
NORTH AYRSHIRE COUNCIL

24th May 2023

Planning Committee

Locality	North Coast and Cumbraes
Reference	23/00114/PP
Application Registered	17th February 2023
Decision Due	17th April 2023
Ward	North Coast

Recommendation	Approved subject to Conditions
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Location	Site To The North East Of Wee Minnemoer Millport
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	Isle Of Cumbrae Ayrshire
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Applicant	Comsol Energy Limited
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Proposal	Installation of a photovoltaic solar farm, with associated battery energy storage systems and associated infrastructure
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1. Description

This can be ascertained by reference to the attached plans and photographs.

Planning permission is sought for the installation of a photovoltaic solar farm, with associated battery energy storage systems and associated infrastructure on a site to the North-East of Wee Minnemoer, Isle of Cumbrae.

The site is some 15.3ha of rough grassland and open moorland in the centre of Great Cumbrae. It lies to the east of the U36 Inner Circle Road linking Breakough Farm on College Street with Ferry Road. The site is relatively flat at its north-western corner before sloping to the east and south. The site is between approx. 120m AOD and 95m AOD in height.

The installation would be sited on the eastern and southern portions of the site, to make use of the slopes. The developed area would be approx. 9.25ha in size. The site would be accessed from the west, at the southern end of the western boundary. In addition to photovoltaic panels there would be an access road, electricity sub-station equipment and battery storage. The equipment would be between 4.2m and 5.3m in height. The panels would be arranged in rows facing south.

Planning permission was granted in March 2017 (ref: 16/00124/PP) for a similar development to that currently proposed.

In March 2020 an application (ref: 20/00232/PP) was made to vary some of the conditions attached to the 2017 permission. Had this been approved, the 2017 permission would essentially have been extended for another 3 years. The application sought to allow a longer period before the site was to be decommissioned and to allow works to commence prior to providing passing places on the U36 Inner Circle Road. This application was refused as it was not considered that the development was appropriate with the varied conditions. An appeal to the Local Review Body was dismissed.

The 2017 permission (ref: 16/00124/PP) lapsed on 29th March 2020 as no material start to the development was made.

A planning application was submitted in July 2022 (ref: 22/00385/PP) for a similar proposal. This was withdrawn by the applicant in September 2022. They stated that wished to withdraw in order to consider comments raised and re-submit.

The current application was screened under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The Council, as Planning Authority, issued a decision 30th January 2023 that an Environmental Impact Assessment was not required.

In support of the current application the following information, including an Environmental Report which summarises the other documents, has been submitted by the applicant:

Planning Statement

This summarises the site context and background. It sets out the planning policies and provides the applicant's assessment of the development against those policies.

Heritage Impact Assessment

This assesses the likely impact of the development on heritage assets and concludes it would be negligible. It concludes that although there is no evidence of prehistoric use, given the position in the middle of the island, there is a low to medium possibility of prehistoric remains surviving. There is a low possibility of remains from any other era, except for the early medieval, where there is a low to medium possibility of remains associated with a private church in the south-west corner.

It considers that the setting of the Millport Conservation Area and associated Listed Buildings would not be materially changed by the development. There is one other non-statutory heritage asset, a vitrified fort some 1.4km to the north-east which would also not have its setting impacted by the development.

The assessment suggests mitigation in the form of a scheme of archaeological investigation works prior to or during any works.

Landscape and Visual Impact Assessment (LVIA)

The LVIA has assessed the potential for significant landscape and visual effects across an area of 5km. Assessments have also been carried out from wider locations including Portencross Harbour, Little Cumbrae Castle and the Waterhead Moor Wild Land Area.

The assessment identifies the site in a coastal landscape where the prevalent land use is agriculture. The proposed development is considered suitable for the landscape type, given the low-level nature of the development and the existing industrial development which are within views in the wider area. Any significant effects would extend for approx. 750m from the site and be localised due to the topography and landscape features such as woodland and field boundaries. The development would not detract in townscape views of Millport nor of seascape views towards the island or Arran or Bute.

The development is considered to have a significant impact when viewed from the Glaid Stone viewpoint and some localised parts of the NC2 core path (the Inner Circle road). This is due to the proximity of the development. From other receptors including transport routes, it is not considered there would be any significant impact.

Compensatory planting is proposed to reduce impact on any local landscape features. The areas of rough grassland removed to facilitate development is considered minor in the context of the overall landscape. Any impact is considered to be short-term and neutral against the existing conditions. Landscaping, particularly along northern and western boundaries, could additionally mitigate any impacts.

Preliminary Ecological Appraisal and Extended Vegetation Survey

The site is considered to mainly consist of heavily grazed grassland/wet heath, marshy grassland and dense scrub. There were no field signs of protected species recorded within the site, although it is noted that the habitats could be utilised for resting, foraging and commuting.

