies and Frameworks

- **Scottish Government National Performance Framework**

The National Policy Framework sets out the Scottish Government's Purpose

"To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth"

The Framework sets out High Level Targets relating to seven key areas;

- **Growth** - Increase Scotland's Economic Growth
- **Productivity** - Improve Productivity
- **Participation** - Improve Economic Participation
- **Population** - Increase Population Growth and Increase Healthy Life Expectancy
- **Solidarity** – Reduce Income Inequality
- **Cohesion** – Reduce Inequalities in Economic Participation across Scotland
- **Sustainability** – Reduce Greenhouse Gas Emissions

The framework sets out a number of strategic objectives in regard to these key areas with overarching themes of creating a Scotland that is

- 1) Wealthier & Fairer
- 2) Smarter
- 3) Healthier
- 4) Safer & Stronger
- 5) Greener

The Electric Valley contributes to these strategic objectives and the high-level targets through the community ownership and re-investment strategy.

	WEALTHIER & FAIRER	SMARTER	HEALTHIER	SAFER & STRONGER	GREENER	
NATIONAL OUTCOMES	We live in a Scotland that is the most attractive place for doing business in Europe					NATIONAL OUTCOMES
	We realise our full economic potential with more and better employment opportunities for our people					
	We are better educated, more skilled and more successful, renowned for our research and innovation					
	Our young people are successful learners, confident individuals, effective contributors and responsible citizens					
	Our children have the best start in life and are ready to succeed					
	We live longer, healthier lives					
	We have tackled the significant inequalities in Scottish society					
	We have improved the life chances for children, young people and families at risk					
	We live our lives safe from crime, disorder and danger					
	We live in well-designed, sustainable places where we are able to access the amenities and services we need					
	We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others					
	We value and enjoy our built and natural environment and protect it and enhance it for future generations					
	We take pride in a strong, fair and inclusive national identity					
	We reduce the local and global environmental impact of our consumption and production					
	Our people are able to maintain their independence as they get older and are able to access appropriate support when they need it					
	Our public services are high quality, continually improving, efficient and responsive to local people's needs					

- **Scottish Government Economic Strategy**

The Economic Strategy is aligned with the EDR of North Ayrshire Council with the Four strategic outcomes: Investment, Innovation, Internationalisation and Inclusive Growth. Partnered with this are facilities such as the Pathfinder for Regional Partnerships, as part of the Scottish Government Ministerial led Enterprise and Skills Review and DYW Ayrshire and the Inward Investment Proposition all of which the Electric Valley fit in with.

- **Community Empowerment (Scotland) Act 2015**

The Scottish Government encourages community ownership and strengthening the abilities of communities to shape the area they live in for themselves. This is enshrined in the community empowerment act which is designed to give greater powers to local communities

- **Community Energy Strategy**

The Community Energy Strategy sets out how the UK Government has begun a rolling programme of action to address the barriers to community energy deployment and has introduced new policies and programmes as well as improving existing ones. The UK Government is helping to create the right conditions for community energy to grow by providing a secure foundation, a clear pathway to success, and fostering innovation.

Community energy covers many different types of community getting involved in different ways to help meet the UK's energy challenges. The implementation of the Strategy will help underpin the diversification of the current centralised energy system to a much more distributed approach, whereby local people have more control of and a stake in how energy is generated and supplied, and how their community's energy demand can be managed and reduced.

The UK Government's vision is of a future no longer dominated by a small number of large energy companies and traditional business models, but a flexible, devolved, competitive and innovative energy system that serves local people.

The Community Energy Strategy set out the key benefits of community energy:

- It can help maintain energy security and tackle climate change;
- It can save money on energy bills; and
- It can bring wider social and economic benefits, including generating income streams for the community, increasing community cohesion, and building confidence and skills.

The UK Government's ambition is that every community that wants to form an energy group or take forward an energy project should be able to do so, regardless of background or location. The UK Government will back those who choose to pursue community energy, working to dismantle barriers and unlock the potential of the sector.

The UK Government supports a spectrum of community models to energy generation, demand reduction, demand management and purchasing. Often these are wholly community-led and owned, formed to address a local energy challenge or opportunity; as is the case with the Electric Valley. A defining feature for all community energy schemes should be demonstrable benefit to the community and in many cases, an appropriate level of civic participation.

- **Scottish Government Community Energy Policy**

This Energy Policy Statement demonstrates the Scottish Governments ambition to see community energy mainstreamed within a whole systems approach, with opportunity for community ownership and control across the full range of components in the system generating low carbon energy, improving energy efficiency, distributing energy and storing energy. The community can have a stake in the full range of heat and electricity generating technologies, including onshore wind. However, community energy faces a number of barriers to its growth: energy projects are often high capital cost and can be subject to delayed grid connection.

The Scottish Government's community energy policy aims to mitigate and reduce risks of direct ownership, including the flagship schemes for community energy CARES delivered by Local

Energy Scotland. CARES offer end to end local support to community groups to encourage and support them to consider renewables projects.

The Scottish Government have put in place a comprehensive support framework based on experience of the sector and, where they do not currently have powers to intervene directly – as in obliging community benefits however, they have used techniques including exemplary commitments on the public estate, to encourage good practice. The result is over 400 community energy schemes operating across Scotland, at least 634 MW of local and community-owned projects in the pipeline, and a new industry baseline for community benefits that is bringing additional benefits to communities across the UK.

By matching local low carbon power generation to local demand and forging collaborative partnerships between local agencies in the private as well as the public sector, Scotland can create a new energy systems model. Scotland is well-placed to test this new model and our communities are well-placed to benefit from it.

The Electric Valley can draw considerable support from this Energy Policy Statement and contribute to the low-carbon, community-led renewable goals.

- **Low Carbon Economic Strategy or Scotland**

The Low Carbon Economic Strategy for Scotland states that transforming the energy sector in Scotland will play a pivotal role in the development of a low carbon economy and recognises that Scotland's abundant renewable resources offer opportunities that could be the source of international competitive advantage.

- **Climate Change (Scotland) Act 2009**

The Climate Change (Scotland) Act 2009 created the statutory framework for greenhouse gas emission reductions in Scotland. It set an interim 42% reduction target for 2020, an 80% reduction target for 2050 and annual targets from 2010 to 2050 compared to the 1990/1995 baseline. The Electric Valley will contribute towards these legally binding targets. The proposed wind turbine in the Electric Valley will generate energy to supply approximately 1,600 homes annually which equates to displacement of CO₂ emissions equal to 2.3 million kgCO₂ equivalent annually and be reinvested in environmental projects. As the Electric Valley will contribute to reduction in greenhouse gas emissions, it can draw support from the Climate Change (Scotland) Act 2009.

- **Public Health Reform**

Public health reform is a partnership between the Scottish Government and CoSLA. Six priorities for public health, to improve health and reduce inequalities across the whole system, have been identified. The priorities are interdependent and related, reflecting the complexity of Scotland's health challenges and the effort needed nationally, regionally and locally to make a difference.

Priority 1: A Scotland where we live in vibrant, healthy and safe places and communities

Priority 2: A Scotland where we flourish in our early years

Priority 3: A Scotland where we have good mental wellbeing

Priority 4: A Scotland where we reduce the use of and harm from alcohol, tobacco and other drugs

Priority 5: A Scotland where we have a sustainable, inclusive economy with equality of outcomes for all

Priority 6: A Scotland where we eat well, have a healthy weight and are physically active

8 Conclusion

The Electric Valley vision for redevelopment is broad and conforms with a great deal of the strategic direction of both local and national government meaning a number of strategies and policies have been identified, but the list provided is not exhaustive and there are other priority areas that may fit with the Electric Valley not listed.

It is the intention of RCA to work with the council and partners to assist in the implementation of the strategies on behalf of the Garnock Valley community and provide for the outcome that both the council and RCA envisage.

The following have been identified in this report as having parallels with Electric Valley project consisting of North Ayrshire Council, Scottish and UK Government Policies, Strategies, Plans and Frameworks;

- 1) Ayrshire Growth Deal
- 2) Beginnings, Belonging, Belief – A Community Justice Plan for Ayrshire
- 3) Better Off North Ayrshire
- 4) Climate Change (Scotland) Act 2009
- 5) Community Empowerment (Scotland) Act 2015
- 6) Community Energy Strategy
- 7) Council Plan 2015-20
- 8) Democratic Services Directorate Plan
- 9) Economic Development and Regeneration Strategy 2016-25
- 10) Economy and Communities Directorate Plan
- 11) Education and Youth Employment Directorate Plan
- 12) Fair For All Strategy 2017-32
- 13) Garnock Valley Locality Plan 2017
- 14) Local employment activity plan
- 15) Local Outcomes Improvement Plan 2017 – 2022
- 16) Low Carbon Economic Strategy of Scotland
- 17) NAC Digital Strategy
- 18) North Ayrshire Environmental Sustainability & Climate Change Strategy 2017-2020
- 19) North Ayrshire Health and Social Care Strategic Plan 2018–21
- 20) North Ayrshire Inclusive Growth Diagnostic
- 21) North Ayrshire Priority Sectors for Business Growth
- 22) North Ayrshire Strategic Community Learning and Development Plan 2018–2021
- 23) North Ayrshire's Children's Services Plan 2016-20
- 24) Open Space Strategy 2016 – 2026
- 25) Other Local Plans with potential tie-in
- 26) Place Directorate Plan
- 27) Police Local Plan 2017-20
- 28) Public Health Reform
- 29) Scottish Fire and Rescue Local Plan 2017-20
- 30) Scottish Government Community Energy Policy
- 31) Scottish Government Economic Strategy
- 32) Scottish Government National Performance Framework
- 33) Social Enterprise Strategy
- 34) The North Ayrshire Anti-Social Behaviour Strategy 2015-18
- 35) The North Ayrshire Violence Against Women Strategy 2015-18
- 36) Vacant and Derelict Land Strategy
- 37) Youth Citizenship and Participation Strategy 2015-19
- 38) Youth Employment Strategy for North Ayrshire 2013 – 2020

By using the strategies as outlined and other national strategies and best practice guidance, the 'Electric Valley' project allows for the following outcomes;

- Community empowerment;
- Local community benefit;
- Building capacity of and encouraging a sustainable voluntary and community sector in the Garnock Valley area;
- Increased economic activity and associated economic development and economic well-being outcomes in locality;
- Creation of social enterprise cluster, increased access to services and improved social well-being;
- Environmental and Place transformation and improved environmental well-being; and
- Increased access to leisure and recreational opportunity and promotion of active travel solutions and improved health and physical wellbeing.

Radio City Association

Community Wind Turbine Socio-Economic Analysis



Authors:

Neil MacCallum

Neil MacCallum has a reputation as a renowned economist internationally. He is a Senior Expert Advisor with the Organisation for Economic Co-operation and Development (OECD) and the Local Economic and Employment Development (LEED) Trento Centre. Neil has also held senior positions within Scottish Enterprise as Head of Appraisal and Evaluation and as Head of Strategy and Policy with the Scottish Chambers of Commerce as well as roles with the UK National Audit Office.

Neil has worked on a number of community based projects assessing feasibility and financial sustainability, developing many new initiatives to improve competitiveness and growth and has provided evidence on the topic to the Scottish Parliament and various international high level round tables in a plethora of European countries including Greece, Italy, Ukraine and the Baltic and Balkans states as well as around the world in countries ranging from Bermuda to Turkey and the Office of the President of the United States.

Gordon McGuinness

Gordon McGuinness is Director of Industry and Enterprise of Skills Development Scotland (SDS), the Scottish Government's national skills agency, with overall responsibility for activity which supports Scotland's key growth sectors through the development and implementation of Sector Skills Investment Plans (SIPs), Regional Skills Planning, Employer Services and SDS's Research and Evaluation Services.

Prior to SDS, Gordon was at Scottish Enterprise where he undertook a broad range of operational roles from Skills and Employability to Inward Investment Support and the development of Urban Regeneration Companies.

Scott Wilson

Scott Wilson has a background in economics with particular focus on development economics and labour markets with a range of experience across the third sector with charity and social enterprise organisations in the west of Scotland. Scott's background allows for analysis of public policy, energy strategy, economic evaluation, strategy appraisal and community and organisational development.

Executive Summary

The Radio City Association (RCA) undertook this study to examine the significant beneficial social and economic impacts of the substantial re-investment that would arise as a result of the proposed community owned and operated renewable energy projects in the Garnock Valley.

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1. Current Socio-Economic Realities

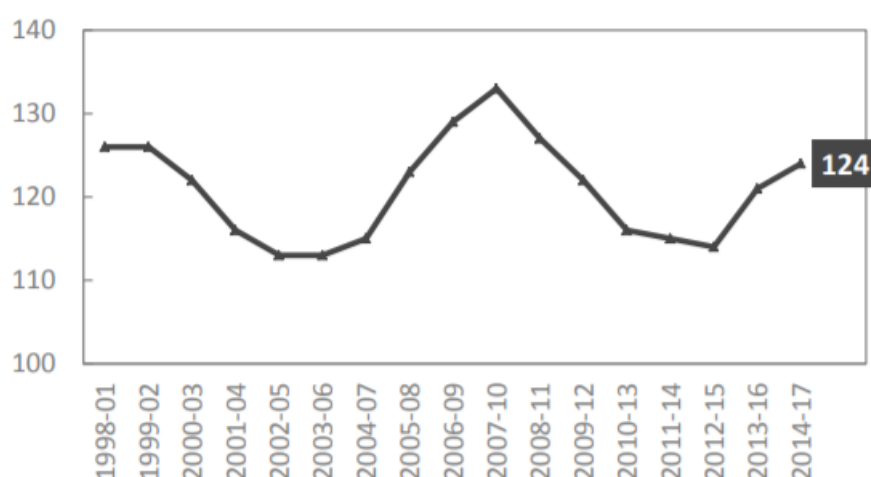
1.1 Poverty and Inequality National Context

For a prosperous nation, Scotland has high levels of inequality;

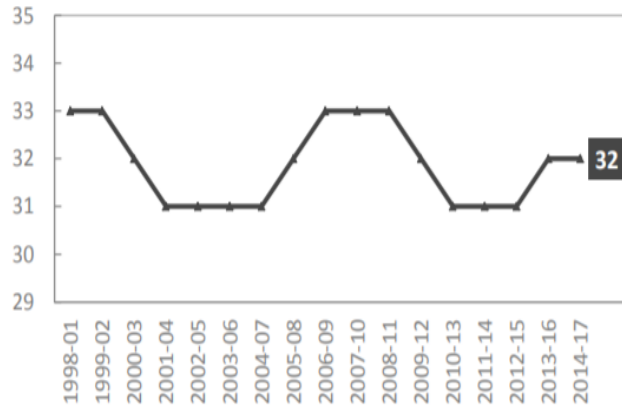
- In 2015/16 the top 10% of the population in Scotland had 38% more income than the bottom 40% combined.
- In 2012-2014 the wealthiest 1% of private households owned more wealth than the bottom 50%.
- In 2015-16 men in the most deprived areas of Scotland were expected to live 26 fewer years in good health than those in the least deprived areas and were expected to die 13 years earlier.
- In 2015-16 women in the most deprived areas of Scotland were expected to live 22 fewer years in good health than those in the least deprived areas and were expected to die 9 years earlier.

It is increasingly recognised that tackling inequality is not just an important outcome but that it can also be an important driver of sustainable economic growth – i.e. ‘inclusive growth’.

This chart shows the Palma measure of inequality, a ratio of total income received by the top ten percent of the population divided by the total income of the bottom forty percent of the population (expressed as a percentage) over time. This measure of how equally income is distributed across the population is known as the “Palma ratio” or “S90/S40 ratio”. Palma is used internationally to estimate the extent of inequality between those at the top of the income distribution and those at the bottom and is currently used in Scotland to monitor progress towards the Scottish Government’s Solidarity Purpose Target. The top ten percent of the population had 24% more income in 2014-17 than the bottom forty percent combined. Comparing this to the two previous three-year periods might suggest an increasing trend of income inequality.



The Gini coefficient is a measure of how equally income is distributed across the population. It takes a value between 0 and 100, with 0 representing perfect equality where every person has the same income. The larger the Gini coefficient, the more people towards the top of the income distribution have a greater share of overall income with a value of 100 representing the case where one individual has all the income.



In practice, the proportion of overall income going to each individual increases gradually across the income distribution. In 2014-17, the Gini coefficient for Scotland was 32, unchanged from 2013-16, but higher than in the previous three-year periods

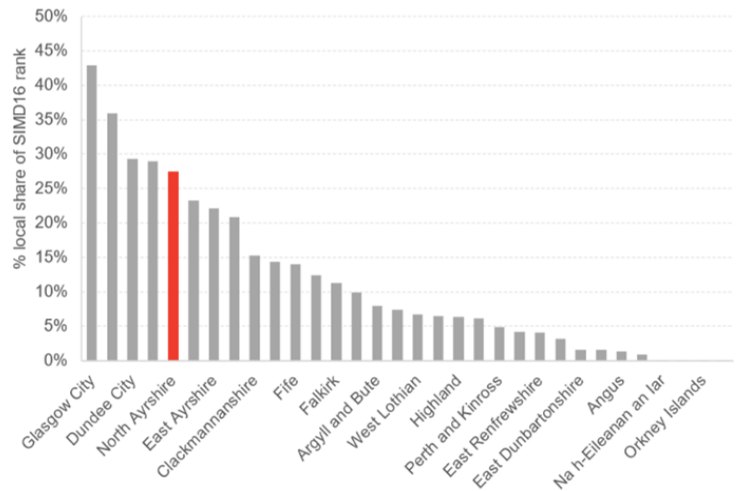
Poverty can be measured in a number of different ways, each of which can tell us something different about poverty. One of the most common measures is relative (income) poverty which identifies people living in households with an equivalised income below 60% of the UK median household income. Persistent poverty identifies individuals who live in relative poverty for three or more of the last four years. It therefore identifies people who have been living in poverty for a significant period of time, which is more damaging than brief periods spent with a low income. The impacts can affect an individual throughout their lifetime.

- Between 2013 and 2017, 11% of all people in Scotland were in persistent poverty after housing costs. This compares to 10% in 2012-16.
- Overall, in Scotland 58% of people in poverty and 70% of children in poverty live in a household where someone is in employment.
- 1 in 4 children in Scotland (26%) are living in poverty. Between 2013 and 2017, 17% of children in Scotland were in persistent poverty after housing costs. This compares to 14% in 2012-16. Children have consistently had a higher risk of living in persistent poverty after housing costs than working-age adults and pensioners in Scotland. This is especially true for some groups who are at greater risk of poverty than others, children living in households where the mother is under age 25 are at greatest risk.
- 45% of lone parents are living in poverty and 23% of people in a family with a disabled adult live in poverty
- 1 in 5 working age people (20%) in Scotland are living in poverty. Between 2013 and 2017, 10% of working-age adults in Scotland were in persistent poverty after housing costs. This compares to 9% in 2012-16.
- 13% of pensioners in Scotland are living in poverty. Between 2013 and 2017, 10% of pensioners in Scotland were in persistent poverty after housing costs. This compares to 11% in 2012-16.

1.2 North Ayrshire Social Statistics

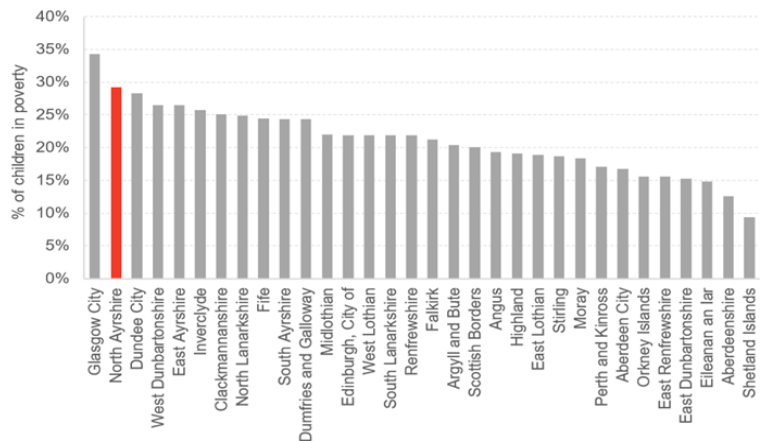
Poverty and Inequality

The Scottish Index of Multiple Deprivation (SIMD) 2016 shows that **27% of North Ayrshire's 186 data zones are within the 15% most deprived in Scotland** making North Ayrshire the fifth most deprived council area in Scotland after Glasgow, Inverclyde, Dundee and West Dunbartonshire. **The Garnock Valley has 27 datazones. 7 of these (26%) are within the 15% most deprived; 14% of the the North Ayrshire proportion.** This is an overall increase from 22% in 2012



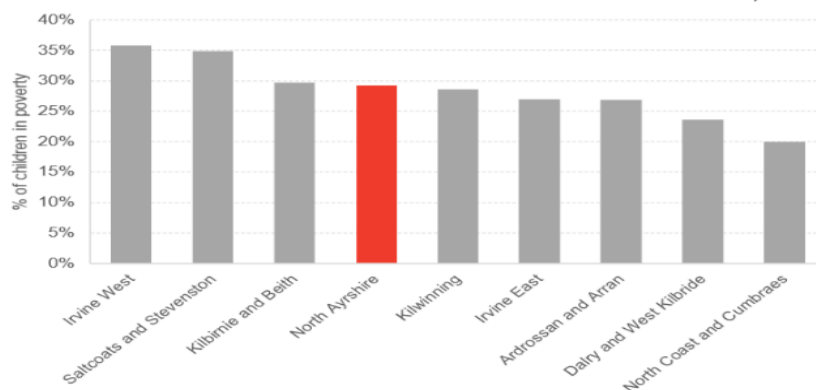
Source: Scottish Government

Poverty rates in North Ayrshire have increased steadily since 2011. In **North Ayrshire, there are an estimated 7,705 children living in poverty** (End Child Poverty, 2018). This is the 2nd highest rate in Scotland at 29%.



Source: End Child Poverty

The council ward of Kilbirnie and Beith has a child poverty rate of 29.67% after housing costs in 2018, which is **higher than the North Ayrshire average and an increase of almost 3.5% since 2016.** The rate in Dalry and West Kilbride ward is 20.19% after housing costs which may be explained by the disparity between the towns of Dalry and relatively more prosperous West Kilbride.

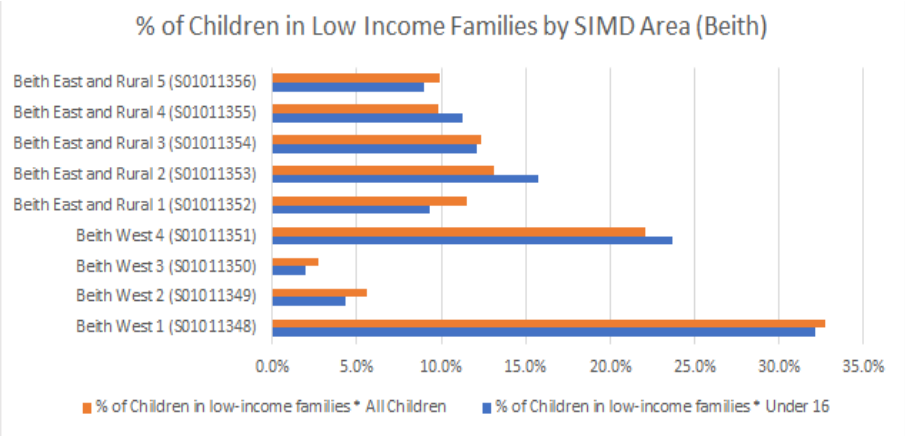


Source: End Child Pover

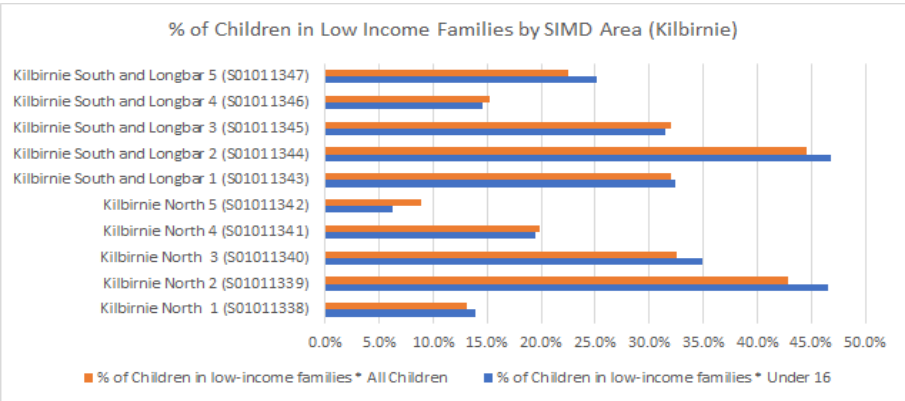
The **HMRC Children in Low-Income Families Local Measure** shows the proportion of children living in families in receipt of out-of-work (means-tested) benefits or in receipt of tax credits where their reported income is less than 60% of UK median income.

Using the data produced the following graphs have been produced providing for local data on deprivation at data-zone level in the towns of the Garnock Valley. This allows for a demonstration of the inequality that exists between wealthier (or less deprived) areas of the Garnock Valley and the most deprived.

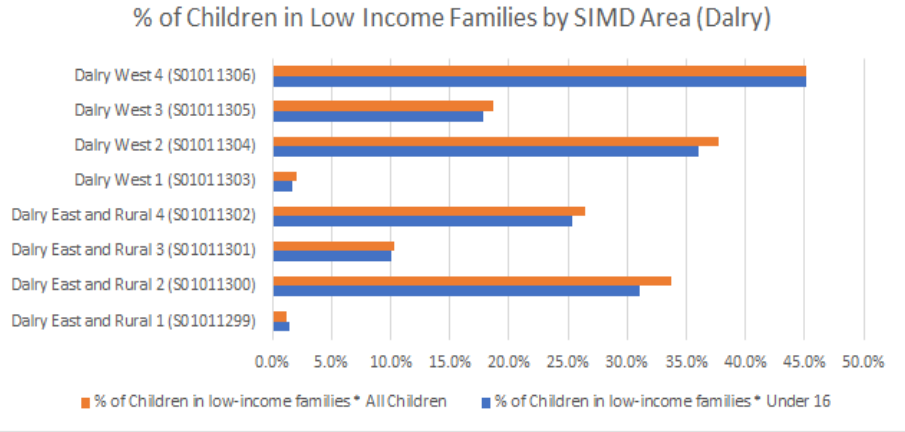
Dalry and Kilbirnie are comparable in terms of overall deprivation although Dalry also appears to have the starkest contrast in terms of inequality between intermediate data-zone areas. Kilbirnie has higher levels of children in income deprived households as a percentage of children under the age of 16, whilst Beith is lower overall with the exception of data-zone Beith West 1 being more comparable to the average level within the Garnock Valley.



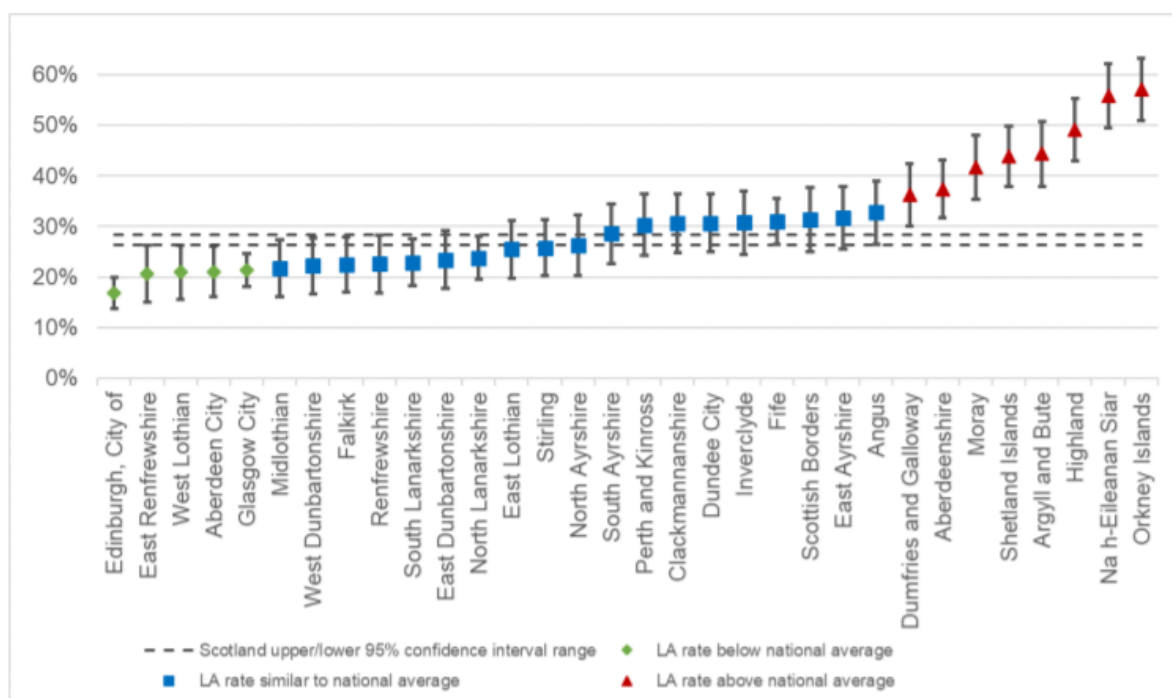
Source: HMRC 2018



Source: HMRC 2018



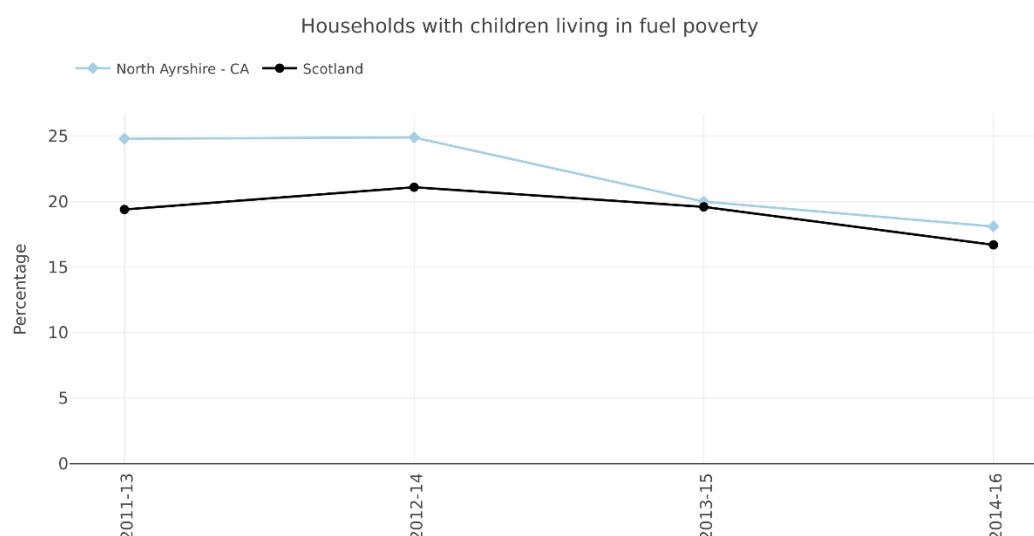
Source: HMRC 2018



Source: SHCS 2015-17

The above graph shows the percent Dwellings in Fuel Poverty by local authority. North Ayrshire has the 14th highest in fuel poverty out of 32 local authorities slightly higher than the Scottish average. **North Ayrshire's rate of Fuel Poverty stands at 26% in 2017 compared to 23.7% as the Scottish national average.** However, the rate of extreme fuel poverty in North Ayrshire is below the national average at 8% compared to 11.9% in Scotland.

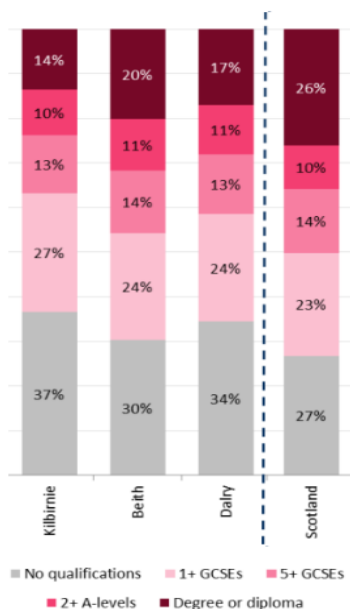
Although **North Ayrshire fares poorly in terms of energy efficiency, which is one of the main drivers of fuel poverty.** North Ayrshire is 4th lowest out of 32 local authorities in terms of percent dwellings with insulated cavity or solid walls compared to Scotland average and the lowest in percentage terms by number of dwellings with less than 100mm loft insulation and 8th highest by presence of damp within dwellings. North Ayrshire also has the 7th highest level of SHQS Failings in Scotland.



This persistent inequality also ranges to financial exclusion as the town of Kilbirnie had the **highest bankruptcy rate in Scotland** at almost **three times the national average** personal insolvency rate according to 2014 statistics published by Scottish Government Agency Accountant in Bankruptcy, whilst **North Ayrshire is ranked 3rd highest in Scotland overall**. There is a high degree of financial exclusion in the locality with only a single bank branch serving the entire Garnock Valley population of circa 20,000 people following bank closures.

Education

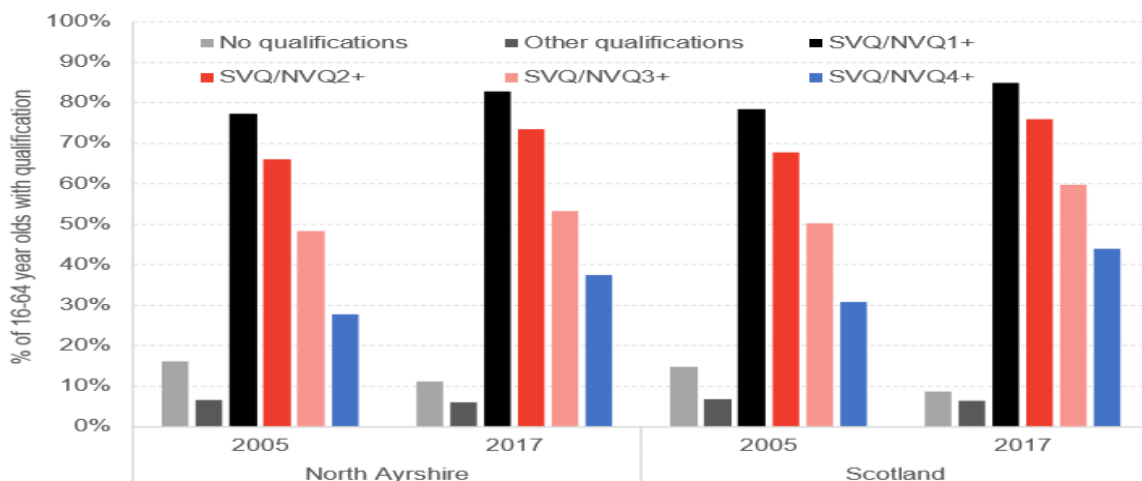
In terms of education, North Ayrshire has one of the lowest levels of educational attainment and one of the highest levels of people aged 16 and over with no qualifications. Additionally, North Ayrshire displays a lack of basic digital skills making digital exclusion prominent. In 2017, the NOMIS database displayed that in North Ayrshire **11.1% of the population have no qualifications compared to the national average of 8.7% in Scotland**.



There is a gap in both in intermediate and high-level skills. In 2015, the proportion of those in employment (25-64) who are graduates in North Ayrshire, at 19.0%, was lower than in Scotland as a whole, at 34.6%.

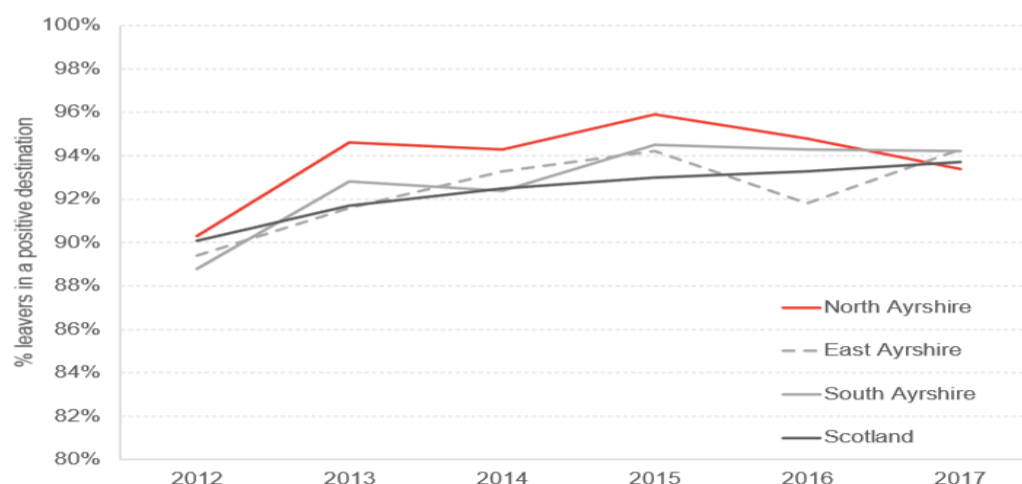
In addition, lower proportions of people (16-64) have reached SVQ3+ or SVQ4+ in North Ayrshire than in Scotland as a whole. Issues around skills particularly affect women within North Ayrshire, with the lowest proportion of females (16-64) with degree level qualifications amongst all Local Authorities in Scotland. Females are also highly segregated in the labour market in lower-skilled (and predominantly lower-paid) employment, in part, a result of subject selection in education and occupational segregation. North Ayrshire's proximity to Glasgow City also results in outward migration of younger/skilled people.

Source: UK Census 2011



Source: ONS

Although not statistically significant, there has also been a **downward trend in school leavers in positive destinations resulting in North Ayrshire now being below the Scottish national average**. The proportion of school leavers deemed to be in “positive destinations” is high and broadly aligned with the national figure although North Ayrshire’s youth unemployment rate (16-24) is also high compared to Scotland as a whole.



Source: Scottish Government

School leavers in North Ayrshire are more likely to enter further education (31.1%) compared to Scotland (23.4%) however, a lower proportion of school leavers enter Higher Education (33.2%) compared to the Scottish average of 36.8%. Lack of aspiration and opportunities for young people can compound the challenges of the work-readiness/skills mismatch. The latest 2011 National Census data shows that the proportion of all people aged 16-74 in the North Ayrshire Council area with a **degree level qualification was 20 per cent which was lower than the Scottish figure of 26 per cent**.

A lower proportion of people who leave the school are in employment in North Ayrshire than in Scotland as a whole and more young people (16-19) are not in full-time education, employment or training (NEETS). However, North Ayrshire school leavers are more likely to enter work upon leaving education than the other two Ayrshire authorities. This requires to be caveated however by the fact that positive destinations as a measure includes employment using zero-hour contracts and may not be indicative of a quality of work as is reflected in the wider economy.

The percentage of school leavers living in the most deprived area with 1 or more qualification at SCQF Level 6 (Higher Level) in North Ayrshire was lower than the Scottish average in 2016/17 at 40.3% compared to 43%. By the time they leave school, young people in the 20% least deprived areas of Scotland are almost twice as likely to achieve one or more Highers or Advanced Highers compared to young people in the 20% most deprived areas.

The Scottish Government Poverty and Inequality Commission states that in Scotland by the time a child reaches age five, those in families in the highest 20% of earners were around 13 months ahead in their vocabulary compared with children in families in the bottom 20% of earners.

Digital Skills

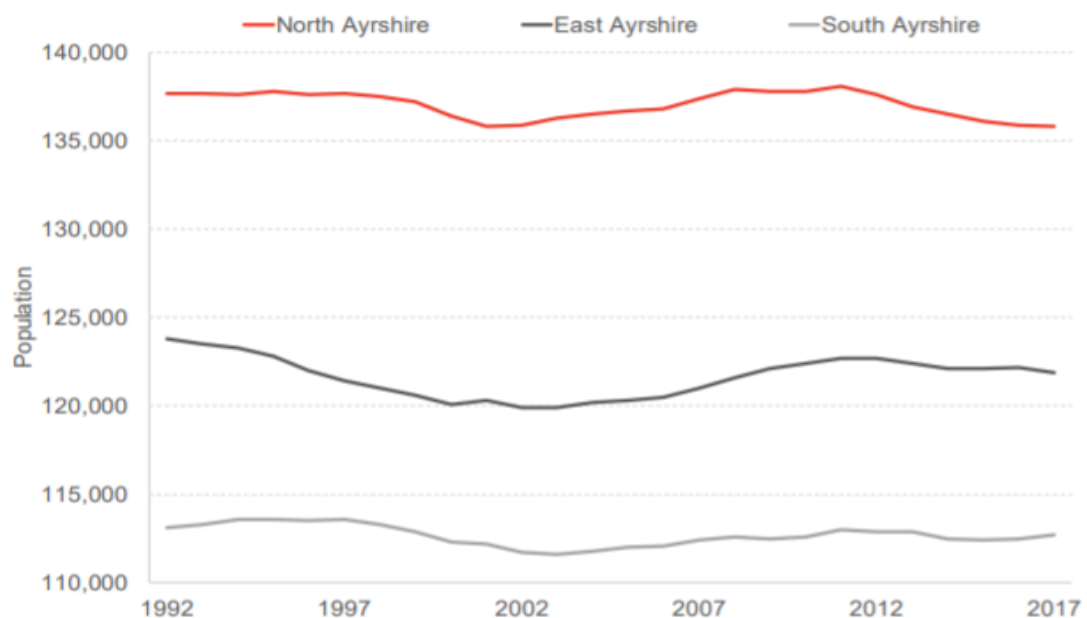
Digital skills are a Scotland-wide constraint, particularly impacting on the excluded groups. Specifically, evidence shows that the level of income influences people's confidence in using the internet and people with physical or mental health conditions are less likely to use the internet.

In North Ayrshire, evidence from the Scottish Household Survey 2015 shows that a higher proportion of adults than in Scotland overall are less confident in pursuing activities when using the internet. These activities include both very basic digital skills (e.g. send and receive emails, use a search engine, shop online) and relatively more advanced skills (e.g. use public services online, identify and delete spam, be able to tell what website to trust).

The lack of confidence in using the internet affects the employability of people overall, as better digital skills may be beneficial for the individuals both at a private level and in the workplace. The ability of using the internet would also counterweight the issue of physical distance (e.g. less need of travelling).

Demographics

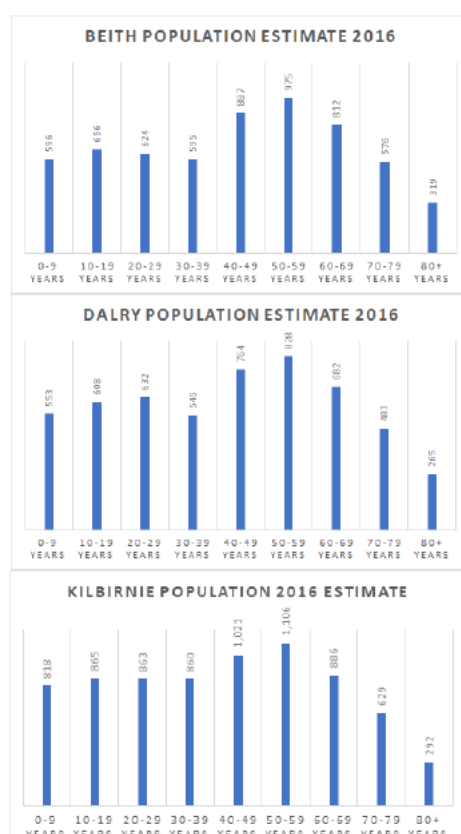
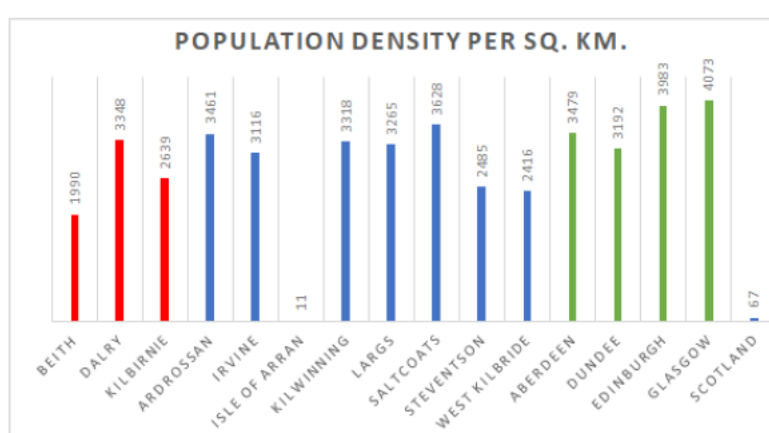
In the decade to 2013, the population of the settlement of Kilbirnie declined by 1% this compares to a 0.7% decline across North Ayrshire and a 5% increase across Scotland over this ten-year period. Only five council areas in Scotland and 22 in the UK as a whole suffered population decline in this given period. Over the next decade North Ayrshire's working age population is projected to continue to fall, slowing economic growth and putting pressure on public services.



Source: ONS

Between 1998 and 2018, the population of North Ayrshire has decreased by 1.6%. This is the 28th highest percentage change out of the 32 council areas in Scotland. Over the same period, Scotland's population rose by 7.1%. It is anticipated that between 2012 and 2026 the population of North Ayrshire is projected to decrease by 4% whilst the population of the Garnock Valley is projected to decrease by 9%.

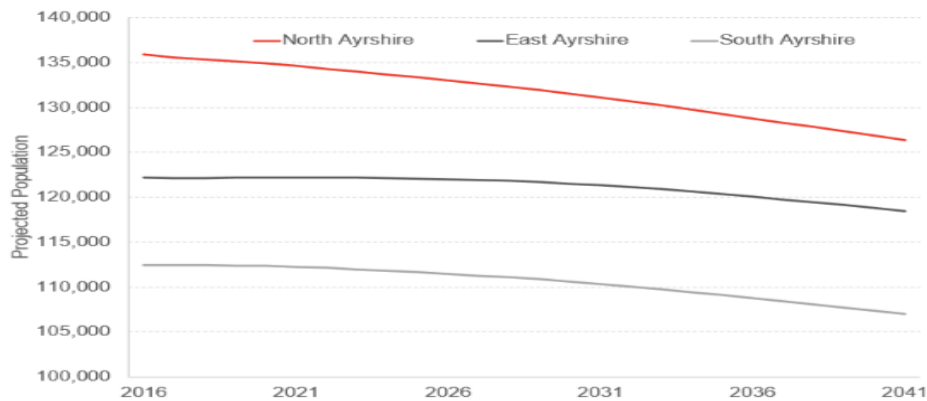
Population Source: SIMD	
Area	2014 Estimate
Kilbirnie	7,378
Beith	6,424
Dalry	5,896
Garnock Valley	19,698



The Garnock Valley accounts for 14.8% of total North Ayrshire population.

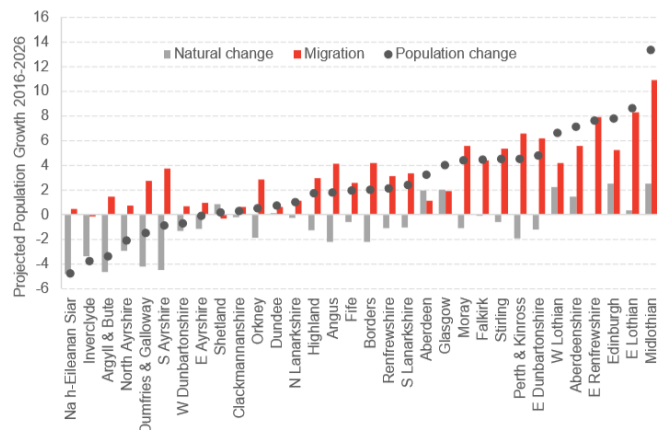
A total of 63% of the population of the Garnock Valley are aged 16 – 64. A further 17% are aged 0 – 16, and there is a total of 20% who are aged 65+. Overall, the population is expected to age, with 65 + the only age group projected to increase in size. In the Garnock Valley locality this is projected to increase by 25% and North Ayrshire an increase of 31% is anticipated. The population aged under 18 is projected to decrease by 9% while this group will decrease by 18% in the Garnock Valley. Working age residents will decline by more than 13% across North Ayrshire compared with a 16% reduction in the Garnock Valley.

A falling working-age population limits demand in the local economy making it harder to attract business investment and create job opportunities.

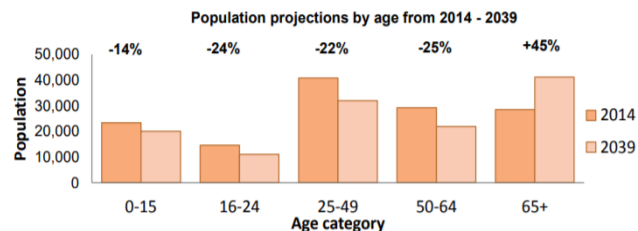


Between 2016 and 2026, the population of North Ayrshire is projected to decrease from 135,890 to 133,023. This is a decrease of 2.1%, which compares to a projected increase of 3.2% for Scotland as a whole.

North Ayrshire's working age population is projected to fall by 3.5%, with pensionable age population forecast to grow by 3.2% and population aged 75+ estimated to grow by over 30%. Official National Records Scotland (NRS) statistics predict a **23% decline** in the North Ayrshire working age population in the 25-year period between 2014 and the year 2039.



Source: National Records Scotland



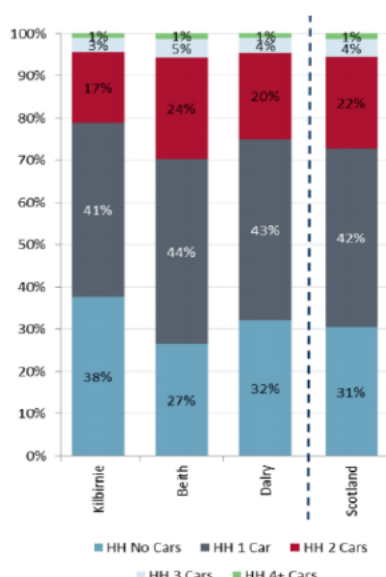
Crime and Justice

Overall, crime including violent crime and recidivism is a problem in North Ayrshire, in no small part due to lack of economic opportunity, socio-economic background and poor educational prospects. North Ayrshire had a higher **recorded-crime rate - for all crimes and offences - of 920 per 10,000 population** in 2016/17 an increase from 690 per 10,000 population in 2011/12. Scottish Government statistics for 2014/15 show the **Ayrshire Judicial Area has the second highest re-conviction rate in Scotland** standing at 30.7 compared to the Scottish mean of 28.2. The **top priority out of five total of the Garnock Valley Locality Planning Partnership People's Panel Workshops** was the aim "*We live our lives safe from crime, disorder and danger*" indicative of a need to provide an alternative by offering local people opportunities for the benefit of the entire community.

North Ayrshire's prisoner population is **62% higher than the average across Scotland as a whole** standing at a rate of 261.5 per 100,000 compared to 161.9 per 100,000 in

Scotland. This is also the case for young people in prison which in North Ayrshire was 484.7 per 100,000 compared to 300.2 per 100,000 in Scotland over the period 2012-14

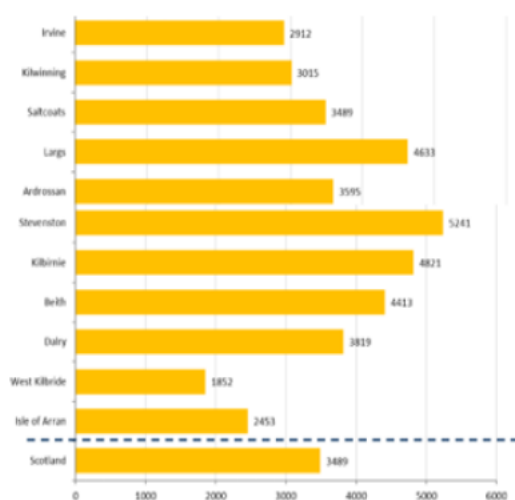
Transport and Access



Access to and affordability of public transport is an issue within the Garnock Valley. This affects access to services such as ability to receive healthcare with limited transport availability to Crosshouse hospital for example

In terms of car ownership Kilbirnie and Dalry have a higher number of households with no access to a car whilst Beith has a higher level of car ownership with a higher than average number of households with more than two cars.

SIMD Access Rank



The Scottish Index of Multiple Deprivation (SIMD) ranks locations by access to services (GP, post office and retail centres and schools). Data zones are ranked from 1 being most deprived to 6,976 being least deprived. The higher the rank, the better the access to services.

The average of towns in the Garnock Valley are considered to have above average levels of access, however empirical evidence would suggest otherwise with limited access to higher levels of services such as hospitals being inaccessible for many people as well as closures of local services since the SIMD 2016 survey period.

1.3 Health Indicators

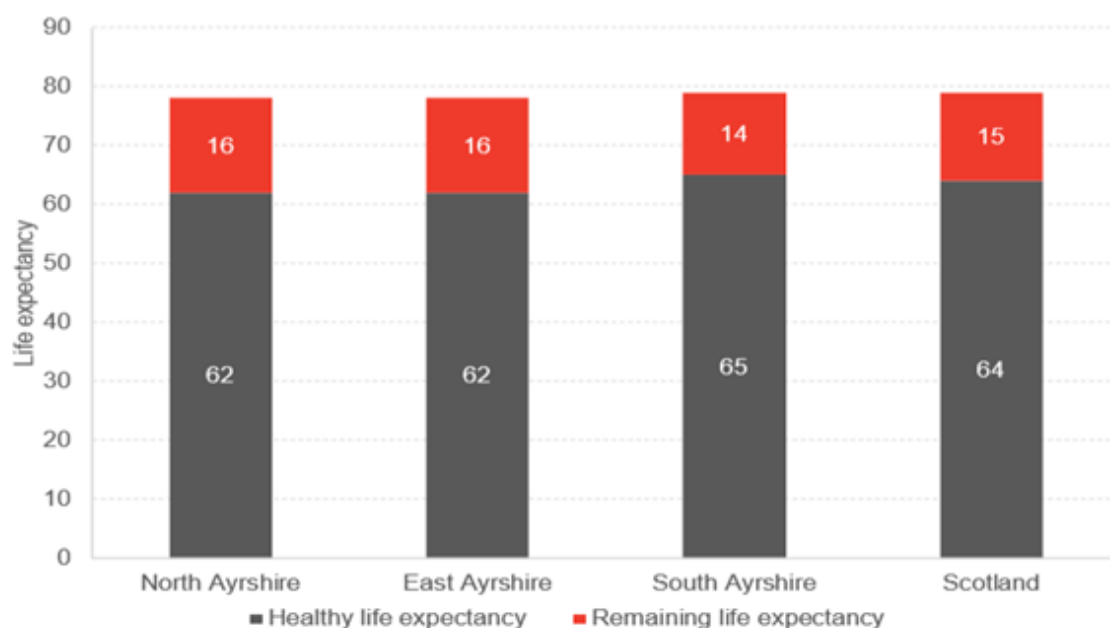
Limited health related data is available at a Garnock Valley level. As such, data presented relates to local authority wide and, where available, reference has been made to more localised data. Overall, **North Ayrshire's poor health outcomes are inextricably linked to factors such as higher social deprivation, and as a result North Ayrshire suffers from issues such as the highest avoidable death rate in Scotland - 373 avoidable deaths per 100,000 people (2016).**

The Garnock Valley Health and Social Care Locality Planning Forum has identified the following priorities:

- Engage with young people to help improve their health and wellbeing
- Improve low-level mental health and wellbeing across all age groups
- Reduce social isolation across all age groups
- Reduce the impact of musculoskeletal disorders

Life expectancy

Average life expectancy from birth in North Ayrshire for males is **6th lowest in Scotland**. For females, average life expectancy from birth in North Ayrshire is the **8th lowest in Scotland**.