The Extended Vegetation Survey was conducted in respect of SEPAs comments from the withdrawn application of 2022 and provides further information in respect of habitats. There are six wetland habitats within the site. The development is not considered to lead to significant alterations in groundwater flows and levels. No negative impact on groundwater is anticipated. Mitigation measures for any works on site are proposed including, a Construction Environment Management Plan (CEMP) including pre-commencement checks, meeting the guidelines of bodies such as SEPA and construction management practices; and a post-construction Habitat Management Plan (HMP).

Hydrological Assessment

This identifies that baseline water runoff should remain unchanged as the land underneath the panels will remain vegetated and capable of receiving water runoff. The runoff from the hard standings for the track, battery storage and other equipment is considered to be accommodated within the site and no transfer of water runoff to another water catchment area should occur. The development is not considered to be situated within the functional floodplain. The crossing of the watercourse should be designed to accommodate flood flows to prevent a risk of flooding within the site and downstream.

Transport and Access Statement

This provides details of proposed traffic management measures during construction, decommissioning and operational phases. The access route is considered to be feasible and any increase to traffic flows would be minor during the construction phase. Deliveries of panels and equipment is expected to be phased over an 8-week period. Details of potential visibility splays and passing places are provided.

Glint & Glare Technical Note.

This is an assessment of the likely impact on air traffic and was produced in response to comments by Glasgow Prestwick Airport on the withdrawn 2022 application. It is noted that Glasgow Prestwick Airport has reviewed the Note and does not object to this application.

The application site lies within the Countryside, the Special Landscape Area of Cumbrae and Barbay Hill Local Nature Conservation Site (LNCS), as identified by the adopted Local Development Plan (LDP). It is considered that the relevant policies of the LDP are Strategic Policy 1: Countryside Objective; Strategic Policy 2: Placemaking, Policy 9: Preserving and Enhancing our Conservation Areas, Policy 15: Landscape and Seascape, Policy 16: Protection of our Designated Sites and Policy 29: Energy Infrastructure Development.

National Planning Policy 4 (NPF4) was adopted on 13th February 2023. NPF4 is considered to form part of the development plan. The relevant policies are considered to be Policy 1: Tackling the climate and nature crises; Policy 3: Biodiversity; Policy 11: Energy; Policy 22: Flood risk and water management.

Other material considerations which do not form part of the development plan include: the planning history for the site; the North Ayrshire Council Cumbrae Island Plan, dated March 2022; and the Scottish Government's Carbon Neutral Islands (CNI) project, which is a 2021-2022 programme for government commitment aimed at supporting six islands to become carbon neutral by 2040. The definition of 'carbon neutral', in the context of this project means an island where the greenhouse gas emissions, captured as CO2 equivalent, are in balance with carbon sinks.

Relevant Development Plan Policies

SP1 - The Countryside Objective

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, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy. In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.

- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

Strategic Policy 2

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views

(including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 9 - Conservation Areas

Preserving and Enhancing our Conservation Areas

Development within or adjacent to a Conservation Area, that preserves or enhances its character and appearance, and is consistent with any relevant Conservation Area Appraisal or Management Plan, will be supported providing it can be demonstrated that it retains appropriate scale, proportion, siting, massing, design, and use of materials whilst not inhibiting high quality innovative design.

There is a presumption against the demolition of unlisted buildings that contribute positively towards the character and appearance of a Conservation Area. Proposals will only be supported in the following exceptional circumstances:

- i) The proposal is accompanied by a suitable redevelopment of the site which contributes positively toward the character and appearance of the Conservation Area. Such proposals should also include interim landscaping or sensitive screening of the site. We will also expect proposals to be accompanied by an implementation

timetable and where the redevelopment period is considered to be excessive the demolition will generally be resisted.

AND

- ii) A competent assessment of the building's contribution to the Conservation Area has concluded that there is little or no value in the building's retention; and
 - o The repair or reuse of the building is not economically viable; or
 - o The demolition of the building is essential to delivering significant benefits to the wider community economically, socially or environmentally.Works to trees within Conservation Areas will be supported where they are:
 - o Part of an agreed scheme of tree management; or
 - o Required on the grounds of safety or nuisance; or
 - o Directed towards trees which are not of a material value to the conservation area (i.e. the trees are small, self-seeded saplings; or not otherwise visible to the public/neighbours - they are remotely located; or fast growing tree species such as conifers, leylandii etc.); or
 - o In association with a wider development proposal which would enhance the amenity of the conservation area overall - including one where suitable replacement trees can be accommodated.Further information on our Built Heritage Designations can be found in schedule 9.