Source: Scottish Public Health Observatory

In line with national and North Ayrshire wide data, life expectancy in the Garnock Valley continues to increase; however, male life expectancy in the Garnock Valley locality ranges between 73.3 years in Dalry East & Rural to 78.3 years in Kilbirnie North. **Four out of the six intermediate zones in the Garnock Valley fall below the national life expectancy average of 76.6 years.** In contrast, female life expectancy in four out six Garnock Valley neighbourhoods are above the national average. Overall, the median male life expectancy in the Garnock Valley is 75.6 years – **approximately one year below the national average and the North Ayrshire rate**, while median female life expectancy is years, above both the national and North Ayrshire rate. Kilbirnie also has **the 9th lowest life expectancy for pensioners in the UK** according to a 2012 report by actuarial firm Towers Watson.

Behaviours

Along with the Irvine locality, **smoking prevalence was the highest in the Garnock Valley locality at 17% compared with a rate of 15% across North Ayrshire and a rate of 10% in the North Coast. North Ayrshire has a higher rate of smoking attributable deaths (422 per 100,000) compared to Scotland and a higher percentage of women smoking during pregnancy (27%).**

In addition, **North Ayrshire has higher rates of hospital stays for alcohol (895 per 100,000) and for drugs 342 per 100,000 compared to the Scottish average.** Specifically, the Intermediate Zones of Beith West and Kilbirnie South and Longbar have higher rates than the Scottish average, although not different to the North Ayrshire average.

Ill-health and injury

Compared to national figures, **North Ayrshire has higher rates of patients (65+) with emergency hospital admissions; patients hospitalised with asthma; patients hospitalised with Chronic Obstructive Pulmonary Disease (COPD); patients hospitalised with Coronary Heart Disease (CHD); and patients with emergency hospitalisations.** The Intermediate Zones within the Garnock Valley are similar to the North Ayrshire averages.

Mental health

The proportions of adults with long-term physical or mental health condition is considerably higher in North Ayrshire (47%) than in Scotland as a whole (29%) and a lower proportion of people self-reporting their health as “very good” within the Scottish Household Survey 2015. This represents a significant barrier to inclusive growth.

In North Ayrshire a high percentage of young people also face mental health challenges. **North Ayrshire has seen an increasing percentage of the population prescribed medication for anxiety/ depression/ psychosis between 2009 (16%) and 2015 (21%).**

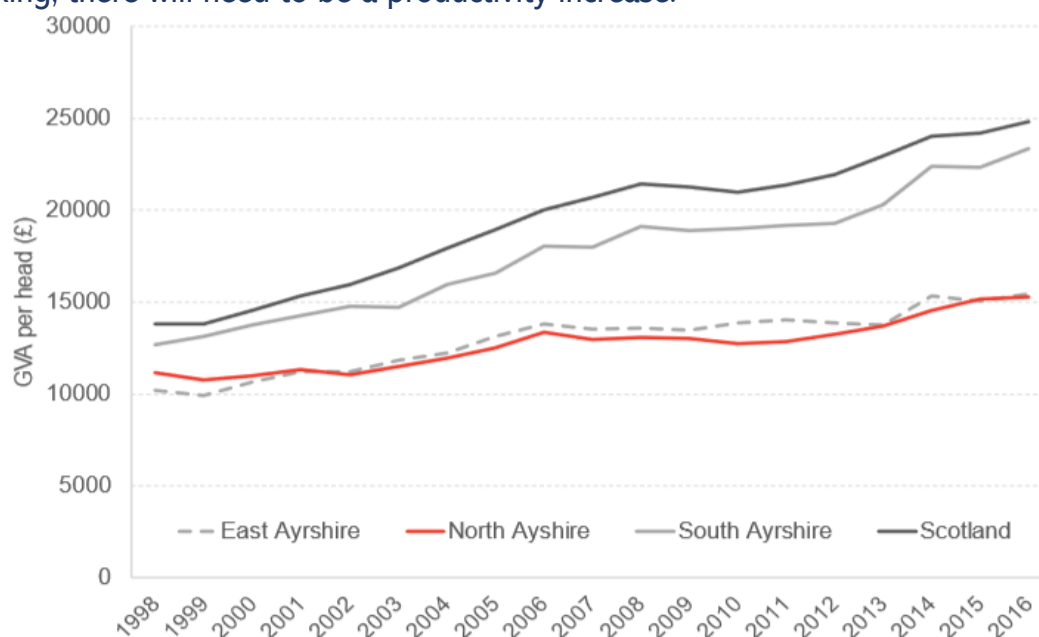
Aggregated data between 2013 and 2017 shows **North Ayrshire with a higher rate of suicide (all persons and males) compared to the Scottish average.** Rates for women are lower than the Scottish average.

1.4 Economic Performance

On a variety of economic indicators, **North Ayrshire has performed worse than national averages across Scotland and the UK.** Economic growth in North Ayrshire averaged 1.1% p.a. between 2006 and 2015 representing the **3rd slowest of all 32 Scottish local authorities, and 54th slowest of the 301 UK local authority areas** identified in the Office of National Statistics (ONS) databank.

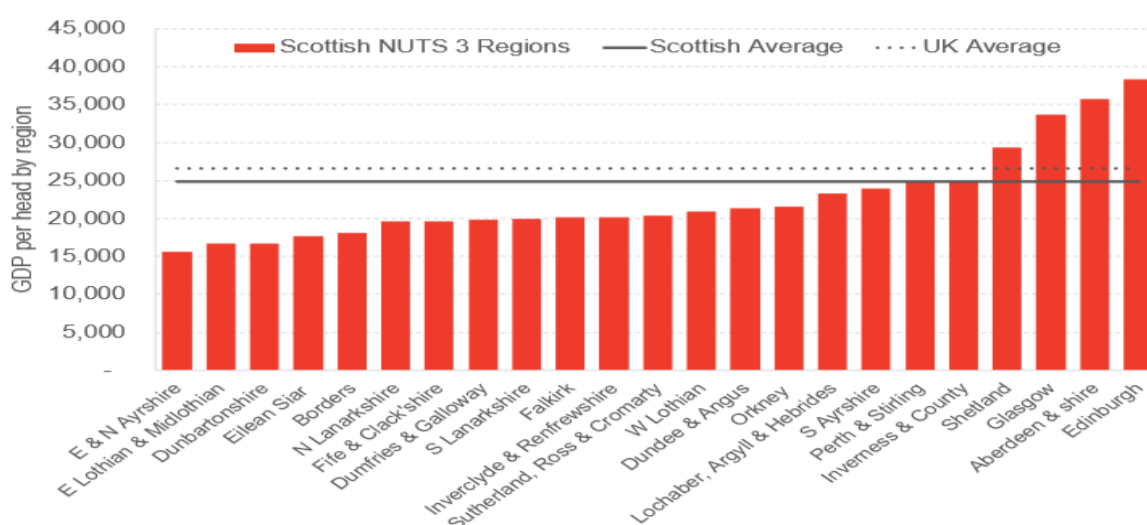
The GVA of both North Ayrshire has been consistently well below the Scottish average. In the latest available year, **GVA per head in North Ayrshire was £15,294, which is 38% lower compared than the Scottish average of £24,800.** In the tri-council area, East Ayrshire is comparable at £15,460 and South Ayrshire fares slightly better and is

closer to the Scottish average at £23,375. The projected fall in working age population means it will be challenging to increase GVA simply by increasing the number of people working, there will need to be a productivity increase.



Source: ONS

Nomenclature of Territorial Units for Statistics (NUTS), is a hierarchical classification of administrative areas used across the European Union for statistical purposes. The “NUTS 3” area, is a level of EU geography which combines East Ayrshire with the mainland part of North Ayrshire for measures such as GDP, as can be seen below the NUTS 3 area of East Ayrshire and North Ayrshire mainland has the lowest GDP per head by region in Scotland.

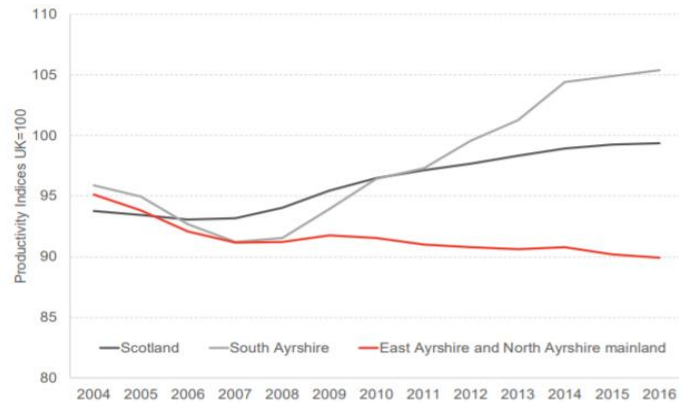


Source: ONS

NUTS 3 statistics also demonstrate that the productivity rate of North Ayrshire is significantly lower than the national average which in turn are also lower than international comparisons of OECD and EU member states.

Two key drivers of productivity are innovation and investment.

In terms of ability to attract investment, evidence shows that North Ayrshire struggles to attract Foreign Direct Investment (FDI), opportunity exists however by supporting endogenous growth and investment. North Ayrshire also has a low Business Research and Development (BERD) at £32 per head compared to the Scottish average.



Source: Scottish Government



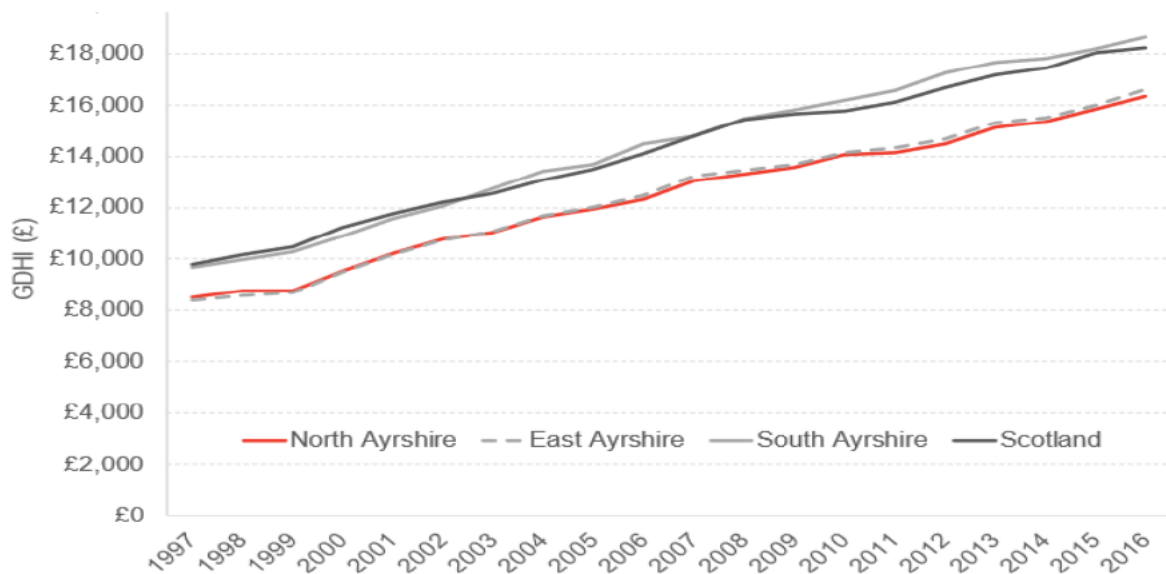
Source: Scottish Government

Household Income

For residents of North Ayrshire average household income in 2015 was £30,537, lower than the Scottish average of £34,625 and the UK average of £36,402. Garnock Valley locality planning documents report that the Garnock Valley has some of the lowest household incomes in North Ayrshire with two thirds of the population of Garnock Valley earning less than £30,000.

North Ayrshire's wage growth is also below the national averages with the 8th slowest in Scotland and 51st slowest of the 391 UK local authority areas identified in the (ONS) files. Household disposable income in North Ayrshire was 0.5% lower than the national average of 3.1% p.a. between 2006 and 2015. In 2017, those earning less than the living wage in North Ayrshire stood at 21.1% in comparison to the Scottish average of 18.4% (ASHE).

Gross Disposable Household Income (GDHI) measures the amount of money that that all of the individuals in the household sector have available for spending or saving after taxes and benefits have been accounted for. This shows a consistent gap between North Ayrshire and the Scottish average, around 13% lower in the latest year.



Source: ONS

A major determining factor on lower levels of disposable income in North Ayrshire is because high percentages of people are in employment in lower-paying sectors (i.e. wholesale and retail trade, accommodation and food services, residential care activities). These sectors are also characterised by low levels of job progression. Evidence shows that this impacts women and aspiration/ambitions of youth may also be negatively affected in addition to the legacy impacts of post-industrial decline.

The need to commute significant distances to higher paid jobs can compound challenges of transport and childcare. In 2016, median weekly earnings for full-time employees who reside in North Ayrshire were 2.6% lower than in Scotland as a whole (£523 compared to £537), whereas the median weekly earnings for full-time employees who work in North Ayrshire were 4.7% lower than those for Scotland as a whole (£510 compared to £535). This seems to confirm that people commute to different Local Authorities where jobs are better paid than those within North Ayrshire.

House Prices

The median house price in 2017 in Kilbirnie and Beith council ward was £80,000 compared to £97,000 across North Ayrshire and £152,355 across Scotland. In the Kilbirnie and Beith ward **79.5% of households are in A-C Council Tax Band** compared to 69.3% in North Ayrshire and 60.2% in Scotland and the NRS Registers of Sasines 2015 showed **Kilbirnie to have lowest median house value in North Ayrshire at £60,000.**

Average House Prices 2014 Source: NRS Registers of Sasines	
Area	House Price (£)
Kilbirnie	60,000
Beith	86,500
Dalry	68,750
North Ayrshire	92,000

Business

The **business start-up rate in North Ayrshire is lower than the Scottish average**, at 34 per 10,000 resident adults compared to 49 per 10,000 resident adults across Scotland. Overall, there are no significant differences in survival rates for new businesses in North Ayrshire relative to other parts of the country. Like most of Scotland, the majority of businesses in North Ayrshire are micro-business (88.7%), consisting of 0-9 employees, and small businesses (9.5%), consisting of 10-49 employees. Only 1.5% and 0.3% of businesses were medium or large. However, they tend to employ the most people. North Ayrshire also has a lower number of businesses per 10,000 people than both East and South Ayrshire.

Birth of new Business Enterprises in 2011 and their Survival Source: Scottish Government					
Area	1-year survival	2-year survival	3-year survival	4-year survival	5-year survival
North Ayrshire	97%	79%	65%	53%	45%
Scotland	94%	78%	63%	53%	46%

Number and percent of registered enterprises by employment band, 2018 Source: ONS		
Employment band	North Ayrshire Count (%)	Scotland Count (%)
% Micro (0 To 9)	2,900 (88.7)	153,515 (87.9)
Small (10 To 49)	310 (9.5)	17,745 (10.2)
Medium (50 To 249)	50 (1.5)	2,770 (1.6)
Large (250+)	10 (0.3)	700 (0.4)

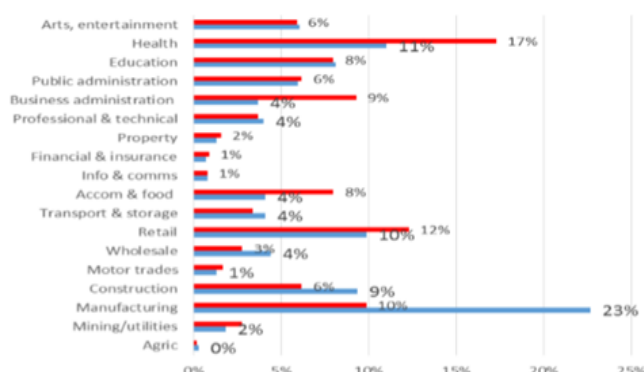
Employment

North Ayrshire's **employment rate fell from 68.6% in 2006 to 68.1% in 2017**. Elsewhere, employment rates increased in both Scotland and the UK in this period. The employment rate in North Ayrshire was the **2nd lowest in Scotland and the 56th lowest of the 206 UK local authority areas** defined in the NOMIS (ONS) database. The number of people in North Ayrshire aged over 16 who have **never had a paid or unpaid job increased 2% in the years 2007 to 2017 from 6.5% to 8.5%** equating to a total of 9,400 people who have never experienced work. In 2017, the **number of workless households in North Ayrshire was 24.4%** in comparison to 18% in Scotland and 14.5% across the UK.

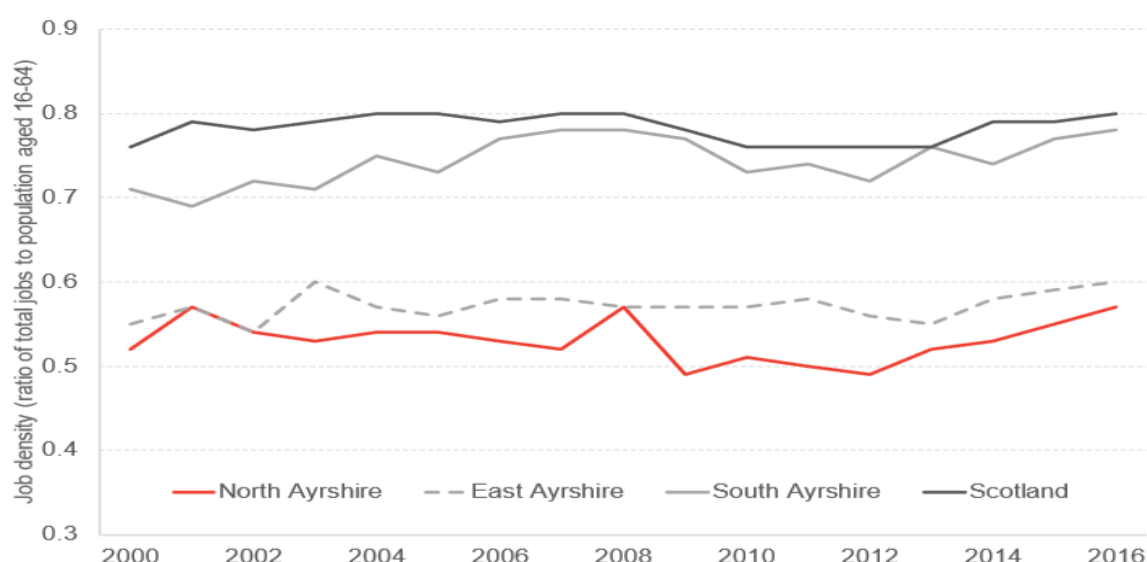
The following chart opposite summarises employment by sector in **North Ayrshire (red)** and the **Garnock Valley (blue)**.

The Sectors with greatest employment in the **Garnock Valley** are: **Manufacturing (23%)** **Health (11%)** **Retail (10%)** and **Construction (9%)**.

Top sectors by employment within **North Ayrshire** include **health (17%)**, **retail (12%)** **manufacturing (10%)** and **business administration (9%)**.



In the **Garnock Valley**, approximately 2,300 of economically active age (aged 16 – 64), are **inactive**, with greatest proportions of populations receiving any benefits being resident in **Dalry (20.6%)** and **out of work benefits (17%)**. **Kilbirnie's** situation is **18.5%** on any benefit and **14.9%** on out of work benefit.



Source: ONS

The **Job Density** of **North Ayrshire** is also lower, standing at **0.58** in **2017** - i.e. there is approximately one job available for every two residents of working age (16 - 64). In comparison, the **Scottish** average is **0.81** and **UK** figure is **0.86**. Measures of jobs density – both in-work and vacancies – give a useful measure of how ‘deep’ a job market is (and often therefore how resilient an economy is). This is one indicator that **North Ayrshire** seems to perform particularly less well, particularly compared to the **Scottish** and **UK** averages.

Those with a **disability** are also **less likely to be employed in North Ayrshire** with an employment rate of **36.4%** compared to **45.4%** across **Scotland** in **2017**. The economic inactivity of those aged **16-24** in **North Ayrshire** is **34.6%** (**2017**), overall **youth employment (those aged 16-24)** has also fallen since **2007** from **59.1%** to **57.8%** in **2017**.

North Ayrshire has an issue with female participation rates, specifically in terms of percentage of females who are inactive due to looking after family/home (33.0% compared to 29.4% in Scotland as a whole). The number of Out of School Care (OSC) school-age childcare places is lower than the number of pre-school places, which suggests a lack of demand/ latent demand due to currently low participation rate of women. Wrap-around care is identified as barrier for female residents. **Therefore, availability of affordable and flexible childcare is key for removing obstacles of women caring for family/home and therefore increasing inclusion.** The European Commission found that 73% of mothers in the UK who didn't work or worked part time because of inadequate childcare services cited childcare as being too expensive. The OECD has identified affordable, accessible childcare as a factor that **promotes gender equality, and as a factor in tackling the gender pay gap and occupational segregation.** In addition, 'Closing the Gender Gap: Act Now' published in 2012 argues that key to the decision to return to work post-pregnancy is the availability of affordable, flexible, good-quality childcare.

Female employment has risen in recent years; however, North Ayrshire still has the **second lowest employment rate for women in Scotland** at 63.3% (2017) ahead of only Glasgow City. This rise in female employment may indicate an increase in part time and insecure work as is reflected in the wider economy. The period 2005 to 2015 witnessed a rise in the level of self-employment among both men and women. However, **the fastest increase has been amongst women who experienced a 57.6% rise in the numbers self-employed** over the period compared to an increase in men's self-employment of 11.8%

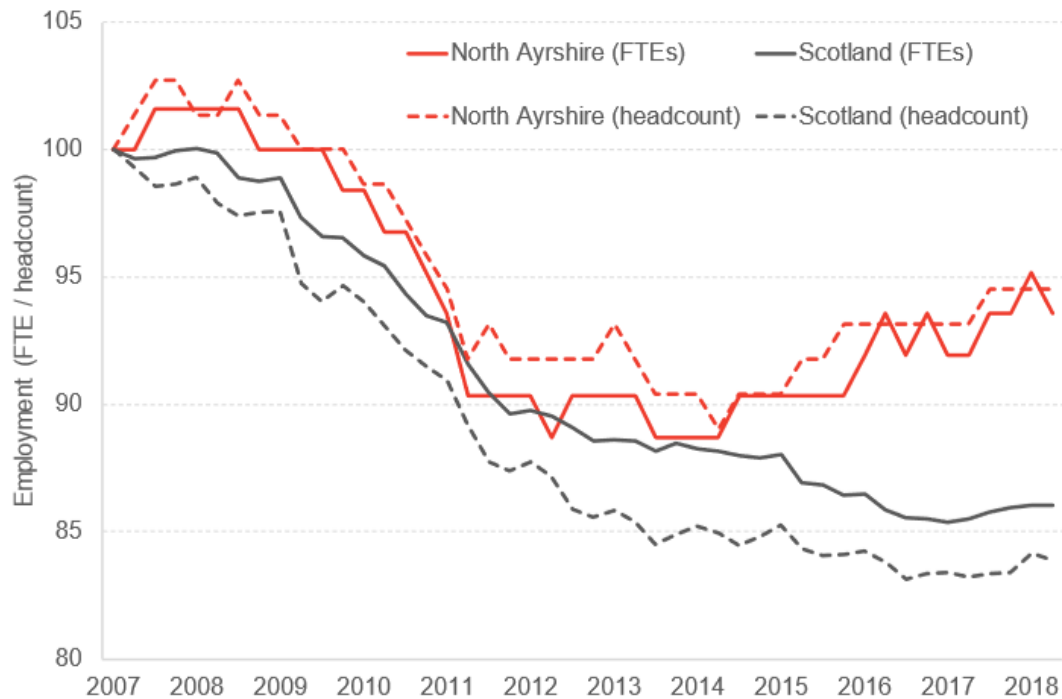
A key trend across the UK since the financial crisis, has been a rise in part-time work and self-employment. Some of this reflects pressure on wages forcing people to take 2nd jobs and/or for a household to have more than one earner. But it also appears to reflect a structural change in the make-up of our economy, with more flexible ways of working. In North Ayrshire, most of the increase in part-time work has come from males. **The share of male employment that is full-time has decreased in North Ayrshire, with the part time share increasing from 9% to 15%.** Some studies – particularly in the United States of America – suggest that such trends might reflect a worrying trend of reduced opportunities for lower skilled men (with significant spill-over impacts on well-being, health and family stability).

Underemployment is also a common issue with official statistics indicating 11.8% (2017) experiencing underemployment in North Ayrshire compared to 8% (2017) across Scotland.

North Ayrshire also has a higher out of work claimant rate than Scotland and the UK as a whole. The claimant count rate in North Ayrshire, at 4.1% (3,425 claimants) in March 2017, was the highest amongst all Local Authorities and considerably higher than the figure for Scotland as a whole, at 2.4%. As of February 2019, the claimant count in North Ayrshire was 5.6% compared with a Scottish rate of 3% and UK rate of 2.6%. With the roll out of Universal Credit the figure is likely to rise as a broader span of claimants are required to look for work than under Jobseeker's Allowance.

1.5 Socio-Economic Analysis

The Radio City Association (RCA) believe that the proposals and benefits set out reveal the strong case for supporting the application. It would be naïve to assume the development would be a “silver bullet” that will resolve all societal issues however, it would nevertheless act to resolve issues locally.



Source: The Scottish Government

The above graph shows Local authority employment in North Ayrshire and Scotland since Q1 2007, (Full-time equivalent (FTE) and headcount). This highlights the declining ability for local authorities to tackle socio-economic issues, however **by encouraging and working together with the social enterprise and community voluntary sector genuine grassroots community led change could be empowering and transformative.**

Other areas and communities have adopted this initiative in following a locally owned, controlled and focused project of community ownership. The RCA seeks to follow these and become exemplary to other communities by developing this project which will be capable of **delivering significant, substantial and long-lasting socio-economic benefits.** These benefits and positive impacts will be seen at a project, community and strategic level. Indeed, the approval of this application will **provide immediate benefits to many and assist to realise further community focused and controlled projects to release further potential for growth through people, community enterprise and third sector community organisations that would not otherwise happen.**

In technical economic terms, the **additionality effects will be significant and the follow-on multiplier effects will generate a positive ripple effect in terms of jobs, income and services provided in the local area.** This will all provide enhanced community capability

and capacity building to create a stronger **platform for sustainability and growth, addressing the severe challenges that the area faces** and has faced for many decades.

Other local projects have not had the change effect that this project will provide – it is a **game changer for the community** and can be delivered with confidence. This proposal will be a **shining example of community enterprise and empowerment in action**. This will enable community development led from and by members of the local community to show the **enterprise, innovation and sustainability** working together to create a balanced and valuable project.

The positive effects from this should be recognised and they extend well beyond the immediate returns to the community – this application **will open up creativity in realising the principles and ethos of a local circular economy that delivers for the people**. It will do so in ways that **address deeper underlying issues** including population decline, outward migration of young and skilled people and a vast array of social issues prevalent since the economic decline of the area in recent decades. **This is a community project for community benefit and will be aspirational for local people.**

The statistics outlined above are startling but merely scratch the surface of the case for approving this planning application. There is a litany of other statistics which highlight the need for this type of development. **There is evidence from elsewhere in Scotland that shows how the type and form of development proposed will realise significant benefits and positive impacts.**

Communities, such as the **West Harris Trust and Coigach Community Development Company**, have benefited significantly. Both of these examples are in the Highlands and Islands area which has been an excellent area for demonstrating the power of community led projects to **address issues such as sustainability of communities, local capacity and confidence and self-sufficiency in community economy facilities**. However, the west central Scotland area faces severe challenges that the current planning application would make a material contribution to addressing.

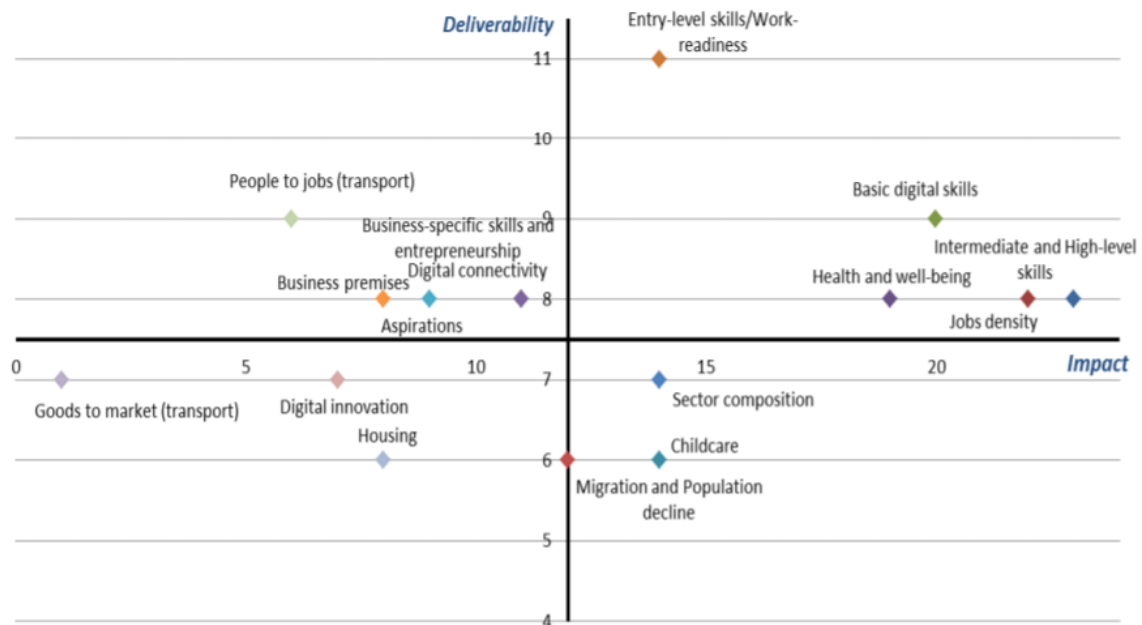
As shown above, **North Ayrshire is one of the most prominent areas in need of this type of project** and many would argue that it should have come forward before now. Community led investment of this type as proposed is needed given the decline of many post-industrial areas including across the Garnock Valley which is a prime example unfortunately. It should be emphasised that it is incumbent on us all to act to support and assist the community realise its true potential.

The Scottish Centre for Regional Inclusive Growth working with North Ayrshire Council developed the Inclusive Growth Diagnostic in order to assess what is holding back long-term sustainable inclusivity and growth in North Ayrshire.

The table below sets out drivers of inclusive growth outcomes in North Ayrshire identified through the inclusive growth diagnostic and a matrix that was developed to demonstrate the impact and deliverability of each of these.

Inclusive Growth Drivers in North Ayrshire

Infrastructure	Slow roll out of digital infrastructure and poor coverage (mobile)
	Lack of appropriate business premises
	Housing: energy efficiency and availability of smaller properties
	Transport (people to jobs)
	Transport (goods to market)
Skills	Intermediate and advanced skills
	Entry-level skills/ work-readiness
	Basic digital skills (which can also limit social inclusion)
	Digital innovation/ advanced digital skills
Social Capital	Community empowerment
	Aspirations (individual and business)
	Health, particularly mental, compounds inclusion challenges
	Difficulties in accessing affordable and flexible childcare
Value/ quality of jobs	Structure of the economy/ sectors/ industries
	Availability of local jobs (jobs density)
	Sustainable working population



It is the strong belief of RCA that **this development can address many of the challenges and socio-economic issues in the local area and promote sustainable and inclusive economic growth.** The evidence and professional views expressed in this paper show the need for the development.

The positive benefits from the development will change the prospects positively for many individuals and community groups currently bereft of such opportunities to **improve their lives and the sustainability of the local community** without further dependency on subsidies and welfare support that is diminishing with prolonged budgetary pressures. **The project benefits and impacts will change lives positively and could literally in some cases save lives.**

If we are to confront the **spectre of climate change in the modern world and the complications presented in this new era by the third industrial revolution** with all the advances forthcoming in terms of automation, digitalisation, biotechnology, Moore's Law and artificial intelligence - all of which offer what could be overwhelming, significant promise of change but could also pose a significant new set of challenges with diffuse benefits and palpable acute effects – then the approach has to be grassroots and community-led in order to tackle some of these challenges that will be presented and will be the touchstone of value in the coming decades, with **promotion of community wealth building to deliver an inclusive economy** through focusing on the role of anchor institutions and others in supporting and developing a sustainable local circular economy where they are located.

This calls for a mission led approach to develop a net job exporter situation and tackle the disproportionate impacts on communities and people that will be introduced by coming challenges of the future. These factors and more make the compelling case for imaginative and predictive solutions from governments and institutions as well as local communities.

There are limits to that which can be done from the community level up, such as the limits of scaling up, critical mass, connectivity between sectors and clustering.

The proposed development is an exceptional approach that will create positive impact, foster local governance and generate a mission led approach to yield true community wealth building and provide inspiration for communities increasing aspirations and reaping the benefits of those auspicious and providential outcomes delivered.

Strategic direction, therefore, is *required* from policy makers and institutions like the local authority in supporting projects such as this.

2. The Electric Valley

2.1 Project Background

The RCA set out to resolve these issues with ambitious regeneration proposals in a developed concept known as the “**Electric Valley**”.

The proposed wind turbine development is at the core of the project providing the revenue to support the re-investment for the sustainable future. **The turbine will become a key economic and social asset for the Garnock Valley Community** and for the future of communities across Scotland and the Scottish wind energy sector as a beacon of the success of community ownership of renewable energy infrastructure.

The economic and social impact will extend beyond the proposed reinvestment and into the construction and operational phases. The construction of the turbine will **support local jobs and businesses as well as the local supply chain**. Upon becoming operational, the turbine will become a key component in the education of local people about the natural environment and climate change

2.2 Re-investment Strategy

The RCA have developed the “Electric Valley” concept with seven areas of strategic focus as highlighted below. The £6 million investment in the community as a result of the development is anticipated to directly **create and safeguard 18 jobs per annum** before taking account of the construction of the turbine itself or multiplier effects as a result of the re-investment or support of the local supply chain as well as various other indirect social and economic benefits that would arise as a result.

Radio City Association's Seven Areas of Strategic Focus



Further Detail in Section 5

Economic Development

- Fosters sustainable inclusive economic growth locally
- Supports the growth of social enterprise sector in the locality
- Addresses population decline
- Provides for further ethical investment locally and furthers economic development
- Supports local business growth and expansion



Poverty and Inclusivity

- Tackles educational inequalities e.g. through provision of skills training
- Reduces fuel poverty by promotion of renewable technologies
- Increases public access to services
- Addresses issues of accessibility to transport
- Promotes financial inclusion
- Promotes digital inclusion
- Supports inter-generational cohesion
- Reintegrates ex-offenders into society



Health, Sport and Recreation

- Promotes uptake and accessibility to sport
- Provision or Investment in facilities for use of the community
- Promotes healthy living e.g. through activities or education
- Tackles issues of mental health or social isolation
- Combats drug and alcohol dependency or misuse



Culture and Heritage

- Supports sustainable future for local heritage sites
- Promotes culture, heritage or history of the area
- Provides benefit to community with improved aesthetic of area e.g. art installation
- Educates local people of cultural, industrial or social heritage



Employment

- Develops skills and employability of local people
- Provides opportunity of personal development
- Tackles social issues relating to issues of unemployment
- Provides prospect of sustainable long-term employment to local people
- Offers opportunities for those often excluded from the labour market (e.g. veterans, women, ex-offenders)



Community Empowerment

- Supports local community organisation(s)
- Enables greater community capacity or confidence allowing for greater impact
- Highly involves or is community led allowing community influence over process
- Increases volunteering opportunities
- Improves perceptions of area by local people
- Tackles issues such as anti-social behaviour



Environment

- Provides or promotes use of renewable energy resource
- Educates on effects and measures to combat climate change
- Promotes benefits or utilises renewable or green technologies



3. Anticipated Revenue Returns to the Community

Radio City Association (RCA) were required by the Scottish Government's Community and Renewable Energy Scheme (CARES) Board to provide a **P90 Net Energy Yield** (GWh/annum) to determine the project's financial feasibility prior to their approval of loan funding to allow RCA to proceed with the development in early 2018. RCA commissioned Prevailing Ltd (who also provide this service to the CARES Board) to produce this independent estimate which they did on the 1st April 2018.

The **P90** is the lowest estimate of the three estimates produced for RCA by Prevailing Ltd. which also include **P50** & **P75** estimates in a highly technically detailed Energy Production Estimate Report.

The **P90** is the level of annual electricity that is forecasted to be exceeded 90% of the year, hence this is always the lowest figure. It is also the figure that funders require to lend upon as it presents the greatest certainty of future performance.

Prevailing Ltd. used wind speed data to analyse and model the landscape against the proposed candidate turbine, a **Nordex N90/2500** which has a total rated capacity **2.5 MW**, with a Hub height 65 m.

Prevailing Ltd. determined the average hub height wind speed would be **8.02 m/s**. This allowed for production of an indicative **P50** net energy yield of **8.56 GWh/a** and an estimated 10 year **P90** net energy yield (indicative) **7.44 GWh/annum** based on a Capacity factor of 39.0 %.

RCA then engaged Forsa Energy, a wind energy business who have developed and operate energy assets across Europe, to calculate the potential revenues from the sale of the energy produced which is displayed in Table 1 below.

Table 1

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	
39% CF																					
Nordex N90/2500 2.5MW 65m Ht	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	148800
NO FIT Payment	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
GBP @ 0.0503/kWh	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£7,484,640
Gross GBP / yr	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£6,097,640
Annual O&M + Insurance (estimates)	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	
Net GBP/yr	£374,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	
	£374,232	£675,464	£976,696	£1,277,928	£1,579,160	£1,880,392	£2,181,624	£2,482,856	£2,784,088	£3,085,320	£3,386,552	£3,687,784	£3,989,016	£4,290,248	£4,591,480	£4,892,712	£5,193,944	£5,495,176	£5,796,408	£6,097,640	

*O&M Estimates/ Cost £/Annum	
WTG O&M 2.5MW	£51,000.00
Grid O&M	£1,000.00
Rent	
BoP	£2,000.00
Insurance	£5,000.00
Metering/LV Supply/Comms etc.	£4,000.00

Turbine Supply Cost	
Nordex	€ 2,055,000

*rental redacted for landowner commercial confidentiality

Source: Forsa Energy

Forsa produced the above spreadsheet for RCA using the Prevailing data. The data used was again the **P90 lowest estimate also taking account of no support via the Feed in Tariff (FiT) scheme**. Forsa also used an indicative Power Purchase offer (PPA) from Good Energy to underpin their revenue estimates.

As the above highlights, Forsa Energy and Prevailing Ltd have **determined independently of RCA in figures approved by the Scottish Government** utilising their joint resources and wind speed data that the candidate Nordex N90/2500 2.5MW WTG located at the proposed RCA Community Wind Turbine Site would produce **£6,097,640 net revenue over the period 2019 – 2038**.

This revenue would be used to repay loans and interest with the **net surpluses fully re-invested** in local community projects as per the Scottish Government CARES Financial Model. It is the ambition of RCA that these projects would also be fully sustainable and provide re-investment to allow the community to develop and prosper for the long-term future and leverage of external funding.

The net revenue is of course calculated on the **lowest estimate** of the Prevailing P90 figure of an annual output of 7440 MWh/a, and also based on receiving no support via the Feed in Tariff in a **No-FiT scenario** and Export rates of £0.0503 per kWh based on a proposed Good Energy PPA and conservative average capacity factor of 39% and payment of annual Operation and Maintenance (O&M) + insurance/grid costs.

It is worth noting that since these estimated revenues were produced the UK Government have proposed the **Smart Export Guarantee (SEG)** to Community owned and operated energy schemes of less than 5MWs. It is also worth noting that the projected lifespan of the WTG is 25 years and therefore *5 years additional net revenues* of a minimum of £301,232 p.a. **or £1,506,160** should be added to the revenue projection minus any decommissioning costs over a 25-year period.

4. Socio-Economic Impact

4.1 Quantifiable Effects

The P90 Figure revenue has been determined **independently** by Prevailing Ltd. and Forsa Energy and **approved by the Scottish Government (CARES) Board**. The P90 offers a conservative estimate of the anticipated performance of the proposed wind turbine, and it is stressed that these are **minimum expected returns**.

Using the estimated revenue figures, it can be determined what a transformational impact community ownership of renewable resources could have. Based upon the estimated minimum return of circa **£6million over 20 years which equates to £300,000 re-investment per year**, it can be quantified that the following tangible examples could be provided as set out in section 4.2 as a result, and that this represents significant investment in people and communities that would otherwise not be realised.

4.2 Examples of Impact in Numbers

- A. **30 Bursaries to allow economically disadvantaged local young people to enter further or higher education every year** (£10k per person per annum – Source: Skills Development Scotland)
- B. **60 Modern Apprenticeship Schemes per year providing life changing opportunities to attain skills and future employment for young people or ex-offenders** (£5k per person per annum – Source: Skills Development Scotland)
- C. **75 homeless people locally could be provided housing for one year** (Average net weekly household payment consisting of rent, heat and power £76.10 – Source: COICOP - ONS)
- D. **500 people could receive support of 10 Sessions of Mental Health Counselling** (£10-£70 indicative cost per session for private treatment (Assumed cost of £60) – Source: NHS)

4.3 Analysis of Potential Impact

The socio-economic impact of this potential re-investment set out in examples A-D in section 4.2 and its possible impact both upon lives and relieving of constrained public finances can be demonstrated qualitatively using empirical data collected from academic and other reputable sources.

Examples A and B

The RCA turbine could prospectively provide funding which would pay for 60 apprenticeship schemes for local young people or provide ex-offenders with training opportunities to prevent re-offending or 30 bursaries for economically disadvantaged young people to enter further education.

Research carried out by the Centre for Economics and Business Research (Cebr), a leading economic consultancy, determined the benefits to the UK economy of apprenticeships. It was determined **that for every £1 that is spent on apprenticeships, the national economy gains £21**. This is high in comparison to other expenditure returns on investment in the innovation, research and technology sectors range from around £4 – £7 per £1 spent. In addition, apprentices are more **likely to be in employment for longer, and will receive higher earnings**, with wage premiums of 11% for intermediate-level apprentices, and 18% for advanced-level.

If these training opportunities were to be provided to ex-offenders there are wider societal benefits as well as increased life prospects for that individual. The national re-offending rate average is **25% within 6 months of release and is 54% within 1 year, this rate drops to 4% when in employment or training** based on empirical evidence of organisations such as Together Group who provide skills training to ex-offenders. Again similarly, if local young people were provided with these employability skills and training opportunities the North Ayrshire economy will benefit as will the life prospects of those young people

Similarly, this is the case for university graduates who are likely to earn more and be in employment than those without a tertiary education. Research by Universities UK has highlighted that over a working life, the representative individual with an undergraduate qualification will **earn between 20% and 25% more** than his or her equivalent holding two or more A-levels. In addition, Higher education qualifications do not just affect earnings. Individuals in possession of higher education qualifications are **more likely to be employed** compared to those with the next highest level of qualification. They are also **more likely to return to employment following periods in unemployment or economic inactivity**.

This benefit does not just extend to university education but also further education at colleges. The **benefits of an HNC / HND qualification are £35,000-£45,000** based on average gross additional lifetime earnings.

A college or university education and apprenticeships create **benefits to the economy in terms of employment, increased skills and wage earnings** and reflective statistics such as GDP and GVA but also benefit wider society by providing **opportunity of personal development of the individual**.

Example C

The average weekly amount spent on the spending Classification of individual consumption by purpose (COICOP) category of housing (net), fuel and power was £76.10 FYE 2018.

This consists of net rent (rent payments that the householders meet themselves, after housing benefits and any rebates received by the household to help pay for rent have been subtracted) as well as the costs of fuel and power.

The causes of homelessness, including rough sleeping, are complex; however, a lack of affordable housing could be one reason. Taking the example of providing housing for

75 individuals for one year, research shows that effective early interventions **reduce the personal and financial cost of homelessness**.

The Centre for Housing Policy in the Department of Social Policy and Social Work at the University of York determined the **cost of a single person sleeping rough in the UK for 12 months was £20,128**. This is a high cost to the public purse in addition to the numerous adverse effects homelessness has upon the individual and is in stark contrast to **the cost of intervention of £1,426**.

Evidence shows that people who experience homelessness for three months or longer cost on average **£4,298 per person to NHS services, £2,099 per person for mental health services and £11,991 per person in contact with the criminal justice system**.

Research conducted for the Scottish Government has indicated that **NHS service use is 24 per cent higher among homeless people in Scotland** and previous research has suggested that homelessness **increases reoffending rates** (among people with criminal records) by 20 per cent.

By providing housing for 75 individuals for a year, the RCA community turbine prospectively **could save the public purse £1,509,600** as well as **freeing up public services** such as the NHS or justice system to deal with other pressing issues and have positive impacts for individuals who may have been homeless integrating them into society.

Example D

Mental health can have a devastating impact on an individual's daily life and have impacts for the economy. An OECD study found that the cost to the UK of **mental health issues was 4.5% of GDP each year**, caused by productivity losses, higher benefit payments and the increased cost to the NHS.

Mental health problems can **prevent individuals from finding work** if they are unemployed and have the **potential to be life threatening**.

5. What Will Be Achieved

5.1 Summary

Some of the proposed projects for re-investment are in the preliminary stages as set out in the **Planning Supporting Statement**. The projects mentioned are only the start of wider ambitions of the RCA, it is the intention of the membership led organisation of the RCA to have the **full involvement of the Garnock Valley community** in developing projects and targeting this re-investment locally as we have already endeavoured to do so with local organisations in our initial proposals.

As set out previously in **Section 2** RCA has established the **Electric Valley** concept with seven areas of strategic focus as a criteria for projects in order to tackle socio-economic issues in the Garnock Valley:

- **Economic Development** - RCA aim to create a circular local economy by investing in sustainable community led projects which also then can re-invest in people and the community as well as supporting local businesses in diversification
- **Poverty and Inclusivity** - RCA will seek to address social issues such as poverty including fuel poverty and promote social inclusion through projects with activities focused on financial inclusion, digital inclusion and tackling of social inequalities.
- **Health and Sport** – RCA will provide investment in facilities for recreation and promotion of healthy living and sport as well as seek to tackle social issues such as addiction and address mental health issues and promote wellbeing
- **Culture and Heritage** – RCA projects will promote cultural, industrial and social heritage through activities such as provision of public artwork and promotion of art and cultural projects.
- **Employment** – RCA projects will provide employment opportunities that will be skilled and well paid as well as provide employment skills and promotion of education
- **Community Empowerment** – The Garnock Valley community will be involved fully in all projects from conception to delivery with an ability to influence all aspects of the project.
- **Environment** – RCA will promote the natural environment and natural heritage and tackle climate change through sustainable development, carbon reduction projects and education.

These criteria have been the strategy for the embryonic proposals for re-investment in the Valefield and Knox Institute projects as set out within the planning support statement.

5.2 Job Creation

Neil MacCallum a co-author of this report who has over 30 years experience of economic analysis with the OECD, National Audit Office, Scottish Enterprise and the Scottish Chambers of Commerce has created the econometric model to assess the potential job creation which is likely to result from the annual re-investment in prospective projects funded from the development in the Garnock Valley.

Based on evidence garnered from UK based projects on cost per job, utilising the HM Treasury Green Book - Regional Development Agency Appraisal Evaluation Guidance, annual investment of £373,000 would create / safeguard a net of **18 jobs per annum** (created or safeguarded) with **job life of 10 years minimum**.

These jobs would be **liable to be longer lasting given the evidence** on persistence and self-containment which the the UK Government Department of Communities and Local Government recognised is much 'stickier' in deprivation areas - such as SIMDs within the Garnock Valley. This however requires to be caveated by the fact that this relates to Small & Medium sized enterprises rather than social enterprises and community enterprises/groups per se, such as those liable to be the principle beneficiaries of the planned development investment. There is no suggestion however, that such jobs would be any less 'long term'.

The relevant calcultion therefore is:

$$\text{Revenue} \div \text{Cost per job} \times \text{Multiplier Effect}$$

$$£373,000 \div £30,000 \times 1.25 = 15.5$$

Construction jobs additional at £145,000 (2.5 jobs a year) which results on a net total of **18 jobs per annum** - based on Regional Development Agency (RDA) evidence from England (2003-15).

Taken over the period of the twenty five year operational life of the development therefore, **the job effect is likely to be even greater** given the labour intensity of many of the projects to be supported.

In addition, the economic **multiplier effects will add further rounds of benefit** (from indirect expenditure and induced spending/inter-trading) with additional net positive impacts in the local economy. All this will **increase capacity, resillience and sustainability** emphasised by the RCA's strategic approach to creating and assisting projects that can become anchors in the economy and local community rather than short lived ventures

reliant on funding and a small pool of dedicated people. These projects have the ability to be **transformational and inspirational with the potential to become exemplary**.

This is based on the book calculation and local calibration from actual projects – such as the 5 full time jobs RCA expects will be created directly from the projects in the first year. The calculation is also projected from the net job creation effect applied to comparable circumstances in England.

5.3 Economic Impact Qualitative Assessment

According to **North Ayrshire Council's Social Enterprise Strategy (NASEN)**, the size of the social enterprise sector in North Ayrshire is **below the Scottish average** with only 98 Social Enterprises recorded as operating in North Ayrshire out of 5,199 in Scotland, a rate of 1.88% in comparison to North Ayrshire's population share of 2.5% and significant share of levels of deprivation which would indicate a greater need for Social Enterprise.

There is a demonstrable need for social enterprise, charities and the wider third sector to work together to create an alternate local economy and provide a level of services to seize upon the currently untapped potential of the sector in order to create local job opportunities, grow the local economy, support local people through social projects and ensure that redevelopment is community led providing a sustainable future for local people.

6. Other Impacts and Future Impacts and Benefits

6.1 Development and Construction Potential

The RCA turbine will support employment while the project is being developed and during its construction both directly and indirectly in the supply chain. In total the capital expenditure during the development and construction phase of the development will be approximately £2.25 million, which is equivalent to £0.9 million per MW installed. This expenditure will be split between:

- Development;
- Balance of plant;
- Turbine; and
- Grid connection.

The economic impact of the expenditure is dependent on the sectors in which the money is spent, and the location of this expenditure. It is estimated that during the development and **construction phase the RCA turbine will support 8 job years and generate approximately £1 million GVA to the Scottish economy.** These assumptions were taken from previous BiGGAR economics research for RenewableUK.

6.2 Decommissioning Potential

The decommissioning of the RCA turbine in 25 years time would also represent an economic opportunity for the companies involved in this process. It is assumed that the expenditure on decommissioning this turbine would be approximately £125,000 and that the location of the companies involved would be locally based. This would be a short-term activity that could **support a total of 2 job years and £0.2 million GVA.**

6.3 Environmental Benefits

The turbine is expected to displace 2.3 million Kg Co2e annually based on a very low estimate of the capacity factor of 30%. The P90 figure which was produced independently by Prevailing Ltd and approved by the Scottish Government anticipate the minimum capacity to be 39% based on their analysis of wind speeds and topography. The carbon payback of the development is demonstrated in the calculation below:

$$\frac{\text{Capacity (2500KW)} \times \text{Assumed Efficiency (30\%)} \times \text{Hours in a Year (8760)}}{\text{Average Annual Scottish Household Electricity Consumption (4122 KWh)}}$$

This allows for an **energy supply for 1594 homes**, which is equivalent to **displacement of CO2 emissions of 2,309,914 kgCO2e annually** when compared to home supplied by UK National Grid. **Energy accounts for 25% of the UK's CO2 emissions**, the efforts to reduce this and supply renewable energy is rightly supported.

The figure of 2.3 million kg CO₂e displaced annually is **equivalent to removing approximately 600 cars from the road every year** of the proposed operational period of 20 years. Transport accounts for 26% of the UK's CO₂ emissions and is a leading cause of air pollution and premature deaths as a result with one estimate the Royal Colleges of Physicians and of Paediatrics and Child Health stating **air pollution contributes to 40,000 early deaths a year in the UK.**

The UK Climate Change Risk Assessment 2012 Evidence Report estimated the cost of climate change and identified the main future risks. It estimates that **annual damages from flooding alone could increase to £12bn by the 2080s**, an increase of about ten times compared with current-day estimates if action isn't taken to tackle climate change. In addition, the United Nations Report by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has warned that **1million species are facing extinction if radical action is not taken to combat climate change.**

The model predictions of the impacts climate change could have are not certain. There is much that science does not yet know, and wider social and economic trends will also affect the UK's vulnerability to the effects of climate change. These range from an ageing population who have greater vulnerability to extreme heatwaves – to population growth and increasing household and industry demand for water. However, in order to **combat climate change and meet international obligations reduction of carbon emissions must be encouraged** and this development assists in that global effort in a small but meaningful way.

The cost of not acting is too great, RCA believes that the next generation has the potential to be the greatest generation, however we are fast approaching a situation where they could be the last if action is not taken to tackle the nefarious impact that global warming will have on the planet and all life on it.

6.4 Farm Diversification and Rural Development Opportunity

The proposed development **assists in farm diversification** a key aim of the council by supporting a local dairy farm's operations and sustainability.

In addition, there is potential for **Power Purchase Agreements** (PPA's) to be agreed with local businesses which will allow them to secure cheaper electricity reducing overheads and allowing for their future **sustainability, expansion and development** securing jobs in the local area and supporting the local economy and local enterprises.

6.5 Tourism, Recreation and Education Benefits

The development has the potential to be **beneficial for tourism and recreation by enabling improved access to the Clyde Murshiel Regional Park**. Other wind farms, such as Whitelee have joined the Association of Scottish Visitor Attractions after nearly 250,000 visitors, including 10,00 school children were attracted there between June 2009 – June 2012.

In addition, at least another 100,000 people had accessed the wind farm's trails for **recreational purposes such as walking and cycling**. There are multiple benefits associated with this potential increase in future recreational activity including **health and wellbeing benefits with such as improvements to cardio-vascular and mental health** from physical activity such as walking. Added to this is the social benefit of experiencing nature and education of children on climate change and the natural environment. **Radio City propose to collaborate with, local walking groups, local schools and the Priory Education Group to facilitate recreational and educational access to the turbine and assist with curriculum studies on the natural environment.**

Evidence shows that visitor numbers to the CMRP have increased with wind turbine developments ongoing as the graph below highlights. Visit Scotland Surveys have indicated that **intentions to visit a place are unaffected by wind turbine development** with 83% saying it would not impact their decision to visit, if anything the Garnock Valley's **tourism industry will be bolstered** by the improvement in access and re-investment in facilities proposed.



RADIO CITY ASSOCIATION

ELECTRIC VALLEY



**Economic
Development**



**Poverty and
Inclusivity**



**Health, Sport
and Recreation**



**Culture and
Heritage**



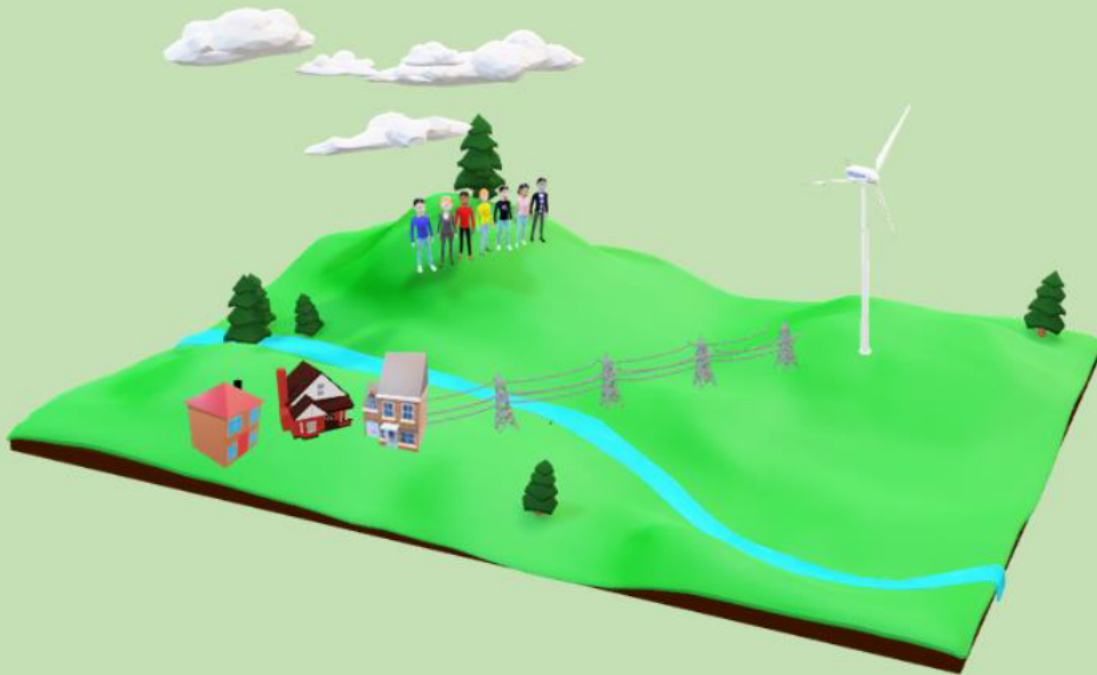
Employment



**Community
Empowerment**



Environment



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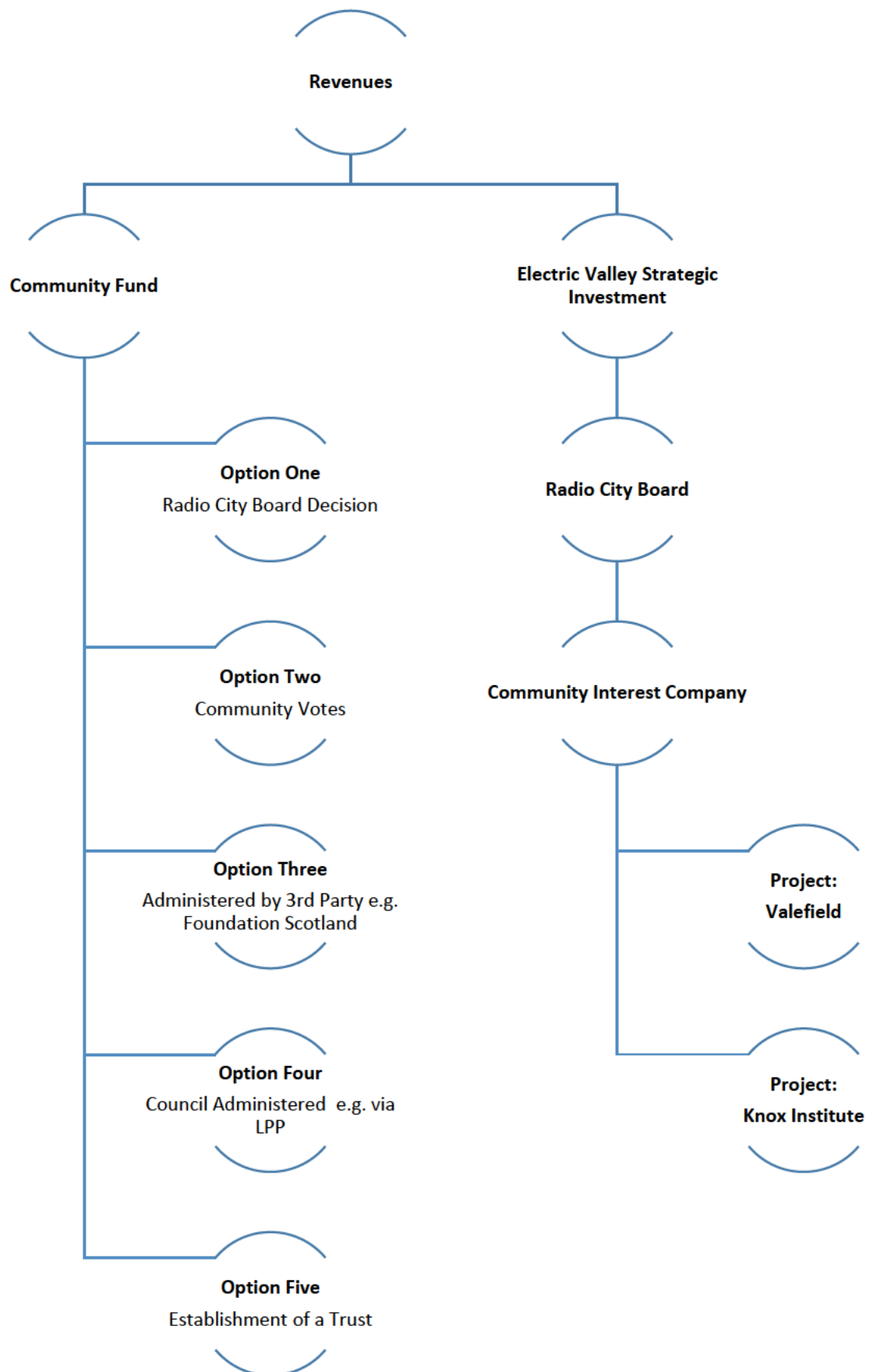
Section Two

Electric Valley Strategic Re-Investment

Section Three

Community Benefit Fund

1. Re-Investment Structure



Radio City Association Subsidiary Structure

Introduction

The common way for charities to deal with trading which does not fall within their objects is to channel the income and expenditure relating to those activities through a separate company. This is part of good governance and necessary where the trading might put the charity's assets at risk.

There are various options on the form of a subsidiary, one being a Community Interest Company (CIC) which is a form of not for profit entity that can be set up by the parent charity.

The Electric Valley project has potential to generate significant financial surpluses reinvested in the local community and for distribution to local community groups. It is an exciting venture that could become a "game changer" for the community.

However, all ventures carry risk and the options, structures and processes must be considered carefully by the Trustees as part of their obligations. This paper considers how Radio City Association (RCA) could take forward the energy project in a way that best protects the charity and is an efficient way to distribute surpluses to the community through other organisations and specific projects set up to benefit the community.

Public Benefit Obligation

All activities of a charity such as RCA should provide public benefit and should be available to a wide section of the public. With a subsidiary such as a CIC there is the opportunity to generate income and charge market prices for activities and use this income to cross-subsidise other charitable activities such as the relief of poverty.

The surplus (profit-making activity) may be safely undertaken in a charity subsidiary with the profits donated to the parent charity tax effectively and distributed or reinvested in the community.

A number of subsidiaries can be created to handle multiple ventures which can be not for profit and for profit entities. A subsidiary is a company where the majority of the shares are owned by the charity. Usually all the shares in a trading subsidiary are owned by the charity, making it a wholly owned subsidiary. If the charity has subsidiaries, the charity must produce consolidated accounts for the group.

So that the subsidiary does not pay tax, it must shed its taxable profits by tax-effective transfer to the charity. This is usually achieved by Gift Aid.

Context and Options

The Electric Valley project is now at a vital stage. An appropriate structure is required to direct, guide and control the project moving forward in ways that provide suitable forms of security and protection of the project aims, management of the investment and distribution of surpluses to the community through appropriate processes and decision making.

There were a range of possible options examined on how to best take the project forward:

1. **Radio City Association Runs It Directly** – this has the advantage of complete control but the charity and its trustees carry all the risk;
2. **A New Charity Is Set Up** – this has advantages in terms of funding access to grants and taxation concessions but restrictions on activities and reduced flexibility;
3. **A Limited Company Subsidiary Of The Charity** – this can take various forms such as a private company limited by share capital or the form of a social enterprise such as a Community Interest Company (CIC);
4. **Pass The Project Over To Another Organisation** – this removes all risk but removes local control, influence on decision making and access/allocation of surpluses to community projects.

The CIC Option

In considering the context of the project, CIC status is suggested as the most suitable structure for a social enterprise, i.e. a business that is set up primarily to benefit the community and serve a social purpose. This is also the model favoured by the Scottish Government's (CARES) for community ownership.

A charity such as RCA may register a CIC as a subsidiary company. That CIC (e.g. Garnock Valley Community Energy Company) is permitted to pass assets to the charity. An 'asset lock' will be in place that ensures the assets of the organisation are only used for the benefit of the community.

A CIC would be asset locked to Radio City Association to ensure that the assets (turbine, cash, goods, property, etc.) and profits of the company are used solely for community benefit. Any assets including the turbine and surpluses generated can only be sold at their full market cost, so that their value is retained by the CIC or otherwise transferred for the benefit of the community. This includes the distribution of surpluses to local community projects and organisations through appropriate processes.

These processes will require an appraisal of projects and organisations with full transparency on the criteria for decision making and distribution of funds. Further requirements will be in place for reporting, monitoring and evaluation of the impacts of the funds distributed with evidence of the additional community outcomes.

The CIC model is designed to provide an effective legal framework for social enterprises which aim to provide benefit to the community or to trade with a “social purpose” rather than to make a profit.

A Community Interest Company is a relatively new type of legal framework, established in UK company law by the Companies (Audit, Investigations and Community Enterprise) Act 2004.

Community Interest Companies are regulated by both UK Company Law - The Companies Act 2006 (as is every UK based business) - as well as by a separate and independent government regulator, The Office of the Regulator of Community Interest Companies, who are governed by The Community Interest Company Regulations 2005. CICs must register with the CIC Regulator and submit annual reports (known as a CIC34) to demonstrate that they are working in the interest of the community and that the asset lock is being observed and provides for overall transparency. A CIC also needs to justify its status by declaring how it will be of benefit to the community. This is done through the submission of form CIC36, which contains the initial Community Interest Statement and is used to express the purposes of the company to the Regulator. As in the case with other organisations with charitable purposes, an objects clause should also be included in the articles of association.

The "asset lock" is an essential feature of all CICs and is designed to ensure that the assets of the CIC are used exclusively for the benefit of the community. Any assets and profits must be retained within the CIC and used solely for community benefit. The only bodies to which assets are allowed to be transferred are other “asset-locked bodies” – i.e. those organisations which already have an asset lock. This means that assets may only be transferred to charities, or to other CICs.

CICs are taxed in much the same way as any other company and it is important to manage the income generation and Gift Aid processes efficiently. CICs can borrow money and can be funded from a variety of sources, including grants and donations, loans from high street banks and other institutions and use of investment mechanisms such as SITR (Social Investment Tax Relief). The CIC option allows for increased funding opportunities that may otherwise be unavailable to the charitable arm of RCA, by working together it is possible to maximise the available funding options.

CICs are suitable for organisations that are going to earn all or most of their income through trading (charging for goods or services) and a wide range of activities so long as it provides a benefit to the community. Directors of the CIC (and others) can be paid

for providing services to the organisation, such as the role of General Manager or Chief Executive to run the executive functions on a full or part time basis allowing for greater organisational capacity.

Setting up a CIC is the simplest way of ensuring that your organisation's assets and profits are used for the benefit of the community.

There is an option to set up a CIC with share capital to attract additional investment in future however it is not recommended to follow this route in order to keep things clear and simple.

Next Steps and Actions

- RCA Board agree the preferred processes and set up a CIC with an Asset Lock to RCA;
- Such a CIC could be a company limited by guarantee without share capital, set up for public benefit with or without charitable status;
- Directors of the CIC would be appointed by RCA and would include representatives from the RCA Board and other likeminded individuals within the community and with high levels of expertise who have a shared commitment to the aims and objectives of the Electric Valley project;
- Agree the name of the CIC, Registered Office and Directors;
- Apply for registration with regulator and on receiving a Company Registration Number, open a bank account with multiple signatories;
- Publicise the proposals, the CIC and the opportunity to participate – devise a future communications and marketing strategy to share information with other stakeholders including the local authority and community;
- Consider engaging professional support with the processes linked to available funding and future funding applications.

2. Strategic Investment Proposals

The strategic investment of the Electric Valley project is focused on seven key areas of focus which are underpinned by a set of multiple non-prohibitive criteria and guidelines that allow for targeting of the re-investment by establishing a scoring matrix allowing the RCA board an insight into the impact of the re-investment and appraisal of its effectiveness.

This strategic focus of investment is based upon existing policy frameworks at local and national level as well as RCA's own socio-economic analysis of the Garnock Valley area and consultations already carried out. The matrix therefore allows for targeted investment based on local need and demand. Projects are then evaluated on a variety of outcomes.



Preliminary proposals have already been developed regarding the Seven Areas of Focus for strategic re-Investment on two projects which are set out below. These are proposals that have yet to go for further community consultation in regards to the re-investment but are indicative of the ambitions of the “Electric Valley” project and use of the strategy for the re-investment purposes.

1) Valefield (See Appendix One)

Redevelopment of the Valefield in Kilbirnie (adjacent to the former Glengarnock Steelworks site which closed in 1985). Valefield has been the home park of Kilbirnie Ladeside FC since the post second world war period having been founded in 1901. The project plan would see the construction of a modern pavilion for use by Kilbirnie Ladeside FC and other community sports organisations with dressing rooms, event space and other facilities.

The plan also includes the adjacent 7ha to create new Community Sports facilities including tennis courts and a centre for other racquet sports. These would include a centre for cycling and other activities in a centre similar to other facilities found at locations such as 7Stanes Kirroughtree in the Galloway Forrest. Given the facility is on National Cycle Network 7, it's well placed for cyclists and other users of the route. A Cultural & Industrial Heritage Visitor Centre on the history of the area including the

steelworks and the area's association with Scotland's national bard, Robert Burns, is also proposed within the Valefield redevelopment. It is the intention of the applicant to link their Burns heritage centre with the wider Burns Heritage 'trail' in Ayrshire as a whole to attract visitors from further afield. In addition, a community owned and operated Micro-Brewery for "Blasties Brew" in tribute to the local steelwork heritage and the moniker for Kilbirnie Ladeside FC and other potential brands such as Beith Juniors and Dalry Thistle and other clubs in North Ayrshire e.g. 'Buffs' beer for Kilwinning or Largs Thistle Lager etc. This is a niche market that can be developed for Scotland's junior Football Clubs which will provide employment and revenue to allow for long term sustainability and continuous growth and re-investment in the locality. The Valefield redevelopment will also be environmentally sustainable through the use of a local energy centre employing renewable heat technology.

2) Knox Institute Social Enterprise & Community Hub (See Appendix Two)

A business plan has been submitted to North Ayrshire Council as part of the asset transfer process which details the proposals. The Knox Institute, constructed 1892, is a category B listed building at the heart of Kilbirnie town centre. It is the aim of this project to make it a focal point in the town centre providing economic and social regeneration – a collaboration between various social enterprises, community groups and charities to create a hub for social action in the Garnock Valley and North Ayrshire. This project seeks to safeguard the future of this iconic building, and its unique heritage for future generations by protecting it from dereliction and redeveloping it as a publicly accessible facility to serve local people. The project will contribute positively to the regeneration of the Garnock Valley through sustainable economic growth by providing a home for social businesses, creation of local employment opportunities and the occupation of a currently unused building in the town centre of the town. In addition, the project will develop the social fabric of the area through a celebration of local industrial heritage and empowering the community as well as building community capacity and improving accessibility to services and advice for local people to meet community demand. The building will incorporate art and history installations which reflect the heritage of the property as a philanthropic venture of the Knox Family and local history including social and industrial heritage housed and displayed within the redeveloped property and available to be viewed by the public. The creation of these art installations will be developed as part of a programme of arts and heritage, which will be delivered with local people in parallel to the physical redevelopment project. The project will consist of the interior renovation of the Knox Institute building, creating an energy efficient home for the proposed social enterprise hub creating a unique and environmentally sustainable environment for the growth of the third sector and a local circular economy. The Institute project came out of a need to address local economic stagnation and the vacant nature of the high street. It is - like Radio City - central to the town both geographically and overall in its perception to visitors and residents about the local issues that need to be tackled. The project would see the building be utilised as a community asset rather than a perceived liability seizing upon the towns proud industrial and philanthropic past and demonstrating the hopes for the future.

Electric Valley Re-Investment Criteria Matrix

Economic Development

- Fosters sustainable inclusive economic growth locally
- Supports the growth of social enterprise sector in the locality
- Addresses population decline
- Provides for further ethical investment locally and furthers economic development
- Supports local business growth and expansion



Poverty and Inclusivity

- Tackles educational inequalities e.g. through provision of skills training
- Reduces fuel poverty by promotion of renewable technologies
- Increases public access to services
- Addresses issues of accessibility to transport
- Promotes financial inclusion
- Promotes digital inclusion
- Supports inter-generational cohesion
- Reintegrates ex-offenders into society



Health, Sport and Recreation

- Promotes uptake and accessibility to sport
- Provision or Investment in facilities for use of the community
- Promotes healthy living e.g. through activities or education
- Tackles issues of mental health or social isolation
- Combats drug and alcohol dependency or misuse



Culture and Heritage

- Supports sustainable future for local heritage sites
- Promotes culture, heritage or history of the area
- Provides benefit to community with improved aesthetic of area e.g. art installation
- Educates local people of cultural, industrial or social heritage



Employment

- Develops skills and employability of local people
- Provides opportunity of personal development
- Tackles social issues relating to issues of unemployment
- Provides prospect of sustainable long-term employment to local people
- Offers opportunities for those often excluded from the labour market (e.g. veterans, women, ex-offenders)



Community Empowerment

- Supports local community organisation(s)
- Enables greater community capacity or confidence allowing for greater impact
- Highly involves or is community led allowing community influence over process
- Increases volunteering opportunities
- Improves perceptions of area by local people
- Tackles issues such as anti-social behaviour



Environment

- Provides or promotes use of renewable energy resource
- Educates on effects and measures to combat climate change
- Promotes benefits or utilises renewable or green technologies



3. Community Fund

As well as the larger scale re-investment as a direct result of the revenues, a sum will also be made available for local community organisations. A 'Community Fund' provision has five options for its establishment and related operation based on the Scottish Government's preferred rate of £5k/MW of electricity produced. As currently configured, this would generate a fund of £12,500 per annum for the Wind Turbine and approximately £5,000 per annum for the Hydro Turbine i.e. **£350,000 combined over 20 years**, that RCA can distribute directly to local community causes in addition to the projected re-investment of the remaining **£8m - £10.65m**.

It is worth pointing out at this juncture, in relation to the above, that the reason why revenues for investment from a community owned renewable energy development are so materially more beneficial for the communities it serves is because ALL the revenues so generated are re-invested back into the Community whereas in relation to 'Community Benefit' only a small proportion of the overall revenues being generated are returned to the Community by way of the £5k/MW standard payment favoured by commercial developers and the Scottish Government.

This means, by way of example, that the RCA Wind Turbine would return more in community investment to the Garnock Valley area than all the other turbines currently deployed in North Ayrshire Council area return in 'community benefit' to ALL the communities of North Ayrshire combined

RCA as well as setting up a community benefit fund that communities can bid into independently, will in addition be re-investing ALL the remaining revenues in community owned and operated projects that will create a massive legacy benefit for the Garnock Valley in accord with the Charitable purposes and Memorandum and Articles of Association of the RCA.

- **Option One - Radio City Board Decision**

The Radio City Board take applications and distribute money to other organisations locally in the Garnock Valley

- **Option Two - Community Votes**

Similar to CPP Participatory Budgeting process a public vote on proposals for redistributing money could be held as an event or online participation

- **Option Three - Administered by 3rd Party e.g. Foundation Scotland**

Drawback of monies being lost in legal/administrative fees etc. rather than re-distributed

- **Option Four - Council Administered e.g. via LPP**

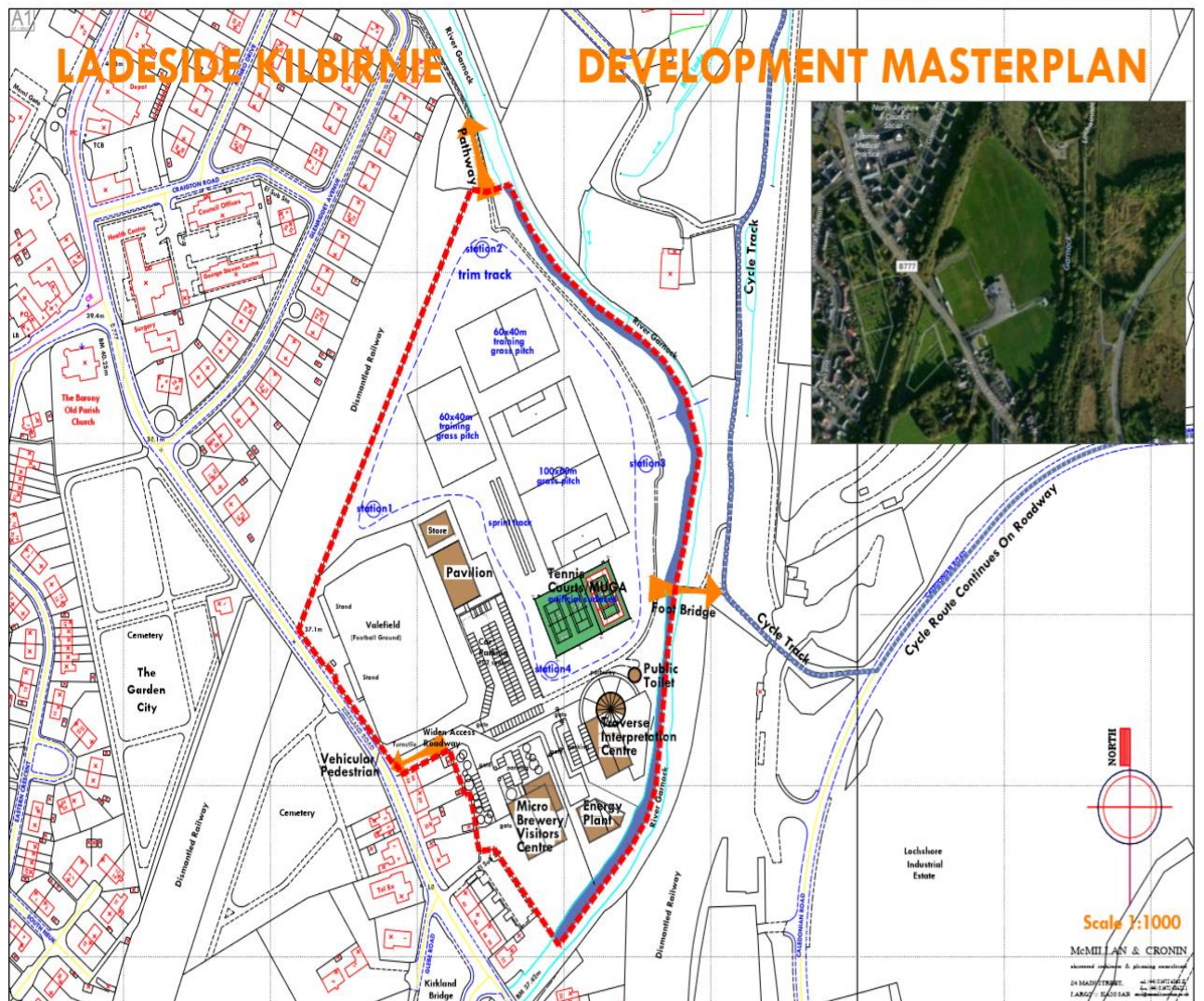
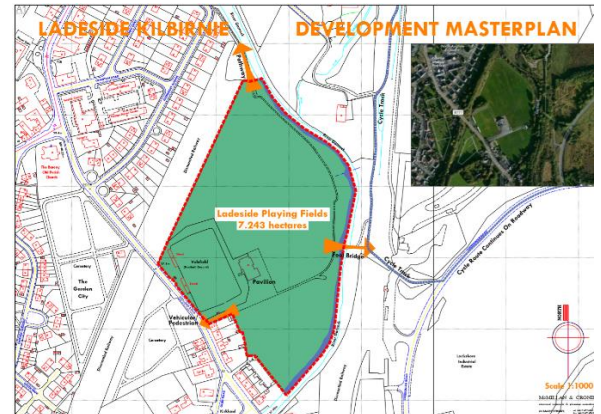
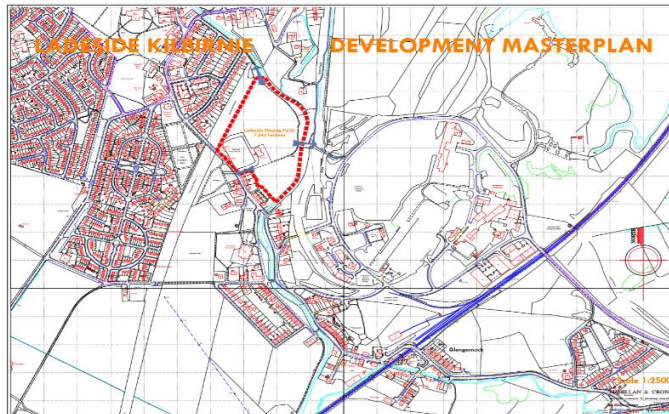
LPP composed of Councillors, HSCP, Council Officers and Community Council etc.

- **Option Five - Establishment of a Trust**

A trust could be established with members of council and community to administer

Appendices

Appendix One – Valefield Development Masterplan



Appendix Two – Knox Institute Social Enterprise & Community Hub



REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	18/01123/PP
Proposal:	Erection of 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to include associated earthworks and infrastructure
Location:	Site To North Of Standingstone Hill, Kilbirnie, Ayrshire,
LDP Allocation:	Countryside/Rural Community
LDP Policies:	POLICY PI 9 / ENV7 / ENV9 / General Policy /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 07.01.2019 Neighbour Notification expired on 28.01.2019
Advert:	Regulation 20 (1) Advert Published on:- 16.01.2019 Expired on:- 06.02.2019
Previous Applications:	None
Appeal History Of Site:	None

Relevant Development Plan Policies

POLICY PI 9
POLICY PI 9: RENEWABLE ENERGY

Proposals for the development of wind turbines, wind farms, biomass, solar powered, thermal, wave or run-of-river renewable energy development, or microrenewables, shall accord with the LDP subject to the proposal satisfying the following criteria:

- (a) the development is appropriate in design and scale to its surroundings; AND
- (b) it can be demonstrated that there is no unacceptable adverse impact on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation, and coastal areas); AND
- (c) in the case of individual wind turbine or wind farm development, that the proposed development is not in an area designated as "high sensitivity" in the "Landscape Capacity Study for Wind Farm Development in North Ayrshire"; AND
- (d) the proposal shall not result in unacceptable intrusion, or have an unacceptable

adverse effect on the natural, built, cultural or historic heritage of the locality; AND
(e) it can be demonstrated that there are no unacceptable adverse impacts on the operation of tourism or recreation interests; AND
(f) it can be demonstrated that any unacceptable adverse effects on telecommunications, transmitting, receiving, or radar systems for civil, broadcasting, aviation or defence interests can be effectively overcome; AND
(g) the proposal can be satisfactorily connected to the national grid without causing any unacceptable negative environmental impacts; AND
(h) when considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no unacceptable impacts due to the cumulative impact of development proposals; AND
(i) in the case of individual wind turbine and wind farm development, that the proposal satisfies the contents of the Ayrshire Supplementary Guidance: Wind Farm Development (October 2009); AND
(j) where appropriate, applicants will be required to demonstrate consideration of colocation with significant electricity or heat users.
The Council will require that any redundant apparatus will be removed within 6 months of it becoming non-operational and that the site will be restored, unless it can be demonstrated that said apparatus will return to productive use within a reasonable timeframe.

ENV7

POLICY ENV 7: SPECIAL LANDSCAPE AREAS

Within the identified Special Landscape Area, which includes the National Scenic Area in North and Central Arran and Clyde Muirshiel Regional Park, as defined on the LDP Map, the Council shall pay special attention to the desirability of safeguarding or enhancing the character or appearance of the landscape in the determination of proposals.
Development should be sited so as to avoid adverse impacts upon wild land. There is a presumption against development in these areas unless it can be demonstrated that the proposal:
(a) meets the needs of agriculture or forestry; OR
(b) is a recreation, leisure or tourism proposal which will bring a level of social and economic benefit to the area which outweighs the need to protect the area from development; OR
(c) is a renewable energy generation development; AND
(d) is appropriate in design and scale to its surroundings; AND
(e) has no unacceptable direct, indirect or cumulative impacts on the landscape character and/or the natural and built heritage resource; AND
(f) has no unacceptable impacts on the visual amenity of the area; AND
(g) has taken cognisance of the Council's Rural Design Guidance, where applicable.
In addition to the above criteria, proposals for development which would affect the National Scenic Area, as identified on the LDP Map, shall not accord with the LDP unless:
(h) the objectives of designation and the overall integrity of the National Scenic Area will

not be compromised; OR

(i) any significant adverse impacts on the qualities for which the National Scenic Area has been designated are clearly outweighed by social or economic benefits of national importance.

ENV9

POLICY ENV 9: NATURE CONSERVATION

1. International Designations.

Proposals for development likely to have a significant effect on Natura 2000 sites, as identified on the LDP Maps, will be subject to an Appropriate Assessment of the implications for the site's conservation objectives. Proposals shall not accord with the LDP unless the Appropriate Assessment indicates that:

- (a) they will not adversely affect the integrity of the site; or
- (b) there is no alternative solution; and there are imperative reasons of over-riding public interest including those of a social or economic nature; and subject to any necessary compensatory measures being provided to ensure that the overall coherency of the Natura 2000 network is protected.

2. National Designations.

Proposals for development which would affect national designations such as Sites of Special Scientific Interest, as identified on the LDP Maps, shall not accord with the LDP unless:

- (a) the objectives of designation and the overall integrity of the area will not be compromised; or
- (b) any unacceptable impacts on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

3. Local Designations.

Proposals for development which could affect Local Nature Conservation Sites (LNCS), as listed in Supporting Information Paper 3, and sites of local importance as wildlife habitats or wildlife corridors, will be assessed:

- (a) to ensure that appropriate measures are proposed to conserve, as far as possible, the site's wildlife or habitat interest including the retention of open watercourses and provide for replacement of habitats or features where damage is unavoidable;
- (b) to determine their effect on the management of features of the landscape which are of importance for wildlife, for wild flora and fauna; and
- (c) with a view to complementing the ecological coherence of the Natura 2000 network.

Proposals for development affecting a site covered by the provisions of this policy are likely

to require an Environmental Statement.

Where development is permitted, the Council may apply specific conditions or a Section 75

or other agreement to secure the protection of wildlife habitats.

For the avoidance of doubt, where Policy ENV9 applies to a development proposal it shall

have primacy over the other policies of the Plan.

General Policy

GENERAL POLICY

(a) Siting, Design and External Appearance:

- Siting of development should have regard to the relationship of the development to existing buildings and the visual effects of the development on the surrounding area and landscape.
- Design should have regard to existing townscape and consideration should be given to size, scale, form, massing, height, and density.
- External appearance should have regard to the locality in terms of style, fenestration, materials and colours.
- Development will require to incorporate the principles of 'Designing Streets' and 'Designing Places'.
- The particularly unique setting of North Ayrshire's rural, coastal, neighbourhood and town centre areas, and those with similar characteristics, necessitates that all development proposals reflect specific design principles unique to these areas. Coastal, Rural, Neighbourhood and Town Centre Design Guidance (four separate documents) are Supplementary Guidance to the Plan and contain further details.
- Consideration should be given to proper planning of the area and the avoidance of piecemeal and backland development.
- Design should have regard to the need to reduce carbon emissions within new buildings.

(b) Amenity:

Development should have regard to the character of the area in which it is located.

Regard should be given to the impact on amenity of:

- Lighting;
- Levels and effects of noise and vibration;
- Smell or fumes;
- Levels and effects of emissions including smoke, soot, ash, dust and grit or any other environmental pollution;
- Disturbance by reason of vehicular or pedestrian traffic.

Development should avoid significant adverse impact on biodiversity and upon natural

heritage resources, including those outwith designated sites and within the wider countryside. Development proposals should further have regard to the preservation and

planting of trees and hedgerows, and should also have regard to their potential to contribute to national and local green network objectives.

In relation to neighbouring properties regard should be taken of privacy, sunlight and daylight.

(c) Landscape Character:

In the case of development on edge of settlement sites, substantial structure planting will

generally be required to ensure an appropriate boundary between town and country is

provided. Such proposals should include native tree planting, retain natural features where possible and make provision for future maintenance.

Development should seek to protect the landscape character from insensitive

development and the Ayrshire Landscape Character Assessment shall be used to assist assessment of significant proposals.

(d) Access, Road Layout, Parking Provision:

Access on foot, by cycle, by public transport and other forms of transport should be an integral part of any significant development proposal. Development should have regard to North Ayrshire Council's Roads Development Guidelines and meet access, internal road layout and parking requirements.

(e) Safeguarding Zones:

Pipelines, airports and certain other sites have designated safeguarding areas associated with them where specific consultation is required in assessing planning applications. The objective is to ensure that no development takes place which is incompatible from a safety viewpoint. The need for consultation within Safeguarding Zones is identified when an application is submitted. Supporting Information Paper No. 7 provides further information on Safeguarding Zones.

(f) The Precautionary Principle

The precautionary principle may be adopted where there are good scientific, engineering, health or other grounds for judging that a development could cause significant irreversible damage to the environment, existing development or any proposed development, including the application itself.

g) Infrastructure and Developer Contributions

For development proposals which create a need for new or improved public services, facilities or infrastructure, and where it is proposed that planning permission be granted, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Developer contributions, where required, will be sought through planning conditions or, where this is not feasible, planning or other legal agreements where the tests in Circular 3/2012 are met. Other potential adverse impacts of any development proposal will normally be addressed by planning condition(s) but may also require a contribution secured by agreement.

This will emerge from assessment of the impact of development proposals upon:

- Education;
- Healthcare facilities;
- Transportation and Access;
- Infrastructure;
- Strategic landscaping; and,
- Play facilities.

Further to analysis of infrastructure, indicative requirements for housing land allocations are set out within the Action Programme. Developer contributions will be further established by Supplementary Guidance (timing, costs etc.).

In addition to the above, Mixed Use Employment Areas are identified within the LDP. These sites are allocated for a mix of uses, subject to an element of employment space creation or improvement being provided. This will be informed by a business plan and masterplan. In these specific cases, contributions to the above (and affordable housing requirements as set out in Section 5) will also be required.

h) 'Natura 2000' Sites

Any development likely to have an adverse effect on the integrity of a 'Natura 2000' site will only be approved if it can be demonstrated, by means of an 'appropriate assessment', that the integrity of the 'Natura 2000' site will not be significantly adversely affected.

i) Waste Management

Applications for development which constitutes "national" or "major" development under the terms of the Planning Etc. (Scotland) Act 2006 will require the preparation of a Site Waste Management Plan (SWMP), which will be secured by a condition of the planning consent.

Description

The application seeks planning permission is for the construction of a wind turbine development at a site within the upland area to the west of the upper reaches of the River Garnock, approximately 2 km northwest of Kilbirnie. The proposed turbine

18/01123/PP

would have a capacity of 2.5 megawatts (MW). The typical candidate model as illustrated in the submitted application would measure 65m to hub height and 110m to blade tip. Rotor diameter would be 90m.

In order to construct the development, it is also proposed that an existing 3.5m access track leading to Kings Burn from Plan Farm via the former Pundeavon Reservoir would be reconstructed and widened to 5m with 1m verges either side, with land raising where necessary. The upgraded length of track would be extended to the proposed wind turbine site. The track would be surfaced with crushed stone and aggregates. Cut and fill operations along the route of the track would result in over 1km of earthworks over the upland landscape. The current track is a temporary road which was formed for pipe laying operations. However, the proposed upgrade to a 5m track with 1m verges would be permanent.

At the site, which is situated at approx. 330m above Ordnance Datum, a stone surfaced crane hardstanding of 20m x 45m is proposed to provide a level platform for constructing the turbine. An electrical transformer unit and switchgear building would be sited alongside the turbine. The switchgear building would be sited on a concrete slab. It would measure 4.4m x 4.408m on plan and 3.9m in height. High voltage cables would be routed below ground. At this stage, the precise route for a grid connection is not known. The applicant has indicated, that a micro-siting allowance of 25m to allow for consideration of ground conditions at the site, is required.

The wind turbine is intended to have an operational life span of approximately 25 years, following which the structure would be removed and the site reinstated.

The application is accompanied by the following documents:

1. Supporting Statement

The supporting statement provides an assessment of the proposal against the Local Development Plan, and examines other material considerations relevant to the proposal. In particular, the supporting statement highlights that the proposed development would be a 'community owned turbine' which would re-invest the revenue in the local communities of the Garnock Valley over the 25 year operational period: estimated to be £300,000 per year, and £6 million in total. Examples of potential projects are set out, which would have a focus on increased economic development and business diversification, creation of employment and training, town centre regeneration and improvements to education and leisure facilities. In addition, the development would generate electricity to supply approximately 1,600 homes annually, and displace 2.3 million tonnes of carbon dioxide emissions.

The applicant contends that the development would create/safeguard 18 full time equivalent jobs for a minimum of ten years, and that the socio-economic benefits would outweigh any 'subjective' landscape or other environmental impacts. A summary of the wider benefits that the applicant wishes to deliver through the proposed development are as follows:

"The projects undertaken by RCA to address economic stagnation in the community include, but are not limited to, the Lochshore re-development, Stoneyholm Mill Trust and our renewable energy projects including our proposed community owned and operated WTG , a community owned small-scale hydro scheme in conjunction with Scottish Water, 'Garnock Connections' and our 'Step Forward' and 'Healthy Hills' walking routes supported by the Local Community Planning Partnership, the Institute Project in Kilbirnie 'Conservation Area' and an Electric Vehicle Club scheme

in conjunction with the Climate Challenge Fund. The returns from all these projects, grouped together within an overarching 'Electric Valley' concept, will be re-invested in the local community in various social projects providing for employment and training opportunities, new social enterprise and a vital community hub."

2. Preliminary Ecological Appraisal

The submitted appraisal was undertaken by an environmental consultant on behalf of the applicants. The appraisal includes a combination of desk studies and field surveys. The surveys undertaken did not reveal the presence of any protected species, although the consultant has recommended that further survey work is undertaken. Recommendations have also been made in relation to mitigation measures which should be adopted in the event of the development proceeding.

3. Abnormal Loads Route Access Assessment

The submitted study considers the route that delivery traffic would need to follow from Ayr Harbour, where the turbine parts would be off-loaded, to the application site. In order to facilitate the safe delivery of the proposed turbine parts, the study identifies the most appropriate road route to the site, as well as pinpointing constraints that would require temporary measures on the public road network, as well as some modifications that may be required on private roads nearer the site.

4. Noise Report

The report considers the industry standards for wind turbine noise and undertakes an assessment of anticipated noise levels in decibels.

5. Hydrology Report

An appraisal has been undertaken to identify and assess the possible pollution scenarios that the proposed development could have on the water environment within the area (both at the site and in the surrounding area). The report considers that, as long as recommended mitigation and good practice measures are adopted in the construction process, the water environment can be protected both during construction and once the development is operational.

6. Heritage Impact Assessment

The assessment combines both desk studies and a walkover survey. The assessment considers recorded archaeological and heritage resources (including listed buildings, scheduled monuments, conservation areas, designed landscapes) and concludes that there would be no adverse impact on the setting of any heritage assets within 5km nor adverse impacts on the ability to understand, appreciate or experience those assets.

7. Landscape and Visual Appraisal

The report considers baseline conditions and identifies the key landscape and visual resource within the study area, which is the surrounding environment within 20km of the site. However, the focus of the appraisal is within 10km radius from the site. The method of assessment is in accordance with the current guidelines published by the Landscape Institute and the Institute of Environmental Management and Assessment in 2013.

Consideration is given to statutory and non-statutory designations, both in terms of the built and natural environment. Reference to the SNH landscape character areas and NAC Landscape Capacity Study has also been considered. Impacts on the nearby settlements of Kilbirnie, Beith, Lochwinnoch and Dalry, as well as transport routes through the area, are also discussed.

13 representative viewpoints have been selected to enable an assessment of the landscape and visual effects. Each has been illustrated using photomontages and wireframes, with commentary.

The report concludes that the site is constrained on three sides by higher ground, which has the effect of narrowing the arc of visibility. The most significant effects are considered to be the within the 2km nearest the site, with more distant views filtered and mitigated by woodland belts and hedgerows.

The application site is located within an area of Countryside in terms of the Adopted North Ayrshire Local Development Plan (LDP). The site is within Clyde Muirshiel Regional Park (CMRP), which is listed as a Sensitive Landscape Area (SLA) in the LDP.

Finally, the site is also within the 5,016 hectare Waterhead Moor - Muirshiel Wild Land Area as designated by Scottish Natural Heritage (SNH) in 2014. (Note: the LDP proposals map shows an indicative 'Wild Land Search Area' which does not include the application site. At the time of the adoption of the LDP in May 2014, the final Wild Land designation boundary had not been set by SNH. For the avoidance of doubt, the application site is within the designated Wild Land Area).

The following LDP policies are relevant to the determination of the application: PI 9 (Renewable Energy); ENV 7 (Sensitive Landscape Areas); Policy ENV 9 (Nature Conservation) and the General Policy.

Policy PI 9 of the LDP states that proposals for a range of renewable energy developments, including wind turbines, shall accord with the LDP subject to satisfying a range of criteria.

Policy ENV 7 of the LDP relates to development within Special Landscape Areas (SLA). The policy states that within the identified SLA, which includes Clyde Muirshiel Regional Park, the Council shall pay special attention to the desirability of safeguarding or enhancing the character or appearance of the landscape in the determination of proposals. Development should be sited so as to avoid adverse impacts upon wild land and there is a presumption against development in the above areas unless it can be demonstrated that the proposal satisfies a range of criteria.

Policy ENV 9 covers a range of international, national and local wildlife designations, and presumes against developments that would adversely affect the integrity of such areas.

The General Policy is a consideration for all planning applications and covers a range of issues including siting, design, external appearance and landscape character.

The applicant also wishes the community owned nature of the proposed development and the resultant funding stream that would be used to enhance the social and economic development of Kilbirnie and the wider Garnock Valley to be taken into account as a material planning consideration.

In terms of planning history, an application for the development of a 24 turbine wind farm at Ladyland Moor, which includes the application site, was refused on 24th February 2009 (ref. 07/00761/PP). The grounds for refusing the application were

based on the "significant adverse impact on Clyde Muirshiel Regional Park resulting from its adverse landscape and visual impact, cumulative visual impact and being detrimental to recreational and tourism interests and the enjoyment of visitors to the Regional Park and the wider area in general."

Consultations and Representations

Neighbour notification was undertaken in accordance with statutory procedures, which included an advertisement in a local newspaper. A range of representations have been received, including objections and letters of support. The applicant was given the opportunity to respond to the points raised in the letters of objection as well as the consultation responses.

11 letters of objection have been received, which are summarised below.

1. The site is within the CMRP close to the SPA and SSSI and should be protected from adverse developments. The applicant claims that one turbine would have no significant impact. However, the proposal is for a significant structure. To allow a development such as this opens the way for future expansion using the same argument. The application should be refused.

Response: Noted. The applicant advises that there are over 104 square miles of land in the Regional Park and that there are already 38 commercially operated wind turbines in the North Ayrshire part of the Regional Park. However, in fact, there are fewer than 38 large scale turbines in the North Ayrshire part of CMRP. There are currently 28 at the Dalry/Millour Hill/Kelburn cluster and 2 at Ardrossan (out of a wind farm of 14 turbines at Ardrossan, 12 of which are outwith the CMRP boundary), taking the total to 30. See Analysis.

2. Any limited financial benefit should not even be a consideration when discussing an area of outstanding beauty such as this. The positive environmental benefits, such as a reduction in the carbon footprint generated by one turbine cannot outweigh the very direct adverse impact on the area from both the temporary construction works and the permanent situation.

Response: Noted. The applicant disputes that the financial benefit would be limited and has identified numerous potential projects that could benefit from the proposed development. The applicant also argues that there is a need for such a development as it would reduce CO2 emissions and supply electricity for over 1000 homes. See Analysis.

3. The area already has a significant number of wind turbines and is fully saturated, a point noted in the capacity assessment carried out for the Council.

Response: Noted. The applicant notes that the area has a high overall sensitivity to wind energy developments, but argues that the proposed development is of smaller scale and would therefore have less impact, and that visual impact is "entirely subjective". However, the Council's Landscape Capacity Assessment still considers a single turbine of the height proposed to be large scale, and provides a framework for the assessment of wind turbine application across the range of different landscapes of North Ayrshire. See Analysis.

4. The noise assessment is of limited scope and assumes that no further outlying properties would be affected.

Response: There is no objection in terms of noise from NAC Environmental Health.

5. To the south of the site, also within CMRP is a significant windfarm, with another further south (Ardrossan) just outwith the CMRP. To the south east are situated Whitelees where there are hundreds of turbines. There are various others dotted around. If consented, this could well set a precedent which invariably tends to attract further similar development.

Response: The applicant has responded by stating that the proposed development of one turbine would in no way set a precedent, and that community ownership and the associated community revenue stream would set the development apart from the commercial developments that have been listed. However, there are other considerations to be satisfied in terms of the adopted LDP. See Analysis.

6. The proposal would appear to be within an area to be afforded significant protection with natural important environmental interests such as carbon rich soils, deep peat and priority peatland habitat as described in the Spatial Framework for Onshore Windfarms, as noted in the Main Issues Report for LDP 2, January 2017.

Response: Noted. The applicant advises that the site was chosen to avoid protected habitats and deep peatland, following investigation of the various designations in the locality. Nonetheless, the application site is within an area where LDP policy provides significant protection from inappropriate development. See Analysis.

7. Without proper protection, Regional Parks would suffer death by a thousand applications. Gradually, such developments will eat away at an area that we want to hand down to future generations.

Response: The applicant considers that the proposed development would increase the ability of the public to utilise the park by making it more accessible to people. However, the proposed access road and the wind turbine would impact significantly on the wild landscape character of the Upland Core area. The applicant also considers that visitor numbers to CMRP have not been affected by the existing wind turbines in the area. See Analysis.

8. Allowing community benefit to become a consideration would set a dangerous precedent and open the door to effectively selling off CMRP to the highest bidder.

Response: The applicant has responded by stating that the planning authority needs to consider the benefit to the community and community ownership. See Analysis.

9. CMRP is also home to breeding Hen Harriers and Peregrine Falcons, some of the latter nesting near by the proposed site. Both are declining in numbers and we should respect and protect their natural habitats for them, alongside protecting valuable peat bogs also prevalent around the proposed site.

Response: Noted. The applicant highlights that no objection has been raised by Scottish Natural Heritage in this regard. However, concerns have been expressed by the Scottish Wildlife Trust. See Analysis.

10. The proposal would introduce industrialisation to the southern heartland of the park, within the only Wild Land Area in west Central Scotland which was

designated in 2014 for its special qualities. To introduce such development north of the A760 would almost certainly prove to be the thin end of a large wedge that would encourage further applications and result in the death of CMRP's hill country enjoyed so much by the public.

Response: Noted. The applicant considers that the landscape to the north of the A760 is an arbitrary designation and that there is no reason that it should be prohibitive to development of the proposal. See Analysis.

11. As well as not being a sustainable development due to numerous adverse environmental impacts, the turbine would have a very negative impact both on landscape and visual grounds not only within the park but also for those living in parts of North Ayrshire and Renfrewshire.

Response: Noted. The applicant disagrees and considers that the findings of the ZTV and LVIA show these impacts would not be significant. However, the matter requires careful consideration in terms of LDP policies. See Analysis.

12. Increasing renewable energy developments is needed but they must be appropriately sited. The applicant does not appear to have attempted to find any alternative site outwith CMRP.

Response: Noted. The applicant has advised that other sites were considered and only chose the proposed site after careful consideration of alternatives. This matter is discussed further elsewhere in the report.

13. EU Directive 2011/92/EC states that, in order to justify a decision on a windfarm, the competent authority is required to complete its own environmental impact assessment. Such a document has not been produced and is awaited. There needs to be an EIA for a proposal of this type in CMRP, especially in a Wild Land Area.

Response: Not agreed. The anticipated environmental effects, based on the scale of the proposed development, would not require EIA. However, in line with the EIA Regulations, the proposal was screened and includes a series of measures designed to mitigate environmental impacts.

14. It is misleading of the applicant to state that, as a community turbine, the development would benefit the local community of Kilbirnie. Whilst this is partially correct, given that money derived from the turbine would be given to the charity RCA who would then use it for local benefit, it could be misconstrued by people thinking that the electricity generated would be used locally. If the charity wish to gain revenue from a wind turbine, they have the whole of the UK from which to identify a suitable location which is not environmentally sensitive.

Response: The applicant considers that "it would not constitute environmental justice to introduce a turbine to another community whilst channelling the revenues from same to a different community" hence their reason for wishing to site the development in the area that would benefit. The applicant points to the many local benefits, to the Garnock Valley area, that could arise as a result of the development. However, the landscape and visual impacts of the proposed development would extend outwith North Ayrshire and into parts of Renfrewshire. There is also a wider concern about the development of wild land within the Upland Core landscape of the

Regional Park, which is a resource for the whole of West Central Scotland. See Analysis.

15. The applicant claims that wind farms in CMRP haven't affected visitor numbers. It is probably correct that the vast majority of visitors only go to visitor centres (eg. Castle Semple). However, there is no mechanism for calculating how many people visit the wild land area. The numbers are not likely to be large but would be diminished further by the presence of any more wind turbines. People who want to experience the solitude and sense of place of the wild land find turbines incongruous in such settings.

Response: There is no mechanism in place for measuring visitor numbers to the wild land area of CMRP. The applicant considers that the development would not impact on the wildness of the core wild land area. See SNH consultation response, below.

16. The Wild Land is a wonderful asset within walking distance of Kilbirnie. Unlike extremely remote wild land where visitors have to travel and walk long distances, the Wild Land at the application site is easily and quickly reached on foot from the town. It is a wonderful free community asset yet the applicant proposes to despoil it.

Response: Noted. The applicant refutes any suggestion that their proposal would "despoil" the landscape.

17. In the event of a turbine fire, the Fire Brigade could not reach it with their hoses. Some nacelle oil would spill onto the ground, probably alight and the moorland is likely to catch fire as well as being polluted. If fire gets into peat, it can burn underground for weeks or even months and the Fire Brigade will confirm to you that it is particularly difficult to extinguish.

Response: This is not a material planning consideration. However, the applicant cites a report by the Health & Safety Executive published in 2013 which concluded that the safety risks associated with wind turbines are very low.

18. The development would have potential pollution risks, during and after construction for the River Garnock. This would affect fishing and those with private water supplies, as has happened elsewhere.

Response: Noted. The applicant has produced a hydrology report, which concluded that, as long as recommended mitigation and good practice measures are adopted in the construction process, the water environment can be protected both during construction and once the development is operational. In the event of planning permission being granted, the development would involve supervision by an Ecological Clerk of Works. This could be secured by condition.

19. The development would have an adverse effect on protected species such as water voles and badgers. Though there will be no bats in the immediate surrounds they are known to travel surprisingly long distances to places with a good concentration of midges such as wind turbines. Turbine blades are propellers and create a different atmospheric pressure. The effect on bats, going into this different atmospheric pressure is that their lungs explode and needless to say they are killed. Bats are protected species.

Response: Noted. These particular matters are not evidenced in terms of the submitted Preliminary Ecological Appraisal. If approved, mitigation measures would be required to protect habitats and protected species.

20. Lochwinnoch Community Council object to the application particularly as it would lead to further reduction in the Wild Land and beautiful open countryside of CMRP which is used by so many people for recreation purposes.

Response: Noted. Lochwinnoch Community Council represent an area outwith North Ayrshire, but have concerns over the proposed development since the issues raised are cross-boundary. As noted above, the Regional Park is a resource for the whole of West Central Scotland and, therefore, the views of neighbouring areas are of relevance given the scale and potential impacts of the proposal on the wider area.

21. The CMRP Forum understands the obvious local financial benefits of the project to Kilbirnie, but highlights that any such project needs to consider the wider impacts and needs of the community and future generations. While local association may have been the driver for this application there is no link between location and local electricity usage. Therefore there is no reason why this project could not be located in a more appropriate location outside the Park and still generate the same financial benefit to the community.

Response: Noted. See Analysis.

85 letters of support have been received, the points raised in which are summarised below:

1. The socio-economic benefits outlined in the application should justify its support, as there is a clear and urgent need for the investment generated by the development to address economic stagnation, social and health inequalities in the local communities of the Garnock Valley.

Response: This is noted. However, as applies in all cases, there is a statutory requirement to determine the application in accordance with the development plan unless other material considerations indicate otherwise.

2. The project will address these indicators of multiple deprivation through introducing measures to sustainably grow the local economy via increased economic development and business diversification, creation of employment and training (18 full time equivalent jobs per annum), support town centre regeneration and improvements to educational, sports, leisure and recreation facilities.

Response: Noted. It is agreed that the potential benefits of the proposed development could provide significant regeneration benefits to the Garnock Valley area. See Analysis.

3. The application appears to have very limited impacts on ecology, ornithology, archaeology, hydrology and other environmental features.

Response: Noted. See consultation responses and Analysis.

4. A single turbine owned by a community based charity would have limited and entirely subjective visual impacts and would be a positive addition to the area. Public opinion surveys continually point out that the majority of the Scottish public are in

favour of wind turbine developments, and that most people surveyed by Visit Scotland said that turbines would not put them off visiting a place. Visitor numbers to Clyde Muirshiel Regional Park have increased despite the existing wind farm developments.

Response: The application requires to be determined on its merits, taking a broad range of issues into account.

5. The project would help to tackle climate change via the displacement of 2.3 tonnes of CO₂ annually. There should be more projects of this type.

Response: Noted.

6. The development would not adversely affect the Wild Land Area (WLA), as there is a history of development in the vicinity including the Pundeavon Reservoir, hydro schemes and an approved Forestry Planting Scheme at Halkshill-Blairpark. The application site is removed from the core WLA and would utilise land that is considered to be of little ecological value.

Response: Noted. Not agreed. See SNH consultation response and Analysis, below.

7. Scottish Planning Policy (SPP) does not prohibit development in WLAs, in some circumstances.

Response: In this regard SPP, states that "development [of WLAs] may be appropriate in some circumstances" and goes on to state "further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation." See Analysis.

8. The key benefit of the proposal would be the £300,000 annual income generated for supporting local community based economic regeneration projects, leading to jobs and other social and economic benefits. This is not an insignificant sum of money and would dramatically outweigh the subjective assumptions that have been made about the development.

Response: Noted. See Analysis.

Consultations

Scottish Natural Heritage (SNH) - Holding Objection - The site is situated within the Waterhead Moor - Muirshiel Wild Land Area and is approximately 1.5km south of the Renfrewshire Heights Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

Scotland's wild and remote areas have a distinct and special character, which is increasingly rare to find. Wild Land Areas (WLAs) are considered nationally important and merit strong protection. This wild land area is one of only three WLAs south of the Highland Boundary Fault.

There is insufficient information at the present time to determine whether the proposal will have any significant adverse effects on the qualities of the Waterhead Moor - Muirshiel Wild Land Area. SNH therefore object to this proposal until further information on the effects on the wild land qualities is submitted.

Based on the information submitted to date there is a strong possibility that SNH would object to this application for a proposal of this nature and scale in this

location. These comments are made without prejudice to any future supporting information (wild land assessment) for this application.

The proposed site lies approximately 1.5kms from the Renfrewshire Heights SPA and SSSI, both designated for their breeding hen harrier population. The nearest hen harrier breeding site lies over 2km from the proposed turbine site and the habitat surrounding the turbine is considered unsuitable for nesting. SNH therefore, advise that there will be no Likely Significant Effect (LSE) on the hen harrier qualifying interest of the SPA and we consider an appropriate assessment to be unnecessary.

Response - Noted.

Clyde Muirshiel Regional Park Authority - The proposed turbine would be a significant detrimental impact on the recreational asset of Clyde Muirshiel Regional Park. The proposed turbine would have a significant visual impact on the landscape features of the Regional Park. The Garnock Valley is an attractive rural feature and leads to the scenic waterfall at the Garnock Spout. Glengarnock Castle is within two kilometres of the potential turbine and within 400m of the site of a standing stone and corn-drying kiln. The Garnock area has breeding peregrine falcons and raven. The noted turbine location is around two kilometres from the Renfrewshire Heights Special Protection Area and Site of Special Scientific Interest for hen harriers. The turbine would be within one of the 42 Scottish areas of Wildland noted by Scottish Natural Heritage. Surveys should be conducted to establish any potential impacts on nesting birds and species of conservation concern.

Response: Noted.

Glasgow Prestwick Airport - object. GPA are not satisfied that the proposed wind turbine would be fully shielded from the primary radar at Prestwick as it has the potential of generating wind turbine clutter on the operational Air Traffic Radar Displays. If the Developer, through more detailed radar LOS modelling (incorporating refraction and diffraction effects - that are beyond the capability of our simple LOS modelling), can convince GPA that the proposed turbine will not be seen by its radar then it may be in a position to remove the objection after review of a radar modelling report.

Response - Noted. If planning permission is granted, a suspensive condition could be attached which would require Glasgow Prestwick Airport to be fully involved in any formal mitigation measures being agreed.

Kilbirnie and Glengarnock Community Council - welcomed the proposed economic boost to Kilbirnie but are concerned at the environmental cost of the investment. Some member of the Community Council felt very strongly that the environmental cost outweighed the economic benefits.

Response: Noted.

Ministry of Defence - no objection.

Response: Noted.

National Air Traffic Services (NATS) - originally objected but withdrew objection and issued an amended response. Although the proposal is likely to impact NATS electronic infrastructure, this impact can be managed such that it does not affect the provision of a safe and efficient en-route ATC service.

Response: Noted.

NAC Environmental Health - no objection subject to conditions in relation to turbine noise.

Response: Noted. If planning permission is granted, conditions to meet the requirements of Environmental Health could be attached.

NAC Active Travel & Transportation - no objection. The applicant would require to submit all relevant abnormal load movement application and notification forms for submission to NAC Structures Team.

Response: Noted.

Scottish Wildlife Trust - In principle, SWT strongly supports the development of sustainable, non-carbon releasing forms of electricity generation. However, this proposal, in its present form, is unacceptable because of its location. SWT therefore objects to the current proposal and suggest that to allow even one large turbine in the WLA would set a damaging precedent for North Ayrshire. Although the traditional Peregrine nesting site is about 2km from the proposed turbine, the latter is likely to be within the pair's normal hunting range. Since raptors tend to avoid wind turbines this would, therefore, result in a loss of hunting territory, particularly when work is being done on the turbine. In an area in which the biodiversity is already impoverished from many years of overgrazing by sheep this could be significant. On p42 of the Supporting Statement (1st bullet point) it is stated that Skylark is one of the characteristic species of bird found on the site. It is then stated that the "species recorded....are of relatively low conservation concern". In fact, Skylark is currently on the Red List of Birds of Conservation Concern (BoCC4). This proposal is one that SWT would, in other circumstances, accept because of its beneficial effect in reducing climate change. If the proposer could find another site outside the Regional Park and Wild Land Area the Scottish Wildlife Trust would consider withdrawing its objection.

Response: Noted. See Analysis.

West of Scotland Archaeology Service - There are no recorded archaeological sites contained within the application area although a number of sites are recorded in the surrounding landscape indicating a human presence from prehistoric, medieval and later periods. One potential prehistoric site lies very close to the proposed line of the access. In circumstances where the degree of archaeological survival is uncertain, WoSAS advise the Council to consider attaching an archaeological watching brief condition to any consent they may be minded to grant.

Response: Noted. If planning permission is granted, a condition to meet the requirements of WSAS could be attached.

Beith & District Community Council, Dalry Community Council, Glasgow Airport, RSPB, SEPA - no comments.

Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise. In this case, the adopted North Ayrshire Local Development Plan is the development plan. The following policies are applicable to the consideration of the proposal:

- Policy PI 9 - (Renewable Energy)
- Policy ENV 7 (Special Landscape Area - Clyde Muirshiel Regional Park)
- Policy ENV 9 - (Nature Conservation)

- General Policy

Firstly, Policy PI 9 states that renewable energy proposals shall accord with the LDP subject to satisfying a range of criteria.

Criterion (a) requires that the development is appropriate in design and scale to its surroundings. The proposal is for a large scale wind turbine. It is not considered that the scale would be appropriate to its surroundings, as evidenced by the photo montages submitted with the application. Within the "Upland Core" area to the northwest of Kilbirnie, there is an absence of tall manmade structures of the height proposed, such as turbines. Whilst noting that there are various manmade features within the landscape, none are of a scale that diminish the "wild land" character which the area has. The large scale of the turbine would tend to diminish the open landscape of the Upland Core of the upper Garnock Valley within the vicinity of the site.

It is noted that there is a long established electricity transmission line on lower ground, with pylons of approximately 40m in height. The pylons cross the rural agricultural landscape northwest of Kilbirnie. They continue towards Lochwinnoch and can be traced back to Hunterston. However, the pylons occupy lower ground and have as a backdrop the higher Upland Core area further west. It is not considered that the presence of the pylons would mitigate nor justify the siting of the proposed development. In summary, it is not considered that the proposal would be appropriate in design and scale in relation to criterion (a).

Criterion (b) requires it to be demonstrated that there is no significant adverse effect on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation and coastal areas). As noted above the site is within an area of wild land as well as within the Special Landscape Area of Clyde Muirshiel Regional Park. There is also a Special Protection Area nearby.

In response, it is considered that the large scale of the proposal raise a significant issue in terms of landscape and visual impact. Due to the elevated position of the site (330m AOD, with the 65m turbine tower reaching a height of at 395m AOD and the 110m tip reaching 440m AOD), the height of the turbine would be widely visible not only from the south and east but also from the northeastern approach to the Garnock Valley from Renfrewshire, particularly along the A737 road corridor between Roadhead Roundabout and Beith. The hill summits to the east of the site, on the opposite side of the steeply sloping upper reaches of the River Garnock, vary in height from 297m at Lamb Hill to 389m on higher parts of Ladyland Moor. To the east, the ground slopes downhill over a distance of approximately 2.5km to 100m, then falls more gradually over undulating ground onto the broad floor of the Garnock Valley to a level of around 32m - 36m AOD. The distance from the site to the floor of the valley is approximately 5km. The effect of both the scale and the elevated position of the site, with lower ground to the east providing direct views into the upland area from the more settled lowlands, would make the development conspicuous and highly visible. It is also considered that the form of the development, with its rotating blades, would contrast unsympathetically with the naturalistic rugged form of the landscape.

At closer range, the development would be highly visible from parts of the nearby settlements of Kilbirnie and Beith, as evidenced by the submitted photo montages which show a selection of viewpoints from public places. The development would also be highly visible for much of the eastern part of the Garnock Valley, adding

cumulatively in longer views of the landscape to the existing windfarm developments at Dalry/Millour Hill/Kelburn. However, the separation distance between the existing cluster of turbines at Dalry/Millour Hill/Kelburn and the proposed turbine would avoid coalescence.

The development would be screened from the southwest by higher ground, and would not be visible from the A760 road corridor for much of the route between Kilbirnie and Largs. This is due to the fact that the hill summits to the west of the site, such as Black Law (466m AOD) and Greenside Hill (447m AOD) would be higher than the hub and tip height of the turbine, providing significant mitigation when viewed from roadways to the southwest and west. However, whilst the hills to the west would provide screening from the A760 transport corridor, the turbine would still be highly visible from within the upland area itself, including relatively uninterrupted views from Misty Law (510m AOD). There would also be direct and uninterrupted views from the hills nearer the site such as Lamb Hill, Black Law and Wings Law (386m AOD). Whilst the summit of Misty Law is just over 3km north of the site, the summits of Black Law, Wings Law and Lamb Hill are all closer at around 2km. The steeply sloping sides of the hills, especially the slopes through which the River Garnock and many small tributaries flow, also contribute to the rugged and naturalistic character of the upland core landscape. The development would result in a manmade element of significant scale within a distinct natural landform that appears to have remained largely unchanged over many centuries, other than a (now removed) reservoir development, a hill track to serve a pipeline and hill farming activities. The contrast in scale together with visibility over a long distance is considered to be a significant adverse negative effect on the landscape character of the area.

Although the turbine would not be visible from the North Coast area of North Ayrshire and nearby islands (such as Bute, the Cumbraes and Arran), it would be very visible from many parts of the Garnock Valley, including settlements, open spaces and transport corridors. The landscape and visual impacts would also extend into the closest parts of Renfrewshire to the North Ayrshire boundary. The applicant's view is that, as the Garnock Valley would be the principal geographic area to benefit from the income derived from the development, such impacts on the landscape would be tolerated, therefore making them more acceptable than would be the case otherwise.

The letters of representation received illustrate that many of those who support the development, including the applicant, view the landscape and visual impacts as "subjective". Those in support have focussed mainly on potential income and how this could be used to benefit the local area, which, in their view, would overcome any adverse landscape, visual and environmental impacts.

However, the difficulty with this approach is that it assumes a broad consensus within not just the local community but also in the neighbouring areas beyond, such as Renfrewshire. The applicant has not indicated that those parts of Renfrewshire would gain any financial or community benefit from the proposal. There is also an objection to the proposal from Lochwinnoch Community Council, which represents the neighbouring area. This objection is on the grounds of landscape and visual impact, rather on the lack of any direct benefit.

In summary, it has not been demonstrated that there would be no significant adverse effect on the intrinsic landscape qualities of the area in relation to criterion (b).

Criterion (c) states, in the case of individual wind turbine or wind farm development, that the proposed development is not in an area designated as "high sensitivity" in the "Landscape Capacity Study for Wind Farm Development in North Ayrshire."

The site is within Landscape Character Type (LCT) 19c: The Upland Core. This character area is an area of high sensitivity, described as "the higher hills at the core of the uplands of the CMRP. It also forms the most remote part of the upland area with no roads and few tracks. Hills are generally more defined than elsewhere in the upland area with distinct domed summits, occasionally ringed by a faint tracing of crags and scree. The Hill of Stake and Misty Law are over 500m high; this latter peak forming a particularly distinctive landmark in wider views of the uplands from the east. A cluster of knolly peaks, centred on Irish Law (484m), lie in the southern part of this character area and also feature on the skyline in views from the west. Steep-sided narrow valleys cut into hill slopes and some of these are dramatically rocky in places. Small lochans occur within areas of slacker ground. Grass moorland is the predominant landcover and the absence of field enclosures contributes to the simplicity and openness of this landscape of open, sweeping summits and softly rolling ridges."

The study advises that "all development typologies would introduce built development into the more intact core area of these uplands and would significantly affect the sense of seclusion and wildness which is commonly experienced when walking within this relatively unmodified core area of the CMRP."

The Study recommends that the spatial landscape strategy for the area maintains the rugged scenery and sense of wildness associated with the northern part of the Clyde Muirshiel uplands by directing wind farm development away from Landscape Character Types 19a-c and ensuring that turbine development sited in the adjacent Rolling Hill Slopes (8b) avoids significant impact on its setting and perceptual qualities. The Wild Land Area which covers a major part of these character types this adds weight to the protection of these uplands.

In view of the above, it is not considered that the proposal is satisfactory in relation to criterion (c).

Criterion (d) requires that proposals shall not result in unacceptable intrusion, or have an unacceptable adverse effect on the natural, built, cultural or historic heritage of the locality. In this regard, it is considered that the proposal would result in unacceptable intrusion both on the immediate natural landscape around the site and within the wider area beyond. There would be less direct adverse effects on the built, cultural or historic heritage of the locality, primarily due to the remoteness of the site from historic sites and conservation areas in the surrounding area. In summary, it is not considered that the proposal would be acceptable in relation to criterion (d).

Criterion (e) states that it requires to be demonstrated that there are no unacceptable adverse impacts on the operation of tourism or recreation interests. In this regard, the applicant and supporters of the proposal argue that visitor numbers to destinations at Clyde Muirshiel Regional Park have increased during recent years, despite the presence of large wind farm developments within the uplands to the south of the A760. However, opponents of the proposal argue that the wild land area where the application site is located is not an area where visitor numbers are a key consideration, and that one of the qualities of wild land is the absence of

development and large numbers of people. Without doubt, due to its elevated position in the landscape, the development of the application site as proposed, would alter the backdrop to the views from, for example, the National Cycle Network between Lochwinnoch and Kilbirnie, from the main transport corridors (both road and rail) which pass through the area as well as commercial facilities such as Auchengree Farm. As noted above, it is considered that the large scale of the development would adversely alter such views of the upland landscape. The perception of the landscape by those experiencing the area on foot would also be changed by the presence of a large turbine in a wild land area. Whether or not this factor would ultimately harm tourism or recreation interests to an unacceptable degree is unclear, but the outlook from certain key locations in the area, and within the upland area surrounding the site, would certainly be affected by the large scale of the development. As such, it is not considered that the proposal is satisfactory in relation to criterion (e).

Criterion (f) states the proposal requires to demonstrate that any significant adverse effect on telecommunications, transmitting, receiving or radar systems for civil, broadcasting, aviation or defence interests can be effectively overcome. In this regard, there is an objection from Glasgow Prestwick Airport. However, the applicant advises that this issue can be overcome. If the application is approved, this matter would require to be addressed before the commencement of the development by a negative suspensive condition. The proposal could, therefore, meet the requirements of criterion (f).

Criterion (g) states there is a need for the proposal to be satisfactorily connected to the national grid without causing any unacceptable negative environmental impacts. In this regard, the applicant has investigated this issue and has been advised by the relevant authority that such a connection can be secured. If the planning application is approved, the grid connection, anticipated to be an overhead line carried on timber poles, would require to be the subject of a separate utilities notification application. The proposal could, therefore, meet the requirements of criterion (g).

Criterion (h) requires, when considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no negative impacts due to the cumulative impact of development proposals. In this regard, the nearest operational wind turbine developments are those to the south at Dalry/Millour Hill/Kelburn. As noted above, this cluster of 28 large turbines which vary in height from 100m to 125m (to blade tip) with an overall maximum height above Ordnance Datum of 460m. The proposed turbine would have a maximum height above Ordnance Datum of 440m, with higher upland areas in between to create separation and avoid coalescence. As noted above, in longer views towards the upland landscape of Clyde Muirshiel, particularly from the southeast, east and northeast, the existing windfarms and the proposed turbine would be visible from certain positions, such as transport corridors or rural land. Arguably, this would add to a sense of cumulative impact of large scale turbine development on the high ground above the Garnock Valley, albeit of lesser impact than would be the case if the proposed development were for multiple turbines. As such, the proposal would not meet the requirements of criterion (h).

Criterion (i) states, in the case of individual wind turbine and wind farm development, that the proposal satisfies the contents of the Ayrshire Supplementary Guidance: Wind Farm Development (October 2009). Whilst further work has taken place on landscape capacity issues since this guidance was published, it nonetheless

identifies the site and surrounding area as having high sensitivity to large scale wind farm development. The guidance also covers a range of other topics that are addressed in the wider LDP policy framework, and are therefore covered elsewhere in this report. Accordingly, the proposal would not meet the requirements of criterion (i).

Finally, criterion (j) states, where appropriate, applicants will be required to demonstrate consideration of co-location with significant electricity or heat users. This is not considered to be appropriate in this particular case, as the development aims to utilise the wind resource that is available as a consequence of the upland position of the site, rather than as a means to serve a significant electricity user at or near the site. The primary purpose of the proposal is to generate income for local economic development projects through a renewable energy source, rather than to de-carbonise any particular industrial or commercial electricity consumer in the locality. The proposal would not raise any issues in relation to criterion (j).

In summary, the proposal would not accord with Policy PI 9.

Policy ENV 7 (Special Landscape Areas) presumes against development in such areas unless it can be demonstrated that, in the case of renewable energy developments, is appropriate in design and scale to its surroundings. The policy also requires that proposals must have no unacceptable direct, indirect and cumulative impacts on landscape character and/or the natural and built heritage resource; has no unacceptable impacts on visual amenity and, where applicable, takes cognisance of the Rural Design Guidance.

The above matters have all been considered in terms of Policy PI 9, above. For similar reasons, it is considered that the proposed development would not accord with Policy ENV 7.

Policy ENV 9 deals with Nature Conservation and covers a range of international, national and local wildlife designation. The policy presumes against developments that would adversely affect the integrity of such areas.

The proposal was subject to a number of environmental studies, including a Preliminary Ecological Appraisal and a hydrology study, as noted above. Subject to the adoption of certain mitigation measures, as recommended by the studies, the applicant considers that the nature conservation issues raised can be resolved satisfactorily. However, consultation responses from Scottish Wildlife Trust indicate a number of concerns with the proposal in terms of nature conservation, especially in relation to wild birds, as noted above. Scottish Natural Heritage (SNH) has not, however, expressed such a view, and although the site is within 1.5km of the SPA/SSSI, SNH considers the site to be unattractive to hen harriers. Nonetheless, SNH has expressed other concerns in relation to the wild land area designation at the site and surrounding area. Further environmental matters have been raised by third parties who have objected to the proposal. On the basis of these concerns, it is not considered that the proposal would not have any adverse effects on the integrity of the wildlife designations in the vicinity of the site. As such, the proposal would not accord with Policy ENV 9.

Turning to the General Policy, the relevant criteria are discussed below:

Criterion (a) Siting, Design and External Appearance, (b) Amenity and (c) Landscape character have all been discussed extensively above in terms of Policies PI 9 and ENV 7.

The proposal also requires to be considered in relation to criterion (d) Access, road layout, parking provision. In this respect and Abnormal Loads Route Access Assessment has been submitted. This report indicates that alterations would be required at various locations en route to allow the delivery of the large turbine parts (eg. tower and rotor blades). The proposed widening of the existing narrow access track to 5m with 1m verges either side over a distance of 1km would further increase the environmental impact of the development on the upland landscape leading to the site from the former Pundeavon Reservoir. [Note: The stone surfaced access track north of the former reservoir is temporary and was formed to facilitate pipe laying works for a hydroelectric power development near Holehouse Farm. This track requires to be removed upon the completion of a hydroelectric development.] Therefore, whilst access could potentially be achieved through a combination of road improvements and reconstruction, the effect of such engineering operations would further damage the natural landscape character of the upland, wild land area due to the scale and design of the proposed track.

There are no other relevant matters in terms of the General Policy.

Turning to other material considerations, it is noted that the applicant wishes significant weight to be attached to both community ownership and the potential regeneration benefits for the local area from the income generated by the turbine over its lifespan. The applicant estimates that this would amount to £300,000 per year or £6 million in total.

Whilst both factors are significant, the key spatial planning issue is whether or not these potential benefits would outweigh development plan policy, and whether the chosen site is essential to secure these outcomes. Fundamentally, land use planning is spatial, and has the role of directing development to appropriate places. The application site and the surrounding upland area is provided with a significant level of protection in terms of the adopted Local Development Plan, as has been discussed above. Therefore, prior to the submission of the application, the applicant was asked to consider a number of other less sensitive sites, including within existing windfarm areas nearby, and at lowland locations outside the Regional Park altogether.

In response, the applicant advised that other such options were considered, but ultimately discounted on the basis that the sites that were investigated were not available or that it could result in a different host community having to accept the environmental impacts of the development without any benefits to them.

The applicant also advised that other sites investigated may not have generated the same level of financial return, potentially rendering the development unviable or substantially reducing the income for spending on local regeneration projects.

A smaller turbine (or turbines) may also generate a revenue stream, but even a reduced scale of turbine (ie. lower height) on the same site would raise broadly similar issues in relation to the high sensitivity of the landscape. In terms of the Landscape Capacity Study, only small turbines (15m - 30m height) are ranked as having medium sensitivity within the Upland Core area.

A further option would be the development of a number of smaller turbines at another, less constrained location (or locations), thus limiting the vertical scale and extent of the associated landscape and visual impacts. Such alternatives are not before the Council, and would need to be the subject of separate application(s).

Over the last decade, the Council has acted, through planning policies and landscape capacity studies, to direct large scale wind turbine developments away from the Upland Core area of Clyde Muirshiel Regional Park. The level of protection has arguably increased since the refusal of the Ladyland Moor windfarm application in February 2009, with a much clearer spatial strategy now in place to provide a robust framework for decision making. The 2014 Wild Land Designation by SNH has added another layer of protection for the Upland Core area, with other manmade developments, such as an underground pipeline serving a hydro electric generator near Holehouse Farm, being of lesser scale than the proposed wind turbine.

Whilst noting that the applicant has strongly argued that the application site is the most suitable from the applicant's perspective, and that the impacts on the landscape are merely 'subjective,' it is not agreed that the potential benefits of the project are entirely dependent only on this particular site for their realisation, notwithstanding the efforts of the applicant to mitigate and reduce environmental impacts through the consideration of constraints.

As noted above, the application site is particularly constrained, and it is considered that its development in the manner proposed would erode the special landscape character of the location. It is therefore not agreed that this is the most appropriate site for a large scale wind turbine. The potential benefits that could be gained by the community in terms of ownership, low-carbon energy generation and revenue are not considered to be sufficient mitigation in this particular case, as the long term effects on the Upland Core landscape would be very significant and permanent, with re-powering a likely outcome beyond the lifespan of any initial development.

Another material consideration applicable to the proposal is Scottish Planning Policy, which offers guidance on renewable energy developments. SPP was published in June 2014 and is therefore slightly more up to date than the LDP, which was adopted in May 2014. Among other things, SPP advises that "development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales - including extensions and re-powering - taking account of the considerations set out at paragraph 169," where it is highlighted that "proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include: net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities." The spatial frameworks recommended by SPP for local development plans states that areas of wild land as shown on the 2014 SNH map, as well as areas containing carbon rich soils, deep peat and priority peatland habitats, should be treated as areas of significant protection from wind farm development. The site is within a wild land area in terms of the SNH map. It is outwith an extensive deep peat area by approximately 300 metres. It is therefore considered that, as per the above analysis, any weight that can be attached to the local and community socio-economic benefits which the proposal may generate would be outweighed by the location of the site within a wild land area, where, in terms of SPP, there is a presumption against wind turbine development.

Moreover, the status of SPP is non-statutory, and clearly highlights that the 1997 Planning Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Local Development Plan (LDP) provides the basis for decision making, and enables an assessment to be undertaken for renewable energy developments (such as wind turbines) and for developments within Special Landscape Areas, such as Clyde Muirshiel Regional Park.

Turning finally to the proposed Local Development Plan (LDP) 2, which is also a material planning consideration to which some weight requires to be attached. LDP 2 takes into account the wild land and special landscape designations and states that the Council "will only support development in Wild Land Areas or which affect Special Landscape Areas where they would not have an unacceptable impact on the special character, qualities and the settings of the Wild Land and Special Landscape Areas." Furthermore, Policy 29 (Energy Infrastructure Development) illustrates the Council's Windfarm Spatial Framework, and identifies the site and its surroundings as an "area of significant protection." Therefore, in relation to the protection of such areas from unsuitable development, the policy framework between LDP and LDP 2 has been reinforced.

Given this planning policy framework, the above considerations all emphasise the difficulty in using community ownership and income as a justification for the proposed development.

In summary, whilst it is agreed that community ownership together with the potential income stream could contribute to positive socio-economic outcomes for the local area of the Garnock Valley, the proposed location for the development within the Upland Core area of Clyde Muirshiel Regional Park is and remains the most critical determining land use planning issue. Ultimately, the role of the planning system, as noted in SPP, is to direct development to appropriate places, and to help protect and enhance natural assets, such as the Upland Core landscape. In this instance, it is not considered that the proposed development would be appropriately located. The protection of the Upland Core area from large scale wind turbine development, as per the above analysis, should therefore be given more weight than the other material considerations identified by the applicant.

Notwithstanding possible alternatives, the planning authority must determine the application that has been submitted. Therefore, on balance, given the high overall sensitivity of the landscape to large scale turbine development, it is recommended that planning permission is refused.

Decision

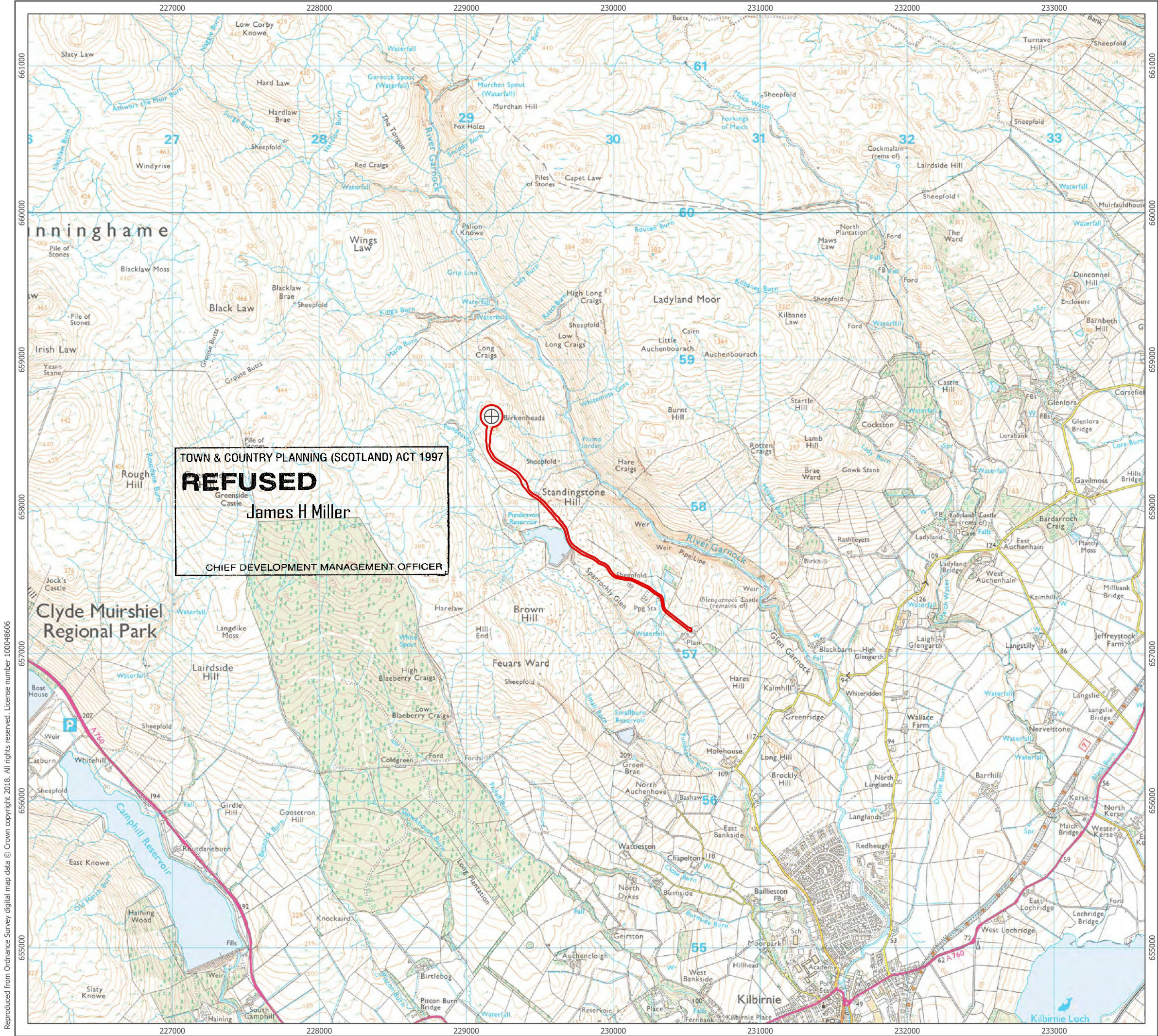
Refused

Case Officer - Mr A Hume

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	3036-REP-015	
Site Plan	3036-REP-016	
Site Plan	3036-REP-022	
Proposed Elevations	3036-DR-P-0004	
Foundation Plan	3036-DR-P-0005	
Proposed Plans and Elevations	3036-DR-P-0006	
Sections	3036-DR-P-0007	
Other	3036-REP-014	
Other	FIG 3	
Other	FIG 4	
Other	FIG 5	
Other	FIG 6	
Visualisations	FIG 8-1	
Visualisations	FIG 8-10	
Visualisations	FIG 8-11	
Visualisations	FIG 8-12	
Visualisations	FIG 8-13	
Visualisations	FIG 8-2	
Visualisations	FIG 8-3	
Visualisations	FIG 8-4	
Visualisations	FIG 8-5	
Visualisations	FIG 8-6	
Visualisations	FIG 8-7	

Visualisations	FIG 8-8	
Visualisations	FIG 8-9	



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- ⊕ Proposed Turbine Location
- ▭ Site Boundary



Produced By: SC	Ref: 3036-REP-015
Checked By: AG	Date: 07/12/2018

Site Location
Figure 1

Radio City Community Turbine
Supporting Statement



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/18/01123/PP

(Original Application No. N/100144918-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

To : Radio City Association Fao Mr Allan Wilson
c/o Arcus Consulting Services Ltd Fao Ailsa Gray
7th Floor
144 West George Street
Glasgow
G2 2HG

With reference to your application received on 7 January 2019 for planning permission under the above mentioned Acts and Orders for :-

Erection of 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to include associated earthworks and infrastructure

at Site To North Of Standingstone Hill
Kilbirnie
Ayrshire

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. That the proposed development would be contrary to the provisions of Policy PI 9 and ENV 7 of the adopted North Ayrshire Council Local Development Plan by reason of the large scale of the development and associated adverse landscape and visual impacts on the surrounding Special Landscape Area of Clyde Muirshiel Regional Park that is offered significant protection by the above policies. In addition, the development would be within an area identified as being of high overall sensitivity to large scale wind turbine development in terms of the Council's Landscape Capacity Study for Wind Farm Development in North Ayrshire. In terms of the above policies, there is a presumption against wind turbine development within areas of high sensitivity for reasons of adverse impacts on landscape character.
2. That the proposed development would be contrary to the provisions of General Policy criterion (c) Landscape Character and (d) Access in relation to the formation and widening of an access track to 5m with 1m verges either side over a distance of 1km, which, in addition to the wind turbine and its associated hardstanding, would further increase the adverse environmental impacts of the development to the detriment of landscape character within the Special Landscape Area and Wild Land area.
3. The proposed development, by reason of its siting, scale and design, would be contrary to the provisions of the Windfarm Spatial Framework as illustrated in Policy 29 (Energy Infrastructure Development) of the North Ayrshire Council Proposed LDP 2. The site is within an area of significant protection and the proposed development would adversely affect the character of the Waterhead Moor - Muirshiel Wild Land area.

Dated this : 6 March 2019

.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

KAREN YEOMANS : Executive Director (Economy & Communities)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Save Your Regional Park campaign

Tel. [REDACTED]

E.mail. [REDACTED]

"A true conservationist is a man who knows that the world is not given by his fathers, but borrowed from his children"

John J Audubon 1785-1851

www.saveyourregionalpark.co.uk

North Ayrshire Council
Planning Dept
Irvine
North Ayrshire

Attention Mr A Hume / Euan Gray

14th June 2019

Dear Mr Hume and Mr Gray,

By e.mail to eplanning@north-ayrshire.gov.uk

Re: Application No 18/01123/PP - Erection of 2.5 MW wind turbine with 110m blade tip and 65m to hub and associated infrastructure North of Standingstone Hill, Kilbirnie

Further to our objection made by e.mail to eplanning@north-ayrshire.gov.uk on 30th January 2019 per below, we would like to reiterate what has already been stated. In addition, as this application is to be reviewed by the Council's Review Body we would like particular attention to be taken into account concerning the position of this turbine in the heartland and Wild Land designated area of Clyde Muirshiel Regional Park (CMRP).

As one of the 3 constituent Councils responsible for CMRP and its future, it is important that the Review Body accepts and takes their guardianship seriously. South of the A760, Largs to Kilbirnie road which is in the park, already hosts Wardlaw Wood, Millour Hill, Kelburn and part of Ardrossan windfarms plus a Crematorium, all of which are approved, constructed and in operation. It is particularly important for the park, for all the reasons already stated that turbines should NOT be approved to the north of the A760 which would start the industrialisation of yet another chunk of the park.

South of the A760 is now more of an industrial estate with a huge power station than a park and enough is enough if this wonderful facility Clyde Muirshiel Regional Park is to survive.

Please forward a copy of this letter and attached original objection to North Ayrshire Council's representatives on both the CMRP Authority Board and Advisory committee and confirm that this request has been carried out.

Please also acknowledge receipt of this letter.

Yours sincerely

[REDACTED]

Chairman

Save Your Regional Park campaign

& Member of the Clyde Muirshiel Regional Park Authority Consultative Forum.

Save Your Regional Park campaign

Tel. [REDACTED]

E.mail. [REDACTED]

"A true conservationist is a man who knows that the world is not given by his fathers, but borrowed from his children"

John J Audubon 1785-1851

www.saveyourregionalpark.co.uk

North Ayrshire Council
Planning Dept
Irvine
North Ayrshire

Objection made by e.mail to eplanning@north-ayrshire.gov.uk 30th January 2019

Attention Mr A Hume

Dear Mr Hume,

Re: Application No 18/01123/PP - Erection of 2.5 MW wind turbine with 110m blade tip and 65m to hub and associated infrastructure North of Standingstone Hill, Kilbirnie

PREAMBLE

Save Your Regional Park (SYRP) campaign was set up in 2005 to alert the public and organise resistance to a series of major windfarm proposals threatening the destruction of Clyde Muirshiel Regional Park, at that time a Category 5 IUCN Protected Area comprising 108 square miles of wild and beautiful countryside serving the central belt and the west of Scotland as well as national and international visitors. IUCN has since withdrawn the Category 5 designation for each of the 3 Regional Parks as a result of a total lack of wildlife / environmental management by the Clyde Muirshiel Regional Park Authority (Renfrewshire, North Ayrshire & Inverclyde councils' responsibility), plus Pentland and Lomond Hills Regional Parks.

We are a fully constituted organisation.

SYRP wishes to respond to this application for a wind powered turbine proposed for the upper River Garnock glen which would introduce industrialisation to the Southern **heartland** of the park and would be situated within the SNH designated '**WILD LAND**'. This Wild Land area is the only 'WILD LAND' area in the west Central Belt of Scotland and was thus designated for its special qualities.- see Waterhead Moor WILD LAND <https://www.nature.scot/sites/default/files/2017-11/Consultation-response-Description-of-Wild-Land-Waterhead-Moor-Muirshiel-July-2016-04.pdf>

North Ayrshire and the Scottish Government have already inappropriately approved 4 windfarms with turbines in Clyde Muirshiel Regional Park (CMRP) all to the south of the A760 and to introduce this industrial development north of the A760 would almost certainly prove to be the thin end of a large wedge which would encourage further applications and result in the death of CMRP's hill country

enjoyed so much by the public. As an example, in 2005, there were proposals for 125 turbines in the same area as the subject application, stretching along the hillside above and between Kilbirnie and Lochwinnoch. The turbine numbers were reduced for the application and then withdrawn a few days before the P LI was due to start.

We object to this development on the following grounds

Local Development Plan	The Development Plan supports the development of renewables in appropriate places. The proposed site is not appropriate as it is in a 'Wild Land' designated area of CMRP which should have maximum protection from industrialisation.
Sustainability	<p>The <i>Environmental Science</i> definition of 'Sustainability' is "the quality of not being harmful to the environment or depleting natural resources, and thereby supporting long-term ecological balance".</p> <p>While wind turbines in some places do fit this description, this particular proposal does not. It is</p> <ul style="list-style-type: none">• in the Wild Land of CMRP in an area popular with 'wild' hill walkers• Close to a regular nesting site of Peregrine Falcons (rare protected species) and a Special Protection Area (SPA) & Site of Special Scientific Interest (SSSI)• Has considerable potential to pollute the River Garnock (an important salmon and sea trout river) during construction with runoff plus fuel and chemical spills.• Has potential to pollute the River Garnock after construction and during operation as a result of leaching from the concrete base• Has the potential to disturb and pollute some of the many private water supplies in the area. From an earlier consultant's report on the many local private water supplies it was established that turbines in this area were likely to cause damage.
Appearance	This unspoilt WILD LAND area of CMRP is famous for 'the Spout of Garnock' and the appearance of this turbine would be very detrimental to the landscape and visual impact of the area.
Impacts on Surroundings	<p>A turbine placed on this site in the Wild Land area of CMRP would have a very negative impact both on landscape and visual grounds not only from the parks perspective but also for those living in parts of North Ayrshire and Renfrewshire.</p>

Cumulative impact must be taken into consideration with the inappropriately approved existing windfarms in the park, to the West of Kilbirnie and Dalry which are all south of the major tourist route, the A760 and the fact that this would open up a completely new area north of the A760 to even more inappropriate development.

CMRP is one of only 3 Regional Parks in Scotland and serves the largest concentration of people in the Central Belt. The poor health issues in the West Central Belt are a constant concern of the Scottish Government and the 3 Local Authorities responsible for CMRP and CMRP's hills are a focus for exercise, recreation and mental peace. Joined up thinking is required and if this area were to become industrialised, that would be yet another bite out of the already substantially reduced area of unspoiled landscape.

Planning and economic benefits	The application appears to be submitted by a charity but for the reasons above, regardless of the earnings and local distribution, the development would have a severe detrimental effect on the immediate and greater area and is inappropriate on this site.
Need	<p>As recognised above, Scottish Government and North Ayrshire Council want to increase their Renewables but they MUST be appropriate. This development most certainly is not appropriate and is not needed.</p> <p>Under article 5.3 of The Environmental Impact Assessment (Scotland) Regulations, the Developer should consider alternative sites for a windfarm. The applicant does not appear to have attempted to find any alternative site outwith the Regional Park.</p>
Overlooking / loss of privacy	There are a few households that would be looking up the glen to this site and a lot more at a greater distance. Many of these people bought their houses based on clear views of the unspoilt countryside of CMRP. The impact will be negative.
Detrimental environmental impact	<p>See 'Impact on Surroundings' above, particularly paragraph 3 and remarks under the heading 'Sustainability'</p> <p>Windfarm development is subject to the Aarhus Convention, not only as it is a programme related to the environment, but also as individual wind farm projects are listed under Annex II of the Directive on Environmental Impact Assessment (85/337/EEC as amended) and are therefore subject to the public participation requirements of Article 6 of the Convention. This application is no exception.</p> <p>The UK, including Scotland, is a signatory to the United Nations Economic Commission for Europe (UNECE) Aarhus Convention.</p> <p>The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted on 25th June 1998 in the Danish city of Aarhus at the Fourth Ministerial Conference in the 'Environment for Europe' process.</p> <p>The Aarhus Convention is an environmental agreement. The Convention:</p> <ul style="list-style-type: none"> ■ Links environmental rights and human rights ■ Acknowledges that we owe an obligation to future generations ■ Establishes that sustainable development can be achieved only through the involvement of all stakeholders ■ Links government accountability and environmental protection ■ Focuses on interactions between the public and public authorities in a democratic context. <p>The subject of the Convention goes to the heart of the relationship between people and governments. The Convention is not only an environmental agreement; it is also a Convention about government accountability, transparency and responsiveness.</p> <p>The Aarhus Convention grants the public rights and imposes on Parties and</p>

public authorities' obligations regarding access to information and public participation and access to justice.

The justification for this application is that it would generate greenhouse gas emission, fossil fuel savings and money for the community. However, no evidence of this is actually available in the documentation prepared at EU, UK or Scottish administrative levels. In fact it is abundantly clear what documentation there is, when it is available, is not transparent, as defined by the "Aarhus Convention: An Implementation Guide".

"Transparency means that the public can clearly follow the path of environmental information, understanding its origin, the criteria that govern its collection, holding and dissemination, and how it can be obtained".

In response to a complaint to UNECE regarding Scotland's renewable energy programme being illegal, a preliminary determination was issued on 30th March 2012 – see <http://www.unece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpptfwg/envppcc/envpppubcom/european-union-and-united-kingdom-acccc201268.html>

The conclusion was that the complaint was entirely admissible as "the United Kingdom of Great Britain and Northern Ireland deposited its instrument of ratification of the Convention 23 February 2005, meaning that the Convention entered into force for the United Kingdom on 24 May 2005, i.e. ninety days after the date of deposit of the instrument of ratification. Furthermore, the United Kingdom has not opted out of the aspects of the compliance mechanism relating to communications from the public". A similar complaint to UNECE from Ireland has been upheld.

Under Article 3 of the Convention, now codified as Directive 2011/92/EC, in order to justify a decision on a windfarm (Annex II 3 (i)), the competent authority is required to complete its own environmental impact assessment, in the light of each individual case of the direct and indirect effects of the project on the specific environmental factors.

We are advised that early in the decision making after the developer's EIS has been made available and in adequate time before the period allowed for public comment has expired, the main reports and advice issued to the competent authority (North Ayrshire Council), should have been made available to the public. It hasn't been made available.

We see no sign of your reports on the application website and therefore are unable to complete our comments until these have been read. Please advise when we can expect to view these necessary documents. In the mean time we will comment on the applicant's documents but reserve the right to comment on North Ayrshire Council's EIA and other documents when they become available.

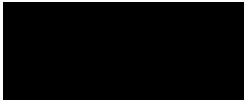
Please take our comments into consideration and note our strong objection to this development.

CMRP is a highly important 'green lung' for the Central Belt, easily accessible to the public by train, bus and private vehicle. The effective area of unspoilt countryside, particularly in North Ayrshire has reduced far too much already and this latest proposal should be rejected.

In finishing I will repeat the quote by the internationally famous 18th / 19th century naturalist John Audubon ***"A true conservationist is a man who knows that the world is not given by his fathers, but borrowed from his children"***. We must not be the generation to forget these wise words and allow CMRP to be turned into an industrial estate.

Please acknowledge receipt of this letter.

Yours sincerely



Chairman

Save Your Regional Park campaign

& Member of the Clyde Muirshiel Regional Park Authority Consultative Forum.

Further Rep 2



Scottish Natural Heritage
Dualchas Nàdair na h-Alba
nature.scot

Mr Euan Gray
Committee Services Officer
North Ayrshire Council
1st Floor (East)
Cunninghame House
IRVINE
KA12 8EE

Date: 19 June 2019
Our Ref: CNS/REN/ST/SH
Your Ref: 18/01123/PP

Dear Sirs

Planning Application – 18/01123/PP: Site to the North of Standingstone Hill, Kilbirnie – Notice of Review

Thank you for the opportunity to provide additional comment to the review of the above planning application.

I can confirm that at this stage, Scottish Natural Heritage (SNH) has no further comments to make on the original application, supporting materials or the administration of the planning application process.

Should the review panel agree to accept additional information from the applicants, with particular reference to the impacts on the Outerwards Wild Land Area, then SNH would be pleased to offer further comments when this becomes available.

Yours faithfully

[Redacted]
Area Officer
Ayrshire and Arran
Strathclyde and Ayrshire



Defence
Infrastructure
Organisation

Your Ref. 18/01123/PP
DIO Ref. 10044943

Telephone [MOD]:

E-mail:

Via Email

North Ayrshire Council
Review Body Admin Team

21st June 2019

Dear Sir/Madam,

Council Planning Review Body reference – 18/01123/PP

Planning Application reference – 18/01123/PP

Erection of 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to include associated earthworks and infrastructure.

Location: Site to North of Standingstone Hill, Kilbirnie, Ayrshire.

The Ministry of Defence (MOD) has received notification from North Ayrshire Council stating that the above planning application will be reviewed by the Council's Planning Review Body.

The MOD submitted a response dated 14th January 2019 to North Ayrshire Council raising no objection to the proposal. The MOD has reviewed this response in light of the Review and I can confirm that the MOD raises no objection to the proposal.

If planning permission is granted, the MOD would like to be advised of the following information;

- The date construction starts and ends;
- The maximum height of construction equipment;
- The latitude and longitude of the turbine erected

I trust that the above will be taken into account during the Review consideration. Should you require any additional information, please do not hesitate to contact me.

Yours faithfully

A large black rectangular box redacting the signature of Teena Oulaghan.

Teena Oulaghan
Safeguarding Manager

Further Rep 4

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 21 June 2019 15:39
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Cc: [REDACTED]
Subject: North Ayrshire Council - 18/01123/PP - Site to North of Standingstone Hill, Kilbirnie (SG27387)

Dear Euan

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully



NATS Safeguarding

E: [REDACTED]



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This document should only be read by those persons to whom it is

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 24 June 2019 10:17
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Subject: Fwd: FW: Planning Application: 18/01123/PP

Dear Sir

I wish to supplement my original letter in support of the above Planning Application by Radio City Association to express my surprise and concern that Planners have appeared to virtually ignore the considerable time, work and effort which has gone into the proposed Valefield regeneration that would prospectively be one of the main economic development benefits that would accrue to the town and local people consequential to the Planning Application being granted.

I am the Secretary of Kilbirnie Ladeside Football Club, my committee, our supporters & the local community would benefit from a revenue stream. We need better and more fit for purpose facilities as we endeavour to meet the SFA's criteria when it comes to club licences. We will never achieve this ambition if investment is not forthcoming. Ventures such as RCA's single turbine can help provide us with a suitable platform for long term sustainability.

The facilities at Valefield are fifty years old and in real need of redevelopment. The council which owns the facility is unable to invest and it is up to the community to renew the ageing pavilion and offer hope to the next generation of local footballers, cyclists, racquet sports enthusiasts and those simply looking to keep fit.

The Valefield proposals will not only renew and regenerate the leisure and recreational facilities for local people, particularly the young, but will also celebrate the 233 year link between Scotland's bard, Robert Burns, and the Garnock Valley by creating a visitor centre on the site of the horse fair that led to Burns penning the 'Inventory' and giving our local junior team its 'Blasties' nickname still in use today.

This sporting and cultural linkage would of itself commend the scheme but ambitious plans to link the two in a commercial venture that seeks to create a micro brewery to help sustain the development independently and create a niche market in the junior football and cultural heritage of Ayrshire is a genuinely innovative venture that sets the proposal apart from the norm and is designed to reduce reliance on the public purse -given the Council's inability to even replace the decades old Pavilion.

All of this economic development and the local jobs and training opportunities as well the improved leisure , recreational, sporting and cultural facilities it will bring to the area is dependent of course on the Council Planners support for the absolutely vital wind turbine generator that will help fund these investments.

It is ironic that while the Council struggles to pay the bills of the existing community hall it appears intent on ensuring the community's efforts to do so should be thwarted on the spurious grounds of 'landscape' impact when a cursory glance west from the Valefield sees the horizon littered with turbines while not a penny is invested locally! The supreme irony of course is that the Community turbine will be invisible from the Valefield and every penny it produces will be reinvested locally - more than is invested by all the others put together everywhere else.

I personally support RCA's application for a number of reasons. First and foremost my admiration for a group of people who are striving to help bring much needed finance to organisations within the Garnock Valley & to help them prosper & maintain their existence. Not to mention future groups & individuals that will undoubtedly emerge.

How Planners cannot see the overwhelming economic development benefit to the local community is beyond me and to refuse it Planning permission is perverse in the circumstances.

There is no question that the economic development benefit vastly outweighs any minimal Landscape impact and I trust the Local Review process will demonstrate this beyond question.

Members of the RCA board give of their own time and this projects offers no financial gain to them, their motives are purely driven by seeking what is "best for the local community". A somewhat dying act in the volunteer sector in my personal opinion.

In regards RCA's overall application what is vitally important and I have some knowledge in this sector it would appear RCA have carried out the necessary due diligence in their application throughout the process and meet the parameters set out to grant their application.

Yours sincerely

A black rectangular box redacting the signature of the Secretary.

Secretary

Kilbirnie Ladeside F.C.
Valefield Park

Further Rep 6

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 24 June 2019 15:39
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Subject: support of planning application 18/01123/PP: site. To North of Standingstone Hill, Kilbirnie.

Dear Euan

I am writing in support of planning application 18/01123/PP: site. To North of Standingstone Hill, Kilbirnie.

As a Beith resident I was surprised to see that the application was decided and rejected under delegated powers, I personally think it is absurd that a planning application that potentially has the ability to transform the Garnock Valley can be decided by an officer that is not directly accountable to the public that loses out through the rejection of the application.

As I was reading the decision documents I couldn't believe the amount of errors contained within the decision processes. Firstly it is absurd that some of the grounds for refusal of the application came from an outdated landscape policy, it is also quite frankly embarrassing that after the council's guidance was used to deny the Garnock Valley a chance to economical benefit from the income generated, the said guidance was quickly dropped by NAC who stated that the guidance was outdated on the 20th March.

Reference is made in the decision of refusal about the impact of the development on the wild land area. Perhaps the planning Officer is unaware that the land proposed has been used for agricultural purposes for generations dating back long before my life time. The land next to the site also houses a former reservoir which was deconstructed a few years ago, but this also shows that the area is not immune from development. It is difficult to recognise the site area as wild land. It is also unfair to refuse an application because it is sited within Clyde Muirshiel Regional Park. CMRP covers a large proportion of the Garnock Valley and West Coast and although the applicants site falls within the boundary it is a substantial distance away from any frequently visited areas.

There are also commercial wind turbines within the CMRP run by commercial operators, despite these turbines being seen by residents of Kilbirnie and Beith the community's of both town receive no economic benefit from these commercial operation.

It is disappointing to read the planning officer comparing the applicants application for one turbine to developments that have numerous larger turbines. I'm amazed that the officer finds it appropriate to compare it to larger developments in evidence of grounds for refusal, but at the same time complete fail to acknowledge that the applicant one turbine will in fact produce substantially greater community economic and social benefit that all the surrounding commercial turbines.

Another point that the decision maker has failed to acknowledge is the Scottish governments policy supporting renewable energy and also North Ayrshire Council decision to declare a climate emergency. Surely by rejecting this application for renewable energy the officer is breaching the council's own policy.

In conclusion the landscape impact is little in comparison to the commercial wind farms that already surround the valley. This proposal also differs from the commercial developments that already exist by offering substantial community benefit to the Garnock Valley, the proposal is real show of community empowerment in action. I would urge the local review body to reverse the planning officers decision and grant permission for this development. This development has substantial transformative potential for the Garnock Valley and could go along way to kickstarting serious regeneration potential for Beith and Kilbirnie, regeneration that is long overdue since the decline of industry. This proposal gives the Garnock Valley a chance to regenerate. There is already commercial turbines that can be seen from both Beith and Kilbirnie with the towns receiving no economic benefit. This proposal would be less visible by both towns than the current commercial developments with it only being visible from some parts of the towns, however if granted the economic benefit would be seen by the whole Garnock Valley.

Kind Regards



Sent from my iPad

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Further Rep 7

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 24 June 2019 17:48
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Subject: Planning Application : 18/01123/PP : Site to the North of Standingstone Hill, Kilbirnie - Notice of Review

Dear sir

I would refer to your letter of 7th June re the above, asking if I wished to make further representations in relation to the review.

My original letter drew attention to economic benefits that were liable to accrue to the Garnock Valley consequential to this application being approved and I was disappointed to note that the Planner's response understated these benefits to the local community given that it is a material planning consideration.

It has always been the position of RCA that any detrimental visual or environmental impact has been mitigated and that the net economic impact including the 'community socio-economic benefits such as employment and associated business' are relevant material considerations in the determination of this application yet these appear to have been relegated in importance by Planners in comparison to the minimal landscape *impact* liable to arise from the single turbine's location.

The Scottish Government's Chief Planner in his Guidance to Heads of Planning in Scotland on 11th November 2015 made clear the Scottish Government's clear 'expectation that such considerations are addressed in the determination of applications for renewable energy technologies', yet this advice appears to have been overlooked in this instance in favour of a landscape 'policy' that is no longer fit for purpose and in any event never actually studied the site in question - unlike both the LVIA report and SNH 'Wild Land Assessment' completed for Radio City which demonstrated the absence of any significant effect on landscape or wild land 'qualities' beyond a radius of two kilometres of the site.

In addition, Scottish Government's Chief Planner in the same letter to Heads of Planning refers to the 'National Planning Framework 3 paragraph 3.24 which states 'Local and community ownership and small-scale generation can have a lasting impact on rural Scotland, building businesses and community resilience and providing alternative sources of income. Collectively the potential benefits of community energy projects are nationally significant.'

In this context, the economic development *impacts* of this development are massive as outlined in the socio – economic report accompanying the Appeal. The Radio City Association (RCA) undertook this study to examine the extent of social and economic impacts to be gained from their proposed community owned and operated renewable energy projects in the Garnock Valley and the conclusion was that the proposals 'represent a substantial step forward in terms of community economic empowerment and funds generated from the projects would provide substantial additional funding to local projects and onward re-investment in the local economy'.

Particularly, the Report insists that the proposals demonstrate a new model for collaboration with social enterprise and the voluntary sector to deliver genuine grassroots community led change that will be empowering and transformative.

The seven areas where the RCA proposals will have positive impact are: Economic Development; Poverty and Inclusivity; Health and Sport; Culture and Heritage; Employment; Community Empowerment; Environment.

Unfortunately none of these areas appear to have been looked at in any depth by Planners in this instance undermining the SPP Guidance from the Scottish Government's Chief Planner, including the last one, despite the declaration by the Council of a 'Climate Emergency' in the interim.

I would be grateful therefore if you could include these additional representations in relation to the Review.

Thanking you in anticipation

Yours sincerely

[REDACTED]

[REDACTED]

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Further Rep 8

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 24 June 2019 23:47
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Subject: Planning Application : 18/01123/PP : Site to the North of Standingstone Hill, Kilbirnie - Notice of Review

Dear Sir

I would refer to your letter of 7th June re the above, advising of the opportunity to make further representations in relation to the review. I would like to do so and assist the process.

As many considerations have been emphasised earlier by me and colleagues including local residents and members of the general public, I would again focus my specific representations on my area of particular expertise which is the economic benefits. As an internationally experienced economist with over 35 years practical experience in economic appraisal, monitoring, evaluation and impact assessment at a local, regional and national level I should like to again draw attention to economic benefits that are forecast to be generated to the Garnock Valley directly and indirectly from this application being approved. It has been disappointing to read that the Planner's response understated these benefits to the local community given that it is a material planning consideration. This is key and a matter of significance for the community for generations to come.

The local economy needs the net economic benefits and impacts that will be derived and needs them desperately. This is clear and there is an obligation to recognise this and the material considerations detailed in support of the appeal. The net economic impact including the 'community socio-economic benefits such as employment and associated business' are relevant material considerations in the determination of this application and should be the bedrock for approval - the case is clear and I would submit that the strength of the evidence and the support merits a successful appeal.

The economic development impacts of this development are massive as outlined in the socio-economic report accompanying the appeal. These are summarised in the Executive Summary shown below for completeness. We have shown that the extent of the social and economic impacts from the proposed community owned and operated renewable energy project from Radio City Association to the Garnock Valley and concluded that it will represent a substantial step forward in terms of additional economic funding to the community and real local economic empowerment for locals to determine the re-investment of financial surpluses to fund additional local projects that will not otherwise happen.

Our report shows that the proposals represent a new model for collaboration and social enterprise that will be innovative, transformative and a real boost for the area as well as a powerful demonstrator effect for other communities and partnership projects. This is vital for our communities and our economy. We can become leaders in regeneration and positively impact on key areas such as inclusive economic growth as well as working with CPP partners to deliver integrated outcomes across Economic Development, Tackling Poverty and Inclusivity, Health and Sports, Culture and Heritage, Employment, Community Empowerment, Environment.

I commend our appeal and I should be grateful if you would include these additional representations, including the Report Executive Summary below, in relation to the Review.

Yours sincerely

[REDACTED]



Executive Summary of The Socio-Economic Report

The Radio City Association (RCA) undertook this study to examine the extent of social and economic impacts to be gained from their proposed community owned and operated renewable energy projects in the Garnock Valley. The proposals represent a substantial step forward in terms of community economic empowerment and funds generated from the projects would provide substantial additional funding to local projects and onward re-investment in the local economy. This is an important set of proposals at this time, for Scotland and for the Garnock Valley, as we all seek to find new approaches to deliver the concepts of economic wealth creation and inclusive growth.

Scotland is a wealthy country with a proud history of achievement and innovation. However, it is also a country with persistent challenges including poverty and equality and prolonged austerity. We have a shared vision for a future with our proposals creating more resources, available and applied locally, to tackle the socio-economic challenges and capture new inclusive growth opportunities.

In order to address these challenges and opportunities, there is a need for new ideas and new economic wealth models to be implemented in Scotland and North Ayrshire. North Ayrshire has particular challenges which are magnified within the Garnock Valley towns of Kilbirnie and Beith. The severity of such challenges is deep and has been prolonged. North Ayrshire has the highest avoidable death rate in Scotland; it is the fifth most deprived council area in Scotland. Key social and economic indicators (including poverty, child poverty, educational attainment, digital and other life skills, employment and investment) all show the degree of deprivation and the fragility of any basis for future optimism that things can improve dramatically in the short to medium term. All the main indicators show a worsening relative position and a requirement for new approaches locally.

Over the next decade North Ayrshire's working age population is projected to continue to fall, slowing economic growth and putting pressure on public services. In Kilbirnie the picture is even more serious; between 2012 and 2026 the population of North Ayrshire is projected to decrease by 4% whilst the population of the Garnock Valley is projected to decrease by 9%. Working age residents will decline by more than 13% across North Ayrshire compared with a 16% reduction in the Garnock Valley.

A falling working-age population limits demand in the local economy making it harder to attract business investment and create job opportunities. The lack of economic opportunity, socio-economic background and poor educational prospects all leads to other problems (such as crime and social isolation, lack of access and use of services, lack of access to private transport) that compound the challenges in realising aspirations for inclusive economic growth. Hospital stays for alcohol, drug and smoking related causes are higher than elsewhere as are rates of ill health and mental ill health.

On a variety of economic indicators, North Ayrshire has performed worse than national averages across Scotland and the UK. Performance is lower in terms of average household income; wage growth; house prices (especially Kilbirnie and Beith); business birth rate and survival rates; employment; disabled employment; female participation rates. Economic growth in North Ayrshire averaged 1.1% p.a. between 2006 and 2015 representing the 3rd slowest of all 32 Scottish local authorities. GVA per head in North Ayrshire was £15,294, which is 38% lower compared than the Scottish average of £24,800. North Ayrshire mainland has the lowest GDP per head by region in Scotland. Productivity rate of North Ayrshire is

significantly lower than the national average which in turn are also lower than international comparisons of OECD and EU member states.

North Ayrshire Council continues to tackle socio-economic issues, however there is a need for new approaches locally. The RCA Proposals reach out in partnership by encouraging and working together with the Council. This will demonstrate a new model for collaboration with social enterprise and the voluntary sector to deliver genuine grassroots community led change that will be empowering and transformative.

The seven areas where the RCA proposals will have positive impact are: Economic Development; Poverty and Inclusivity; Health and Sport; Culture and Heritage; Employment; Community Empowerment; Environment.

This report shows how the RCA Proposals will be a game changer for the area and act to resolve issues locally, led by local people. This development can address many of the challenges and socio-economic issues in the local area and promote sustainable and inclusive economic growth. The project benefits and impacts will change lives positively and could literally in some cases save lives.

RCA has set out to resolve the issues with ambitious regeneration proposals in a developed concept known as the “Electric Valley”. This includes the proposed wind turbine as a key economic and social asset for the Garnock Valley Community and a major income generator for the community. This will generate over £6 million for investment in the community as a result of the development which is forecast to create and safeguard 18 jobs directly per annum before taking account of the construction of the turbine itself and multiplier effects as a result of the re-investment and support of the local supply chain as well as various other indirect and induced social and economic benefits that would be created.

The net surpluses will be re-invested fully in local community projects. Based upon the estimated minimum return of circa £6million over 20 years this equates to £300,000 re-investment per year. The funds would be reinvested in local projects across the seven key policy areas noted above including employability, tackling poverty and social exclusion, promoting health and life skills, community capacity building and asset development.

By providing positive direct contributions and assistance in areas such as housing and mental health, the RCA community turbine could also save the public purse almost £2m as well as freeing up public services such as the NHS or justice system to deal with other pressing issues and have positive impacts for individuals who may have been affected, integrating them into society. This professional expert report provides solid examples and evidence of the basis for these forecast impacts.

The proposals themselves are inclusive in their own right. RCA is a membership led organisation that will engage for the full involvement of the Garnock Valley community in developing projects and targeting this re-investment locally. This has started with the development of our initial proposals.

The RCA Proposals will be capable of delivering significant, substantial and long-lasting socio-economic benefits. These benefits and positive impacts will be seen at a project, community and strategic level. Indeed, the approval of this application will provide immediate benefits to many and assist to realise further community focused and controlled projects to release further potential for growth through people, community enterprise and third sector community organisations that would not otherwise happen. It is a new way to create a virtuous cycle for growth and assist to counter the prevailing vicious cycle of prolonged decline and exclusion locally.

We commend these proposals and look forward to working with all partners to deliver the positive changes that will result.

Further Rep 9

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 25 June 2019 15:53
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Subject: Planning Application : 18/01123/PP : Site to the North of Standingstone Hill, Kilbirnie - Notice of Review

Subject: Planning Application : 18/01123/PP : Site to the North of Standingstone Hill, Kilbirnie - Notice of Review

Dear Sir,

The positive benefits from the proposed development will create meaningful change for the life prospects of many individuals within the communities of the Garnock Valley, as well as providing aspiration for local people, influencing a positive approach to issues surrounding the deep rooted and long lasting effects of industrial decline in the area over previous decades.

If the threat of climate change in the modern world and the complications that will be presented in this new era of the third industrial revolution with all the advances forthcoming in terms of automation, digitalisation, biotechnology, Moore's Law and artificial intelligence - all of which offer what could be overwhelming, significant promise of change but could also pose a significant new set of challenges with diffuse benefits and palpable acute effects – then the approach has to be grassroots and community-led in order to tackle some of these challenges that will be presented and will be the touchstone of value in the coming decades, with promotion of community wealth building to deliver an inclusive economy through focusing on the role of anchor institutions and others in supporting and developing a sustainable local circular economy where they are located.

This calls for a mission led approach to develop a net job exporter situation and tackle the disproportionate impacts on communities and people that will be introduced by coming challenges of the future. These factors and more make the compelling case for imaginative and predictive solutions from governments and institutions as well as local communities. There are limits to that which can be done from the community level up, such as the limits of scaling up, critical mass, connectivity between sectors and clustering. The proposed development is an exceptional approach that will create positive impact, foster local governance and generate a mission led approach to yield true community wealth building and provide inspiration for communities increasing aspirations and reaping the benefits of those auspicious and providential outcomes delivered. Strategic direction, therefore, is required from policy makers and institutions like the local authority in supporting projects such as this.

Yours Sincerely,

[REDACTED]

Dalry.

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Euan Gray (Committee Services Officer / Committee & Member Serv)

From: Anthony Hume (Snr Development Man Off / Planning)
Sent: 24 June 2019 10:02
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Cc: Aileen Craig (Snr Manager / Legal Services)
Subject: FW: Radio City Association Ltd : Community Wind Turbine : Planning Application 18/01123/PP - Erection of 2.5MW wind turbine (Site of Standingstone Hill), Kilbirnie

FYI – For the September LRB

Anthony Hume - Senior Development Management Officer
Planning Services
North Ayrshire Council, Cunninghame House, Irvine KA12 8EE

[REDACTED]
w: www.eplanning.north-ayrshire.gov.uk

WORKDAYS: Mondays, Wednesdays, Thursdays, Fridays
IF YOU REQUIRE AN URGENT REPLY TO YOUR ENQUIRY ON A TUESDAY, PLEASE TELEPHONE 01294 324319 FOR ASSISTANCE.

From: Steve Thomson [REDACTED]
Sent: 24 June 2019 09:01
To: Anthony Hume (Snr Development Man Off / Planning) [REDACTED] eplanning
<eplanning@north-ayrshire.gov.uk>
Cc: [REDACTED]@com>
Subject: RE: Radio City Association Ltd : Community Wind Turbine : Planning Application 18/01123/PP - Erection of 2.5MW wind turbine (Site of Standingstone Hill), Kilbirnie

Anthony

We have reviewed the additional information provided Ian Fletcher on behalf of by Radio City Association Ltd – and are satisfied that the proposed 2.5MW wind turbine will have no impact on our primary radar service.

Therefore on behalf of Glasgow Prestwick Airport Ltd we have no objections to this proposed development.

Kind Regards

Steve Thomson



Glasgow Prestwick Airport Ltd.
Aviation House
Prestwick
KA9 2PL

Steve Thomson
Manager Air Traffic Services
Glasgow Prestwick Airport Ltd.

[REDACTED]
[REDACTED]



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From: [REDACTED]

Sent: 13 June 2019 17:22

To: Steve Thomson [REDACTED]

Cc: [REDACTED]

Subject: Radio Citty Association Ltd : Community Wind Turbine : Planning Application 18/01123/PP - Erection of 2.5MW wind turbine (Site of Standingstone Hill), Kilbirnie

Dear Steven

I would refer to Ian Fletcher's e mail to you (attached) on 11th February re the above planning application for our single community owned WTG, which GPA objected to as a result of concerns about potential PSR impacts....

As you will recall, you received from Wind Business Support a full radar impact assessment including a full radar diffraction modelling check which demonstrated a clear no impacts result in this case.

Consequently, I would be grateful if you could advise North Ayrshire Planner (NAC) Anthony Hume at [REDACTED] that GPA has no objections to our proposal as we are currently in the process of making representations to the NAC Local review body on this application.

Thanking you in anticipation

Yours sincerely

Allan Wilson

[REDACTED]

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Euan Gray
North Ayrshire Council
By Email

12th July 2019

Dear Euan

Re: 18/01123/PP: Site to the North of Standingstone Hill, Kilbirnie
Our reference: GLA3690

The above proposed development has been examined from an aerodrome safeguarding perspective and conflicts with safeguarding criteria.

Located approximately 20km from the Aerodrome Reference Point, a turbine of 110m high in this location is predicted to be visible to Glasgow radar and will therefore generate unwanted returns (clutter) on air traffic control display screens.

The proposed development lies beneath a busy section of airspace and would affect all of the airports inbound traffic to runway 05 and most of the outbound traffic from runway 23. Clutter here would add up to 8nm to commercial aircraft routes, reduce the ability of our controllers to detect zone infringements and reduce the safety assurance they can provide aircraft in this area. It would significantly increase controller workload and complexity.

We, therefore, object to the proposal. You should note that where a Planning Authority proposes to grant permission against the advice of Glasgow Airport, it shall notify Glasgow Airport, the Civil Aviation Authority and the Scottish Ministers as per Circular 2/2003: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003.

Please note that the proposed development may benefit from an approved mitigation technology (Terma). This could allow our objection to be removed, but is subject to:

- formal agreement between Glasgow Airport and the applicant;
- specific technical and operational evaluation by Glasgow Airport.

We would be happy to discuss this with the applicant.

Yours sincerely

Kirsteen MacDonald

Safeguarding Manager
Glasgow Airport

Further Rep 12

Euan Gray (Committee Services Officer / Committee & Member Serv)

From: eplanning
Sent: 12 July 2019 09:12
To: Euan Gray (Committee Services Officer / Committee & Member Serv)
Cc: Anthony Hume (Snr Development Man Off / Planning)
Subject: FW: Application No 18/01123/PP

FYI

Lisa Dempster
Planning Technician

Corporate Services
North Ayrshire Council, Cunninghame House, Irvine KA12 8EE
Tel: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

View planning applications online at:
<http://www.eplanning.north-ayrshire.gov.uk/OnlinePlanning/>

-----Original Message-----

From: [REDACTED]
Sent: 11 July 2019 20:03
To: eplanning <eplanning@north-ayrshire.gov.uk>
Subject: Application No 18/01123/PP

[REDACTED]

Thank you for your letter concerning the application planning Ref 18/01123/PP to be considered by the Review Body.

Further to our original objection we concur with all the points made in the letter for the attention of A Hume and Euan Gray lodged by Mr [REDACTED] Chairman of Save Your Regional Park Campaign. (SYRP) We are both founder members of SYRP and [REDACTED] is the Vice Chairwoman. She is also a member of Clyde Muirshiel Regional Park Authority Consultative Forum.

Yours sincerely

[REDACTED]

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Further Rep 13
Save Your Regional Park campaign

Tel. [REDACTED]

E.mail. [REDACTED]

"A true conservationist is a man who knows that the world is not given by his fathers, but borrowed from his children"

John J Audubon 1785-1851

North Ayrshire Council
Planning Dept
Irvine
North Ayrshire

10th July 2019

By e.mail to eplanning@north-ayrshire.gov.uk
and euangray@north-ayrshire.gov.uk

Attention Mr A Hume / Euan Gray

Dear Mr Hume and Mr Gray,

Re: Application No 18/01123/PP - Erection of 2.5 MW wind turbine with 110m blade tip and 65m to hub and associated infrastructure North of Standingstone Hill, Kilbirnie

Further to receipt of Euan Gray's letter of 5th July concerning the applicant's Wild Land Assessment, we would ask the Review Body to note our additional comments and attachment.

It is extraordinary how a consultancy, when being paid by a developer can concoct 13 pages of verbiage to argue that black is white. The issue of Wild Land is a very simple and straight forward issue summed up perfectly on page 1 of the assessment under the heading **'The Proposed Development'** in the last paragraph of 1.1.

"By its nature, the Proposed Development would result in effects which it would not be feasible to fully mitigate". That exactly sums up the situation of this development in WILD LAND and North Ayrshire Planners were absolutely correct in refusing the application. The rest of the document is mostly a 'red herring' trying desperately to justify the unjustifiable right up to the last paragraph of item 5 **Conclusions** on page 12 where they admit that ***"in summary, the assessment findings conclude that there would be localised significant effect on the qualities of 'sense of naturalness' and 'few human elements'***. Then they try to justify the development because ***"....the effects on these qualities would not be significant across the WLA as a whole."*** There is nothing in the WLA qualification 'rules' to suggest that it is acceptable to have a detrimental effect on **part** of a WLA.

Wild Land **IS** Wild Land and this particular WLA is unique in that it is the only WLA in the Central Belt and extra remarkable being the smallest of the WLAs. It is also a mere 30 Kms from our largest city, Glasgow and is the most accessible of all the WLAs. Being the smallest WLA makes it all the more important that it is protected from wind powered generators and being turned into a landscape description of **'moorland with wind turbines'** instead of a WLA. The consultant has demonstrated with Figures 1 – 3 that the development would be visible from a wide area within and outwith the WLA and Clyde Muirshiel Regional Park.

The John Muir Trust which has done so much to promote the preservation of the wilder parts of Scotland say as follows:-

"In June 2014 there was a historic breakthrough when the Scottish Government recognised wild land as a national asset in its Scottish planning policy and adopted the Wild Land Areas map. The map identifies 42 Wild Land Areas, covering nearly 20% of Scotland.

*Wild Land Areas are considered by the government's natural heritage advisor Scottish Natural Heritage to represent the most extensive areas of high wildness. SNH's advice to government at the time of publication of the map stated that **"the concepts of wildness and safeguarding of wild land enjoy strong support from the public and many stakeholders in Scotland. Areas of wild land are widely acknowledged as important assets, providing a number of significant ecosystem services that support a range of social and economic benefits and outcomes."***

The Wild Land Areas are identified as nationally important in Scottish Planning Policy, but are not a statutory designation. Under planning policy Scotland's Wild Land Areas have a degree of protection from wind farms. Whilst we would prefer to see the absolute protection of wild land from any inappropriate, large scale development, the map has helped to bring about some encouraging planning decisions in favour of wild land. Nonetheless, the principles of the planning policy and map continue to be tested as developers put forward proposals we believe are inappropriate for wild land. Find out more about our latest campaign to Keep it Wild!"

There are a number of inaccuracies in the Developer's Wild Land Assessment report:-

Baseline Conditions

Para 2 – The Halkhill Hydro Scheme (comprising Greeto ND Gogo Waters) are **not** in the WLA contrary to the report.

3 Zone of Theoretical Visibility Analysis

Para 1 – The report states the distance from Kilbirnie but fails to state

- that the proposed position of the turbine is 1.5 Kms **inside the WLA**
- that the proposed position of the turbine is only 1.5 Kms from the Special Protection Area (SPA)
- That the South western area of the WLA forms part of the North Ayrshire Council designated Special Landscape Character Area (SCLA) and of course the whole WLA is within the important Clyde Muirshiel Regional Park.
- The emphasis on the Pundeavon dam is 'clutching at straws' and not even worth mentioning.

For the benefit of the Review Body we attach a copy of SNH's assessment of WLA - 04 carried out in 2013 and ask the Review Board to support the decision of Planning to reject this highly inappropriate Industrial application in the WLA and Clyde Muirshiel Regional Park.

Yours sincerely

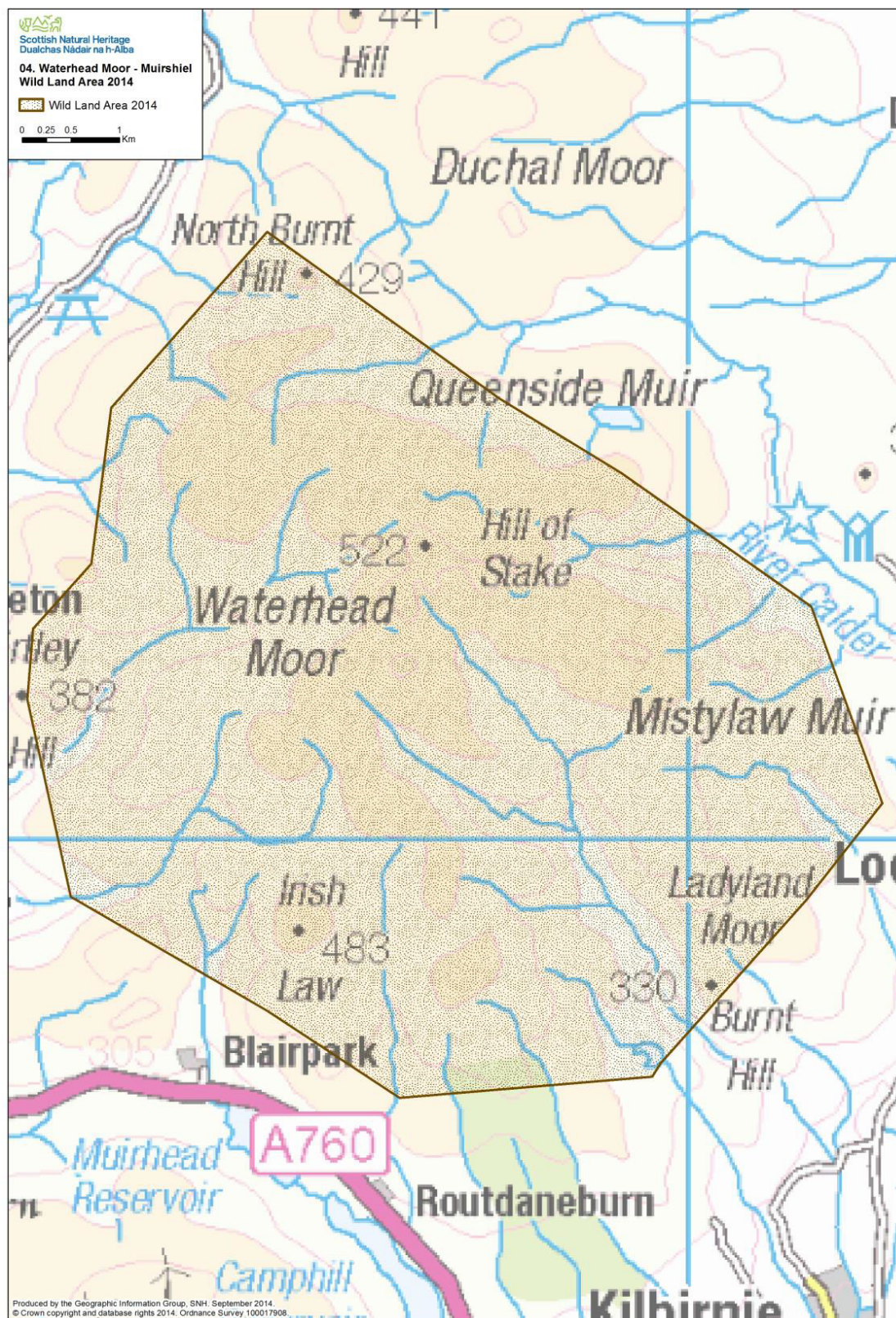
[Redacted Signature]

[Redacted Name]

Chairman

Save Your Regional Park campaign

Description of Wild Land Area –2017 1 04 Waterhead Moor - Muirshiel Wild Land



Context

Waterhead Moor - Muirshiel is one of only three WLAs to the south of the Highland Boundary Fault, all of which are relatively isolated and small in extent (at 50 km² this is the smallest of all mainland WLAs). It consists of open, rolling plateau moorland which forms the high moorland core of the Clyde Muirshiel Regional Park, dissected by steep-sided glens and punctuated by several small but steep peaks. Lying less than 30 km from the centre of Glasgow it is the most accessible of all the WLAs and offers a wide range of recreational activities, attracting many visitors. Facilities include Muirshiel visitor centre, which lies nearby to the east and Greenock Cut visitor centre, further to the north. The disused barytes mine at Muirshiel is accessed by the heritage trail from the visitor centre and an off road driver training area is based in the same area.ⁱ

The WLA lies partly within North Ayrshire and partly in Renfrewshire. The south western area forms part of a Special Landscape Character Area (SLCA)ⁱⁱ and much of the area is included within the Renfrewshire Heights Special Protection Area.

From within the WLA, its *extent* is generally obvious from the views of roads, settlements, forest plantations and infrastructure which surround and lie outwith it. Some narrow glens and lower-lying parts of the interior are more enclosed with fewer views, where the *extent* is less evident and the wild land qualities stronger.

From outside the WLA, the rolling plateau is widely visible from the settled lowlands that surround it, forming a simple backdrop that contrasts strongly with the urbanised landscape. Misty Law is a distinctive landmark in wider views of the uplands from the east and the cluster of hills around Irish Law feature on the skyline in views from the west.

Steep, often wooded slopes limit views from the west, from nearby settlements such as Largs and from the minor road that follows the Noddsdale Water, but the uplands within the centre of this WLA are widely visible from the Firth of Clyde and from the diverse, small scale landscape of the Garnock valley.

Key attributes and qualities of the wild land area

- **A wild land area with a surprisingly strong sense of naturalness**

Much of the plateau is covered in wet moorland, consisting of a diverse mix of rough grassland, heather moorland and blanket mire, providing a strong *sense of naturalness*. Small lochans occur on areas of flatter ground and several steeply incised glens, such as those of Raith Burn and Greeto Water, dissect the plateau.



Within these glens, rock outcrops, natural burns, waterfalls, broadleaved trees and luxuriant vegetation add to the *sense of naturalness*, unaffected by *contemporary land uses*. The plateau is also punctuated by well-defined, steep sided summits such as Misty Law, which provide a greater *sense of physical challenge*. Grassland tends to be more prominent on these drier slopes and the hills are often fringed by rocky crags and scree, adding to the *sense of naturalness*.

Sheep grazing is evident and some of the lower-lying parts are also drained by parallel lines of ditches. There is no forestry within the WLA, although some forest plantations to the north east and south east and smaller conifer blocks amongst



improved fields to the south of Muirshiel are visible from within. These signs of *contemporary land use* are not widespread and have a relatively localised effect upon the otherwise strong *sense of naturalness*.

- **Few human elements within the WLA, in contrast to the surrounding landscape**

The WLA is notable for the relative absence of *human artefacts and contemporary land use*, in sharp contrast to the lowland areas that surround it.

The moorland is generally unenclosed, but a few post and wire fences cross the area, the most noticeable of these follows the county boundary. There are few obvious footpaths, but stone cairns mark the more prominent hills. Small timber posts and other markers dot the lower areas and some ATV tracks are evident, appearing to randomly cross the moorland. Together with signs of land drainage, these unobtrusive and isolated *human artefacts* have a limited effect on the overall *sense of remoteness and sanctuary*. A constructed track, which provides access to Misty Law (510 m) from the south east, has a more noticeable effect on these wild land qualities.



Although there are few *human artefacts* within the WLA, various types of built development including wind farms outwith the WLA are visible from most of the area. From tops such as the Hill of Stake, human elements are visible in all directions, except to the south west towards Arran.

To the north, several power lines are prominent in views towards Ben Lomond and the Arrochar Alps. Mining infrastructure, river engineering and tracks along the River Calder, Muirshiel visitor centre buildings and designated car parks have a localised but noticeable effect on the wild land qualities of the north western part of the WLA, especially near the former barytes mine track, where there are areas of hard standing, abandoned pipes, concrete abutments, palisade fencing and ground disturbance.



Longer distance views towards the tower blocks of Glasgow, Helensburgh and other settlements along the Clyde valley also have a marked effect on the *sense of remoteness and sanctuary*, due to the extent of the view occupied by built development and the way in which buildings to the north tend to reflect sunlight, so making them more noticeable. From southern parts of the WLA the dispersed settlement pattern of the Ayrshire lowlands is evident beyond several reservoirs, with the cranes at Hunterston ore terminal and shipping on the Firth beyond, visible to the south west.



At night, lighting within settlements is visible in most directions. The sound of traffic on the surrounding roads can be heard and the proximity of Glasgow airport results in regular overhead air traffic. These human elements have a noticeable effect on the *sense of remoteness and sanctuary* but encroach more where there is combined visibility of for example, nearby tracks and fences,

power lines, forest plantations, wind turbines and settlements, or where they appear to encircle the WLA.

☐ An area where wild land qualities are restricted in extent, but which can be widely appreciated from the surrounding areas

From much of the interior, with the exception of the narrow incised glens, the relatively small *extent* of this WLA is evident from the surrounding human elements outwith the WLA, visible in all directions. There are also parts of the WLA where extensive views of rolling and deeply dissected moorland are possible, especially from the margins towards the interior, but these tend to be in the context of wider views containing settlements, infrastructure and forest plantations, which reduce the *sense of remoteness and sanctuary*.



The restricted *extent* of the WLA and the predominantly gentle rolling moorland topography reduces the *sense of risk*, although burn crossings, bog holes and drainage ditches filled with vegetation provide a degree of *physical challenge*.

Although the rolling moorland is not generally *arresting*, from the hill tops there are some extensive and inspiring panoramas over the Firth of Clyde to the islands of Cumbrae, Bute and Arran and of Ben Lomond and the Arrochar Alps.

The smooth moorland hills form a comparatively *rugged* backdrop to the surrounding settled and urbanised lowlands, and large numbers of people are consequently able to experience this wild land quality as they move around the surrounding area.

Whereas the sharp contrast between the WLA and its surroundings adds value to the area as a recreational resource, the proximity to the settled landscape, ease of access and relatively small *extent* of the area combine to limit the *sense of remoteness* and the potential for *solitude*.



Endnotes

i <http://www.clydemuishiel.co.uk> accessed February 2014

ii Designated by North Ayrshire Council

Site assessment carried out November 2013



Scottish Natural Heritage
Dualchas Nàdair na h-Alba
nature.scot

Mr Euan Gray
North Ayrshire Council
Committee Services
Cunninghame House
IRVINE
KA12 8EE

Date: 26 July 2019
Our Ref: CNS/REN/ST/SH
Your Ref: 18/01123/PP

Dear Sirs

**Planning Application: 18/01123/PP: Site to the North of Standingstone Hill, Kilbirnie
Notice of Review**

Thank you for the opportunity to comment on the additional Wild Land Assessment for this proposal submitted by the applicants.

We work in support of the government's vision for an energy sector that delivers secure, affordable and clean energy for Scotland. We provide advice in the spirit of the government's Onshore Wind Energy Strategy that says "developments can and must strike the right balance between utilising Scotland's significant renewable energy resources whilst protecting our finest scenic landscapes and natural heritage".

This response provides advice on the impacts on the Wild Land Area.

Summary

This letter only provides advice in relation to the impacts on the Waterhead Moor – Muirshiel Wild Land Area (WLA). Our advice in respect of the potential impacts on the Renfrewshire Heights Special Protection Area (SPA) was provided in our letter of 8 February 2019.

This proposed development raises natural heritage issues of national interest due to the significant adverse impacts on the Wild Land Waterhead Moor – Muirshiel Wild Land Area (4). We therefore object to the proposal.

There will be significant effects on the wild land quality described as: "*Few human elements within wild land area in contrast to the surrounding landscape*". These effects relate to the prominence of the proposal within an open rolling plateau, the extent of area affected and the relative absence of human artefacts as well as the impact on the sense of remoteness and sanctuary.

Background/

Background

In February we noted the original planning proposal was not supported by an assessment of the potential impacts on the Waterhead Moor – Muirshiel Wild Land Area. In response SNH submitted a holding objection, reserving our final position until this work had been undertaken.

We note that subsequently, the application was refused planning consent, but is now the subject of this current review.

As a Wild Land Assessment has now been submitted by the applicant, we are now in a position to provide our comments on impacts on the WLA.

Appraisal of Impacts

The Waterhead Moor – Muirshiel WLA has three key qualities:-

- Quality 1: A wild land area with a surprisingly strong sense of naturalness.
- Quality 2: Few human elements within wild land area in contrast to the surrounding landscape.
- Quality 3: An area where land qualities are restricted in extent, but which can be widely appreciated from the surrounding areas.

We broadly agree with the applicant's assessment in relation to Qualities 1 and 3, however, we do not agree with the conclusions in respect of Quality 2. Our appraisal of the impacts on quality 2. is set out below.

Impact on Quality 2. *Few human elements within the WLA, in contrast to the surrounding landscape*

Other than the above ground permanent features of the Pundeavon hydro scheme which will have localised effects on the attributes which underpin this quality, other signs of human artefacts and contemporary land uses are minimal allowing the contrast between the WLA and the surrounding landscape to be well expressed.

The susceptibility of this quality to the proposal is considered to be high (which is greater than the applicant's Wild Land Assessment identifies), as the vertical nature of the proposal will result in effects being widespread across the WLA which is both small in its extent and does not benefit from large scale landscape undulations that would screen the proposal.

The effects of this proposal would extend across a large part of this small WLA, as illustrated by the various Zone of Theoretical Visibility (ZTV) diagrams provided within the Wild Land Assessment. We do not agree with the statement; "*views of the Proposed Development would be restricted to localised parts of the WLA.*" The turbine is proposed to be located within the WLA, and due to its height (110m), pale colour and moving nature its effects will extend across and well into the interior of this WLA. From these interior locations this quality is strongly expressed. There is a relative absence of human artefacts and those which are there (such as stock fencing) are low lying and unobtrusive, resulting in very limited obtrusive human elements being evident.

In/

In addition, the turbine will reduce the sense of remoteness and the sense of sanctuary as it will appear as an isolated human artefact bringing development into areas where currently it is minimal.

The magnitude of effect identified by the wild land assessment for this quality has been understated and would be greater than moderate/minor. Effects on the absence of human elements, remoteness and sanctuary, which are the key contributing attribute and resulting response underpinning this quality are considered to be major/moderate. The effects on this quality are therefore considered to be significant.

As a result of the prominence of the proposal and the extent of area affected, effects on quality 2 of the Waterhead Moor – Muirshiel WLA 4 will be significant. We consider that the impacts as a result of this turbine are of national interest and warrant an SNH objection as the proposal fails Scottish Planning Policy (paragraph 215) which stresses the need to avoid such impacts on nationally important wild land areas.

Should you wish to discuss this letter in further detail, please do not hesitate to contact Graeme Walker at the above address.

Yours faithfully


Area Manager
Strathclyde and Ayrshire



Radio City Association

Comments on Further Representations from Interested Parties

Planning Reference: 18/01123/PP

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RCA Response to Representations 2 and 14 (Scottish Natural Heritage)

In Response to **Representations 2 and 14** by **Scottish Natural Heritage (SNH)**, RCA notes that SNH have no objection regarding ecology or ornithology as stated within previous SNH representations.

The TGP response to RCA included as a supplementary annexe below in response to the SNH representation rebuts in a very detailed manner the SNH claimed conclusions in relation to WLA Quality 2. In the view of RCA, the assessment process clearly relies on professional judgement and as TGP outline, 'differences of opinion are not uncommon'. In RCA's view, however, the TGP conclusions were **based on an actual field survey – as were the LVIA proposals before them** – and that report is 'augmented by a desktop study to develop a holistic understanding of the proposals and the surrounding context'.

The same cannot be said of either the Carol Anderson Landscape Study nor indeed of the SNH response as, to RCA's knowledge, the Carol Anderson Study did not actually scope the proposed site of the RCA Wind Turbine but relied on its simple inclusion within the 104 square miles of the Clyde Muirshiel Regional Park to justify their 2009 'conclusion' that a single turbine – in RCA's case a community owned single turbine – would be inappropriate in this location. Likewise, their supplementary 'study' never actually considered the local landscape but again concluded that the entire area within the boundaries of the CMRP in area 19 was not suitable for such development without physically studying the area or the alleged 'impact' in question.

Fast forward ten years and history repeats itself with SNH now claiming that because the site is within the boundaries of a 'Wild Land Area' that a single turbine would have an adverse impact on WLA Quality 2 – **without actually visiting the site to make a judgement on the issue by direct reference to local topography and the current multitude of 'man made' features already very visible in the vicinity and within the WLA more generally – all approved by SNH in the interim period since the WLA was created.**

As described and illustrated within the Wild Land Assessment, these **man-made features extend well into the interior of the WLA, consisting of more than 4.5km of above ground track, associated drainage ditches, cuts and embankments all of which 'exert visual effects and physical changes to the landscape of the WLA** within the River Garnock Valley'.

SNH claim that it is due to the 'vertical' nature of the proposed WTG but whilst it is not a vertical feature, the road's length ensures it is a very notable visual component of the landscape along the length of the valley. No individual, in RCA's opinion, who has ever visited the site in person could conclude otherwise. Neither is there any recognition of the other human influences within the WLA.

These comprise:

- 1) The remnants of the existing Pundeavon Reservoir, which remains a wholly incongruous earthwork feature on the southern edge of the WLA (as illustrated in TGP's Survey Point 2) contained within a recently erected boundary fence with associated public signage.
- 2) The existing Greeto Hydro Scheme, likewise, incorporating significant above ground tracks on the western edge of the WLA
- 3) The Halkhill and Blair Park Forest, currently under construction, comprising large, expansive areas of commercial, non-native, coniferous species, with associated drainage measures. (see attached photographic evidence of the impact of same).

It is self-evident that the combined presence of these features conflicts substantially with the characteristics that underpin WLA Quality 2, yet they, either individually or collectively, do not appear to have been given any degree of weight in SNH's judgement and this de-values their judgement in RCA's opinion.

The findings of TGP on the other hand were supported by descriptive narrative (in accordance with SNH guidelines) and illustrations (plans and photo survey) to ensure full transparency.

As is described in the original assessment, the **community turbine would be located at what is a 'relatively low-lying position relative to the surrounding landform within the WLA'**. What this means is that the turbine would be located at approximately 328m AOD, with the surrounding valley landform rising to 389m AOD to the east, and 447m AOD to the west. Consequently, the **'rising topography either side of the River Garnock Valley would provide a good degree of visual containment in these directions'**. This analysis is well illustrated in the ZTV, which shows theoretical extent of visibility extends approximately 1.5km to the west, and approximately 4.4km to the north.

As TGP therefore make clear, **these are 'localised' impacts and cannot be described as 'significant'**. As TGP state and indeed RCA accept, whether an effect is localised or not, 'is open to a degree of professional opinion'. What is not in dispute, however, is that the findings described within the Wild Land Assessment were made with reference to the ZTV and further ZTV analysis indicates **'there would be no views and no effect across more than 76% of the WLA.'** Consequently if SNH are to be consistent therefore as TGP maintain, 'if a spread of visual effects to a theoretical maximum distance of 4.4km and notably much less in other directions) is not local, then **this undermines SNH's assertion that the 4.5km long above-ground track associated with the Pundeavon Hydro scheme will have 'localised effects' as they argue in their communication to Planners.** SNH cannot use one definition of 'localised effects' in relation to the hydro scheme then adopt another definition in relation to the WTG's visual impact as defined by the ZTV.



Equally, SNH cannot agree with the Forestry Commission to approve the planting of the Halkshill and Blairpark Forest now underway yet continue to object to RCA's **single community owned turbine**.

The combined effects of the former real intrusion of human activities into the WLA i.e. **approximately 750,000 trees massively exceed the inconsequential by comparison intrusion of a single turbine.**



This planting has started, and **pictures show a significant intrusion of this 'human activity' that will impact on the WLA to much larger extent and for much longer than RCA's community turbine.**

It is genuinely incomprehensible to RCA how SNH can argue about the adverse landscape character of a single turbine in community ownership compared to nearly '3/4 million trees', the majority of which are non-native tree species such as Sitka Spruce which grow up to 100m tall.





Radio City Turbine

TGP Memo 2019/08/12

Re: SNH Response (dated 2019/07/26) to Radio City Community Turbine Wild Land Assessment

TGP welcome the agreement from SNH with our findings in relation to Qualities 1 and 3 of the Waterhead Moor – Muirshiel WLA.

With regards to the discrepancy in conclusions in relation to WLA Quality 2; the assessment process relies on professional judgement, hence differences of opinion are not uncommon. The TGP conclusions were based on field survey, augmented by desktop study to develop a holistic understanding of the proposals and the surrounding context. The findings were supported by descriptive narrative (in accordance with SNH guidelines) and illustrations (plans and photo-survey) to ensure full transparency.

In relation to SNH's comments (quotations in italics), the following points are raised;

1. *"Other than the above ground permanent features of the Pundeavon hydro scheme which will have localised effects on the attributes which underpin this quality, other signs of human artefacts and contemporary land uses are minimal"*

- As described and illustrated within the Wild Land Assessment, this man-made feature extends into the interior of the WLA, comprising >4.5km of above ground track, associated drainage ditches, cuts and embankments, which exert visual effects and physical changes to the landscape of the WLA within the River Garnock valley. Whilst it is not a vertical feature, its length ensures it is a notable visual component of the landscape along the length of the valley.
- There is no recognition of the other human influences within the WLA. These comprise: (i) the remnants of the existing Pundeavon Reservoir, which remains an incongruous earthwork feature on the southern edge of the WLA (as illustrated in Survey Point 2), (ii) the existing Halkhill Hydro Scheme incorporating above ground tracks on the western edge of the WLA, and (iii) the Halkhill and Blair Park woodland proposal, which is currently under construction, comprising expansive areas of commercial, non-native, coniferous species, with associated drainage measures.
- The combined presence of these features conflicts with the characteristics that underpin WLA Quality 2, yet do not appear to have been given any degree of weight in SNH's judgement.

2. *"The susceptibility of this quality to the proposal is considered to be high (which is greater than the applicant's Wild Land Assessment identifies)"*

- The Wild Land Assessment describes varying sensitivity in relation to Quality 2, with reference to how intact it now is. It is described as being Medium within the locality of the River Garnock Valley, due to the influence of the Pundeavon hydro scheme track. Across the wider WLA, sensitivity is acknowledged as being High.

3. *"The vertical nature of the proposal will result in effects being widespread across the WLA"*

- The proposed turbine is indeed a vertical feature. However, its footprint (the extent of which correlates directly to the degree of lasting physical changes to the WLA) is very limited. As such any effects would be easily reversible in the future. In contrast, the Pundeavon Hydro scheme is not vertical. However, as noted above, the associated

track extends >4.5km into the WLA, resulting in direct physical changes that are far more pronounced than those that would be attributed to the base of the turbine. The influence of the track is augmented by track-side embankments and infill, which represent permanent changes to the physical landform within the WLA (see additional photographs at the foot of this memo). The steep nature of these embankments have the potential to result in lasting scars on the landscape. Due to the extensive length of the track, its visual influence encompasses a similar geographic area of the WLA as the proposed turbine.

4. *"The WLA... does not benefit from large scale landscape undulations that would screen the proposal."*

- As described in the assessment, the turbine would be located at a relatively low-lying position relative to the surrounding landform within the WLA. The turbine would be located at approximately 328m AOD, with the surrounding valley landform rising to 389m AOD to the east, and 447m AOD to the west. The rising topography either side of the River Garnock valley would provide a good degree of visual containment in these directions. This is illustrated in the ZTV, which shows theoretical extent of visibility extends approximately 1.5km to the west and west, and approximately 4.4km to the north.

5. *"We do not agree with the statement; 'views of the Proposed Development would be restricted to localised parts of the WLA.' "*

- Whether an effect is localised or not, is open to a degree of professional opinion. The findings described within the Wild Land Assessment were made with reference to the ZTV (the extents of which are summarised above). Further ZTV analysis shows that there would be no views and no effect across >76% of the WLA.
- In terms of consistency, if a spread of visual effects to a theoretical maximum distance of 4.4km (and notably less in other directions) is not local, then this undermines SNH's assertion that the 4.5km long above-ground track associated with the Pundeavon Hydro scheme will have 'localised effects' (see Point 1 above).

6. *"From these interior locations this quality is strongly expressed... the turbine will reduce the sense of remoteness and the sense of sanctuary as it will appear as an isolated human artefact"*

- With reference to the photo survey within the assessment, views of the turbine from interior parts of the WLA typically include existing wind energy development within the same field of view. As such it would not be an isolated human artefact. From the interior of the WLA, potential views of the turbine would be limited to localised summits, where it would account for a narrow angle of view against a settled lowland context.

7. *"The magnitude of effect identified by the wild land assessment for this quality has been understated and would be greater than moderate/minor."*

- The Wild Land Assessment clearly states that local effects (comprising those within the Garnock valley) would be of Substantial/Moderate magnitude. The effects across the wider WLA are described as being Moderate/minor. This recognises the fact that expansive areas of the WLA fall completely outwith the ZTV (>76%) where there would be no view and no effect. This is a fully justifiable conclusion, supported by ZTV analysis.

Additional supporting photographs

The following photographs were all taken during field survey on 04 June 2019. These show evidence of the level of 'human elements' within the WLA (within the Garnock valley) in contradiction of WLA Quality 2.

Built features associated with the Pundeavon Hydro track include road bridge with exposed concrete formation. There is also evidence of fill being used to accommodate track levels, as well as exposed, above-ground sections of pipework.



Steep-sided embankments (some >3m in height) are located along the Pundeavon Hydro track. The angle of cut and degree of overhang does not lend itself to natural regeneration. The scale of these features mean that they are visible from wider parts of the Garnock valley and surrounding hillsides.







RCA Response to Representations 3, 4, 10 and 11 (Aviation Stakeholders)

- Radio City Association notes there is **no objection raised** within **Representation 3** received from the **Ministry of Defence (Defence Infrastructure Organisation)** stating that the development would not be prohibitive regarding the interest of the UK's national security.
- Radio City Association notes there is **no objection raised** within **Representation 4** made by **National Air Traffic Services (NATS)** stating that the application has been technically reviewed and there are no safeguarding issues regarding Air Traffic Control.
- Radio City Association notes there is **no objection raised** within **Representation 10** on behalf of **Glasgow Prestwick Airport (GPA)** subsequent to a radar diffraction study provided by RCA.
- Radio City Association notes **Representation 11** from **Glasgow International Airport (GIA)** and confirm that RCA have contacted the relevant GIA official regarding the "Terma" radar impact mitigation and that the development should not be prohibitive due to PSR mitigation techniques and any issues can be overcome in agreement with GIA. RCA are scheduled to meet with GIA to agree the relevant mitigation measures necessary to remove images of the RCA Community Turbine from GIA radar imaging systems.

RCA Response to Representations 1 and 13 ("Save Your Regional Park")

In response to **Representations 1 and 13** Radio City Association notes The 'Save Your Regional Park Campaign' response(s) who appear to be based in Lochwinnoch, attended the public presentation made by Radio City Association to Kilbirnie & Glengarnock Community Council but received no encouragement from local residents of either town, either present at the meeting or living in the community, the vast majority of whom back **Radio City Association's plans to reinvest the revenues from the wind turbine back into new community owned infrastructure, address the considerable socio-economic challenges of the Garnock Valley and address real and increasing health and well-being inequalities in the area.**

As evidenced by the **public support of local residents both to Planners and in their continued representation to Radio City Association Directors** at all the public and community meetings we attend on a regular basis, **the SYRP speaks for a dwindling group of out of town and 'out of touch' protestors and whose argument ignores the recently announced 'climate emergency' declared by both the Scottish and UK Governments as well as the North Ayrshire Council Leadership.** The SYRP talk of threats to the CMRP and the Aarhus Convention when the **greatest threat of all to our natural environment is climate change, the solution to which is to increase the transition to low carbon sources of energy generation not prevent communities like our own from leading the way through our 'Electric Valley' Initiative.**

Radio City Association won't of itself, change the world with our single turbine but our direction of travel if adopted by other communities would undoubtedly have a marked **beneficial effect on cutting carbon emissions, combatting climate change and promoting sustainable development at a local level, coalescing as it does with the stated aims and objectives of both Governments and the Council.** Our proposal far from breaching the provisions of the Aarhus Convention demonstrates a practical means by which communities like our own can contribute to its objectives.

The SYRP refer to the fact that circa 44 Wind Turbines have already been 'approved' in or around the CMRP yet continue to ignore **the economic development benefits that will accrue directly to our community returning more in direct community investment from our single turbine than ALL the other commercially operated turbines in the CMRP area.** Instead they refer to 'impact on surroundings' when our local community - unlike Lochwinnoch from where our turbine will be largely invisible – lives on a day to day basis with 33 turbines visible most days and the **ONLY** issue of continuing concern locally is that virtually **NO community benefit is returned to Kilbirnie, Beith or Glengarnock from those turbines** while other communities where the turbines are not visible receive the lion's share of whatever minimal benefits are distributed.

The real impact on the ‘surroundings’ of people in these affected communities comes not from our proposed turbine but from endemic poverty, deprivation and lack of opportunity for so many of our fellow community residents as identified by the SIMD statistics for the Valley.

SYRP refer to these turbines as the equivalent of an ‘industrial estate’ or ‘huge power station’ and talk of enough is enough’ but **fail to differentiate between our single community owned and operated turbine and ALL the others.** While millions of pounds is exported monthly from these turbines in North Ayrshire to shareholders across the globe, **only RCA propose to reinvest 100% of ALL the revenues so generated back into our hard pressed communities to combat poverty in our midst, create jobs and training opportunities for those currently denied them and improve the life prospects of so many of those in our local communities** who find solace in alcohol or drugs abuse despite the damage to their individual health and well-being and the concern of their wider family and friends.

As 89 local people and a number of additional respondents to the subsequent consultation as well as hundreds of petitioners have pointed out in support of this application, Radio City Association alone among renewable energy developers locally intend to address these issues in our community and do what we can to assist all the local and national government agencies and third sector organisations struggling to cope with demands for their services in these fields.

Unfortunately, these local people, as commented upon by other respondents, appear to understand much better than Planners have to date, the overwhelming economic development benefits that are going to arise with this project and as Scottish Government advice makes clear should be the overriding material consideration by the Local review Body in coming to its decision to help transform for the better the next twenty five years of community development in the Garnock valley by approving the **Radio City Association community wind turbine and paving the way for the future investment of £6 - £7.5m in addressing the considerable socio-economic challenges and health inequalities of this area.**



RCA Response to Representations 5, 6, 7, 8 and 9 (Supporting Comments)

The Radio City Association notes that the representations made in support of the proposal highlight the net positive economic and social impact the development will create in the Garnock Valley tackling local issues and creating greater resilience and community capacity in future, also recognising that this should be considered a material consideration in accord with Scottish Planning Guidance.

RCA will be re-investing ALL the remaining revenues in community owned and operated projects within the “Electric Valley” that will create a massive legacy benefit for the Garnock Valley. This re-investment strategy has been with a strategic overview aimed at creating a targeted focus on seven key areas to tackle local issues based upon detailed analysis of the RCA’s socio-economic report reinforced by policy framework review as well as the founding objectives set out within the Constitution the RCA.



As well as the strategic re-investment, RCA proposes the creation of a community benefit fund that communities and individuals can bid into independently. The RCA has developed the following funds within the Community Benefit component of the revenues from the renewable energy, with the focus of providing long lasting benefit to individuals and community organisations within the Garnock Valley as well as fostering community spirit, promoting wellbeing and enabling community development in accordance with the charitable objectives of the RCA Constitution.

Radio City Association (RCA) Education and Training Bursaries Fund

The Fund is open for applications from any adults (aged 16+) of the community of the Garnock Valley who wish to develop their skills and who are undertaking courses delivered by accredited organisations and recognised training providers. This includes prospective and current students at colleges or universities, apprentices, and any adults wanting to undertake further training/ skills development.

Bursaries are for a maximum of £500.00 per applicant per financial year for those aged 16+ – but no more than £1,500.00 in any 5-year period.

Radio City Association (RCA) Supporting Children and Young People Fund

This Fund is open to support children from birth to the time that they, as young people, exit secondary education. Note that this Fund is for individuals to enable them to access activities or obtain equipment that will support their development. Awards are for a maximum of £500.00 per applicant per financial year – but no more than £1,500.00 in any 5-year period.

Radio City Association (RCA) Wellbeing Fund

This Fund is open to support individuals (aged 16+) living in the Garnock Valley to participate (including to perform) in a range of arts, cultural and natural heritage, leisure and recreational, and scientific events, non-certificated/informal lifelong learning courses and activities. Awards are for a maximum of £500.00 per applicant per financial year – but no more than £1,500.00 in any 5-year period.

Radio City Association (RCA) Small Grant Fund for Organisations

This fund is open to community organisations (voluntary bodies, etc.) that want to apply for funding up to £500.00 for a project which meets one of RCA's wide-ranging charitable objects and which will benefit the community of the Garnock Valley

The RCA Proposals will be capable of delivering significant, substantial and long-lasting socio-economic benefits. These benefits and positive impacts will be seen at a project, community and strategic level. Indeed, the approval of this application will provide immediate benefits to many and assist to realise further community focused and controlled projects to release further potential for growth through people, community enterprise and third sector community organisations that would not otherwise happen. It is a new way to create a virtuous cycle for growth and assist to counter the prevailing vicious cycle of prolonged decline and exclusion locally. We commend these proposals and look forward to working with all partners including North Ayrshire Council to deliver the positive changes that will result.

LRB Hearing

Statement in Support of Radio City Association **Planning Application Ref No 18/01123/PP** for a Community Owned and Operated wind turbine at Standingstone Hill, Kilbirnie, North Ayrshire

Material Consideration(s)

Radio City Association's original Planning Application stated that there are several material considerations, including NPF3 and SPP [Page 51], which provide further support for approving the Development. Despite a degree of non-conformance with the Local Development Plan on Policy PI 9 (c), the Development accords with all other relevant policies and can gain considerable support from material considerations.

The socio-economic benefits of the Development [as set out in the socio-economic analysis appendix] and the contribution towards policy priorities [such as those demonstrated in the Policy Framework Appendix] namely support for community-owned, low-carbon technologies considerably outweigh the localised landscape impacts. Whilst landscape character assessments generally provide very useful background material, they are rarely sufficiently detailed or fine-grained to describe baseline conditions for assessing proposals at a site-specific or project-specific level. To achieve this, a bespoke project-specific landscape assessment has been undertaken as part of this assessment of the Development, and greater weight should be placed on this than the far broader Landscape Capacity Study. This assessment [as is demonstrated on pages 14-19] determined that the impact is minor and indeed the NAC LCS does not examine area 19c [page 21].

As stated by the Scottish Ministers in Scottish Planning Policy (2014), one of the core values of the planning service should be to *"focus on outcomes, maximising benefits and balancing competing interests"* while *"playing a key role in facilitating sustainable economic growth, particularly the strengthening of economic capacity and resilience within communities"*. In the case of the Development, the competing interests are identified as the significant socio-economic benefit (including strengthening economic capacity and resilience of Kilbirnie and wider community), contribution to climate change targets and the localised nature of landscape impacts on the edges of the mapped Wild Land Area. Indeed, as set out in pages 50-54 SPP sets out a presumption in favour of developments of this type.

It is Radio City's contention that the planning official's Report of Handling of the decision to refuse their application, the planner failed to take account of the letter to all heads of Planning, [Page 53], in which the Chief Planner make clears that *'net economic impact including the community socio-economic benefits such as employment, associated and supply chain opportunities are relevant material considerations in the determination of planning applications for renewable energy application'*(our italics).

Specifically, the Radio City Turbine will generate a minimum of £6m over twenty years to re-invest in the local community to address a multitude of socio-economic challenges in the Garnock Valley, particularly persistently high levels of worklessness and a lack of training opportunities for young people, really serious health inequalities among the resident population and the replacement of old and decaying community infrastructure and its replacement by new, state of the art sporting and leisure facilities to improve the health and well-being of local people. This will comprise a re-investment strategy aligned to council objectives entitled the "Electric Valley" in seven key areas as set out within the reinvestment strategy appendix, this will comprise high level re-investment projects as well as grant making activities that will benefit the local community.

The Radio City Association have been supported in this process by the Scottish Government's Community and Renewable Energy Scheme (CARES) and of course this development is in keeping with the ambitions of the recently announced Programme for Government and its ambition for mitigating climate change, and creating a low carbon economy with the objective of net-zero emissions by 2045 as well as a multitude of other Government and Council Policies that the planning system is expected to support and encourage within the aims of the National Planning Vision, National Planning Outcomes and the overall National Performance Framework for all agencies.

SPP was published in June 2014 and is therefore more up to date than North Ayrshire Council's LDP, which was adopted in May 2014 and the Chief Planner's advice to North Ayrshire Council's Head of Planning a further 18 months more up to date still. NAC Planners however decided that the status of SPP is non-statutory, and in the Report of Handling asserted that the, "1997 Planning Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise".

Planners then determined that as the 'spatial framework' was the primary determinant in the decision-making process, "the proposed location for the development within the Upland Core area of Clyde Muirshiel Regional Park is and remains the most critical determining land use planning issue."

Radio City Association believe strongly that this decision turned the Chief Planner's advice to Heads of Planning 'upside down' and meant that the key economic benefits of our scheme could be ignored despite our proposal for a single community owned wind turbine in the Clyde Muirshiel Park (where there are thirty commercially owned turbines operating already) proposing to return more by way of direct community socio-economic benefits to their community than all the other 'community benefit' returned to all the other communities in North Ayrshire combined, by the existing 30 turbines in the North Ayrshire Council area.

In summary, Planners concluded that,

"Whilst it is agreed that community ownership together with the potential income stream could contribute to positive socio-economic outcomes for the local area of the Garnock Valley, the proposed location for the development within the Upland Core area of Clyde Muirshiel Regional Park (CMRP) is and remains the most critical determining land use planning issue. Ultimately, the role of the planning system, as noted in SPP, is to direct development to appropriate places, and to help protect and enhance natural assets, such as the Upland Core landscape. In this instance, it is not considered that the proposed development would be appropriately located. The protection of the Upland Core area from large scale wind turbine development, as per the above analysis, should therefore be given more weight than the other material considerations identified by the applicant."

Radio City Association feel strongly that this argument has been used by planners to by-pass the Chief Planner's advice on both 'socio-economic benefits' for their community but also NAC's existing policy on the 'protection of the Upland Core area from large scale wind turbine development'.

Radio City point out that this statement by planners could be understood if RCA were proposing to construct a 'large scale wind turbine development' but this definition surely excludes their single 2.5MW 110m to tip height proposal from this category of development.

Radio City Association on the contrary are proposing to build a development of circa 3.33% of the scale of the 30 existing turbines in the CMRP area which will provide more than 100% of their total economic contribution to the local communities combined. Indeed, the development agrees with the founding objectives of the CMRP which are to promote and foster environmentally sustainable development for the social and economic wellbeing of the communities within the area. The development would also be beneficial to the park as PAN 60 [page 30 and 92] and LDP2 [Page 66] highlight as the previous report of handling stated for the Pundeavon Hydro Scheme. All RCA ask for is parity of esteem I determination as has been witnessed with other developments including commercial Hydro and forestry development in the WLA. Alternative locations have been examined and determined unsuitable. Furthermore, the site location has been selected after micro siting of the turbine with extensive deliberation and consideration of a variety of factors in order to determine the best possible location and mitigate against any possible adverse impacts.

Currently, the Kilbirnie and Beith communities – despite the thirty turbines being clearly visible – [see page 34] within their community - get precisely No community benefit or other economic development returned to them.

In addition RCA, point out that because Planners have not acknowledged or given significant credence to land use [page 70] in directing development regarding Scottish Government policy outlined in 'Getting the best from our land – A land use strategy ', in particular ignoring paragraphs (a), (d), (e), (f) & (h) of the 'Principles for Sustainable Land Use' meaning the application has not been determined in the **Planning Balance** to the detriment of the economic development prospects of the wider Garnock Valley community in contravention of this material consideration.

By way of contrast, Radio City Association point out, **NAC officials approved two wind turbines proposed by multi-national company GSK in Irvine, to a tip height of 150 metres while continuing to oppose RCA's relatively modest turbine by comparison at 110 metres. Both the areas proposed for development are described by Planners and their 'Landscape Capacity Study' as being 'highly sensitive' in this regard yet NAC planners approve one and refuse the other presumably because of the material consideration inherent in supporting a major local employer and the economic development benefit associated with their continued presence in the Shewalton area of Irvine.**

While GSK are a large company with a £38bn turnover, RCA feel sure the *direct* economic development benefits of their single community owned turbine will far exceed the two larger wind turbines approved by planners at privately owned GSK, as ALL the revenues from selling the electricity thus generated will be re-invested in the community while the principal- if not the only - beneficiary of the commercial GSK turbines will, of course, be the company concerned.

North Ayrshire Council believes in the 'community wealth building' principle of 'Innovation through Public-Common Partnerships'. There is a willingness in the case of Radio City Association for new partnerships between the local authority and ordinary citizens to make the most of developing the local economy, for example through innovation in developing land and property assets.

RCA supports the CLES report to the Council that seeks to:

"Ensure Team North Ayrshire actively builds the Social and Solidarity Economy' and hence the support available for, alternative forms of enterprise, is the same as that for normal businesses.

CLES further argues that;

"In order to truly ensure local business build community wealth, CLES feels all firms should be dealt with by North Ayrshire in a place/locality perspective, and not just those that are classified as

'growth businesses' as is the case currently. The ambition should be to extend this approach, to include all businesses.' (our italics)

RCA wholly supports this principle too and wants to see this approach extended to the critically important third sector, including **charitable organisations and social enterprises** like our own who are having to overcome obstacles placed in our path by the Council rather than 'working in partnership' with the Council.

Our 'Electric Valley' project and the community windfarm proposal within it would provide a unique opportunity for the local community to benefit economically from the single turbine, with all revenue from it being invested back into local community projects as a material consideration of this planning application.

This reflects real community ownership and would be a significant economic benefit for a very deprived part of the North Ayrshire Council Area.

In total 85 letters of support were received by Planners and four hundred residents petitioned their local councillors in support of the economic development benefit 'material consideration' that they felt far outweighed any relevant consideration of the local development plan relied upon by Planners to refuse this application.

The points raised by both those writing in support of the RCA Application and signing the petition stated unequivocally that the socio-economic benefits outlined in the application should justify its support, as there is a clear and urgent need for the £6m investment created by this development to address economic stagnation, social and health inequalities and the economic regeneration of the local communities of the Garnock Valley.

Respondents to the Council's request for further representations also clearly stated that the project will address these indicators of multiple deprivation through introducing measures to sustainably grow the local economy via increased economic development and business diversification, creation of employment and training (18 full time equivalent jobs per annum), support town centre regeneration and improvements to educational, sports, leisure and recreation facilities.

Planners even agreed with respondents that the potential benefits of the proposed development could provide significant regeneration benefits to the Garnock Valley area but ultimately insisted contrary to all these representations and the advice of the Chief Planner that these economic development benefits were to be disregarded in favour of an outmoded and outdated 'Landscape Capacity Study' dating back to 2009 that contradicted Radio City Associations' Land and Visual Impact Assessment and Landscape Architect's independent report both produced less than a year ago and placed 'spatial planning' considerations above the material consideration of the economic development benefits to the communities concerned.

This incorrect decision is compounded by the decision of the same planners to correctly place the economic benefit material consideration of the two much larger GSK turbines above their landscape impact and contravention of the Council's same 'spatial planning' policy as the RCA's smaller, single community owned turbine, while refusing to do so for the communities of the Garnock Valley.

Location of Site in CMRP and WLA.

As stated above, RCA's single community owned and operated single turbine is proposed to be sited in the Clyde Muirshiel Regional Park and within 500 metres of the boundaries of the area classified by Scottish Natural Heritage as 'Wild Land'.

The process of site selection took over two years and involved at least six meetings with Planners and an independent assessment by adviser's to the Scottish Government's Community and Renewable Energy Scheme, Prevailing Ltd, into three alternative locations identified by Planners as more suitable, in their view, for such development – despite the prior existence of 30 pre-existing wind turbines in the Clyde Muirshiel Regional Park.

That independent assessment for the Scottish Government and the findings of the wind speed data gathered were discussed with the Council. In order to design a viable site at the locations identified, Prevailing recommended a larger tip height however, the Council suggested a larger tip would be much more visible and potentially increasing noise impacts. Tip heights up to 149.8 m were discussed with the Council but the proposed development has instead been designed to acknowledge the Council's recommendations, including ensuring that landscape and visual impacts are limited.

In addition to sites explored at Lochshore, the Council also requested Radio City consider adding to existing clusters of the operational windfarms at Kelburn and Dalry with their respective operators. However, the operators of these schemes were not willing to consider potential extensions for community developments.

Radio City Association also discussed the potential socio-economic benefits of the development at length with the Council. Whilst the Council had previously indicated concerns that development 'west of the A760' was not favourable due to landscape impact concerns, more recent advice indicated potential support given the range of community projects that would benefit from the development. The Council therefore advised Radio City to build a case around a package of benefits which would accrue whilst also addressing and mitigating any environmental impacts.

Radio City Association duly obliged and underwent an extensive period of community consultation during which various projects emerged including the Valefield redevelopment, the Knox Institute regeneration, the Beith Community Centre upgrade and Electric Vehicle Club which taken together comprise the Electric Valley concept.

Having identified the potential community projects that might benefit from the injection of £6m investment in the Garnock Valley, Radio City Association then worked with consultants to micro site the proposed development which then progressed through an iterative design stage process, with the final location chosen from three competing locations and final layout the result of assessing a number of environmental, engineering and technical parameters and opting for the least obtrusive site from a landscape perspective while still ensuring its viability as a major source of future community development investment.

Considerable care has, therefore, been taken in the design of the development to ensure it is sited at the most suitable location technically and environmentally. Radio City Association also opted for a reduced blade tip (110 m; as opposed to 149.8 m which was discussed with the Council above) with a higher generation capacity candidate turbine type that sets it apart from any commercial equivalent which now require a minimum of 125ms tip height to ensure commercial viability in the absence of any support mechanisms such as Renewable Obligation Certificates (ROCs) or Feed in Tariffs (FITs).

Informal pre-application discussions were held with the local (NAC) CMRP Board Members who both confirmed that they would not anticipate any perceived recreational impact of the development on the founding principles of the CMRP. Furthermore, the CMRP Board Members suggested a perceived benefit as the new track (constructed for the Pundeavon hydro scheme) makes the route more accessible for those engaged in recreational walking pursuits. **For Pundeavon hydro scheme (Planning Reference: 15/00683/PP), the Report of Handling states that “the improved access track would also improve public access to the area as an indirect consequence of the proposed development” and as such, could facilitate further recreation in the CMRP.**

Evidence provided to Planners by Radio City Association on CMRP visitor numbers over the period of the development of the existing thirty commercial WTGs within the CMRP area demonstrate beyond dispute that their construction has had no noticeable nor documented adverse impact on the numbers of visitors to the CMRP nor their enjoyment of the area consequentially.

The single Radio City turbine therefore, being smaller in stature than many of the existing turbines would have no impact on numbers of visitors and the access track – as with Planners advice on the nearby Pundeavon Hydro Scheme – could be expected to increase the opportunity for public enjoyment of the CMRP, particularly for the elderly and infirm unable to access this area of the CMRP previously.

As demonstrated by the ZTV [Figure 6], the Development is in an elevated position and is visually contained on three sides by higher ground. This has the effect of narrowing the arc of visibility of the Development. Therefore, the area of continuous theoretical visibility is limited to the area immediately surrounding the Development and to the Garnock Valley which lies to the immediate south-east of the Site. Furthermore, inter-visibility is restricted by both built structures and the numerous areas of woodland, blocks and belts of trees present within the landscape of the Garnock Valley.

The LVA identifies the likelihood of a significant landscape effects on the localised area (within 2 km of the Development with inter-visibility) of the WLA allocation. Within the Waterhead Moor - Muirshiel WLA there are views to turbines from almost all parts of the WLA and this is recognised in the Description. Through siting and design, the Development is appropriate as:

- It is a smaller turbine than those already visible; and
- The perceived ‘naturalness’ is relative, and the Development would not significantly decrease the ‘naturalness’ except for immediately localised areas at the fringes of the WLA.

RCA accepted the initial SNH statement that there will be no Likely Significant Effect (LSE) on ornithology as well as no impact upon the SPA or SSSI or wider ecology.

Landscape impact is addressed within the LVIA and section 5.2.2 of the supporting statement. Visually the turbine is restricted in views from the WLA and does not impact on ‘wildness’ of core area affecting only 3 degrees of a 360-degree panoramic view from atop Misty Law one of the highest points in the west of Scotland and within the WLA having no significant impact.

There is a long and varied history of ‘man made’ development in this area including agricultural use, hydroelectric development across the WLA including the Greeto, Gogo and Pundeavon Hydro Schemes, historic uses including mining activity and a century old reservoir and associated development.

Commercial Forestry has been approved by the FCS as part of the Halkshill and Blairpark Forestry Scheme. The EIA for the approved stated that *“The impact on the attributes of wildness varies over the Wild Land Area. The core area where the sense of wildness is strongest would be little affected and the level of impact on this area was considered negligible to minor and not significant.”*

Agricultural use and human activity in the area have existed for centuries in this area. For example, within 2km of the site lies Glengarnock Castle present since the 12th century as well as Pundeavon Reservoir constructed in 1907, as well as modern agricultural use with a flock of over 1800 sheep grazing there. This is not ‘wild land’ as defined by SNH or as understood by the term.

The Ayrshire and Arran Woodland Strategy Map considers the proposed development area as being potential and suitable woodland, as the map below shows. If this is the case then it can be assumed that the visual and ecological impact of for instance Sitka Spruce, the most common forestry planting (a non-native species growing up to 100m tall) could be said to not detract from the core WLA, this is no different in terms of land and visual impact than the proposed development.

Crucially, SPP 2014 is not prohibitive against development in WLA: *“In areas of wild land, development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.”*

RCA has demonstrated there is no significant effect on the qualities of this WLA and that through micro siting of the proposed turbine and other mitigation measures substantially overcome any significant effects perceived by SNH on the WLA.

There is precedent in Scottish Planning Policy derived from the Court of Session case [CSOH 113 P41/17](#) which upheld the decision of Scottish Ministers to grant planning permission for 6 wind turbines with tip height of 125m located within Wild Land Area 37 in 2017.

Using SNH own criteria the site is not within what could be called a WLA. SNH wild land maps were developed from a model based on the presence of five physical attributes and the perceptual responses they evoke as follows:

Physical Attributes	Perceptual Responses
A high degree of perceived naturalness in the setting, especially in its vegetation cover and wildlife, and in the natural processes affecting the land.	A sense of sanctuary and solitude.
The lack of modern artefacts or structures	Risk, or for some visitors, a sense of awe or anxiety, depending on the individual’s emotional response to the setting.
Little evidence of contemporary human uses of the land.	Perceptions that the landscape has arresting or inspiring qualities
Landform, which is rugged, or otherwise physically challenging.	Fulfilment from the physical challenge required to penetrate these places.
Remoteness and/or inaccessibility.	

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By these criteria, the site area could not be characterised as a WLA, human activity is widely visible within the site area including signs and settlements, electricity pylons and properties and agricultural and other commercial uses are widely visible within the vicinity of the site. It is possible to drive a standard family car to the site location. It is neither remote nor inaccessible.

SNH's own assessment states that the wildness of the area surrounding the site is already impacted by factors such as fencing, drainage ditches, sheep pens and borrow pits clearly visible from the site of the development and extending to Black Law.

SNH further refer to RCA, not submitting 'sufficient information on the effects on the wild land qualities' yet at NAC Planners behest we wrote on RCA's behalf to SNH on 5th December 2018 to 'offer to discuss' all of these matters and to host a meeting at Radio City or in their office in Ayr, to 'answer any question or query you (sic SNH) may have on any aspect of our proposal' yet SNH ignored our offer and didn't even have the courtesy to acknowledge its receipt. Then several months later SNH ask RCA to agree the 'scope' of the wild land assessment they claimed was *additionally* now required to enable SNH to remove their objection - adding the prejudicial caveat that there is a 'strong possibility' that SNH would object in any event.

RCA asked SNH why RCA Ltd as a community organisation was required to undertake a 'wild land assessment' when other commercial organisations operating for commercial gain in the same vicinity (see above) as our proposal and with arguably substantially greater 'adverse effects' on the 'Wild Land Area' have NOT been required by SNH to undertake such an assessment?

RCA have yet to receive their response to that specific question but undertook to comply with the SNH demand to produce a Wild Land assessment and instructed – with SNH Approval – Landscape Architects TGP, to undertake same.

This independent Assessment came out in favour of our site as having no 'significant' impact on the WLA outside its 'localised (2km radius)' landscape impact. Despite these findings, SNH still maintained its objection simply refusing to engage at any time with our community on their opposition to our community wealth building initiative.

Now, having singularly failed to have any regard to our deprived community's interests, SNH have turned their attention to an agricultural track running through the WLA and past our site to insist that the hydro developer who had upgraded it with the farmer's permission in accord with his planning permission should now remove it retrospectively because – like countless other tracks across Scotland – it simply runs through the WLA.

This contradicts the previous SNH position (again) and also further offends our community as it was widely used by hillwalkers and others to access the WLA, as indeed was anticipated by the North Ayrshire Council Planners themselves when they approved the track – *without any SNH objection* – because 'the improved access track would also improve public access to the area as an indirect consequence of the proposed development'.

RCA have been publicly critical of these actions of SNH seeking to frustrate our deprived, post-industrial, ex-steel working community from generating revenues from our proposed turbine to re-invest in our community to address persistently high levels of worklessness and a lack of training opportunities, as well as horrendous health inequalities but also of denying the opportunity to local people to access and enjoy the local countryside in a responsible manner in an act that contradicts the very *raison d'être* of the organisation.

While there are legitimate issues - we would not dispute - some 3.5 Kms further along the route at its entrance to the Special Protection Area, there is no legitimate reason in our opinion to support its removal from the so-called WLA where it has co-existed along with a century old reservoir, a quarry and 1800 black faced ewes as an extension to the public road providing ease of access to the local regional park for generations.

We continue to hope that there will be a greater sense of appreciation from SNH of the bigger picture of the real threat to our natural environment posed by climate change and despite the announcement of a 'climate emergency' by both Scottish and UK Governments – as well as the local authority - in the interim, it appears that everybody else is out of step with SNH in actually seeking to address this issue through *more* sustainable development which recognises that environmental protection is only one pillar of this process and that a deprived community's interest in their future socio-economic development must also be taken into account in this equation.

Aviation Issues

Radio City Association notes there is no objection raised within Representation 3 received from the Ministry of Defence (Defence Infrastructure Organisation) stating that the development would not be prohibitive regarding the interest of the UK's national security.

Radio City Association notes there is no objection raised within Representation 4 made by National Air Traffic Services (NATS) stating that the application has been technically reviewed and there are no safeguarding issues regarding Air Traffic Control.

Radio City Association notes there is no objection raised within Representation 10 on behalf of Glasgow Prestwick Airport (GPA) subsequent to a radar diffraction study provided by RCA.

Radio City Association notes Representation 11 from Glasgow International Airport (GIA) and can confirm that RCA have contacted the relevant GIA official regarding the "Terma" radar impact mitigation, met with her and GIA and *confirmed* that the development should not be prohibitive due to PSR mitigation techniques and any issues can be overcome in agreement with GIA. RCA have entered into an NDA agreement with GIA as a pre-cursor to agreement being reached on the relevant mitigation measures necessary to remove images of the RCA Community Turbine from GIA radar imaging systems.

Radio City Turbine

TGP Memo 2019/08/12

Re: SNH Response (dated 2019/07/26) to Radio City Community Turbine Wild Land Assessment

TGP welcome the agreement from SNH with our findings in relation to Qualities 1 and 3 of the Waterhead Moor – Muirshiel WLA.

With regards to the discrepancy in conclusions in relation to WLA Quality 2; the assessment process relies on professional judgement, hence differences of opinion are not uncommon. The TGP conclusions were based on field survey, augmented by desktop study to develop a holistic understanding of the proposals and the surrounding context. The findings were supported by descriptive narrative (in accordance with SNH guidelines) and illustrations (plans and photo-survey) to ensure full transparency.

In relation to SNH's comments (quotations in italics), the following points are raised;

1. "Other than the above ground permanent features of the Pundeavon hydro scheme which will have localised effects on the attributes which underpin this quality, other signs of human artefacts and contemporary land uses are minimal"

- As described and illustrated within the Wild Land Assessment, this man-made feature extends into the interior of the WLA, comprising >4.5km of above ground track, associated drainage ditches, cuts and embankments, which exert visual effects and physical changes to the landscape of the WLA within the River Garnock valley. Whilst it is not a vertical feature, its length ensures it is a notable visual component of the landscape along the length of the valley.
- There is no recognition of the other human influences within the WLA. These comprise:
 - (i) the remnants of the existing Pundeavon Reservoir, which remains an incongruous earthwork feature on the southern edge of the WLA (as illustrated in Survey Point 2),
 - (ii) the existing Halkshill Hydro Scheme incorporating above ground tracks on the western edge of the WLA, and (iii) the Halkshill and Blair Park woodland proposal, which is currently under construction, comprising expansive areas of commercial, non-native, coniferous species, with associated drainage measures.
- The combined presence of these features conflicts with the characteristics that underpin WLA Quality 2, yet do not appear to have been given any degree of weight in SNH's judgement.

2. "The susceptibility of this quality to the proposal is considered to be high (which is greater than the applicant's Wild Land Assessment identifies)"

- The Wild Land Assessment describes varying sensitivity in relation to Quality 2, with reference to how intact it now is. It is described as being Medium within the locality of the River Garnock Valley, due to the influence of the Pundeavon hydro scheme track. Across the wider WLA, sensitivity is acknowledged as being High.

3. "The vertical nature of the proposal will result in effects being widespread across the WLA"

- The proposed turbine is indeed a vertical feature. However, its footprint (the extent of which correlates directly to the degree of lasting physical changes to the WLA) is very limited. As such any effects would be easily reversible in the future. In contrast, the Pundeavon Hydro scheme is not vertical. However, as noted above, the associated

track extends >4.5km into the WLA, resulting in direct physical changes that are far more pronounced than those that would be attributed to the base of the turbine. The influence of the track is augmented by track-side embankments and infill, which represent permanent changes to the physical landform within the WLA (see additional photographs at the foot of this memo). The steep nature of these embankments have the potential to result in lasting scars on the landscape. Due to the extensive length of the track, its visual influence encompasses a similar geographic area of the WLA as the proposed turbine.

4. *"The WLA... does not benefit from large scale landscape undulations that would screen the proposal."*

- As described in the assessment, the turbine would be located at a relatively low-lying position relative to the surrounding landform within the WLA. The turbine would be located at approximately 328m AOD, with the surrounding valley landform rising to 389m AOD to the east, and 447m AOD to the west. The rising topography either side of the River Garnock valley would provide a good degree of visual containment in these directions. This is illustrated in the ZTV, which shows theoretical extent of visibility extends approximately 1.5km to the west and west, and approximately 4.4km to the north.

5. *"We do not agree with the statement; 'views of the Proposed Development would be restricted to localised parts of the WLA.' "*

- Whether an effect is localised or not, is open to a degree of professional opinion. The findings described within the Wild Land Assessment were made with reference to the ZTV (the extents of which are summarised above). Further ZTV analysis shows that there would be no views and no effect across >76% of the WLA.
- In terms of consistency, if a spread of visual effects to a theoretical maximum distance of 4.4km (and notably less in other directions) is not local, then this undermines SNH's assertion that the 4.5km long above-ground track associated with the Pundeavon Hydro scheme will have 'localised effects' (see Point 1 above).

6. *"From these interior locations this quality is strongly expressed... the turbine will reduce the sense of remoteness and the sense of sanctuary as it will appear as an isolated human artefact"*

- With reference to the photo survey within the assessment, views of the turbine from interior parts of the WLA typically include existing wind energy development within the same field of view. As such it would not be an isolated human artefact. From the interior of the WLA, potential views of the turbine would be limited to localised summits, where it would account for a narrow angle of view against a settled lowland context.

7. *"The magnitude of effect identified by the wild land assessment for this quality has been understated and would be greater than moderate/minor."*

- The Wild Land Assessment clearly states that local effects (comprising those within the Garnock valley) would be of Substantial/Moderate magnitude. The effects across the wider WLA are described as being Moderate/minor. This recognises the fact that expansive areas of the WLA fall completely outwith the ZTV (>76%) where there would be no view and no effect. This is a fully justifiable conclusion, supported by ZTV analysis.

Additional supporting photographs

The following photographs were all taken during field survey on 04 June 2019. These show evidence of the level of 'human elements' within the WLA (within the Garnock valley) in contradiction of WLA Quality 2.

Built features associated with the Pundeavon Hydro track include road bridge with exposed concrete formation. There is also evidence of fill being used to accommodate track levels, as well as exposed, above-ground sections of pipework.



Steep-sided embankments (some >3m in height) are located along the Pundeavon Hydro track. The angle of cut and degree of overhang does not lend itself to natural regeneration. The scale of these features mean that they are visible from wider parts of the Garnock valley and surrounding hillsides.







RADIO CITY COMMUNITY TURBINE, NORTH AYRSHIRE

WILD LAND ASSESSMENT

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10/06/2019

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Appendix A – Landscape Figures

1 Introduction

This Wild Land Assessment of the proposed Radio City Community Turbine (the 'Proposed Development') has been prepared by TGP Landscape Architects Ltd, a firm of independent consultants. The assessment has been prepared with the aim of identifying the potential effects of the Proposed Development, located 3.5km north of Kilbirnie, North Ayrshire on the special qualities of the Waterhead Moor – Muirshiel Wild Land Area (WLA).

The assessment has been informed by feedback from Scottish Natural Heritage, and is augmented by the following supporting figures within Appendix A:

- Figure 1: ZTV with Wild Land Area;
- Figure 2: Baseline Developments;
- Figure 3: Routes and Survey Point locations; and
- Survey Point Photosheets 1 – 12.

1.1 The Proposed Development

The Proposed Development comprises a single turbine, 110m to blade tip (65m to hub), associated infrastructure (external transformer and switchgear), hardstanding and extension of an existing access track. With reference to **Figure 1**, the turbine would be located on land north of Standingstone Hill at grid ref: 229172 658616 (the 'Site'). The Site is located on the western side of the River Garnock valley at an elevation of approximately 328m AOD. The valley is enclosed by higher ground to the east and west, comprising Ladyland Moor to the east (which rises to 389m AOD) and the summits of Black Law and Greenside Hill to the west (which reach 466m and 447m AOD respectively).

The proposed access track extends approximately 2.1km northwards from the farmstead at Plan, past the Pundean Reservoir, towards the Site. The Proposed Development would also result in a localised area of ground clearance at the foot of the turbine, comprising open moorland, to facilitate construction.

By its nature, the Proposed Development would result in effects which it would not be feasible to fully mitigate. However, the location of the proposed turbine has been chosen to avoid any notable ridgelines / summits. The surrounding landform, which rises to the east and west of the Site would restrict visibility across the wider area. In terms of colour and materials, the proposed structures would be painted with a recessive colour.

1.2 Project Background

A planning application for the Proposed Development was submitted to North Ayrshire Council in January 2019, with supporting Landscape and Visual Appraisal (prepared by others). The findings of the Landscape and Visual Appraisal concluded that the key landscape and visual effects would be focused within approximately 2km of the Proposed Development, including parts of the Waterhead Moor – Muirshiel WLA.

The application was refused by North Ayrshire Council in March 2019. One of the reasons for refusal related to the potential adverse effects on the character of the Waterhead Moor – Muirshiel WLA. At that time, Scottish Natural Heritage (SNH) objected to the Proposed Development on the basis that there was insufficient information on the effects on wild land qualities. Subsequent correspondence with SNH confirmed that a detailed assessment of effects on the WLA would be required before the holding objection could be withdrawn.

1.3 Scope of the Assessment

This Wild Land Assessment seeks to identify the potential effects that would occur as a result of the Proposed Development on the qualities of the Waterhead Moor – Muirshiel WLA. This will allow SNH to make an informed decision in relation to the Proposed Development.

With reference to the description of the Proposed Development in Section 1.1 of this report, the wind turbine is considered to be the main element of the Proposed Development with the potential to affect the physical and perceptual attributes of the WLA. However, the assessment also takes cognisance of the other proposed elements, such as the access track, and makes reference to them where relevant.

In accordance with post-application correspondence with SNH, including a Statement of Requirements dated 31st May 2019, and conference call dated 05th June 2019, the Study Area incorporates the full geographic extents of the WLA. Furthermore, the assessment is undertaken in accordance with the methodology set out in the SNH Draft Technical Guidance *Assessing Impacts on Wild Land Areas* (2017). The methodology is described in further detail below.

2 Guidance and Methodology

2.1 Guidance

The methodology presented here is based on the following best practice guidance:

- *Assessing Impacts on Wild Land Areas – Draft Technical Guidance* (SNH, 2017); and
- *Guidelines for Landscape and Visual Impact Assessment 3rd Edition* (GLVIA3) (Institute of Environmental Management and Appraisal and the Landscape Institute, 2013).

In addition, reference has been made to other published guidance and baseline material, including the following:

- *Description of Wild Land Area: 04 Waterhead Moor – Muirshiel* (SNH, 2014);
- Ordnance Survey maps;
- Field survey; and
- Aerial photography.

2.2 Methodology

The Wild Land Assessment is based on the stepped approach within the SNH Draft Technical Guidance *Assessing Impacts on Wild Land Areas* (2017). In summary, this involves:

- Definition of Study Area and scope;
- Establishment of baseline conditions;
- Establish sensitivity of the baseline to the Proposed Development;
- Assessment of the potential effects; and
- Judgement of the significance of effect.

Study Area and Scope

The Study Area and scope is defined in relation to the scale of the Proposed Development and the extent of potential effects to facilitate a proportionate assessment. In this instance, the full geographic extent of the Waterhead Moor – Muirshiel WLA has been considered, as summarised in Section 1.3 of this report. This reflects the relatively limited geographic size of the WLA. The focus of the assessment is further informed by the extent of visibility and the potential routes / movement corridors through the WLA.

The assessment considers all of the Wild Land qualities described in the *Description of Wild Land Area: 04 Waterhead Moor – Muirshiel* (SNH, 2014). These are:

- *A wild land area with a surprisingly strong sense of naturalness;*
- *Few human elements within the WLA, in contrast to the surrounding landscape; and*
- *An area where wild land qualities are restricted in extent, but which can be widely appreciated from the surrounding areas.*

Baseline Conditions

The baseline appraisal seeks to establish to what extent the physical and perceptual attributes of wild land are present. The baseline conditions have been informed by the description of WLA qualities within SNH's *Description of Wild Land Area: 04 Waterhead Moor – Muirshiel* (2014) ('the 2014 Description'). These have been further augmented by desk-based study, and field work undertaken by a chartered Landscape Architect in early June 2019.

Recent changes to the WLA, which have occurred during the intervening time since publication of the 2014 Description, include the introduction of the Pundeavon Hydro Scheme (including associated access track) in the southern part of the WLA, as well as the Halkshill Hydro Scheme (comprising Greeto and Gogo Waters) and the Halkshill and Blair Park woodland proposal (currently under construction) on the western edge of the WLA.

In addition, the existing Pundeavon Reservoir on the southern edge of the WLA, which was built in 1907 and comprised a 20m high earth-fill embankment, was decommissioned in 2016. As a result, the dam was breached and the reservoir was partially drained. The embankment was reduced, albeit remnant parts are still evident.

The locations of these developments are illustrated in **Figure 2**. Photosheets illustrating the current conditions within the WLA (based on a site visit by a chartered Landscape Architect on 04/06/2019) are illustrated in Survey Point photosheets 1 – 12, with the locations of the Survey Point illustrated in **Figure 3**.

Sensitivity of Wild Land Qualities

Sensitivity is based on the correlation between value and susceptibility to change. WLAs are considered to be of high value, albeit the susceptibility of WLA qualities to change varies dependent on how intact their physical and perceptual attributes are, and the specific type and scale of change proposed. In this assessment, judgements in relation to the sensitivity of WLA qualities specific to the Proposed Development are defined in terms of being High, Medium or Low. These are defined in general terms as follows:

- High – The area is very sensitive to the Proposed Development due to its overriding sense of wildness and/or remoteness. Typically, there will be little evidence of human influence on the landscape and strong impressions of isolation. It is likely to be difficult to access with a rugged and challenging terrain, inspiring qualities and a considerable sense of awe or risk;
- Medium – The area is of moderate sensitivity to the Proposed Development based on a generally prevailing sense of wildness. It is likely to be fairly remote although locally influenced by some human interventions or neighbouring land uses. There is likely to be some rugged or challenging terrain and impressive or dramatic views from some areas and a general sense of isolation; and
- Low – The area is of reduced sensitivity to the Proposed Development on the basis that the Wild Land qualities are influenced by human interventions such as tracks, paths and forestry, which form a local characteristic. There will be some difficult terrain with a limited degree of risk, but tracks and paths will provide easier routes through the landscape. A sense of solitude or isolation is likely to be experienced in some areas and there may be some expansive or impressive views.

Assessment of Potential Effects

The assessment of effects on each WLA quality is undertaken separately. The assessment takes cognisance of the potential changes to the physical and perceptual attributes that define the WLA quality in each case.

For the purposes of this assessment, the magnitude of change is based on the following criteria:

- Substantial – Total loss or considerable alteration to Wild Land attributes;
- Moderate – Partial loss or alteration to Wild Land attributes;
- Slight – Minor loss or alteration to attributes resulting in a limited change to the baseline;
- Negligible – Very minor or no loss to the baseline attributes. The introduction of the Proposed Development would not notably change the baseline appraisal.

Judgement of the significance of effect

A final judgement on the significance of the potential effect on each WLA quality is based on the correlation of sensitivity with the magnitude of change, as per the approach within GLVIA3. In order to provide a level of consistency to the assessment, the significance of residual effects is based on the matrix in Table 1, below.

Table 1: Effects Matrix

Sensitivity	Magnitude of Change				
		Substantial	Moderate	Slight	Negligible
	High	Major	Major/Moderate	Moderate	Minor
	Medium	Major/Moderate	Moderate	Moderate/Minor	Minor/Negligible
	Low	Moderate	Moderate/Minor	Minor	Negligible

This matrix is not used as a prescriptive tool. Instead, the approach allows for the exercise of professional judgement, augmented by clear narrative in accordance with GLVIA3, which states that *“professional judgement is a very important part of the LVIA”* (para 2.23) and that *“in all cases there is a need for the judgements that are made to be reasonable and based on clear and transparent methods so that the reasoning applied at different stages can be traced and examined by others”* (para 2.24).

Where the landscape or visual effect has been classified as Major or Major/Moderate this is considered to be significant. Where Moderate effects are predicted, professional judgement is applied to ensure that the potential for significant effects arising has been thoroughly considered.

3 Zone of Theoretical Visibility Analysis

Figure 1 illustrates the geographic location of the Proposed Development, which is located in the southern part of the Waterhead Moor – Muirshiel WLA, 3.5km north of Kilbirnie.

The Zone of Theoretical Visibility (ZTV) has been prepared on the basis of ‘bare ground’ and does not take into account the potential screening effects of surrounding vegetation (see Appendix A for ZTV methodology). The ZTV reflects the landform of the River Garnock valley, which rises to the east and west of the Site, and the rolling nature of the surrounding upland topography. ZTV coverage across the Waterhead Moor – Muirshiel WLA extends approximately 1.5km to the west, where it is contained by the summits of Black Law and Greenside Hill, and 1.5km to the east, as far as Burnt Hill and Ladyland Moor.

Potential visibility to the north is more widespread, extending approximately 4.4km towards the centre of the WLA, albeit is fragmented by intervening summits such as Wings Law, Capet Law and Murchan Hill. To the south, ZTV coverage extends to the boundary of the WLA, at a distance of 1km to the south of the Site.

Views of the Proposed Development would be completely absent across the majority of the WLA, including the expansive geographic areas in the western part of the WLA, as well as peripheral parts along the northern and eastern edges. As such, across the majority of the WLA there would be no views and no effect on its underlying qualities.

The existing views from select parts of the WLA are illustrated in Survey Point photosheets 1 – 12 with their locations shown in **Figure 3**. Key routes through the WLA, as identified on OS maps and hill walking websites, are also shown in **Figure 3**. The Survey Points incorporate views from several of these tracks/routes in order to illustrate the landscape characteristics experienced by visitors across different parts of the WLA.

Survey Points 1 – 6 show the baseline experience on approach to the center of the WLA on the existing track from the south. Survey Point 7 shows the experience from the River Garnock valley-floor, whilst Survey Points 8 – 11 show the sequential nature of views experienced from the ridgeline on the eastern side of the River Garnock valley, which was observed being used by members of the public as a recreational route during field work undertaken on 04/06/2019. The Survey Points also include key summits that show evidence of visitation by recreational hill walkers on independent hill walking enthusiast websites (see Survey Point 12 at Hill of Stake). The References section at the end of this report lists the websites used for information).

4 Potential Effects on Wild Land

This section examines the potential effects on the Waterhead Moor – Muirshiel WLA arising as a result of the Proposed Development. The assessment is set out in tabular format in accordance with SNH guidance, and considers each WLA quality in turn. The effects are considered to be adverse unless otherwise stated.

The assessment considers the effects on WLA qualities in the locality of the Site, and across the full extent of the WLA. For the purposes of this assessment the Site Locality is defined as the Site and surrounding Garnock valley, which due to enclosure by the surrounding landform forms a distinct geographic component within the wider WLA.

Table 2: Assessment of Potential Effects on WLA Qualities

Baseline Conditions	Sensitivity	Assessment of Effects
WLA Quality: A wild land area with a surprisingly strong sense of naturalness		
<p>The ‘natural’ ground cover of moorland, rough grassland and blanket mire described within the 2014 Description are still very much in evidence across the WLA, including the local context surrounding the Site. The waterfalls and occasional broad-leaved tree within the lower lying areas (including those along the banks of the River Garnock to the east of the Site) also continue to promote a strong sense of naturalness.</p> <p>Localised changes to this quality are evident in the locality of the Site, where the access track associated with the Pundeavon Hydro Scheme represents a new horizontal feature extending north-south along the western side of the River Garnock valley. In places the track’s presence is augmented by borrow pits, steep-sided embankments, culverts and bridges, as well as associated drainage ditches along select sections.</p> <p>The physical presence of the track influences the perceptual aspects of the locality, and partly erodes the sense of naturalness and the sense of physical challenge. This is augmented by the presence of the Pundeavon reservoir on the southern edge of the WLA, which is experienced sequentially with the Pundeavon Hydro Scheme. From a geographic perspective, the influence is primarily focused within the Garnock valley and surrounding hillsides / summits. Views of the track from the valley floor and banks of the River Garnock itself are more limited, particularly where the surrounding landform results in a greater sense of enclosure (see Survey Point 7). In these areas the sense of naturalness remains more clearly pronounced. Similarly, the influence of the Pundeavon Hydro</p>	<p><u>Site Locality:</u></p> <p>The sensitivity of the WLA to the Proposed Development is considered to be Medium in the locality of the Site. This is based on the balance between the more natural aspects of the WLA (which remain key characteristics within the Garnock valley) but which are influenced by human interventions associated with the Pundeavon Hydro Scheme and Reservoir.</p> <p><u>Wider WLA:</u></p> <p>Sensitivity is deemed to be High in other parts of the WLA. In this instance, this includes the low-lying River Garnock valley floor as well as wider parts of the WLA (outwith the Garnock valley). Across these areas the influence of the Pundeavon Hydro Scheme is more limited and there is an overriding sense of naturalness, enhanced by the rugged and</p>	<p><u>Site Locality:</u></p> <p>The Proposed Development would introduce a new element of infrastructure to the locality, which would and contrast with the more natural characteristics within the Garnock valley and augment the existing human influences. With regard to the vertical nature and scale of the turbine, balanced by its limited footprint, the magnitude of change would be Substantial/Moderate. The resultant level of effect would be Major/moderate.</p> <p><u>Wider WLA:</u></p> <p>With reference to the ZTV, views of the Proposed Development would be limited to localised parts of the WLA primarily limited to the more elevated hilltops encompassing the wider Garnock Valley. From summits to the east and north, the Proposed Development would be experienced within the same context as the existing Kelburn / Millour Hill wind farms (refer to Survey Points 9, 11 and 12 at the summits of Misty Law, East Girt Hill and Hill of Stake). Whilst the Proposed Development would slightly increase the visible extent of wind turbines within such views, the effect on the existing sense of</p>

<p>Scheme does not extend to wider parts of the WLA due its low-lying nature and enclosure by the surrounding landform.</p> <p>The Halkshill Hydro Scheme and the Halkshill & Blairpark Woodland Creation Project exert an influence on the geographically separate western edge of the WLA. The access track and new areas of planting (in particular the coniferous species) diminish the more natural qualities of the landscape. The influence of these developments upon the WLA are also localised and primarily restricted to the westerly-facing slopes and summits of Feuside Hill, Brown Hill and Lang Hill. These developments exert no influence on the natural qualities of the wider parts of the WLA, including interior areas, or the locality of the Proposed Development.</p>	<p>challenging terrain, and reduced sense of accessibility.</p>	<p>naturalness would be limited. The Proposed Development would typically be perceived as being located on the outer edge of the WLA, against a developed lowland context. The existing moorland ground cover and general lack of contemporary landuses would remain predominant attributes across such areas. There would be no views of the Proposed Development and no effect on the sense of naturalness across the majority of the WLA. The magnitude of change on the sense of naturalness across the wider WLA would be Slight/Negligible. The resultant level of effect would be Moderate/minor.</p>
<p>WLA Quality: <i>Few human elements within the WLA, in contrast to the surrounding landscape</i></p>		
<p>The 2014 Description makes reference to the relative absence of human artefacts and contemporary landuse within the WLA. Exceptions to this are acknowledged in the form of post-and-wire fences, cairns at the more prominent summits, signs of land drainage and a constructed track to Misty Law. The 2014 Description also acknowledges the views of surrounding development from more elevated vantage points, such as Hill of Stake, where residential settlement and power lines are visible beyond the extents of the WLA and diminish the sense of remoteness.</p> <p>Across the WLA this description remains predominantly unchanged. However, as described above, the access tracks, bridges, intakes and outfalls associated with the Pundeavon Hydro Scheme and Halkshill Hydro Scheme represent notable new elements of built form within the WLA. The influences of these developments are relatively localised due to their typically lower-lying locations adjacent to water courses. However, there</p>	<p><u>Site Locality:</u></p> <p>The sensitivity of the WLA to the Proposed Development is considered to be Medium in the locality of the Site. This is based on the introduction of the Pundeavon Hydro Scheme track, which forms a continuous linear feature extending approximately 4km northwards from the Pundeavon Reservoir. The route of the track extends directly past the Site where it represents a notable human element in the local landscape. The presence of the track contrasts with the physical</p>	<p><u>Site Locality:</u></p> <p>The Proposed Development (in particular the turbine) would introduce a new human element to the Garnock valley. However, it would be located immediately adjacent to the existing Pundeavon Hydro Scheme track – a notable existing human element. The influence of ground-based infrastructure and hardstanding would blend into the existing track and exert very limited influence on this WLA quality. The vertical scale of the turbine, would augment the influence of the existing track on the surrounding landscape. On balance, the magnitude of change would be Substantial/Moderate. The resultant level of effect would be Major/moderate.</p>

<p>are clear views of the Pundeavon Scheme from summits along the outer edge of the Garnock valley, including Misty Law. The route of the associated undergrounded pipe is also currently visible from such vantage points, albeit will gradually blend into the surrounding landscape as vegetation re-establishes along its length.</p> <p>The Halkshill & Blairpark Woodland Creation Project (which is currently under construction) will result in the introduction of some additional access tracks, albeit these will be focused on the outer-most western edge of the WLA. In time, the tracks and infrastructure associated with the Halkshill Hydro Scheme and the Halkshill & Blairpark Woodland Creation Project will be disguised by tree cover. Conversely, the track associated with the Pundeavon Hydro Scheme will remain unscreened, and represent a lasting linear feature within the Garnock valley.</p>	<p>and perceptual attributes that underpin this particular WLA quality.</p> <p><u>Wider WLA:</u></p> <p>Sensitivity is deemed to be High in other parts of the WLA, which remain predominantly free of human elements, with the exception of the scattered features listed in the 2014 Description. The majority of the human elements associated with the Halkshill Hydro Scheme and Halkshill & Blairpark Woodland Creation Project are / will be located outside the WLA.</p>	<p><u>Wider WLA:</u></p> <p>With reference to the ZTV, views of the Proposed Development would be restricted to localised parts of the WLA. From the summits encompassing the wider Garnock Valley the Proposed Development would represent a new human element within the view, albeit on the outer edge of the WLA, and against a developed lowland context (hence any sense of ‘contrast to the surrounding landscape’ would be relatively limited). There would be no views of the Proposed Development across the majority of the WLA. As a result, the sense of there being a lack of human elements would remain intact. The magnitude of change on this WLA quality across the wider WLA would be Slight/Negligible. The resultant level of effect would be Moderate/minor.</p>
<p>WLA Quality: <i>An area where wild land qualities are restricted in extent, but which can be widely appreciated from the surrounding areas</i></p>		
<p>The Waterhead Moor – Muirshiel WLA encompasses a geographic area of approximately 50km². The 2014 Description makes reference to this being the smallest of all mainland WLAs and notes that the small extent is evident from the interior parts of the WLA, with the exception of lower-lying valleys and glens.</p> <p>This is still very much in evidence, with clear views of the neighboring developed areas of lowland experienced from the more elevated parts of the WLA (refer to Survey Points 9, 11 and 12 at the summits of Misty Law, East Girt Hill and Hill of Stake). The ‘inspiring panoramas’ to Cumbrae, Bute and Arran mentioned in the 2014 Description are also unaltered.</p>	<p><u>Site Locality:</u></p> <p>The sensitivity of the WLA to the Proposed Development is considered to be Medium in the locality of the Site. This is based on the balance between the more enclosed nature of Garnock valley (which restricts views of the surrounding developed lowlands to an extent) with the presence of existing human influences</p>	<p><u>Site Locality:</u></p> <p>The Proposed Development would introduce a new human element to the locality. The turbine would be located on the southern part of the WLA, and would be experienced sequentially with the Pundeavon Reservoir and Pundeavon Hydro Scheme. The Proposed Development would augment the existing perceptual experience within the Garnock valley, in which the developed lowlands partially extend northwards into the valley. The magnitude of change</p>

<p>These surrounding landuses and human elements reduce the sense of remoteness and sense of risk to an extent, although the physical challenge associated with the rough terrain remains unaltered. The WLA remains a rugged backdrop to the surrounding settled lowlands and is a popular recreational resource for people, as evident from observations of hill walkers traveling between the summits of Hill of Stake and Misty Law recorded during field work in June 2019. Its popularity with visitors impinges upon the sense of remoteness and potential for solitude.</p>	<p>in the form of the Pundeavon Hydro Scheme track and the remnants of Pundeavon Reservoir, which represent an extension of the settled lowlands into the southern part of the WLA.</p> <p><u>Wider WLA:</u></p> <p>Sensitivity is deemed to be Medium in other parts of the WLA, in which the wild land attributes are typically more pronounced / intact, albeit the limited geographic extent of the WLA is apparent and views of surrounding settlement influences the sense of remoteness and solitude.</p>	<p>would be Moderate. The resultant level of effect would be Moderate.</p> <p><u>Wider WLA:</u></p> <p>From the summits encompassing the wider Garnock Valley the Proposed Development would represent a new human element within the view. It would typically be perceived as an element on the outer edge of the WLA, and against the developed lowland context (incorporating existing wind energy development in views from higher summits such as Misty Law). In such views the introduction of the turbine would reinforce the perception that the geographic spread of this WLA is limited in extent. There would be no change to the 'inspiring panoramas' to Cumbrae, Bute and Arran (refer to Survey Point 12 at Hill of Stake).</p> <p>With reference to the ZTV, there would be no views of the Proposed Development across the majority of the WLA. As a result, the 'restricted extent' of the WLA would be unaffected.</p> <p>The magnitude of change on this WLA quality across the wider WLA would be Negligible. The resultant level of effect would be Minor.</p>
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<p>Overall Judgement of Significance</p>	<p>There would be localised significant effects on the qualities comprising the ‘sense of naturalness’ and ‘few human elements’. These would be primarily restricted to the landscape surrounding with Site within the Garnock valley, extending approximately 1.5km to the east and west, 1km to the south (to the southern edge of the WLA) and approximately 2-3km to the north where the visual influence of the turbine would extend slightly further along the valley. Local effects on the quality relating to the ‘restricted’ extent of the WLA would not be significant. This is due to the influence of the existing Pundeavon Reservoir and Pundeavon Hydro Scheme, which represent an extension of the settled lowlands into the southern part of the WLA. It is acknowledged that the influence of the Proposed Development would augment that associated with these existing baseline developments, however, it would not encroach any further into the interior of the WLA and the effects would not be significant.</p> <p>In terms of effects on the wider WLA, beyond the confines of the Garnock valley, views of the Proposed Development would be more limited. From elevated vantage points the turbine would be experienced on the outer edge of the WLA, where it would account for a narrow angle of view in a background context comprising settled lowlands, as well as existing wind energy development in some areas. As a result, the Proposed Development’s influence on the sense of naturalness and its presence as an additional human element within the landscape would be more limited. Instead, the existing physical and perceptual attributes, including the natural ground cover/vegetation, water courses, absence of human artefacts and contemporary landuse, and the sense of physical challenge associated with the rough terrain would re-exert themselves as the dominant components of the landscape. There would be no views of the Proposed Development from the majority of the WLA, including western areas, and northern and eastern peripheries. As such, across the majority of the WLA there would be no views and no effect on its underlying qualities. The residual effects on the WLA qualities would not be significantly altered across the WLA as a whole.</p>
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5 Conclusions

In summary, the Proposed Development would represent the introduction of a new human influence into the southern part of the Waterhead Moor – Muirshiel WLA. This represents a sensitive environment, with limited human elements and a strong sense of naturalness. Cognizance of local landscape sensitivity specific to the Proposed Development has been taken into account in the assessment.

Baseline analysis has established that within the Site locality, comprising the River Garnock valley, the physical and perceptual attributes of the WLA are influenced by existing development comprising the Pundeavon Hydro Scheme and the remnants of the Pundeavon Reservoir. These baseline developments exert an influence on the WLA qualities defined in the 2014 Description.

The Proposed Development would augment the influence of these baseline developments, representing an additional human element that would contrast with the more natural characteristics of the surrounding landscape. However, the visually contained nature of the valley landform in which the Site is located means that the Proposed Development would not be widely visible across the WLA. Instead, the influence of the Proposed Development would be focused within the Garnock valley and surrounding hilltops, where the turbine would be experienced in a context of existing development (Pundeavon Hydro Scheme track). From elevated vantage points it would be experienced on the outer edge of the WLA against a settled lowland background context. With reference to the limited extent of this WLA; there would be limited effect on any sense of remoteness, risk or solitude, as these attributes are not particularly evident within this specific WLA (as acknowledged in the 2014 Description).

In summary, the assessment findings conclude that there would be localised significant effects on the qualities of 'sense of naturalness' and 'few human elements'. However, the effects on these qualities would not be significant across the WLA as a whole. There would be no significant effects on the WLA quality relating to the 'restricted' extent of the WLA.

References

Publications

Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3); Institute of Environmental Management and Appraisal and the Landscape Institute, 2013;

Landscape Character Assessment: Guidance for England and Scotland; Prepared on behalf of the Countryside Agency and Scottish Natural Heritage, Land Use Consultants, 2002;

Landscape Character Assessment Topic Paper 6 – Techniques and Criteria for Judging Capacity and Sensitivity; the Countryside Agency and Scottish Natural Heritage, 2004;

Assessing Impacts on Wild Land Areas – Draft Technical Guidance; Scottish Natural Heritage, 2017; and

Description of Wild Land Area: 04 Waterhead Moor – Muirshiel; Scottish Natural Heritage, 2014.

Other Sources

<https://www.north-ayrshire.gov.uk/planning-and-building-standards/planning-and-building-standards>

<https://www.walkhighlands.co.uk/glasgow/ayrshire.shtml>

<https://www.ldwa.org.uk>

<https://getoutside.ordnancesurvey.co.uk/>

<https://www.viewranger.com/en-gb>

Appendix A: Landscape Figures

Figure List

- Figure 1: ZTV with Wild Land Area;
- Figure 2: Baseline Developments;
- Figure 3: Routes and Survey Point locations; and
- Survey Point Photosheets 1 – 12.

Methodology: Zone of Theoretical Visibility

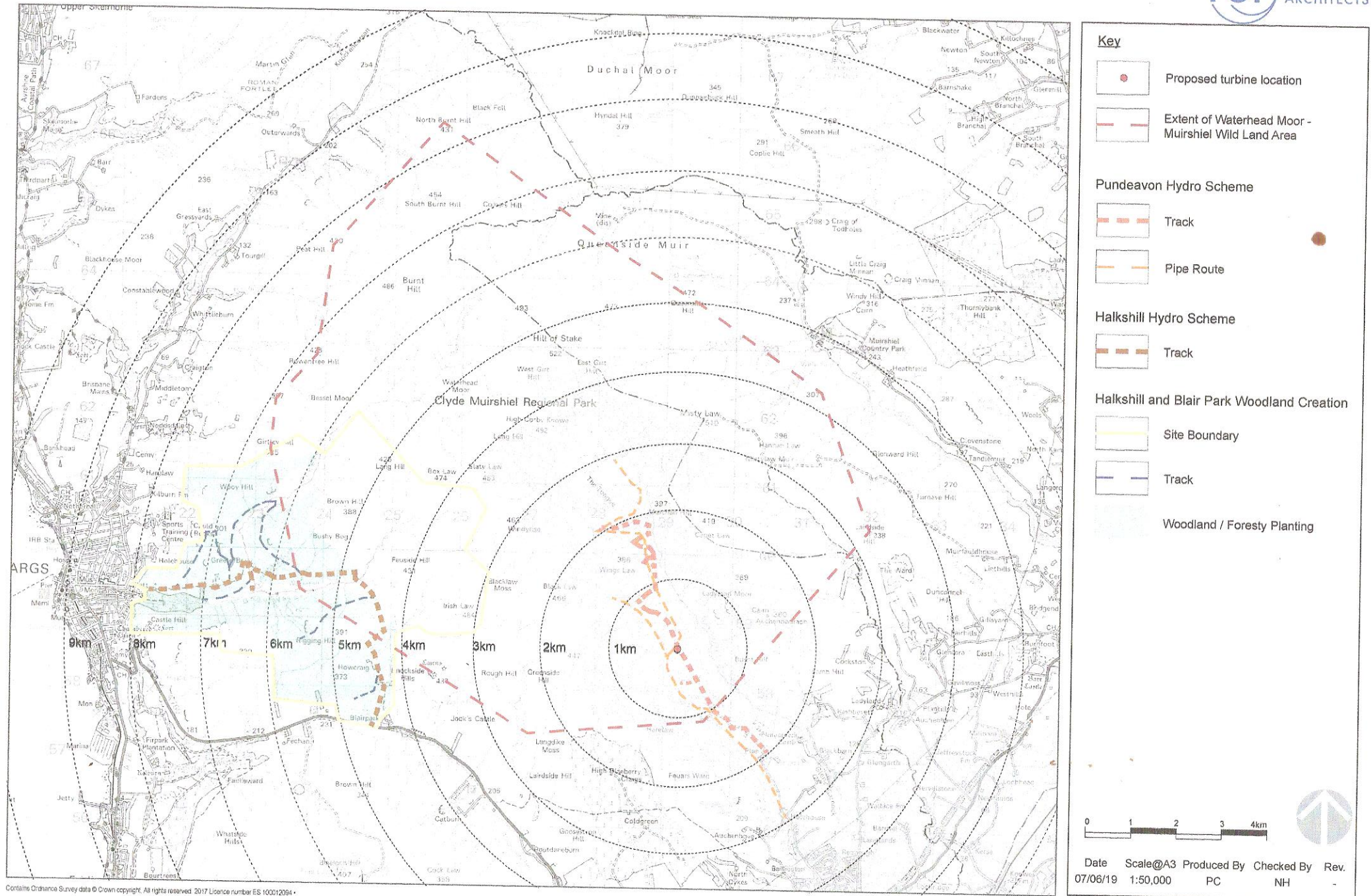
A computer-generated Zone of Theoretical Visibility (ZTV) plan has been prepared to indicate the potential influence of the Proposed Development in the wider landscape.

The ZTV has been prepared at 1:50,000 scale to indicate the extent of potential visibility on the basis of bare ground, and does not include the screening effects of intervening established tree cover. The ZTV indicates areas from which it might be possible to secure views of part, or parts, of the Proposed Development. However, use of the ZTV needs to be qualified on the following basis:

- There are a number of areas within the ZTV from which there is potential to view parts of the Proposal Development, but which comprise open moorland, or other land where the general public do not appear to exercise regular access;
- The ZTV does not account for the screening effects and filtering of views as a result of intervening features, such as trees and forestry;
- The ZTV does not account for the likely orientation of a viewer – for example when travelling.

In addition, the accuracy of the ZTV has to be considered. In particular, the ZTV is generated from Ordnance Survey (OS) Landform Panorama digital data based on a gridded terrain model with 5m cell sizes. The resolution of this model cannot accurately represent small-scale terrain features, which can therefore give rise to inaccuracy in the predicted visibility. This can lead to underestimation of visibility – e.g. a raised area of ground permitting views over an intervening obstruction, or can lead to overestimation of visibility – such as where a roadside embankment obscures a view.

Figure 2 - Baseline Developments



Standingstone Hill, Wind Turbine proposal.

- SNH role in the planning system

SNH is a Scottish Government Agency and we have a duty to provide advice to planners, developers and other interests to help achieve the right development in the right place. Our role in the planning system is set out in our service statement “Planning for Great Places”.

- Outline of our involvement in case:-
 - We were consulted by NAC planning 7 January 2019 and issued a response on 10 January 2019 (SNH Doc 1). This was a brief response which reflected our normal level of engagement with single wind turbine developments in the wider countryside (where no issues of national importance are involved).
 - We withdrew our original advice and provided a further response on 8 February (SNH Doc 2) to correct our oversight of the turbine location being within a wild land area. Recognising that there could potentially be issues of national importance, this response was a holding objection, requesting a wild land impact assessment to enable us to provide advice on the likely impacts on the qualities of the wild land.
 - On receipt of the wild land assessment we undertook an appraisal of the effects. This included site visits by both the Landscape Advisor and the SNH Director of Sustainable Growth (10 July 2019) to consider the effects on the national interest.
 - When a proposal is considered to raise issues of national interest, which this one does, we have a rigorous process of specialist assessment and any recommendations for objection are then considered by the Director of Sustainable Growth who may call a National Interest Panel (SNH Doc 4) before he decides on the position SNH should take. Each case is determined on its own merit. A national interest panel was held on 22 July and supported the recommendation to object to the proposal. The director of Sustainable development approved this outright objection.

Catherine Harry

- Wild land and assessment of impacts.

My name is Catherine Harry and I am a Chartered Landscape Architect and experienced landscape and policy advice officer with Scottish Natural Heritage (SNH). My responsibilities include advising on wind farms of varying scales, thereby developing a comprehensive understanding of their likely impacts on a range of landscapes. I have led or contributed to SNH's work on wild land since 2006, including the development of the national maps of relative wildness and Wild Land Areas (WLAs), SNH's draft technical guidance: Assessing impacts on Wild Land Areas, and the descriptions of Wild Land Areas. This includes my direct involvement in the identification of WLA 4 and managing

the contract preparing WLA Descriptions. My input into this case will focus on the area which SNH consider raise natural heritage issues of national interest, that being impacts on the Waterhead Moor- Muirshiel Wild Land Area 4 (WLA).

We appraised the application using relevant information provided within the LVIA, the Wild Land Assessment, the SNH wild land descriptions and field work, together with our own extensive understanding and experience of assessing wind farm developments which are likely to affect wild land qualities.

The effects of this proposal would extend across a large part of this smallest mainland WLA, into areas of the interior where wild land qualities are strongly expressed. This proposal represents a disproportionate effect for the scale of the proposal on this WLA. As a result of the prominence of the turbine and the extent of area affected, effects on quality 2 of the Waterhead Moor – Muirshiel WLA 4 will be significant and of National Interest

All three of the wild land qualities for this small WLA have been considered, and whilst effects have been identified for the first and third, neither are considered to be significant, this is in line with the applicant's assessment. This advice therefore focuses on the second wild land quality '*Few human elements within the WLA, in contrast to the surrounding landscape*' which is where the discrepancy lies. Quality 2 captures the general lack of obvious human elements across an extensive area engendering a high sense of remoteness and sanctuary. The description clearly notes that development outside of the WLA is visible in all directions which highlights the contrast identified in this quality.

Since the descriptions were published in 2014 there have been some changes to this WLA which we need to recognise before we can appraise the effects of this proposal. Relevant changes to the assessment baseline have been detailed within our advice at paragraph 4.2 (SNH Document 4). We understand that the Halkshill and Blairpark woodland scheme has now commenced therefore if this is completed in accordance with its permission this scheme will form part of the new baseline.

The changes to the baseline include low level permanent features and a woodland proposal of relatively limited extent within the WLA, and do not significantly affect the interior where WL qualities are strongly expressed. Importantly they allow the contrast between the WLA and the surrounding landscape to be well expressed. Quality 2 therefore remains strongly expressed.

The sensitivity of Quality 2 to this proposal is considered to be high as the vertical nature of the proposal will result in effects being widespread across the WLA which is both small in its extent and does not benefit from large scale landscape undulations screening the proposal.

In contrast to existing human elements which lie within the WLA the effects of this proposal would extend across a large part of this small WLA, as illustrated by the various ZTVs provided within the LVIA/ wild land assessment. The proposed 110m high, pale colour, moving turbine located within the WLA will be visible through the River Garnock corridor into the interior of the WLA as far as Hill of Stake 4km to the north west of the proposal, and up onto its side slopes 1.5km both north east and south west. From these interior locations quality 2 is strongly expressed as there is very limited obtrusive human elements evident resulting in a relative absence of human artefacts and those which are there (such as stock fencing) are low lying and unobtrusive. The description confirms this;

“Together with signs of land drainage, these unobtrusive and isolated human artefacts have a limited effect on the overall sense of remoteness and sanctuary. A constructed track, which provides access to Misty Law (510 m) from the south east, has a more noticeable effect on these wild land qualities.”

The turbine will reduce the sense of remoteness and a resulting sense of sanctuary as it will appear as an isolated development in an area where currently they are minimal.

As a result of the prominence of the turbine and the extent of area affected, effects on quality 2 of the Waterhead Moor – Muirshiel WLA 4 will be significant and of National Interest. Scottish Planning Policy paragraph 215 is engaged and this proposal will fail this policy.

We will be happy to clarify any points you wish to raise.

Thank you.

Documents attached:-

SNH DOC 1 SNH Planning response (withdrawn) 10 January 2019
SNH DOC 2 SNH response 8 February 2019 – Holding Objection
SNH DOC 3 SNH landscape advice 11 July 2019
SNH DOC 4 SNH National Panel Paper 19 July 2019
SNH DOC 5 SNH final response 26 July - letter of Objection
SNH DOC 6 SNH Wild Land Description
SNH DOC 7 ZTV of proposed turbine.
SNH DOC 8 Radio City Community Turbine Landscape and Visual Appraisal, (Appendix F2 figures).
SNH DOC 9 SNH Assessing the impacts on wild land Technical Guidance 2017.

For the attention of Mr A Hume

Our Ref: CNS/REN/WF/NA: CDM153799

Your Ref: 18/01123/PP

Dear Mr Hume

Town and Country Planning (Scotland) Act 1997

Erection of 2.5 MW wind turbine measuring 110m to blade tip and 65m to include associated earthworks and infrastructure at Site to North of Standingstone Hill, Kilbirnie, North Ayrshire

Thank you for your consultation to Scottish Natural Heritage dated the 7th January 2019 with regards to the above-mentioned.

I can confirm that we are satisfied with the level of survey and with the mitigation recommendations provided in the Preliminary Ecological Appraisal report (ARCUS, Dec 2018).

Should you wish to discuss this further, please do not hesitate to contact me.

Yours sincerely

Date: 8 February 2019
Our Ref: CNS/REN/WF/NA: CDM153799
Your Ref: 18/01123/PP

Dear Sirs

**Town and Country Planning (Scotland) Act 1997
Erection of 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to
include associated earthworks and infrastructure North Of Standingstone Hill,
Kilbirnie, Ayrshire**

Thank you for your consultation dated 7 January 2019 with regards to the above-mentioned proposal.

Nationally and Internationally Important Sites

This proposed site is situated within the Waterhead Moor - Muirshiel Wild Land Area and approximately 1.5kms south of the Renfrewshire Heights Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

Waterhead Moor – Muirshiel Wild Land Area (WLA)

The proposal is located within Waterhead Moor - Muirshiel WLA. Scotland's wild and remote areas have a distinct and special character, which is increasingly rare to find. Wild Land Areas are considered nationally important and merit strong protection. This wild land area is one of only three WLAs south of the Highland Boundary Fault.

There is insufficient information at the present time to determine whether the proposal will have any significant adverse effects on the qualities of the Waterhead Moor-Muirshiel Wild Land Area. We therefore object to this proposal until the further information detailed below is received from the applicant. We will comment further once the additional information is available.

As the applicant has not submitted sufficient information on the effects on the wild land qualities, we are unable to conclude the level of significance of the effects. We advise that a wild land assessment should be undertaken by the applicant; please see the following link for guidance <https://www.nature.scot/assessing-impacts-wild-land-technical-guidance-2017>. **Based on the information submitted, there is a strong possibility that SNH would object to this application for a proposal of this nature and scale in this location.** These comments are made without prejudice to any future supporting information (wild land assessment) for this application. Should the applicant wish to proceed with the application, we would be happy to agree the scope of the wild land assessment and help with any other queries they may have.

Special Protection Area / Site of Special Scientific Interest

The proposed site lies approximately 1.5kms from the Renfrewshire Heights SPA and SSSI, both designated for their breeding hen harrier population.

The nearest hen harrier breeding site lies over 2km from the proposed turbine site and the habitat surrounding the turbine is considered unsuitable for nesting. We, therefore, **advise** that there will be no Likely Significant Effect (LSE) on the hen harrier qualifying interest of the SPA and we consider an appropriate assessment to be unnecessary.



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

nature.scot

Memo / Meòrachan

1 Summary

1.1 We are now able to take a view on the effects of this proposal on the qualities of the Waterhead Moor - Muirshiel WLA and no further information is required from the applicant.

The proposal will appear as an isolated human artefact reducing the sense of remoteness and sanctuary. The effects of this proposal would extend across a large part of this smallest mainland WLA, into areas of the interior where wild land qualities are strongly expressed and represent a disproportionate effect for the scale of the proposal on this WLA. As a result of the prominence of the turbine and the extent of area affected, effects on quality 2 of the Waterhead Moor – Muirshiel WLA 4 will be significant and in my view of National Interest.

2 The Proposal

2.1 The proposal is for a single 2.5MW wind turbine measuring 110m to blade tip and 65m to hub to include associated earthworks and infrastructure with 2.1km of access track. It is located 3.5km north of Kilbirnie, North Ayrshire approximately 1km inside of the Waterhead Moor – Muirshiel Wild Land Area 4 (WLA).

3 The applicant's assessment of the effects

3.1 The applicant has provided a wild land assessment to aid the understanding of effects on this nationally important asset. Included within the assessment is Appendix A and although we welcome the use of the transect assessment points, it would have been useful to include a wireline or a montage of the proposal on the photographs to better understand how the turbine will be perceived within the landscape and ultimately the degree of effects on the qualities as described. **We are however content that no further information is required and that we are able to take a view on the effects of the proposal on the qualities of the Waterhead Moor - Muirshiel WLA 4.** The applicant's assessment has broadly followed SNH's 2017 guidance and whilst we recognise that this is both an evolving and challenging area of work there are a number of methodological issues which this assessment raises, the key ones being identified below.

- The application of sensitivity ratings (page 4 of the wild land assessment) draws on the 2007 guidance which we recognise gives more detail on this aspect than the 2017 guidance. However this approach does not allow for the varying contribution of attributes and responses which underpin each quality. Instead it relates to the attributes and responses regardless of the degree to which they are expressed within the quality being assessed. Ultimately we consider that this approach is not nuanced enough and risks under representing effects on particular combinations of attributes and responses.
- It is unclear why the assessment has separated out effects into those affecting the site locality (which has not been mapped therefore difficult to determine) and those affecting the wider WLA given that this particular WLA is small and the study area was agreed within SNH in advance. If this approach is adopted (as SNH and others have done in very large WLAs) then it is useful for the assessor to describe the contribution of the local area to the wider WLA to fully understand the effects being described and their ultimate effect on the overall qualities. It is our experience that when smaller sub areas are assessed, there is a risk that although effects will be identified at this level they may be diluted when considering the wider WLA. This is an especially important point for this small WLA isolated from others.

4 SNHs appraisal of effects on the qualities of the Waterhead Moor - Muirshield WLA

4.1 We have appraised the Radio City Community Turbine application using relevant information provided within the LVIA, the Wild Land Assessment, the SNH wild land descriptions and field work, together with our own understanding and experience of assessing wind farm developments which are likely to affect wild land qualities. The appraisal below is not a full wild land assessment, rather it highlights the key qualities (including their contributing attributes and responses) of the WLA which we consider this proposal will affect, their susceptibility, the magnitude of change and the significance of the effect. We have then concluded on the overall significance in terms of the qualities of WLA 4. The study area for this assessment was agreed with the applicants to be the whole of the WLA and effects therefore should also be concluded on the WLA as a whole.

4.2 The applicants wild land assessment has rightly sought to confirm any changes to the baseline since the descriptions were produced. We understand that the Halkshill and Blairpark woodland proposal, although consented, is yet to be implemented on the ground. We do not therefore consider that this proposal alters the baseline when assessing the effects of the turbine proposal. Relevant changes that have occurred within the WLA and which affect the strength of the wild land qualities include:

- The introduction of the Pundeavon Hydro Scheme including access track and buried pipeline, borrow pits in the southern part of the WLA. This proposal has substantially reduced the sense of naturalness and introduces obvious human artefacts into the WLA whilst the access track reduced remoteness and the resulting sense of risk.
- The Halkshill Hydro Scheme (comprising Greeto and Gogo Waters) on the western edge of the WLA has also reduced the sense of naturalness, remoteness and sanctuary. This proposal will affect different parts of this WLA than the turbine proposal therefore they will have cumulative effects of the strong sense of naturalness which is a key attribute underpinning the quality *A wild land area with a surprisingly strong sense of naturalness*.
- The Pundeavon Reservoir on the southern edge of the WLA was decommissioned in 2016. The dam was breached and the reservoir was partially drained. The embankment was reduced, albeit remnant parts are still evident. This change, once reinstatement is completed, will result in a slight increase in the sense of naturalness within the immediate environs of the lower River Garnock.

4.3 This WLA lies is the smallest mainland WLA and lies in relative isolation from other WLAs. Its proximity to population centres affords it the most accessible of all WLAs attracting many visitors. Although the proposed turbine would be located around 1km in from the southern margins, there will be extensive visibility of the turbine across the WLA (as confirmed by the ZTV in Figure 1). Visibility of the turbine will extend through the River Garnock corridor into the interior of the

WLA as far as Hill of Stake 4km to the north west of the proposal, and up onto its side slopes 1.5km both north east and south west.

Quality 1. A wild land area with a surprisingly strong sense of naturalness

4.4 One of the key attributes which underpins this quality is naturalness which has been enhanced to some degree as a result of the decommissioning of the Pundeavon reservoir. However the access track to the Pundeavon Hydro Scheme which we observed on site has resulted in a new obvious low level element highlighting contemporary land uses which will remain unscreened by vegetation and represent a lasting feature within the Garnock valley whilst reducing the sense of naturalness. We are aware that a section of this access track deviates substantially from the planning consent and would anticipate that these adverse effects will reduce if the track is restored and relocated to the contours agreed.

4.5 The susceptibility of this quality to the proposal is considered to be medium to high (therefore we agree with the applicants assessment), as although the proposal will reduce the strength of key attributes of this quality it is unlikely to have widespread effects on the strong sense of naturalness which is the key attribute that underpins this quality.

4.6 I am in agreement with the effects identified on this quality within the wild land assessment and that these effects will not be significant. This is due to the strong contribution that naturalness makes to how this quality is experienced and that this will continue to be strongly expressed across the WLA albeit diminished within the locality of the site.

Quality 2. Few human elements within the WLA, in contrast to the surrounding landscape

4.7 Other than the low level permanent features of the hydro which will have localised effects on the attributes which underpin this quality, other signs of human artefacts and contemporary land uses are minimal allowing the contrast between the WLA and the surrounding landscape to be well expressed.

4.8 The susceptibility of this quality to the proposal is considered to be high (which is slightly greater than the wild land assessment identifies), as the vertical nature of the proposal will result in effects being widespread across the WLA which is both small in its extent and does not benefit from large scale landscape undulations screening the proposal.

4.9 The effects of this proposal would extend across a large part of this small WLA, as illustrated by the various ZTVs provided within the wild land assessment. We do not agree with the statement; *“views of the Proposed Development would be restricted to localised parts of the WLA.”* The turbine is proposed to be located within the WLA, and due to its height (110m), pale colour and moving nature its affects will extend across and well into the interior of this WLA. From these interior locations this quality is strongly expressed as there is very limited obtrusive human element evident resulting in a relative absence of human artefacts and those which are there (such as stock fencing) are low lying and unobtrusive. In addition the turbine will reduce the sense of remoteness and a resulting sense of sanctuary as it will appear as an isolated human artefact bring development into areas where currently they are minimal. The proposals proximity to the Pundeavon Hydro Scheme track will be evident close to the proposal and within the Garnock Valley as the low-lying nature of the track as opposed to the 110m turbine will mean that the turbine will be visible in more extensive views where the track becomes screened.

4.10 The magnitude of effect identified by the wild land assessment for this quality has been understated and would be greater than moderate/minor. Effects on the absence of human elements, remoteness and sanctuary, which are key contributing attributes and resulting response which underpin this quality are considered to be major/moderate. The effects on this quality are therefore considered to be significant.

Quality 3. An area where wild land qualities are restricted in extent, but which can be widely appreciated from the surrounding area

4.11 The susceptibility of this quality to the proposal is considered to be medium (therefore we agree with the applicant's assessment).

4.12 The introduction of the wind turbine will dilute the current sharp contrast between the relative absence of human artefacts within the WLA and the lowland areas that surround it and the extent of the WLA will be perceived to be diminished in its extent in some views. As the wild land assessment recognises, the turbine would be perceived as an element on the outer edge of the WLA thereby reducing the perceived extent of the WLA. This effect will however will not be to a degree that this quality will be substantially eroded. Effects on this quality are not considered to be significant.

5 Conclusion and recommendation

The applicant's assessment of effects on WLA 4 Waterhead Moor – Muirshiel draws out a range of the likely effects of this wind turbine proposal many of which we are in agreement with. We consider however, that effects have been underestimated for the second wild land quality described for this area, that being; *Few human elements within the WLA, in contrast to the surrounding landscape*. Where visible the turbine will appear as an isolated human artefact reducing the sense of remoteness and sanctuary. The effects of this proposal would extend across a large part of this smallest mainland WLA, into areas of the interior where wild land qualities are strongly expressed and represent a disproportionate effect for the scale of the proposal on this WLA. **As a result of the prominence of the turbine and the extent of area affected, effects on quality 2 of the Waterhead Moor – Muirshiel WLA 4 will be significant and in my view of National Interest. SPP paragraph 215 is engaged and my view is that this proposal will fail this policy.**

Annex B. National Interest Panel Checklist

CMS reference(s): CDM154744

Case title: Erection of 2.5 MW wind turbine 110m to blade tip and 65m to hub and associated infrastructure - Site to North of Standingstone Hill - Kilbirnie - North Ayrshire

With reference to Annex A of the guidance - what specific resources are adversely affected?

Wild Land Area 04, Waterhead Moor - Muirshiel

The Area recommends that the significance of the impact on the Special Quality 2 is sufficient to merit an outright objection to the proposal.

Briefly summarise the planning history of the case highlighting discussions and advice about issues of national interest and modifications that the applicant has already proposed in order to reduce or avoid them.

1. The original SNH response to the planning application overlooked the potential impacts on the wild land area.
2. The original response was withdrawn and substituted with a holding objection which highlighted the presence of the wild land area and the lack of a Wild Land impact Assessment.
3. North Ayrshire Council refused the planning application under delegated authority.
4. The applicants have challenged the decision to process the application under delegated authority and the application is now subject to review.
5. There has been a protracted exchange with the applicants via the SNH complaints procedures which involved staff providing the applicants with advice and funding to support the development of an appropriate Wild Land assessment which has now been submitted to the planning authority.
6. North Ayrshire planning department, through their review process, are now seeking SNH's view on the planning application and Wildland Assessment.

Through the discussions with the applicants it is apparent that they did not intend to amend or mitigate their original proposal, their main thrust has been to question the wild land selection methodology and the placing of the boundary of the wild land area. They have based their views on the temporary impacts of a reservoir restoration project and the construction of a small hydro scheme. (The unrestored impacts of the hydro scheme are currently subject to planning enforcement measures).

SNH landscape advisors have pointed to shortcomings in the submitted Wild Land Assessment, however, as the assessment has been accepted by the planning

authority there is no scope for further revision.

What is the nature and magnitude of change to these resources?

The prominence and the extent of the area affected by the wind turbine proposal will cause significant impacts on Quality 2 of the Waterhead Moor –Muirshiel WLA. -

Few human elements within the WLA in contrast with the surrounding landscape.

Due to its height (110m), pale colour and moving nature its affects will extend across and well into the interior of this WLA.

The vertical nature of the proposal will result in effects being widespread across the WLA which is both small in its extent and does not benefit from large scale landscape undulations screening the proposal.

In addition the turbine will reduce the sense of remoteness and a resulting sense of sanctuary as it will appear as an isolated human artefact bring development into areas where currently they are minimal.

This is best illustrated in montage 8.5d, submitted in support of the original application.

SNH landscape advice agrees with the applicants assessment of the impacts on:-

Quality 1. A wild area with a surprisingly strong sense of naturalness
and

Quality 3. An area where wild land qualities are restricted in extent, but which can be widely appreciated from the surrounding area.

This is the smallest mainland WLA and it is surrounded by major population centres, more than 200,000 people live within 15km of the boundary.

Why are these effects of national interest?

The impact described above leads the proposal to fail SPP para 215.

SPP requires that any development proposal on wild land must “*demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation*”

The special quality affected is “*Few human elements within the WLA, in contrast to the surrounding landscape*”.

Wild land is considered to be nationally important and the magnitude of impact of this single large turbine is widespread across and well in to the interior of the WLA and no mitigation has been proposed to the siting or design which could reduce the significant effects such that the scale of effects on the special qualities are of national interest.

You must provide the following to the panel:

- The draft advice (at least the section of it relevant to the NI discussion); and
- Supporting material agreed with panel secretariat. This may include PAD advice, locational maps, visualisation, ZTVs. Please note you must provide landscape and visual material in the format, scale and quality produced by the applicant.

It is the responsibility of the Area team to ensure this material is with all panel members prior to the meeting.

Provide a numbered list of all supporting material below, including objective links where appropriate.

1. SNH holding objection letter:-

 [Site to North of Standingstone Hill, Kilmore - 20200208 - SNH holding objection response to North Ayrshire Council - Final Response](#)

2. NAC planning report, refusing planning consent:-

 [A2893148.obr](#)

3. Applicants supplementary Wild Land Assessment.

 [190610 - Radio City Association _ Wild Land Assessment.obr](#)

4. Supplementary Wild Land Assessment Appendix A (figures).

 [190610 - Radio City Association _ Wild Land Assessment - Appendix A.obr](#)

Please refer to Figures 1,2 and 3 along with survey points 7,9 and 12.

5. Visualisations from the original application.

 [Site to North of Standingstone Hill, Kil](#)  [Site to North of Standingstone Hill, Kil](#)  [Site to North of Standingstone Hill, Kil](#)  [Site to North of Standingstone Hill, Kil](#)

6. SNH landscape assessment of Supplementary Wild land assessment.

 [Landscape Assessment of Supplementary Wild Land Assessment - 20200208](#)

7. NAC review body, invitation to provide comment on sWLA.

 [NAC review 20175 - Invitation for further representations.obr](#)

Is the supporting information (e.g. visualisation) an accurate reflection of the likely impacts?

The visualisations supplied by the applicants are limited in scope.

Name:

Date:19/7/19

Mr Euan Gray
North Ayrshire Council
Committee Services
Cunninghame House
IRVINE
KA12 8EE

Date: 26 July 2019
Our Ref: CNS/REN/ST/SH
Your Ref: 18/01123/PP

Dear Sirs

**Planning Application: 18/01123/PP: Site to the North of Standingstone Hill, Kilbirnie
Notice of Review**

Thank you for the opportunity to comment on the additional Wild Land Assessment for this proposal submitted by the applicants.

We work in support of the government's vision for an energy sector that delivers secure, affordable and clean energy for Scotland. We provide advice in the spirit of the government's Onshore Wind Energy Strategy that says "developments can and must strike the right balance between utilising Scotland's significant renewable energy resources whilst protecting our finest scenic landscapes and natural heritage".

This response provides advice on the impacts on the Wild Land Area.

Summary

This letter only provides advice in relation to the impacts on the Waterhead Moor – Muirshiel Wild Land Area (WLA). Our advice in respect of the potential impacts on the Renfrewshire Heights Special Protection Area (SPA) was provided in our letter of 8 February 2019.

This proposed development raises natural heritage issues of national interest due to the significant adverse impacts on the Wild Land Waterhead Moor – Muirshiel Wild Land Area (4). We therefore object to the proposal.

There will be significant effects on the wild land quality described as: "*Few human elements within wild land area in contrast to the surrounding landscape*". These effects relate to the prominence of the proposal within an open rolling plateau, the extent of area affected and the relative absence of human artefacts as well as the impact on the sense of remoteness and sanctuary.

Background/

Background

In February we noted the original planning proposal was not supported by an assessment of the potential impacts on the Waterhead Moor – Muirshiel Wild Land Area. In response SNH submitted a holding objection, reserving our final position until this work had been undertaken.

We note that subsequently, the application was refused planning consent, but is now the subject of this current review.

As a Wild Land Assessment has now been submitted by the applicant, we are now in a position to provide our comments on impacts on the WLA.

Appraisal of Impacts

The Waterhead Moor – Muirshiel WLA has three key qualities:-

- Quality 1: A wild land area with a surprisingly strong sense of naturalness.
- Quality 2: Few human elements within wild land area in contrast to the surrounding landscape.
- Quality 3: An area where land qualities are restricted in extent, but which can be widely appreciated from the surrounding areas.

We broadly agree with the applicant's assessment in relation to Qualities 1 and 3, however, we do not agree with the conclusions in respect of Quality 2. Our appraisal of the impacts on quality 2. is set out below.

Impact on Quality 2. *Few human elements within the WLA, in contrast to the surrounding landscape*

Other than the above ground permanent features of the Pundeavon hydro scheme which will have localised effects on the attributes which underpin this quality, other signs of human artefacts and contemporary land uses are minimal allowing the contrast between the WLA and the surrounding landscape to be well expressed.

The susceptibility of this quality to the proposal is considered to be high (which is greater than the applicant's Wild Land Assessment identifies), as the vertical nature of the proposal will result in effects being widespread across the WLA which is both small in its extent and does not benefit from large scale landscape undulations that would screen the proposal.

The effects of this proposal would extend across a large part of this small WLA, as illustrated by the various Zone of Theoretical Visibility (ZTV) diagrams provided within the Wild Land Assessment. We do not agree with the statement; "*views of the Proposed Development would be restricted to localised parts of the WLA.*" The turbine is proposed to be located within the WLA, and due to its height (110m), pale colour and moving nature its effects will extend across and well into the interior of this WLA. From these interior locations this quality is strongly expressed. There is a relative absence of human artefacts and those which are there (such as stock fencing) are low lying and unobtrusive, resulting in very limited obtrusive human elements being evident.

In/

In addition, the turbine will reduce the sense of remoteness and the sense of sanctuary as it will appear as an isolated human artefact bringing development into areas where currently it is minimal.

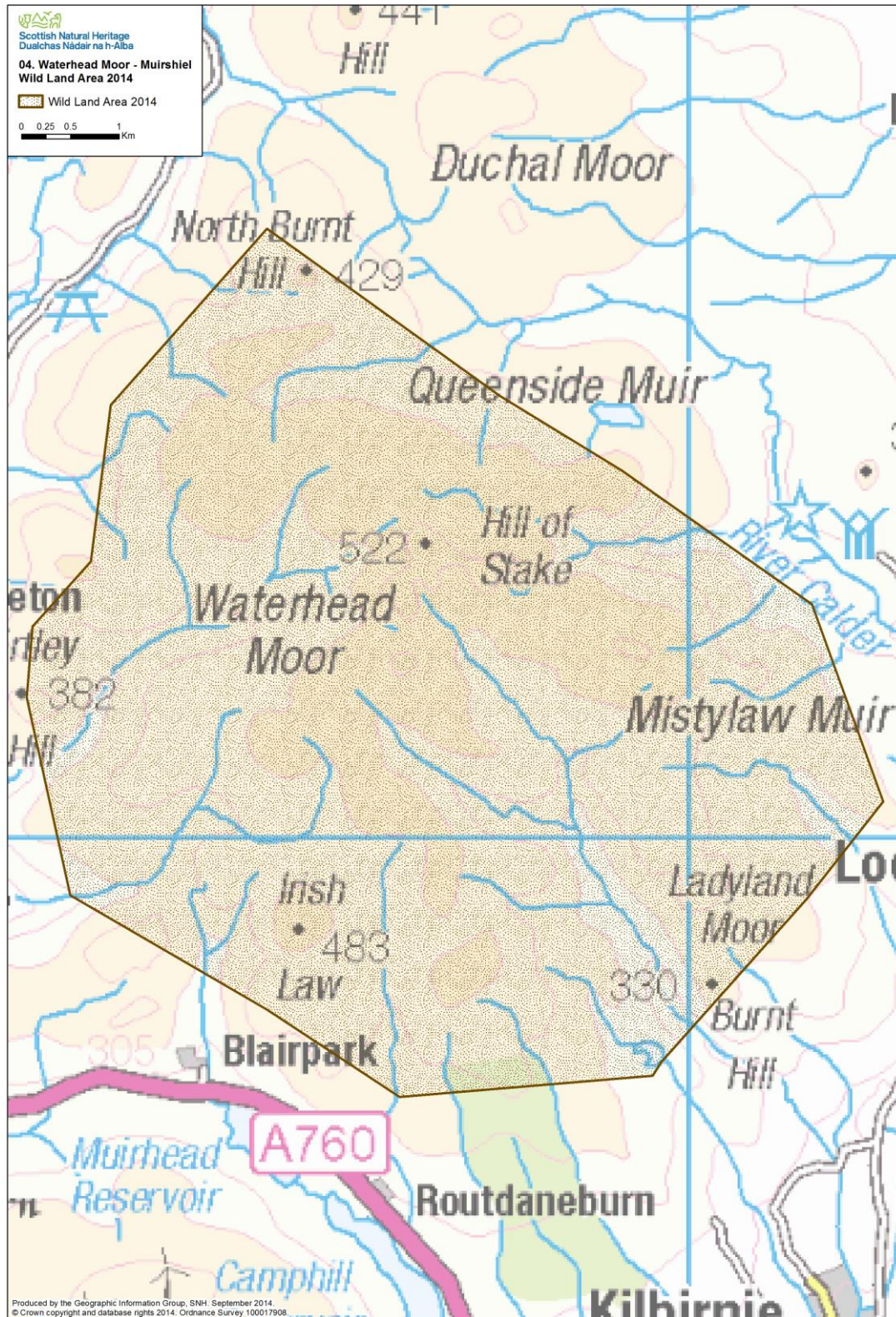
The magnitude of effect identified by the wild land assessment for this quality has been understated and would be greater than moderate/minor. Effects on the absence of human elements, remoteness and sanctuary, which are the key contributing attribute and resulting response underpinning this quality are considered to be major/moderate. The effects on this quality are therefore considered to be significant.

As a result of the prominence of the proposal and the extent of area affected, effects on quality 2 of the Waterhead Moor – Muirshiel WLA 4 will be significant. We consider that the impacts as a result of this turbine are of national interest and warrant an SNH objection as the proposal fails Scottish Planning Policy (paragraph 215) which stresses the need to avoid such impacts on nationally important wild land areas.

Should you wish to discuss this letter in further detail, please do not hesitate to contact Graeme Walker at the above address.

Yours faithfully

Waterhead Moor - Muirshiel Wild Land Area



Context

Waterhead Moor - Muirshiel is one of only three WLAs to the south of the Highland Boundary Fault, all of which are relatively isolated and small in extent (at 50 km² this is the smallest of all mainland WLAs). It consists of open, rolling plateau moorland which forms the high moorland core of the Clyde Muirshiel Regional Park, dissected by steep-sided glens and punctuated by several small but steep peaks. Lying less than 30 km from the centre of Glasgow it is the most accessible of all the WLAs and offers a wide range of recreational activities, attracting many visitors. Facilities include Muirshiel visitor centre, which lies nearby to the east and Greenock Cut visitor centre, further to the north. The disused barytes mine at Muirshiel is accessed by the heritage trail from the visitor centre and an off road driver training area is based in the same area.ⁱ

The WLA lies partly within North Ayrshire and partly in Renfrewshire. The south western area forms part of a Special Landscape Character Area (SLCA)ⁱⁱ and much of the area is included within the Renfrewshire Heights Special Protection Area.

From within the WLA, its *extent* is generally obvious from the views of roads, settlements, forest plantations and infrastructure which surround and lie outwith it. Some narrow glens and lower-lying parts of the interior are more enclosed with fewer views, where the *extent* is less evident and the wild land qualities stronger.

From outside the WLA, the rolling plateau is widely visible from the settled lowlands that surround it, forming a simple backdrop that contrasts strongly with the urbanised landscape. Misty Law is a distinctive landmark in wider views of the uplands from the east and the cluster of hills around Irish Law feature on the skyline in views from the west.

Steep, often wooded slopes limit views from the west, from nearby settlements such as Largs and from the minor road that follows the Noddsdale Water, but the uplands within the centre of this WLA are widely visible from the Firth of Clyde and from the diverse, small scale landscape of the Garnock valley.

Key attributes and qualities of the wild land area

- **A wild land area with a surprisingly strong sense of naturalness**

Much of the plateau is covered in wet moorland, consisting of a diverse mix of rough grassland, heather moorland and blanket mire, providing a strong *sense of naturalness*. Small lochans occur on areas of flatter ground and several steeply incised glens, such as those of Raith Burn and Greeto Water, dissect the plateau.



Within these glens, rock outcrops, natural burns, waterfalls, broadleaved trees and luxuriant vegetation add to the *sense of naturalness*, unaffected by *contemporary land uses*. The plateau is also punctuated by well-defined, steep sided summits such as Misty Law, which provide a greater *sense of physical challenge*. Grassland tends to be more prominent on these drier slopes and the hills are often fringed by rocky crags and scree, adding to the *sense of naturalness*.

Sheep grazing is evident and some of the lower-lying parts are also drained by parallel lines of ditches. There is no forestry within the WLA, although some forest plantations to the north east and south east and smaller conifer blocks amongst improved fields to the south of Muirshiel are visible from within. These signs of *contemporary land use* are not widespread and have a relatively localised effect upon the otherwise strong *sense of naturalness*.



- **Few human elements within the WLA, in contrast to the surrounding landscape**

The WLA is notable for the relative absence of *human artefacts and contemporary land use*, in sharp contrast to the lowland areas that surround it.

The moorland is generally unenclosed, but a few post and wire fences cross the area, the most noticeable of these follows the county boundary. There are few obvious footpaths, but stone cairns mark the more prominent hills. Small timber posts and other markers dot the lower areas and some ATV tracks are evident, appearing to randomly cross the moorland. Together with signs of land drainage, these unobtrusive and isolated *human artefacts* have a limited effect on the overall *sense of remoteness and sanctuary*. A constructed track, which provides access to Misty Law (510 m) from the south east, has a more noticeable effect on these wild land qualities.



Although there are few *human artefacts* within the WLA, various types of built development including wind farms outwith the WLA are visible from most of the area. From tops such as the Hill of Stake, human elements are visible in all directions, except to the south west towards Arran.

To the north, several power lines are prominent in views towards Ben Lomond and the Arrochar Alps. Mining infrastructure, river engineering and tracks along the River Calder, Muirshiel visitor centre buildings and designated car parks have a localised but noticeable effect on the wild land qualities of the north western part of the WLA, especially near the former barytes mine track, where there are areas of hard standing, abandoned pipes, concrete abutments, palisade fencing and ground disturbance.



Longer distance views towards the tower blocks of Glasgow, Helensburgh and other settlements along the Clyde valley also have a marked effect on the *sense of remoteness and sanctuary*, due to the extent of the view occupied by built development and the way in which buildings to the north tend to reflect sunlight, so making them more noticeable. From southern parts of the WLA the dispersed settlement pattern of the Ayrshire lowlands is evident beyond several reservoirs, with the cranes at Hunterston ore terminal and shipping on the Firth beyond, visible to the south west.



At night, lighting within settlements is visible in most directions. The sound of traffic on the surrounding roads can be heard and the proximity of Glasgow airport results in regular overhead air traffic. These human elements have a noticeable effect on the *sense of remoteness and sanctuary* but encroach more where there is combined visibility of for example, nearby tracks and fences, power lines, forest plantations, wind turbines and settlements, or where they appear to encircle the WLA.

- **An area where wild land qualities are restricted in extent, but which can be widely appreciated from the surrounding areas**

From much of the interior, with the exception of the narrow incised glens, the relatively small *extent* of this WLA is evident from the surrounding human elements outwith the WLA, visible in all directions. There are also parts of the WLA where extensive views of rolling and deeply dissected moorland are possible, especially from the margins towards the interior, but these tend to be in the context of wider views containing settlements, infrastructure and forest plantations, which reduce the *sense of remoteness and sanctuary*.



The restricted *extent* of the WLA and the predominantly gentle rolling moorland topography reduces the *sense of risk*, although burn crossings, bog holes and drainage ditches filled with vegetation provide a degree of *physical challenge*.

Although the rolling moorland is not generally *arresting*, from the hill tops there are some extensive and inspiring panoramas over the Firth of Clyde to the islands of Cumbrae, Bute and Arran and of Ben Lomond and the Arrochar Alps.

The smooth moorland hills form a comparatively *rugged* backdrop to the surrounding settled and urbanised lowlands, and large numbers of people are consequently able to experience this wild land quality as they move around the surrounding area.

Whereas the sharp contrast between the WLA and its surroundings adds value to the area as a recreational resource, the proximity to the settled landscape, ease of access and relatively small *extent* of the area combine to limit the *sense of remoteness* and the potential for *solitude*.



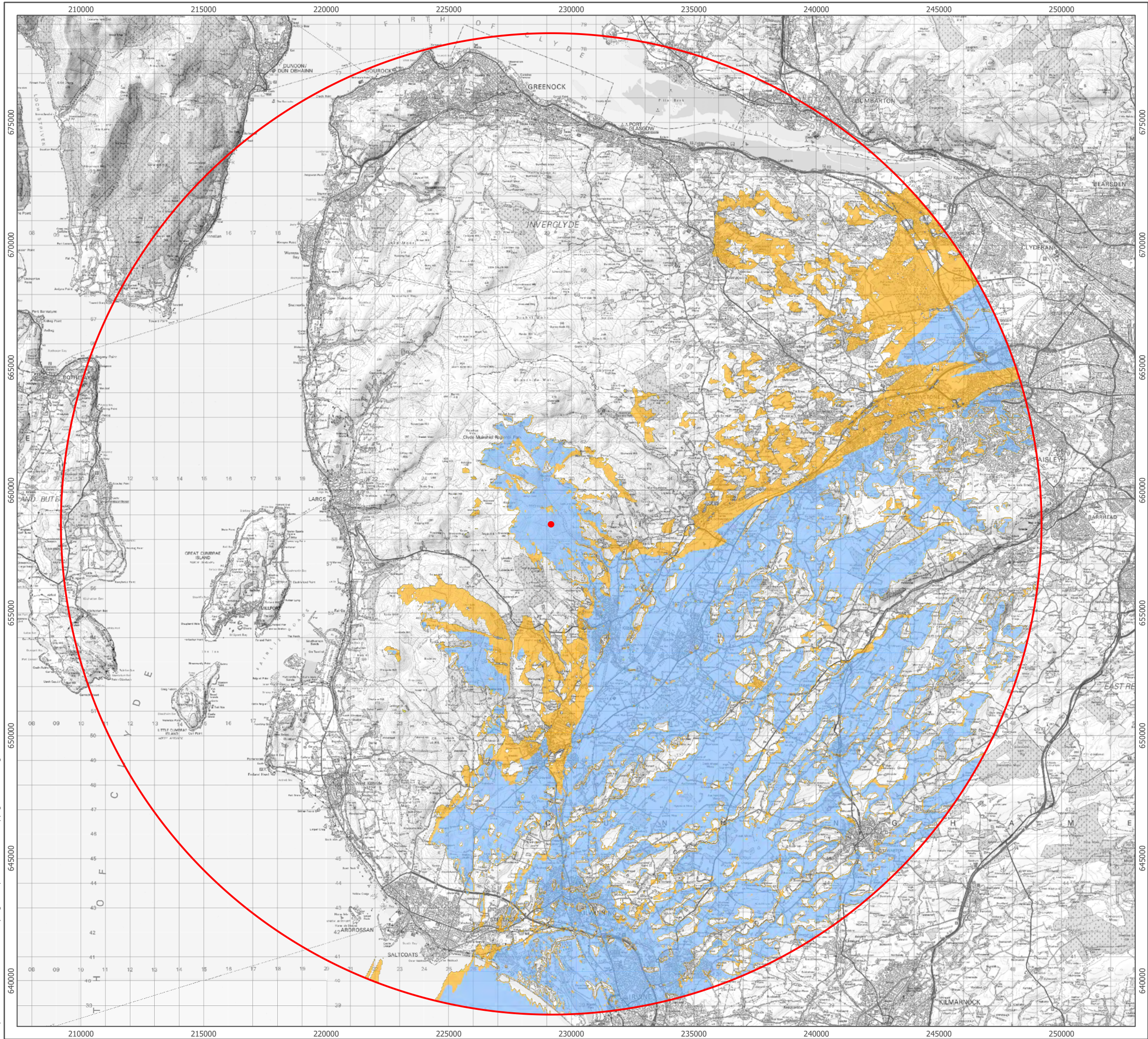
Endnotes

ⁱ <http://www.clydemuishiel.co.uk> accessed February 2014

ⁱⁱ Designated by North Ayrshire Council

Site assessment carried out November 2013

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- Proposed Turbine Location
- 20 km Landscape Study Area
- Zone of Theoretical Visibility
 - Area where only Tip Height (110 m) may be visible
 - Where both Tip and Hub (110 + 65 m) may be visible



Produced By: SC	Ref: 3036-REP-007
Checked By: AG	Date: 27/11/2018

Tip and Hub ZTV
Figure 6

**Radio City Community Turbine,
Kilbirnie**
Landscape and Visual Assessment



RADIO CITY COMMUNITY TURBINE, NORTH AYRSHIRE

WILD LAND ASSESSMENT

TGP Landscape Architects Ltd
7 the Square
95 Morrison Street
Glasgow
G5 8BE

10/06/2019

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Appendix A – Landscape Figures

1 Introduction

This Wild Land Assessment of the proposed Radio City Community Turbine (the 'Proposed Development') has been prepared by TGP Landscape Architects Ltd, a firm of independent consultants. The assessment has been prepared with the aim of identifying the potential effects of the Proposed Development, located 3.5km north of Kilbirnie, North Ayrshire on the special qualities of the Waterhead Moor – Muirshiel Wild Land Area (WLA).

The assessment has been informed by feedback from Scottish Natural Heritage, and is augmented by the following supporting figures within Appendix A:

- Figure 1: ZTV with Wild Land Area;
- Figure 2: Baseline Developments;
- Figure 3: Routes and Survey Point locations; and
- Survey Point Photosheets 1 – 12.

1.1 The Proposed Development

The Proposed Development comprises a single turbine, 110m to blade tip (65m to hub), associated infrastructure (external transformer and switchgear), hardstanding and extension of an existing access track. With reference to **Figure 1**, the turbine would be located on land north of Standingstone Hill at grid ref: 229172 658616 (the 'Site'). The Site is located on the western side of the River Garnock valley at an elevation of approximately 328m AOD. The valley is enclosed by higher ground to the east and west, comprising Ladyland Moor to the east (which rises to 389m AOD) and the summits of Black Law and Greenside Hill to the west (which reach 466m and 447m AOD respectively).

The proposed access track extends approximately 2.1km northwards from the farmstead at Plan, past the Pundean Reservoir, towards the Site. The Proposed Development would also result in a localised area of ground clearance at the foot of the turbine, comprising open moorland, to facilitate construction.

By its nature, the Proposed Development would result in effects which it would not be feasible to fully mitigate. However, the location of the proposed turbine has been chosen to avoid any notable ridgelines / summits. The surrounding landform, which rises to the east and west of the Site would restrict visibility across the wider area. In terms of colour and materials, the proposed structures would be painted with a recessive colour.

1.2 Project Background

A planning application for the Proposed Development was submitted to North Ayrshire Council in January 2019, with supporting Landscape and Visual Appraisal (prepared by others). The findings of the Landscape and Visual Appraisal concluded that the key landscape and visual effects would be focused within approximately 2km of the Proposed Development, including parts of the Waterhead Moor – Muirshiel WLA.

The application was refused by North Ayrshire Council in March 2019. One of the reasons for refusal related to the potential adverse effects on the character of the Waterhead Moor – Muirshiel WLA. At that time, Scottish Natural Heritage (SNH) objected to the Proposed Development on the basis that there was insufficient information on the effects on wild land qualities. Subsequent correspondence with SNH confirmed that a detailed assessment of effects on the WLA would be required before the holding objection could be withdrawn.

1.3 Scope of the Assessment

This Wild Land Assessment seeks to identify the potential effects that would occur as a result of the Proposed Development on the qualities of the Waterhead Moor – Muirshiel WLA. This will allow SNH to make an informed decision in relation to the Proposed Development.

With reference to the description of the Proposed Development in Section 1.1 of this report, the wind turbine is considered to be the main element of the Proposed Development with the potential to affect the physical and perceptual attributes of the WLA. However, the assessment also takes cognisance of the other proposed elements, such as the access track, and makes reference to them where relevant.

In accordance with post-application correspondence with SNH, including a Statement of Requirements dated 31st May 2019, and conference call dated 05th June 2019, the Study Area incorporates the full geographic extents of the WLA. Furthermore, the assessment is undertaken in accordance with the methodology set out in the SNH Draft Technical Guidance *Assessing Impacts on Wild Land Areas* (2017). The methodology is described in further detail below.

2 Guidance and Methodology

2.1 Guidance

The methodology presented here is based on the following best practice guidance:

- *Assessing Impacts on Wild Land Areas – Draft Technical Guidance* (SNH, 2017); and
- *Guidelines for Landscape and Visual Impact Assessment 3rd Edition* (GLVIA3) (Institute of Environmental Management and Appraisal and the Landscape Institute, 2013).

In addition, reference has been made to other published guidance and baseline material, including the following:

- *Description of Wild Land Area: 04 Waterhead Moor – Muirshiel* (SNH, 2014);
- Ordnance Survey maps;
- Field survey; and
- Aerial photography.

2.2 Methodology

The Wild Land Assessment is based on the stepped approach within the SNH Draft Technical Guidance *Assessing Impacts on Wild Land Areas* (2017). In summary, this involves:

- Definition of Study Area and scope;
- Establishment of baseline conditions;
- Establish sensitivity of the baseline to the Proposed Development;
- Assessment of the potential effects; and
- Judgement of the significance of effect.

Study Area and Scope

The Study Area and scope is defined in relation to the scale of the Proposed Development and the extent of potential effects to facilitate a proportionate assessment. In this instance, the full geographic extent of the Waterhead Moor – Muirshiel WLA has been considered, as summarised in Section 1.3 of this report. This reflects the relatively limited geographic size of the WLA. The focus of the assessment is further informed by the extent of visibility and the potential routes / movement corridors through the WLA.

The assessment considers all of the Wild Land qualities described in the *Description of Wild Land Area: 04 Waterhead Moor – Muirshiel* (SNH, 2014). These are:

- *A wild land area with a surprisingly strong sense of naturalness;*
- *Few human elements within the WLA, in contrast to the surrounding landscape; and*
- *An area where wild land qualities are restricted in extent, but which can be widely appreciated from the surrounding areas.*

Baseline Conditions

The baseline appraisal seeks to establish to what extent the physical and perceptual attributes of wild land are present. The baseline conditions have been informed by the description of WLA qualities within SNH's *Description of Wild Land Area: 04 Waterhead Moor – Muirshiel* (2014) ('the 2014 Description'). These have been further augmented by desk-based study, and field work undertaken by a chartered Landscape Architect in early June 2019.

Recent changes to the WLA, which have occurred during the intervening time since publication of the 2014 Description, include the introduction of the Pundeavon Hydro Scheme (including associated access track) in the southern part of the WLA, as well as the Halkshill Hydro Scheme (comprising Greeto and Gogo Waters) and the Halkshill and Blair Park woodland proposal (currently under construction) on the western edge of the WLA.

In addition, the existing Pundeavon Reservoir on the southern edge of the WLA, which was built in 1907 and comprised a 20m high earth-fill embankment, was decommissioned in 2016. As a result, the dam was breached and the reservoir was partially drained. The embankment was reduced, albeit remnant parts are still evident.

The locations of these developments are illustrated in **Figure 2**. Photosheets illustrating the current conditions within the WLA (based on a site visit by a chartered Landscape Architect on 04/06/2019) are illustrated in Survey Point photosheets 1 – 12, with the locations of the Survey Point illustrated in **Figure 3**.

Sensitivity of Wild Land Qualities

Sensitivity is based on the correlation between value and susceptibility to change. WLAs are considered to be of high value, albeit the susceptibility of WLA qualities to change varies dependent on how intact their physical and perceptual attributes are, and the specific type and scale of change proposed. In this assessment, judgements in relation to the sensitivity of WLA qualities specific to the Proposed Development are defined in terms of being High, Medium or Low. These are defined in general terms as follows:

- High – The area is very sensitive to the Proposed Development due to its overriding sense of wildness and/or remoteness. Typically, there will be little evidence of human influence on the landscape and strong impressions of isolation. It is likely to be difficult to access with a rugged and challenging terrain, inspiring qualities and a considerable sense of awe or risk;
- Medium – The area is of moderate sensitivity to the Proposed Development based on a generally prevailing sense of wildness. It is likely to be fairly remote although locally influenced by some human interventions or neighbouring land uses. There is likely to be some rugged or challenging terrain and impressive or dramatic views from some areas and a general sense of isolation; and
- Low – The area is of reduced sensitivity to the Proposed Development on the basis that the Wild Land qualities are influenced by human interventions such as tracks, paths and forestry, which form a local characteristic. There will be some difficult terrain with a limited degree of risk, but tracks and paths will provide easier routes through the landscape. A sense of solitude or isolation is likely to be experienced in some areas and there may be some expansive or impressive views.

Assessment of Potential Effects

The assessment of effects on each WLA quality is undertaken separately. The assessment takes cognisance of the potential changes to the physical and perceptual attributes that define the WLA quality in each case.

For the purposes of this assessment, the magnitude of change is based on the following criteria:

- Substantial – Total loss or considerable alteration to Wild Land attributes;
- Moderate – Partial loss or alteration to Wild Land attributes;
- Slight – Minor loss or alteration to attributes resulting in a limited change to the baseline;
- Negligible – Very minor or no loss to the baseline attributes. The introduction of the Proposed Development would not notably change the baseline appraisal.

Judgement of the significance of effect

A final judgement on the significance of the potential effect on each WLA quality is based on the correlation of sensitivity with the magnitude of change, as per the approach within GLVIA3. In order to provide a level of consistency to the assessment, the significance of residual effects is based on the matrix in Table 1, below.

Table 1: Effects Matrix

Sensitivity	Magnitude of Change				
		Substantial	Moderate	Slight	Negligible
	High	Major	Major/Moderate	Moderate	Minor
	Medium	Major/Moderate	Moderate	Moderate/Minor	Minor/Negligible
	Low	Moderate	Moderate/Minor	Minor	Negligible

This matrix is not used as a prescriptive tool. Instead, the approach allows for the exercise of professional judgement, augmented by clear narrative in accordance with GLVIA3, which states that *“professional judgement is a very important part of the LVIA”* (para 2.23) and that *“in all cases there is a need for the judgements that are made to be reasonable and based on clear and transparent methods so that the reasoning applied at different stages can be traced and examined by others”* (para 2.24).

Where the landscape or visual effect has been classified as Major or Major/Moderate this is considered to be significant. Where Moderate effects are predicted, professional judgement is applied to ensure that the potential for significant effects arising has been thoroughly considered.

3 Zone of Theoretical Visibility Analysis

Figure 1 illustrates the geographic location of the Proposed Development, which is located in the southern part of the Waterhead Moor – Muirshiel WLA, 3.5km north of Kilbirnie.

The Zone of Theoretical Visibility (ZTV) has been prepared on the basis of ‘bare ground’ and does not take into account the potential screening effects of surrounding vegetation (see Appendix A for ZTV methodology). The ZTV reflects the landform of the River Garnock valley, which rises to the east and west of the Site, and the rolling nature of the surrounding upland topography. ZTV coverage across the Waterhead Moor – Muirshiel WLA extends approximately 1.5km to the west, where it is contained by the summits of Black Law and Greenside Hill, and 1.5km to the east, as far as Burnt Hill and Ladyland Moor.

Potential visibility to the north is more widespread, extending approximately 4.4km towards the centre of the WLA, albeit is fragmented by intervening summits such as Wings Law, Capet Law and Murchan Hill. To the south, ZTV coverage extends to the boundary of the WLA, at a distance of 1km to the south of the Site.

Views of the Proposed Development would be completely absent across the majority of the WLA, including the expansive geographic areas in the western part of the WLA, as well as peripheral parts along the northern and eastern edges. As such, across the majority of the WLA there would be no views and no effect on its underlying qualities.

The existing views from select parts of the WLA are illustrated in Survey Point photosheets 1 – 12 with their locations shown in **Figure 3**. Key routes through the WLA, as identified on OS maps and hill walking websites, are also shown in **Figure 3**. The Survey Points incorporate views from several of these tracks/routes in order to illustrate the landscape characteristics experienced by visitors across different parts of the WLA.

Survey Points 1 – 6 show the baseline experience on approach to the center of the WLA on the existing track from the south. Survey Point 7 shows the experience from the River Garnock valley-floor, whilst Survey Points 8 – 11 show the sequential nature of views experienced from the ridgeline on the eastern side of the River Garnock valley, which was observed being used by members of the public as a recreational route during field work undertaken on 04/06/2019. The Survey Points also include key summits that show evidence of visitation by recreational hill walkers on independent hill walking enthusiast websites (see Survey Point 12 at Hill of Stake). The References section at the end of this report lists the websites used for information).

4 Potential Effects on Wild Land

This section examines the potential effects on the Waterhead Moor – Muirshiel WLA arising as a result of the Proposed Development. The assessment is set out in tabular format in accordance with SNH guidance, and considers each WLA quality in turn. The effects are considered to be adverse unless otherwise stated.

The assessment considers the effects on WLA qualities in the locality of the Site, and across the full extent of the WLA. For the purposes of this assessment the Site Locality is defined as the Site and surrounding Garnock valley, which due to enclosure by the surrounding landform forms a distinct geographic component within the wider WLA.

Table 2: Assessment of Potential Effects on WLA Qualities

Baseline Conditions	Sensitivity	Assessment of Effects
WLA Quality: A wild land area with a surprisingly strong sense of naturalness		
<p>The ‘natural’ ground cover of moorland, rough grassland and blanket mire described within the 2014 Description are still very much in evidence across the WLA, including the local context surrounding the Site. The waterfalls and occasional broad-leaved tree within the lower lying areas (including those along the banks of the River Garnock to the east of the Site) also continue to promote a strong sense of naturalness.</p> <p>Localised changes to this quality are evident in the locality of the Site, where the access track associated with the Pundeavon Hydro Scheme represents a new horizontal feature extending north-south along the western side of the River Garnock valley. In places the track’s presence is augmented by borrow pits, steep-sided embankments, culverts and bridges, as well as associated drainage ditches along select sections.</p> <p>The physical presence of the track influences the perceptual aspects of the locality, and partly erodes the sense of naturalness and the sense of physical challenge. This is augmented by the presence of the Pundeavon reservoir on the southern edge of the WLA, which is experienced sequentially with the Pundeavon Hydro Scheme. From a geographic perspective, the influence is primarily focused within the Garnock valley and surrounding hillsides / summits. Views of the track from the valley floor and banks of the River Garnock itself are more limited, particularly where the surrounding landform results in a greater sense of enclosure (see Survey Point 7). In these areas the sense of naturalness remains more clearly pronounced. Similarly, the influence of the Pundeavon Hydro</p>	<p><u>Site Locality:</u></p> <p>The sensitivity of the WLA to the Proposed Development is considered to be Medium in the locality of the Site. This is based on the balance between the more natural aspects of the WLA (which remain key characteristics within the Garnock valley) but which are influenced by human interventions associated with the Pundeavon Hydro Scheme and Reservoir.</p> <p><u>Wider WLA:</u></p> <p>Sensitivity is deemed to be High in other parts of the WLA. In this instance, this includes the low-lying River Garnock valley floor as well as wider parts of the WLA (outwith the Garnock valley). Across these areas the influence of the Pundeavon Hydro Scheme is more limited and there is an overriding sense of naturalness, enhanced by the rugged and</p>	<p><u>Site Locality:</u></p> <p>The Proposed Development would introduce a new element of infrastructure to the locality, which would and contrast with the more natural characteristics within the Garnock valley and augment the existing human influences. With regard to the vertical nature and scale of the turbine, balanced by its limited footprint, the magnitude of change would be Substantial/Moderate. The resultant level of effect would be Major/moderate.</p> <p><u>Wider WLA:</u></p> <p>With reference to the ZTV, views of the Proposed Development would be limited to localised parts of the WLA primarily limited to the more elevated hilltops encompassing the wider Garnock Valley. From summits to the east and north, the Proposed Development would be experienced within the same context as the existing Kelburn / Millour Hill wind farms (refer to Survey Points 9, 11 and 12 at the summits of Misty Law, East Girt Hill and Hill of Stake). Whilst the Proposed Development would slightly increase the visible extent of wind turbines within such views, the effect on the existing sense of</p>

<p>Scheme does not extend to wider parts of the WLA due its low-lying nature and enclosure by the surrounding landform.</p> <p>The Halkshill Hydro Scheme and the Halkshill & Blairpark Woodland Creation Project exert an influence on the geographically separate western edge of the WLA. The access track and new areas of planting (in particular the coniferous species) diminish the more natural qualities of the landscape. The influence of these developments upon the WLA are also localised and primarily restricted to the westerly-facing slopes and summits of Feuside Hill, Brown Hill and Lang Hill. These developments exert no influence on the natural qualities of the wider parts of the WLA, including interior areas, or the locality of the Proposed Development.</p>	<p>challenging terrain, and reduced sense of accessibility.</p>	<p>naturalness would be limited. The Proposed Development would typically be perceived as being located on the outer edge of the WLA, against a developed lowland context. The existing moorland ground cover and general lack of contemporary landuses would remain predominant attributes across such areas. There would be no views of the Proposed Development and no effect on the sense of naturalness across the majority of the WLA. The magnitude of change on the sense of naturalness across the wider WLA would be Slight/Negligible. The resultant level of effect would be Moderate/minor.</p>
<p>WLA Quality: <i>Few human elements within the WLA, in contrast to the surrounding landscape</i></p>		
<p>The 2014 Description makes reference to the relative absence of human artefacts and contemporary landuse within the WLA. Exceptions to this are acknowledged in the form of post-and-wire fences, cairns at the more prominent summits, signs of land drainage and a constructed track to Misty Law. The 2014 Description also acknowledges the views of surrounding development from more elevated vantage points, such as Hill of Stake, where residential settlement and power lines are visible beyond the extents of the WLA and diminish the sense of remoteness.</p> <p>Across the WLA this description remains predominantly unchanged. However, as described above, the access tracks, bridges, intakes and outfalls associated with the Pundeavon Hydro Scheme and Halkshill Hydro Scheme represent notable new elements of built form within the WLA. The influences of these developments are relatively localised due to their typically lower-lying locations adjacent to water courses. However, there</p>	<p><u>Site Locality:</u></p> <p>The sensitivity of the WLA to the Proposed Development is considered to be Medium in the locality of the Site. This is based on the introduction of the Pundeavon Hydro Scheme track, which forms a continuous linear feature extending approximately 4km northwards from the Pundeavon Reservoir. The route of the track extends directly past the Site where it represents a notable human element in the local landscape. The presence of the track contrasts with the physical</p>	<p><u>Site Locality:</u></p> <p>The Proposed Development (in particular the turbine) would introduce a new human element to the Garnock valley. However, it would be located immediately adjacent to the existing Pundeavon Hydro Scheme track – a notable existing human element. The influence of ground-based infrastructure and hardstanding would blend into the existing track and exert very limited influence on this WLA quality. The vertical scale of the turbine, would augment the influence of the existing track on the surrounding landscape. On balance, the magnitude of change would be Substantial/Moderate. The resultant level of effect would be Major/moderate.</p>

<p>are clear views of the Pundeavon Scheme from summits along the outer edge of the Garnock valley, including Misty Law. The route of the associated undergrounded pipe is also currently visible from such vantage points, albeit will gradually blend into the surrounding landscape as vegetation re-establishes along its length.</p> <p>The Halkshill & Blairpark Woodland Creation Project (which is currently under construction) will result in the introduction of some additional access tracks, albeit these will be focused on the outer-most western edge of the WLA. In time, the tracks and infrastructure associated with the Halkshill Hydro Scheme and the Halkshill & Blairpark Woodland Creation Project will be disguised by tree cover. Conversely, the track associated with the Pundeavon Hydro Scheme will remain unscreened, and represent a lasting linear feature within the Garnock valley.</p>	<p>and perceptual attributes that underpin this particular WLA quality.</p> <p><u>Wider WLA:</u></p> <p>Sensitivity is deemed to be High in other parts of the WLA, which remain predominantly free of human elements, with the exception of the scattered features listed in the 2014 Description. The majority of the human elements associated with the Halkshill Hydro Scheme and Halkshill & Blairpark Woodland Creation Project are / will be located outside the WLA.</p>	<p><u>Wider WLA:</u></p> <p>With reference to the ZTV, views of the Proposed Development would be restricted to localised parts of the WLA. From the summits encompassing the wider Garnock Valley the Proposed Development would represent a new human element within the view, albeit on the outer edge of the WLA, and against a developed lowland context (hence any sense of ‘contrast to the surrounding landscape’ would be relatively limited). There would be no views of the Proposed Development across the majority of the WLA. As a result, the sense of there being a lack of human elements would remain intact. The magnitude of change on this WLA quality across the wider WLA would be Slight/Negligible. The resultant level of effect would be Moderate/minor.</p>
<p>WLA Quality: <i>An area where wild land qualities are restricted in extent, but which can be widely appreciated from the surrounding areas</i></p>		
<p>The Waterhead Moor – Muirshiel WLA encompasses a geographic area of approximately 50km². The 2014 Description makes reference to this being the smallest of all mainland WLAs and notes that the small extent is evident from the interior parts of the WLA, with the exception of lower-lying valleys and glens.</p> <p>This is still very much in evidence, with clear views of the neighboring developed areas of lowland experienced from the more elevated parts of the WLA (refer to Survey Points 9, 11 and 12 at the summits of Misty Law, East Girt Hill and Hill of Stake). The ‘inspiring panoramas’ to Cumbrae, Bute and Arran mentioned in the 2014 Description are also unaltered.</p>	<p><u>Site Locality:</u></p> <p>The sensitivity of the WLA to the Proposed Development is considered to be Medium in the locality of the Site. This is based on the balance between the more enclosed nature of Garnock valley (which restricts views of the surrounding developed lowlands to an extent) with the presence of existing human influences</p>	<p><u>Site Locality:</u></p> <p>The Proposed Development would introduce a new human element to the locality. The turbine would be located on the southern part of the WLA, and would be experienced sequentially with the Pundeavon Reservoir and Pundeavon Hydro Scheme. The Proposed Development would augment the existing perceptual experience within the Garnock valley, in which the developed lowlands partially extend northwards into the valley. The magnitude of change</p>

<p>These surrounding landuses and human elements reduce the sense of remoteness and sense of risk to an extent, although the physical challenge associated with the rough terrain remains unaltered. The WLA remains a rugged backdrop to the surrounding settled lowlands and is a popular recreational resource for people, as evident from observations of hill walkers traveling between the summits of Hill of Stake and Misty Law recorded during field work in June 2019. Its popularity with visitors impinges upon the sense of remoteness and potential for solitude.</p>	<p>in the form of the Pundeavon Hydro Scheme track and the remnants of Pundeavon Reservoir, which represent an extension of the settled lowlands into the southern part of the WLA.</p> <p><u>Wider WLA:</u></p> <p>Sensitivity is deemed to be Medium in other parts of the WLA, in which the wild land attributes are typically more pronounced / intact, albeit the limited geographic extent of the WLA is apparent and views of surrounding settlement influences the sense of remoteness and solitude.</p>	<p>would be Moderate. The resultant level of effect would be Moderate.</p> <p><u>Wider WLA:</u></p> <p>From the summits encompassing the wider Garnock Valley the Proposed Development would represent a new human element within the view. It would typically be perceived as an element on the outer edge of the WLA, and against the developed lowland context (incorporating existing wind energy development in views from higher summits such as Misty Law). In such views the introduction of the turbine would reinforce the perception that the geographic spread of this WLA is limited in extent. There would be no change to the 'inspiring panoramas' to Cumbrae, Bute and Arran (refer to Survey Point 12 at Hill of Stake).</p> <p>With reference to the ZTV, there would be no views of the Proposed Development across the majority of the WLA. As a result, the 'restricted extent' of the WLA would be unaffected.</p> <p>The magnitude of change on this WLA quality across the wider WLA would be Negligible. The resultant level of effect would be Minor.</p>
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<p>Overall Judgement of Significance</p>	<p>There would be localised significant effects on the qualities comprising the 'sense of naturalness' and 'few human elements'. These would be primarily restricted to the landscape surrounding with Site within the Garnock valley, extending approximately 1.5km to the east and west, 1km to the south (to the southern edge of the WLA) and approximately 2-3km to the north where the visual influence of the turbine would extend slightly further along the valley. Local effects on the quality relating to the 'restricted' extent of the WLA would not be significant. This is due to the influence of the existing Pundeavon Reservoir and Pundeavon Hydro Scheme, which represent an extension of the settled lowlands into the southern part of the WLA. It is acknowledged that the influence of the Proposed Development would augment that associated with these existing baseline developments, however, it would not encroach any further into the interior of the WLA and the effects would not be significant.</p> <p>In terms of effects on the wider WLA, beyond the confines of the Garnock valley, views of the Proposed Development would be more limited. From elevated vantage points the turbine would be experienced on the outer edge of the WLA, where it would account for a narrow angle of view in a background context comprising settled lowlands, as well as existing wind energy development in some areas. As a result, the Proposed Development's influence on the sense of naturalness and its presence as an additional human element within the landscape would be more limited. Instead, the existing physical and perceptual attributes, including the natural ground cover/vegetation, water courses, absence of human artefacts and contemporary landuse, and the sense of physical challenge associated with the rough terrain would re-exert themselves as the dominant components of the landscape. There would be no views of the Proposed Development from the majority of the WLA, including western areas, and northern and eastern peripheries. As such, across the majority of the WLA there would be no views and no effect on its underlying qualities. The residual effects on the WLA qualities would not be significantly altered across the WLA as a whole.</p>
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5 Conclusions

In summary, the Proposed Development would represent the introduction of a new human influence into the southern part of the Waterhead Moor – Muirshiel WLA. This represents a sensitive environment, with limited human elements and a strong sense of naturalness. Cognizance of local landscape sensitivity specific to the Proposed Development has been taken into account in the assessment.

Baseline analysis has established that within the Site locality, comprising the River Garnock valley, the physical and perceptual attributes of the WLA are influenced by existing development comprising the Pundeavon Hydro Scheme and the remnants of the Pundeavon Reservoir. These baseline developments exert an influence on the WLA qualities defined in the 2014 Description.

The Proposed Development would augment the influence of these baseline developments, representing an additional human element that would contrast with the more natural characteristics of the surrounding landscape. However, the visually contained nature of the valley landform in which the Site is located means that the Proposed Development would not be widely visible across the WLA. Instead, the influence of the Proposed Development would be focused within the Garnock valley and surrounding hilltops, where the turbine would be experienced in a context of existing development (Pundeavon Hydro Scheme track). From elevated vantage points it would be experienced on the outer edge of the WLA against a settled lowland background context. With reference to the limited extent of this WLA; there would be limited effect on any sense of remoteness, risk or solitude, as these attributes are not particularly evident within this specific WLA (as acknowledged in the 2014 Description).

In summary, the assessment findings conclude that there would be localised significant effects on the qualities of 'sense of naturalness' and 'few human elements'. However, the effects on these qualities would not be significant across the WLA as a whole. There would be no significant effects on the WLA quality relating to the 'restricted' extent of the WLA.

References

Publications

Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3); Institute of Environmental Management and Appraisal and the Landscape Institute, 2013;

Landscape Character Assessment: Guidance for England and Scotland; Prepared on behalf of the Countryside Agency and Scottish Natural Heritage, Land Use Consultants, 2002;

Landscape Character Assessment Topic Paper 6 – Techniques and Criteria for Judging Capacity and Sensitivity; the Countryside Agency and Scottish Natural Heritage, 2004;

Assessing Impacts on Wild Land Areas – Draft Technical Guidance; Scottish Natural Heritage, 2017; and

Description of Wild Land Area: 04 Waterhead Moor – Muirshiel; Scottish Natural Heritage, 2014.

Other Sources

<https://www.north-ayrshire.gov.uk/planning-and-building-standards/planning-and-building-standards>

<https://www.walkhighlands.co.uk/glasgow/ayrshire.shtml>

<https://www.ldwa.org.uk>

<https://getoutside.ordnancesurvey.co.uk/>

<https://www.viewranger.com/en-gb>

Appendix A: Landscape Figures

Figure List

- Figure 1: ZTV with Wild Land Area;
- Figure 2: Baseline Developments;
- Figure 3: Routes and Survey Point locations; and
- Survey Point Photosheets 1 – 12.

Methodology: Zone of Theoretical Visibility

A computer-generated Zone of Theoretical Visibility (ZTV) plan has been prepared to indicate the potential influence of the Proposed Development in the wider landscape.

The ZTV has been prepared at 1:50,000 scale to indicate the extent of potential visibility on the basis of bare ground, and does not include the screening effects of intervening established tree cover. The ZTV indicates areas from which it might be possible to secure views of part, or parts, of the Proposed Development. However, use of the ZTV needs to be qualified on the following basis:

- There are a number of areas within the ZTV from which there is potential to view parts of the Proposal Development, but which comprise open moorland, or other land where the general public do not appear to exercise regular access;
- The ZTV does not account for the screening effects and filtering of views as a result of intervening features, such as trees and forestry;
- The ZTV does not account for the likely orientation of a viewer – for example when travelling.

In addition, the accuracy of the ZTV has to be considered. In particular, the ZTV is generated from Ordnance Survey (OS) Landform Panorama digital data based on a gridded terrain model with 5m cell sizes. The resolution of this model cannot accurately represent small-scale terrain features, which can therefore give rise to inaccuracy in the predicted visibility. This can lead to underestimation of visibility – e.g. a raised area of ground permitting views over an intervening obstruction, or can lead to overestimation of visibility – such as where a roadside embankment obscures a view.

Scottish Natural Heritage consultation on draft guidance: Assessing impacts on Wild Land Areas – technical guidance

Summary

This consultation invites comment on the draft document '*Assessing impacts on Wild Land Areas – technical guidance*'.

Following the consultation period (**26th January to 7th April 2017**), and consideration of responses, SNH will revise and finalise the guidance.

Context and scope of consultation

With input from landscape and planning professionals, we have drafted new technical guidance on assessing impacts on Wild Land Areas.

The draft guidance has drawn on experience of assessing effects on [Wild Land Areas](#) (WLAs) since publication of Scottish Planning Policy in 2014. It includes annexes containing illustrative examples and frequently asked questions. The methodology draws on the descriptions of each of the WLAs that we are publishing at the same time as this consultation on [SNH's website](#).

The revised guidance will now be the starting point for those undertaking an assessment of impacts on a WLA.

Responses to this consultation should focus on the draft guidance. The descriptions are not being consulted on. Comments are sought on the following questions:

- 1) Does the 2017 draft guidance provide a clear explanation of the methodology and general principles for assessing the impact of development proposals on Wild Land Areas?
- 2) Are the examples within Annex 2 helpful in illustrating the approach to assessing impacts?

Responding to this consultation

Responses should be received by SNH by **7th April 2017**. Respondents should use the [on-line form](#) provided. If you have problems using the online form, responses to the 2 questions above, with a completed Respondent Information Form (see below), can be sent to:

email: wildland@snh.gov.uk

post: Wild Land Assessment Guidance Consultation
Scottish Natural Heritage
Great Glen House
Leachkin Road
Inverness IV3 8NW

All responses will be published on SNH's website. Any personal data or other sensitive information will be redacted prior to publication.

Respondent Information Form

Please complete the two forms below and return with your consultation response. Your contact details are held solely for the purpose of the consultation.

Name or Organisation	
Title	
Forename	
Surname	
Address	
Postcode	
Email	

Release of information contained in consultation responses

SNH will normally publish all consultation responses we receive, although personal data or other sensitive information will be redacted.

Please complete this form.

I am responding as an individual. Yes / No	I am responding on behalf of a group or organisation. Yes / No
Do you agree to your name being made available when we publish your consultation response? Yes / No	The name of your organisation will be published along with your consultation response.

Scottish Natural Heritage Assessing Impacts on Wild Land Areas – Technical Guidance

1. INTRODUCTION

1. Wildness is a quality which people experience. Wild land areas are the most extensive areas where these qualities are best expressed. Physical attributes and perceptual responses are the measure by which changes in experience are to be assessed. As perceptual responses cannot be mapped, physical attributes were used to inform the preparation of the 2014 map of wild land areas. The Wild Land Areas map is a spatial planning tool and therefore an assessment of impacts on wild land areas must be informed by more detailed consideration of the specific nature of each development.

2. USING THIS GUIDANCE

Scope of this guidance – when and how should it be applied?

2. This guidance sets out a methodology and general principles for assessing the impact of development proposals on Wild Land Areas (WLAs) identified on the 2014 SNH map (hereafter referred to as the WLAs map). It supports the Scottish Planning Policy.
3. The method described applies the broad approach and principles set out within the Guidelines for Landscape and Visual Impact Assessment¹ (GLVIA) and is supplementary to a Landscape and Visual Impact Assessment (LVIA) where one is required. Where a LVIA is not required, the wild land assessment will be a stand-alone assessment.
4. GLVIA provides the framework for assessing impacts upon landscape and visual amenity. It is focused on likely significant environmental effects rather than all possible effects. This method should be applied to proposals whose location, scale or design could result in a significant effect on the qualities of WLAs. Where effects are not expected to be significant, no such assessment is required.
5. In general terms, an assessment of impacts on a WLA is highly likely to be required where a proposed development falls, wholly or partly, in a WLA. Outwith WLAs, the need for an assessment will be more the exception and may only be necessary where significant effects on WLA qualities are likely. **The need for an assessment should be discussed with the decision maker and SNH at an early stage.**
6. A wild land assessment builds on the LVIA approach. It adds to, and should not duplicate, material that is already captured through the LVIA. A suitably qualified and experienced landscape or planning professional(s) (referred to in this document as ‘the assessor’) should undertake the assessment. The assessor must provide an appropriate level of information to enable the decision maker, and consultees, to reach a view on the effects of the proposal on the WLA.

¹ Landscape Institute and Institute of Environmental Management and Assessment (2013) *Guidelines for landscape and visual impact assessment*, 3rd edition.

7. Frequently asked questions on the guidance and role of SNH are outlined in Annex 1.

Understanding wild land areas – attributes, responses and qualities

8. The WLAs map identifies areas where the quality and extent of wildness is considered to be of national importance. Wildness is a quality based on individuals' perceptions of Scotland's more natural, remote and uninhabited landscapes. The WLA's take into account that wildness is a product of people's perceptual response to certain physical attributes in the landscape. WLAs have not been identified on scenic grounds and are not a statutory designation.
9. Whilst the WLAs map identifies areas where wildness is most strongly expressed, the Areas are not 'wilderness', empty of any human activities or influence. They reflect Scotland's long history of past occupation and present use and management, albeit that evidence of such is often light and limited in extent.
10. As acknowledged in SNH's [Advice to Government](#) in 2014, capturing the quality of wildness is a subjective matter that requires informed judgements. This is because people respond differently according to their individual experience and expectations. For some, Scotland's wild landscapes are the setting for their home and workplace; for others, they are places that they visit. But there is sufficient commonality in appreciation to identify a set of attributes and responses that can be assessed if presented in a systematic, transparent and consistent way, namely.

WLAs have the following *physical attributes*:

- A high degree of perceived naturalness;
- The lack of modern human artefacts or structures;
- Little evidence of contemporary land uses;
- Landform which is rugged, or otherwise physically challenging; and
- Remoteness and / or inaccessibility.

The *perceptual responses* evoked by these physical attributes include:

- A sense of sanctuary or solitude;
- Risk or, for some visitors, a sense of awe or anxiety;
- Perceptions that the landscape has arresting or inspiring qualities; and
- Fulfilment from the physical challenge required to penetrate into these places.

11. These physical attributes are strongly expressed, and are of sufficient extent, to evoke the full range of perceptual responses in WLAs. The term *wild land qualities* encompasses both *physical attributes* and *perceptual responses* – reflecting that it is a combination of factors that contributes to the value and appreciation of wildness. Development located outwith WLAs may only impact on perceptual responses.
12. SNH has produced descriptions of each WLA which set out their particular *wild land qualities*. For example: 'An extensive, simple interior with few human artefacts, contributing to a strong sense of naturalness, remoteness and sanctuary'. These descriptions should form the starting point for an assessment of impacts on a WLA.

2. THE ASSESSMENT PROCESS

Wild land impact assessment – key principles

13.Box 1 summarises the approach to take when considering impacts on WLAs. The assessment should:

- be proportionate to the scale of development and extent of likely effects;
- be clear and transparent so that the reasoning that informs judgements can be tracked; and
- convey the complexity of effects.

14.A short written report (including annotated photographs) with a table summarising impacts and their effects on particular qualities and the attributes and responses that contribute to these qualities will be helpful. Illustrative (but incomplete) examples of the summary table are provided in Annex 2

Box 1: Summary of wild land area impact assessment approach	
Step 1 - Define the study area and scope of the assessment	Identify a study area appropriate to the scale of development and extent of likely significant effects on the WLA.
Step 2 – Establish the baseline	Confirm the wild land qualities of the study area and the nature of their contribution to the WLA. The assessment should identify which qualities are likely to be significantly affected by the proposal.
Step 3 – Assess the sensitivity of the study area	Identify which wild land qualities of the WLA, including the physical attributes and perceptual responses that contribute to those qualities, are most sensitive to the type and scale of change proposed.
Step 4 – Assess the effects	Given the size or scale of change, extent and duration, describe the effects on individual qualities and / or combinations of qualities, drawing out which physical attributes and perceptual responses will be affected and how, and the potential for mitigation.
Step 5 – Judgement of the significance of effect	Describe the significance of residual effects on the wild land qualities of the Wild Land Area. This should take into account mitigation.

Step 1 - Define the study area and the scope of the assessment

15.The study area should reflect the extent of the likely effects on WLAs, including any cumulative effects. Early discussion with SNH is encouraged (at scoping stage) and can help to focus the assessment on areas where the effects on wild land qualities are likely to be significant. The rationale for the selection of the study area should be clearly stated within the assessment and should consider the following.

- **The scale of development and extent of effects.** A proposal with likely extensive effects could be considered at the scale of the entire WLA or WLAs that are likely to be affected. Small scale developments may have localised impacts that are not significant at the WLA scale.
- **The extent of visibility.** Where visibility is limited to part of the WLA a more focused study area may be appropriate. However any effects must be considered in addition to the contribution that this study area makes to the WLA as a whole.
- **Routes and movement through the WLA.** The assessment should take account of key locations, and routes within the WLA.
- **The wild land qualities likely to be affected** should be the focus of the assessment. The boundaries of WLAs have been identified for strategic purposes and require a case by case judgement when considering how development just within, or adjacent to these areas is assessed.
- **The potential for cumulative effects.** At an early stage of the assessment process, other proposals (either of the same or different type) which are likely to contribute to significant cumulative effects in addition to the proposal should be identified and discussed with the relevant planning authorities. The principles within SNH's cumulative guidance specific to onshore wind energy development² should be applied to assessing cumulative effects on WLAs.

Step 2: Establish the baseline

16. When reviewing the baseline, the strength of attributes and responses and their contribution to the wild land qualities of the area should be confirmed, taking in to account any changes that may have occurred either within or outwith the WLA since the mapping and descriptions were produced. Changes should only be referenced if individually or collectively they affect the appreciation of wild land qualities.
17. The WLA descriptions are important for understanding the baseline condition of the WLAs along with the desk-based mapping work on SNH's [‘Mapping Scotland's Wild Land Areas’](#) web page. The assessor will need to augment these with fieldwork.
18. The strength to which the wild land qualities are expressed will vary in different parts of the WLA. In general, they will strengthen progressively as a person moves into a WLA. The WLA descriptions and fieldwork should be used to understand the different characteristics of the baseline environment, forming a basis for the assessment of effects on qualities.

Step 3: Assess the sensitivity of the study area

19. The sensitivity of the WLA qualities to different types and scales of development will be informed by the WLA descriptions and fieldwork. The assessment of sensitivity should take into account any evidence of past or current use. This does not automatically make them more or less sensitive to development and assessments should consider this on a case by case basis.

² SNH (2014) *Assessing the cumulative impact of onshore wind energy developments*.
<http://www.snh.gov.uk/docs/A675503.pdf>

Step 4: Assess the effects

20. An assessment of the effects on the wild land qualities should be undertaken in line with GLVIA. This sets out how to assess effects in terms of the size or scale of change, geographical extent of the area influenced, and their duration and reversibility.
21. The impact of development outwith a WLA will require careful justification and consideration. A wild land assessment should only consider effects on the qualities of the WLA as they are experienced within it, not from outwith it. This is in contrast to a scenic or landscape designation, whose appreciation from outwith is part of the standard LVIA approach.

Step 5: Judgement of the significance of effect

22. The significance of effects should be considered in terms of the WLA's qualities. Some of the different judgements on significance are illustrated in Annex 2.
23. Assessing significance should follow the approach set out in the GLVIA. This recognises the need for an evidence based approach combined with professional and reasonable judgment. The subjective nature of wildness underlines the need for judgments on effects to be transparent and understandable, so that the underlying assumptions and reasoning can be understood by others. When evaluating the significance of effects, the subjective nature of perceptual responses should be taken in account.
24. Having identified potential effects, measures to reduce any anticipated adverse effects should be considered as part of the standard LVIA process. Whilst it is recognised that there will be limited scope for successful mitigation of large scale developments within or partly within WLAs, some examples of approaches to mitigation measures that could be applied to other developments are included in Box 2. Once these measures have been considered, the significance of residual effects should be clearly identified.
25. The overall judgement of significance should reflect the sensitivity of the wild land qualities within WLAs and the magnitude/extent of effect. Development located outwith WLAs may only impact on perceptual responses. The protection of wild land qualities, as set out in SPP, means that only in exceptional circumstances relating to scale, siting or design will development outwith WLAs have a significant effect. An example of the particular circumstances is illustrated in example 4b of Annex 2.

Box 2: Examples of potential mitigation
<ul style="list-style-type: none"> • Rationalise the spatial extent or scale of development or parts of the development. For example: effects can be mitigated by removing or reducing the scale of components in more sensitive locations; combining tracks and associated elements within a single working corridor; and revising construction access routes to avoid sensitive areas. • Sensitive siting of components. For example: re-siting components where woodland can provide (or will provide in the future) some screening;

and micro siting components to use land form to reduce their visual envelope.
<ul style="list-style-type: none"> • A high standard of design. For example: effects can be reduced by burying development components; and selecting sympathetic materials can improve landscape fit.
<ul style="list-style-type: none"> • Use of high standards of restoration. For example: tracks can be removed or their running width reduced, after construction of the development.

26. In addition to mitigation of new effects, in some cases it may be appropriate to consider the scope for removing and / or enhancing existing features that detract from wildness. For example by re-routing existing poorly sited tracks to ensure a better landscape fit; restoring redundant access tracks; or removing redundant fence lines.

ANNEX 1. Frequently asked questions

1. Why do we need to assess impacts on WLAs?

NPF3 and SPP support the right development in the right place. They recognise that WLAs need significant protection and that development in these areas (including wind farms) may be appropriate in some circumstances.

The assessment process set out in this guidance will aid the decision maker in their consideration of impacts on the qualities of WLAs. The significance of effects will take into account siting, design and other mitigation.

Impact on WLAs is just one factor to be taken into account by the decision maker in their consideration of the overall balance between protection and development.

2. Who should be consulted on the requirement for, and scope of, a WLA assessment?

It is the decision making body (the Planning Authority or Scottish Ministers) who decide if a wild land assessment is required. However, given its role, SNH may be consulted about the need for and scope of a wild land assessment in line with our service statement on [Planning for Development](#).

3. What is the role of Scottish Natural heritage (SNH) with respect to WLAs?

SNH is the government advisor on matters related to the natural heritage. Our work is about caring for the natural heritage, enabling people to enjoy it, helping people to understand and appreciate it, and supporting those who manage it.

In 2013, we were asked by Ministers to advise on mapping of wild land. The resulting advice and map of Wild Land Areas (<http://www.snh.gov.uk/docs/A1323989.pdf>), submitted in June 2014, drew on previous research and wide consultation.

When consulted on by decision making bodies, we provide advice on the impact of development proposals on the wild land qualities of WLAs. In advising on impacts, SNH takes into account wider interests as may be appropriate.

4. How can all or part of a WLA have wildness quality if development is present within it, or visible from it?

WLAs are not 'wilderness'. Like most landscapes in Scotland, they contain some evidence of past occupation, contemporary use and/or land management. This can include amongst other things, buildings (derelict and still used), tracks, hydro-electricity infrastructure, and evidence of sporting and grazing management. Similarly, some development outwith WLAs can be seen from parts of WLAs. Despite the evidence of these developments (either within or outwith a WLA), it is sufficiently light and of limited extent that the range and strength of wild land qualities remains well expressed within the WLAs.

5. How can wild land qualities be affected by development located outwith a WLA?

Development outwith a WLA can affect the wildness qualities within the WLA where it effects the experience of these qualities.

The baseline condition of the WLA is described within the wild land description as a set of wild land qualities. Where any of these qualities are affected by development, regardless of where it is sited, they should be considered. Where impacts are identified that affect the strength of wildness within the WLA to the degree that one or more of the qualities is substantially eroded this is considered to be significant.

6. How do the qualities of the Wild Land Areas relate to Landscape Character Assessment, and the special qualities of National Scenic Areas or National Parks?

The qualities identified in the WLA descriptions provide additional information to that set out in SNH's national set of Landscape Character Assessments. These are in the process of being reviewed and updated to highlight where wildness is especially strong.

Wildness may also be identified as one of the special qualities identified for National Scenic Areas (NSA) or National Parks. This may occur in NSAs which are outwith, partially overlap or are wholly within a Wild Land Area. Where the NSA does not have the accompanying recognition as a WLA, the quality of wildness should be in line with other special qualities identified for the NSA. Where there is the additional recognition provided by a WLA, then wildness should be considered in the context of both the NSA and the relevant WLA/s.

ANNEX 2. Illustrative examples of wild land assessments

The following examples show how an assessment of the effect of a development proposal on Wild Land Area (WLA) qualities can be presented. They are:

Example 1a: Run of river hydro-electric proposal located within a Wild Land Area

Example 1b: Impoundment hydro-electric proposal located within a Wild Land Area

Example 2: Telecom mast proposal located within a Wild Land Area

Example 3: Wind farm proposal located partly within, and partly outwith a Wild Land Area

Example 4a: Wind farm proposal located outwith a Wild Land Area

Example 4b: Wind farm proposal located outwith a Wild Land Area

The examples illustrate different types, scales and locations of proposals and range of likely effects on the wild land area. All examples are hypothetical, and the following notes should aid understanding.

- The examples are not complete, but illustrate the type of thinking to be presented as part of a wild land assessment (note that Step 1 of the assessment will normally include an accompanying map, and step 2 would also include a statement describing any changes to the baseline where appropriate).
- The qualities as listed here are only the 'headlines'. Reference to the full description is required to fully understand the range and contribution of wild land attributes and responses which combine to give rise to the qualities.

Example 1a: Run of river hydro-electric proposal located within a Wild Land Area

STEP 2 – establish the baseline	STEP 3 – assess the sensitivity of the study area	STEP 4 – assess the effects
<i>An extensive, remote mountain interior with strong qualities of sanctuary and solitude</i>	High: This quality is highly sensitive to any new built features that create prominent foci and appear as obvious human artefacts. Existing built structures tend to be isolated, discrete in siting and low-key in design.	<p>Medium adverse in the medium term: The 5km of upgraded track (within the WLA) will result in significant visual effects that will detract from the quality of sense of sanctuary and solitude in the medium term.</p> <p>Low adverse in the long term: The powerhouse has been re-sited to a natural hollow where the landform and associated woodland provide screening from the majority of key elevated locations. The design is in-keeping with the nearby bothy and will be seen in a similar context. All intakes will be discreet in nature, with wingwalls formed using natural rock. These will reduce the perception of introducing new human artefacts/structures in the WLA and thereby minimise the impact on the strong sense of solitude. Over time, the width of the track will be reduced and a central</p>

		green running strip established. This will reduce the impact of the upgraded track on the sense of solitude. Once the woodland is established between the burn and track, this element of the proposal will no longer detract from the high sense of sanctuary.
<i>Deep glens that have steep, arresting side slopes as well as rivers and waterfalls, with some containing lochs</i>	High: This quality is highly sensitive to development that changes hydrological flow. The apparent naturalness of water features are key contributors to the WLA quality (including the large and promoted waterfalls).	Low adverse in the long term: Water abstracted will be returned to the burn before the falls. The high naturalness will therefore be maintained throughout the year and will not result in any effects on the appreciation on this quality.
<i>Native woodlands that contribute to the sense of naturalness and highlight some arresting landscape features</i>	Medium: Native woodlands along the burns contribute to the sense of naturalness therefore this quality is sensitive to any removal of existing native trees along watercourses.	High positive in the long term: The proposed new native woodland will link the current fragmented riparian woodlands. In time, this aspect of the proposal will enhance this WLA quality.
STEP 5 Judgment of the significance of effect	Not significant: By careful siting and design of the hydro-electric development, and associated woodland enhancement along the burn, the proposal will not result in long term significant effects on the WLA qualities.	

Example 1b: Impoundment hydro-electric proposal located within a Wild Land Area

STEP 2 – establish the baseline	STEP 3 – assess the sensitivity of the study area	STEP 4 – assess the effects
<i>An extensive, remote mountain interior with strong qualities of sanctuary and solitude</i>	High: This quality is highly sensitive to any new built features that appear as obvious human artefacts, or aid access to the more remote parts of the WLA.	High adverse in the long term: The proposed access track leading up to the dam will aid access whilst the dam and track introduce human features into an area where these are currently not apparent.
<i>Deep glens that have steep, arresting side slopes as well as rivers and</i>	High: This quality is highly sensitive to development that changes hydrological flow or introduces water	Medium adverse in the long term: The proposed impoundment within the WLA will introduce a contemporary land use indicated by the fluctuating water levels which will result in a draw down scar. The

<i>waterfalls, with some containing lochs</i>	bodies which indicate contemporary land use. The apparent naturalness of water features are key contributors to the WLA quality.	water flow from the existing burn will be altered to the degree that in some periods, the flow will be substantially reduced. This will affect the perception of naturalness. This impact will be on a part of the WLA which is not currently influenced by contemporary land use and has high naturalness. The site of the proposed impoundment is some distance from, and does not have visibility of, other hydro lochs within this WLA.
<i>Native woodlands that contribute to the sense of naturalness and highlight some arresting landscape features</i>	Medium: Native woodlands along the burns contribute to the sense of naturalness therefore this quality is sensitive to any removal of existing native trees along watercourses.	Low adverse in the long term: The removal of some small groups of trees as a result of the impoundment will locally reduce the perception of naturalness within the glen. The new native woodland to be established around the powerhouse (outwith the WLA) will positively contribute to the character of that area.
STEP 5 Judgment of the significance of effect	Significant: The area where this proposal is located is currently of high naturalness and remoteness. It is not affected by contemporary land uses. The proposed development will effect these attributes, with the access track, dam and the draw down scar resulting in a significant adverse and long term impact on the qualities of this WLA. The new native woodland will not be sufficient to mitigate these adverse effects.	

Example 2: Telecom mast proposal located within a Wild Land Area

STEP 2 – establish the baseline	STEP 3 – assess the sensitivity of the study area	STEP 4 – assess the effects
<i>A remote interior where access involves long distances and lengthy time via penetrating glens or crossing over and around rugged landforms and waterbodies.</i>	Medium: This quality is sensitive to any improvements to access routes which reduce the physical challenge, high sense of remoteness and the sense of sanctuary currently experienced from within the WLA.	Medium adverse in the short term: The upgraded track required to deliver and construct the mast will iron out some landform features. Combined with a new bridge crossing and a short section of new access track, the challenge of access in this area will be reduced. Low adverse in the long term: This impact will be reduced in the long term as the track is restored to its current running width. Although the new bridge will be retained, access will remain challenging in the remaining part of the WLA away from the track.
<i>Strong qualities of sanctuary and solitude, away from</i>	High: This quality is sensitive to new development deep into	Low adverse in the long term: To ensure a good landscape fit, the mast will be located lower down the foothills. This

<i>the mountain foci near to the WLA margins</i>	the WLA where there is little other sign of activity.	will ensure a stronger association with the existing lodge and its outbuildings. The scale of the mast has also been selected so as not to dominate other built development associated with current estate activity.
STEP 5 Judgment of the significance of effect	Not significant: Careful siting and design of the mast has ensured a strong association with the scale of existing development in the WLA. The access improvements are also limited to a small part of the WLA. This mitigation ensures that effects on the wild land qualities are minimised in the long term.	

Example 3: Wind farm proposal located partly within and partly outwith a wild land area

STEP 2 – establish the baseline	STEP 3 – assess the sensitivity of the study area	STEP 4 – assess the effects
<i>The extent of the WLA is not always obvious and the higher slopes provide panoramic views to adjacent WLAs that seem to form a continuous mountain landscape</i>	High: This quality is very sensitive to large scale and prominent development that intrudes into 'borrowed views'. These views provide the context for appreciation of the extent and scale of the wild land experienced from within the WLA.	High adverse in the long term: The proposal is located on lower ground within the strath at the edge of this WLA. The immediate arc of mountains will limit the extent of visibility of the proposal from much of the lower lying interior. However, from higher slopes within the WLA, the turbines and tracks will be highly visible and will affect appreciation of the wild land quality from within the WLA.
<i>A very remote interior drawing adventurous and experienced hillwalkers</i>	Medium: This quality is underpinned by the very high remoteness experienced from within the interior of this WLA. The quality is sensitive to any new forms of development that will aid access to the interior.	Low adverse in the long term: Although there will be a network of new tracks created across the development site, these only extend over a limited area where exiting estate tracks and stalkers paths already aid access. Further, the proposal is located at the edge of the WLA. Thus, the development will not substantially reduce the current physical challenge required to access the remote WLA interior.
<i>Arresting mountains and a sense of remoteness and sanctuary are experienced by many along a network of paths and tracks through the glens</i>	Medium: This quality is based on access by stalkers' paths and tracks which follow landform features. The sensitivity of this quality is medium because there are a number of straths within the WLA where this quality can be	Medium adverse in the long term: The high sense of sanctuary experienced within the strath in which the wind farm is proposed will be affected. The larger wind farm tracks will iron out the more subtle landform features which the existing tracks reflect. The proposal will therefore change the experience within that part of the WLA from undeveloped focused on mountains, to one where the turbines are

	appreciated.	the focal feature. However, the extent of this impact on the overall WLA is limited because there are a number of popular straths where this wild land quality is accessed and appreciated.
STEP 5 Judgment of the significance of effect	Significant: There will be a significant effect on two of the qualities identified for this WLA: ' <i>...the higher slopes provide panoramic views to adjacent WLAs that seem to form a continuous mountain landscape</i> ' and ' <i>... a sense of remoteness and sanctuary are experienced by many along a network of paths and tracks</i> '. Although the proposal is located on low ground within the strath and is at the periphery of this WLA, the form of development is large in scale and highly visible when viewed from within the WLA. The scale and location of the turbines will introduce highly visible elements and detract from the extent of wild land quality currently provided by the unbroken views to adjacent and contributing mountains. These impacts are not able to be mitigated.	

Example 4a: Wind farm proposal located outwith a wild land area

STEP 2 – establish the baseline	STEP 3 – assess the sensitivity of the study area	STEP 4 – assess the effects
<i>A series of deep glens carved through the mountains, with arresting side slopes and spectacular geological features that contribute to a strong sense of naturalness</i>	Medium: The inspiring and arresting qualities of the interior are sensitive to development in both short and long frame views which detract from the sense of naturalness experienced within the WLA.	Low adverse in the long term: Although the proposal is located outwith the WLA, it is sited in line with one of the deep glens which penetrate through to the interior of the WLA. However, potential effects on this quality have been considered as part of the design process. The visual spread of the proposal has been limited by relocating and removing some turbines which appear as outliers when viewed from within the WLA. As a consequence, the proposal is sited where it would be largely backclothed by more distant landforms. This design has reduced the effects of development on long, channeled views from the interior of the WLA.
<i>A secluded, elevated and remote interior plateau shielded by an outer rim of hills, in which there is a strong sense of solitude, sanctuary</i>	High: This quality is particularly sensitive to any blades or turbines visible from within the WLA interior plateau especially where they will be seen without their bases and tracks.	Negligible: Through the iterative design process the turbines have been reduced in height in order to remove all visibility from the interior where the sense of remoteness, sanctuary and solitude are especially high.

<i>and risk</i>		
STEP 5 Judgment of the significance of effect	Not significant: Due to careful siting and design of the proposal, the long distant views of the proposed wind farm from the deep glens within the WLA will be constrained. Whilst removing all visibility of the development from the WLA is not possible, the proposal will not be visible from the interior, dominate views or result in a significant effect on the qualities of this WLA.	

Example 4b: Wind farm proposal located outwith a wild land area

STEP 2 – establish the baseline	STEP 3 – assess the sensitivity of the study area	STEP 4 – assess the effects
<i>A series of deep glens carved through the mountains, with arresting side slopes and spectacular geological features that contribute to a strong sense of naturalness</i>	Medium: The inspiring and arresting qualities of the interior are sensitive to development in both short and long frame views which detract from the sense of naturalness experienced within the WLA.	Low adverse in the long term: In some framed views, the proposal will appear as a new and dominant feature, detracting from the prominence and grandeur of the mountains which are recognised as a quality of the WLA. This is particularly the case from elevated locations in the WLA. In contrast, other contemporary land uses and human artifacts outwith the WLA, are of a smaller scale and their impacts on the WLA qualities are limited.
<i>A secluded, elevated and remote interior plateau shielded by an outer rim of hills, in which there is a strong sense of solitude, sanctuary and risk</i>	High: This quality is particularly sensitive to any blades or turbines visible from within the WLA interior plateau especially where they will be seen without their bases and tracks.	High adverse in the long term: The location and height of the proposal will result in turbines being visible from an area within the secluded interior plateau of the WLA. This will introduce views of human artefacts where they are not currently evident, and interrupt the simplicity of the landscape within the WLA. The turbines will appear to encroach on the WLA affecting the experiences of the sense of sanctuary and solitude that is currently high due to a lack of these influences.
STEP 5 Judgment of the significance of effect	Significant: This proposal will adversely affect the sense of sanctuary and solitude experienced within areas of the WLA where these attributes are currently strongly expressed as a result of the lack of external influences. In addition, from some locations, the proposal will detract from the grandeur of the inspiring and arresting mountains recognised as a quality of this WLA. The combination of these effects will result in a significant impact on the qualities of this WLA.	

FAO Euan Gray
North Ayrshire Council
By Email

2nd October 2019

Dear Euan

Re: 18/01123/PP: Site to the North of Standingstone Hill, Kilbirnie
Our reference: GLA3690

Thank you for the opportunity to provide further information in respect of the above planning appeal.

Glasgow Airport Limited (GAL) is the operator of Glasgow Airport and the holder of an Aerodrome Operating Certificate issued by EASA for that purpose.

GAL is a statutory consultee and Glasgow Airport is officially safeguarded on the basis of its importance to the national air transport system through Circular 2/2003 (Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003).

The requirement to safeguard certain aerodromes originates from Annex 14 of the 1944 Convention on International Civil Aviation (the Chicago Convention), and transcribed into UK legislation via the Civil Aviation Act 1982, Air Navigation Order 2009 and through EASA Regulations.

The proposed development has been assessed in accordance with aerodrome safeguarding requirements and is predicted to have an unacceptable impact on the safe and efficient operation of Glasgow Airport. We have therefore objected to this proposal on safeguarding grounds as detailed in our letter of 12th July 2019. We highlighted in that response a potential technical mitigation solution that could allow our objection to be removed. This would be subject to legal agreement and further technical feasibility assessment.

The mitigation solution comprises a new Terma radar, which is now operational at Glasgow Airport, as well as a number of processes, operational procedures and legal obligations on both the airport and benefitting developers to ensure that the safe and efficient operation of the airport is not impacted at any point in the wind farm's lifetime. These processes, procedures and obligations have been carefully designed in consultation with consenting authorities and DPEA to enable both the initial deployment of the Terma radar and any subsequent application to 3rd party wind farms to be carried out in a fair and equitable manner.

The process requires developers to enter legal agreements prior to any technical feasibility assessments being carried out. This is to ensure the mitigation scheme will be implemented as agreed. Until the technical feasibility assessment is carried out it cannot be concluded that the Glasgow Terma radar will be able to mitigate any particular development. The assessment

is carried out by NATS on our behalf and timescales for completion are no less than 3 months following signature of agreements.

We have engaged with the applicant and invited them to commence this process. We have not yet reached agreement but do not anticipate being unable to do so in principle. No technical feasibility assessment to confirm suitability has therefore been undertaken and the airport's objection is therefore still active.

We will continue to work with the applicant to progress this solution and hopefully reach a positive conclusion that would allow us to remove our objection subject to conditions. Given the timescales of the local review however this will not be achieved prior to the hearing. If possible we would request a delay in determination until our work with the applicant and NATS can be concluded.

Should the Local Review Body wish to proceed to determination prior to conclusion of this work please note our standard radar mitigation conditions below should be attached to any consent to ensure the safe and efficient operation of the airport is not compromised:

1. That, prior to the commencement of development, a Radar Mitigation Scheme setting out measures to be taken to prevent the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport must be submitted to, and approved in writing by, the planning authority, in consultation with Glasgow Airport Limited.

Reason: In the interests of aviation safety.

2. The turbines must be erected in accordance with the approved Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

3. The development must be operated at all times fully in accordance with the approved Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

It is important that any conditions noted in this response are applied to any planning approval. Where a Planning Authority proposes to grant permission against the advice of Glasgow Airport, or not to attach conditions which Glasgow Airport has advised, it shall notify Glasgow Airport, the Civil Aviation Authority and the Scottish Ministers as per Circular 2/2003: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003.

Please do not hesitate to contact me should you require any clarification or additional information.

Yours sincerely

Hearing Statement for Local Review of planning application for wind turbine development on site to north of Standingstone Hill, Kilbirnie

Contents

1. The law in relation to making decisions on planning applications
2. Planning Circular 3/2013: Development management procedures: **Annex A: Defining a Material Consideration**
3. Development plan
4. Other material considerations
5. Officer comments

1. The law in relation to making decisions on planning applications

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

Section 25: Status of development plan

(1) Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise—

(a) to be made in accordance with that plan

Section 37: Determination of applications: general considerations.

(1) Where an application is made to a planning authority for planning permission—

(a) subject to sections 27B(2) and 59(1)(b), they may grant planning permission, either unconditionally or subject to such conditions as they think fit, or

(b) they may refuse planning permission.

(2) In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

2. Planning Circular 3/2013: Development management procedures: Annex A: Defining a Material Consideration

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.

2. The House of Lord's judgement also set out the following approach to deciding an application:

- Identify any provisions of the development plan which are relevant to the decision,
- Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
- Consider whether or not the proposal accords with the development plan,
- Identify and consider relevant material considerations for and against the proposal, and
- Assess whether these considerations warrant a departure from the development plan.

3. There are two main tests in deciding whether a consideration is material and relevant:

- It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
- It should relate to the particular application.

4. The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where

development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:

- Scottish Government policy and UK Government policy on reserved matters;
- the National Planning Framework;
- Policy in the Scottish Planning Policy and Designing Streets
- Scottish Government planning advice and circulars;
- EU policy;
- a proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance;
- guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act;
- a National Park Plan;
- community plans;
- the environmental impact of the proposal;
- the design of the proposed development and its relationship to its surroundings;
- access, provision of infrastructure and planning history of the site;
- views of statutory and other consultees;
- legitimate public concern or support expressed on relevant planning matters.

6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

3. Development Plan

As per report on handling, the application was determined in terms of the adopted Local Development Plan (2014). This was the adopted, statutory development plan at the time the decision was taken on 6th March 2019.

In the assessment of the application, consideration was also given to the status of the emerging Local Development Plan, (often referred to as LDP2).

The final approval of this plan was taken by the full Council on 17th September 2019. It was adopted by the Council as the statutory development plan on 19th October 2019.

As such, greater weight should now be afforded to the commentary in the report on handling in relation to LDP2.

4. Other material considerations

As noted above, a wide range of factors can be accepted as material considerations. Planning Circular 3/2013 advises that:

It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

The decision maker must therefore consider the proposal in the context of both the development plan and other material considerations. In essence, the matter to be examined is whether the development plan provides a sufficient framework for taking a decision on the merits of an application, or whether there are material considerations that would *outweigh* the policies of the development plan.

5. Officer comments

The report considered a wide range of development plan policies and material considerations. In conclusion, I reached the view that the development site was highly constrained by a variety of planning policies and other material considerations – specifically the greater protection to be afforded to Special Landscape Areas (in respect of Clyde Muirshiel Regional Park) and Wild Land Areas. The physical scale of the development in such a heavily protected and constrained upland landscape was therefore a very significant material consideration. This was *underpinned* by development plan policy and *reinforced* by the views of Scottish Natural Heritage.

Given these factors, I concluded that there was no *overriding need* for the development to be located *only* at that specific location in order to secure the potential benefits of the development for the local community.

Nevertheless, the report did fully consider these potential benefits and highlighted widely the applicant's (and their supporters) environmental and socio-economic goals for the nearby communities.

However, notwithstanding these potential benefits, and having considered the overall planning policy framework, I did not feel that the choice of location for the development warranted such a significant departure from the policy constraints which affected the application site. I did not feel that these potential benefits outweighed the provisions of the development plan nor the other material considerations that had been taken into account, such as the 'Landscape Capacity Study for Wind Farm Development in North Ayrshire' which had been published in October 2018 and 'Scottish Planning Policy', published in 2014.

This point is made in the summary to the report on handling:

"whilst it is agreed that community ownership together with the potential income stream could contribute to positive socio-economic outcomes for the local area of the Garnock Valley, the proposed location for the development within the Upland Core area of Clyde Muirshiel Regional Park is and remains the most critical determining land use planning issue. Ultimately, the role of the planning system, as noted in Scottish Planning Policy, is to direct development to appropriate places, and to help protect and enhance natural assets, such as the Upland Core landscape. In this instance, it is not considered that the proposed development would be appropriately located. The protection of the Upland Core area from large scale wind turbine development, as per the above analysis, should therefore be given more weight than the other material considerations identified by the applicant."

Save Your Regional Park Campaign and Clyde Muirshiel Regional Park Forum

Planning Application 18/01123/PP. Email. eplanning@ north -ayrshire.gov.uk

We wish to include the following statement in our documentation:

1. We are founder members of the organisation Save Your Regional Park. It was set up to campaign for the preservation of Clyde Muirshiel Regional Park from inappropriate industrial development in particular from wind turbines. Regrettably over the years there have been a large number of wind turbines given planning permission and the resulting effect on the landscape is all too apparent. Sybil Simpson is also a member of Clyde Muirshiel Regional Park Forum. The sense of a place of wildness has been eroded and there are now over 40 turbines in the Park. **So far the Wild Land area has not had any turbines installed on it and this is the only wild land area in the Regional Park.**

The Wild Land in Scotland:

- Is a big part of Scotland's identity
- Brings significant economic benefits – attracting visitors and tourists
- Many get psychological and spiritual benefit
- Provides an environment and havens for Scotland's wildlife untampered by human beings
- Is easily accessed by residents in the Central Belt and even easier access for the residents of Kilbirnie and surrounds

2. We note the following comments made by Clyde Muirshiel Regional Park Authority and totally concur with them.

"The proposed turbine would be a significant detrimental impact on the recreational asset of Clyde Muirshiel Regional Park. The proposed turbine would have a significant visual impact on the landscape features of the Regional Park. The Garnock Valley is an attractive rural feature and leads to the scenic waterfall at the Garnock Spout. The turbine would be within the area of the funded Landscape Heritage Project, the Garnock Connections, that aims to enhance and promote natural and cultural heritage around the River Garnock. Glengarnock Castle is within two kilometres of the potential turbine and within 400m of the site of a standing Stone and corn-drying kiln. The Garnock area has breeding peregrine falcons and raven. The noted turbine location is around two kilometres from the Renfrewshire Heights Special Protection Area and Site of Special Scientific Interest for hen harriers. The turbine would be within one of the 42 Scottish areas of Wildland noted by Scottish Natural Heritage. Surveys should be conducted to establish any potential impacts on nesting birds and species of conservation concern."

It has also been observed by a number of people that golden eagles are also flying over this area in search of food. These golden eagles are probably breeding on Arran. We now have ospreys breeding in the Regional Park.

3. In the Applicant's landscape and visual intrusion document submitted with their planning application it states " the single turbine is located near Kilbirnie since it is a community turbine which would benefit the local community of Kilbirnie. "

This is a misleading statement which gives a wrong impression. It could be misconstrued by people thinking the electricity generated will be used locally. It is partially correct given the assertion that money deriving from the turbine will be given to the charity Radio City Association who could then use the money for local benefit. It is disingenuous to attempt to use the benefit to the charity as an excuse for the turbine's existence in an area of Wild Land. There is limited Wild Land in Scotland and it has to be protected and preserved for future generations.

Climate Change is one of the most serious threats facing the world. It presents a huge challenge to Scotland's nature. At this moment in time Climate Change is high on the priority list of all politicians in most of the countries in the world and we need to be seen to make a significant contribution to Climate Change by preserving Wild Land. No doubt the developers will say that the construction of one turbine will not make a difference to Climate Change but if everyone has that attitude then our environment will continue to be affected. We must be seen to stand up and care about our environment no matter how small our efforts are. Every effort matters and will add up in the end.

"If you are able and have the ability you also carry the responsibility to contribute and to save wild nature" Anders Holch Povlsen

If the charity wishes to gain revenue from a wind turbine they have the whole United Kingdom from which to locate a suitable location as well as brown field sites which are not environmentally sensitive.

Scottish Natural Heritage's website makes reference to this Wild Land. The language used is emotive including references to the "sense of naturalness" and reference to "overall sense of remoteness and sanctuary". We commend these descriptions.

4. In the Applicant's Planning Supporting Statement it is claimed that wind farms haven't adversely affected visitor numbers.

According to CMRP Park Visitor Figures - nearly 650,000 people visited the Regional Park in 2017/18. However, this figure is merely a statement of the visitors who visit the three centres – Castle Semple, Cornalees and Lunderston Bay. The three centres monitor this type of visitor. What is not stated are the thousands of other types of visitor who want to access the wilder land indirectly and these visitors are not recorded. For example, recently there has been a significant increase in hill walkers, rambling clubs, etc accessing the east side of the Regional Park instead of the area where turbines are visible. For example, from Lochwinnoch's Core Paths on any given day you can observe walkers, ramblers, dog walkers, etc accessing Misty law, etc because this is now one of the few areas in the Park which still has a sense of wildness. People who want to experience the solitude and sense of place of the wild land find turbines incongruous in such settings.

The spiritual aspect of the wild land appears to be a concept not understood by developers.

The wild land is a wonderful asset for the residents of Kilbirnie. They are fortunate to be within easy walking distance of the Wild Land area. Unlike extremely remote areas of Wild Land where visitors have to travel and walk long distances to get to them, this wild land is easily and quickly reached by a walk of about 3 miles from the Radio City building in Kilbirnie.

It is a wonderful free community and health-giving asset on the doorstep of Kilbirnie and surrounds yet the Applicant proposes to despoil it. Given the state of Scotland's health record the health benefit, both physical and mental, of walking in unspoiled environment cannot be underestimated.