Detailed Policy 15-Landscape & Seascape

Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

- a) National Scenic Areas
Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:
 - i) the objectives of the designation and the overall integrity of the area will not be compromised; or
 - ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- b) Special Landscape Areas
We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.
- c) Wild Land
We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.
- d) Local Landscape Features
Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:

- i) patterns of woodlands, fields, hedgerows and trees;
- ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
- iii) settlement setting, including approaches to settlements;
- iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;
- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

Detailed Policy 16- Protection of our Designated Sites

Protection of our Designated Sites

We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;

- a) **Nature Conservation Sites of International Importance**
Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.
- b) **Nature Conservation Sites of National Importance**
Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.
- c) **Nature Conservation Sites of Local Importance**
Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.
- d) **Marine Protected Areas**

Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).

- e) **Biodiversity Action Plan Habitats and Species**
Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.
- f) **Protected Species**
Development likely to have an unacceptable adverse effect on;
 - i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.
 - ii) The Scottish Biodiversity List (SBL) of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.

Detailed Policy 29 - Energy Infrastructure Development

Energy Infrastructure Development

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:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

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

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider 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.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

2. Consultations and Representations

The application was advertised in accordance with statutory requirements. There have been 116 representations received of which 108 are objections, 1 neutral representation and 7 comments in support.

The objections can be summarised as follows:

1. Location. The proposal should be in another location. There are many other more suitable sites on the mainland. This should be on an industrial site. Wind farms on the mainland should be considered. An island site will make the proposal less viable. There is not enough sunshine to justify the proposal. This will set an undesirable precedent for other green spaces.

Response: The application must be determined on its individual merits, including the proposed location. As such no precedent would be set. The LDP can support renewable energy in rural locations so the principle of such development in such an area is acceptable. Planning permission has been granted for a similar development on this site previously.

2. Visual impact. The proposal will have an adverse impact on the views obtainable from the top of the island. It will take up 1% of the surface of the island. It is considered the site is too big. It is bigger than the previous proposals. It will be visible for many miles and impact on views of the island. It would impact on views from roads approaching Largs. It would be visible from most of the Conservation Area. It would create a cumulative impact with the other industrial sites visible from the island. The site is part of a Special Landscape Area. The proposal would impact on views of the town. The substations etc have not been incorporated in the LVIA. The LVIA should include more photomontages. The Council's Landscape Capacity Assessment describes the site a 'sensitive landscape.'

Response: It is agreed that the development would be visible from the highest point of the island. It would also be visible from some views further afield. The visual impact is assessed fully below. It is not agreed that the development would be visible from most of or impact on the Millport Conservation Area. The site is some 3km from the Hunterston industrial estate at its closest point and whilst both sites may be visible in some long views it is not considered there would be any cumulative visual impact. The submitted LVIA is sufficient for the determination of the application. The impact on the Special Landscape Area and wider landscape is considered below. The Council's Landscape Capacity Assessment is dated 2008 and was prepared to inform housing expansions to settlements for the 2009 Local Plan.

3. Wildlife/habitats. The site is home to various wildlife. The LNCS will be impacted. The water-based ecosystem of the site is a home to unique species of insects and a site for breeding birds. The solar panels present a leachate risk to the environment. Bats forage over the site. Otters are known to use the area. The site cannot be returned to its previous condition until all toxic chemicals are cleared from the site. If permission is granted there should be a condition requiring restoration when the lifespan of the proposal finishes. Whilst in operation the site will not support any wildlife. It is not considered that appropriate surveys have been carried out. There will be a loss of agricultural land.

Response: No protected species have been identified on site. Whilst it is noted that the site could be used by such species this would be a matter for the developer to obtain appropriate licences from NatureScot, if required. It is noted NatureScot declined to comment on the application. SEPA has considered the application and has no objection in terms of water environment. Their comments are set out below. The use of the site could support wildlife as the panels will be set above ground. The land is designated as being capable of use as improved grass land and is not identified as being high quality agricultural land, as per the MacAulay Institute land capability system. The proposal has been screened for EIA as set out above.

4. Road/traffic. There will be an adverse impact on the road network. The road will be destroyed by HGVs. The construction traffic would be an accident risk. The road to the site is used by walkers and cyclists. The ferry service could not cope with an increase in traffic. Air traffic would be impacted by glare. There are no details as to the works to the verges.

Response: NAC Active Travel and Transportation has been consulted and has not objected. Their comments are set out below. Details of road upgrade and construction management could be governed by conditions. Glasgow Prestwick Airport has no objection to the proposal.

5. Tourism. The impact on views and the transport network will put tourists off coming to the island. The economy of the island would be impacted by the loss of tourists. The proposed CCTV would impinge on the privacy of people at the viewpoint. The walk around the Inner Circle would be ruined by the fence and CCTV.

Response: The potential impact on tourism and the economy of the island is considered below. The impact of the development is assessed more fully below.

6. Carbon neutral/planning history. The proposal is fundamentally at odds with the national carbon neutral islands proposals. That policy will ensure an assessment of the needs of the island and how they might be met through renewable energy, in consultation with residents. This has not happened yet and therefore the proposal is premature. The proposal is also at odds with the Local Island Plan. The proposal is contrary to the Islands (Scotland) Act 2018 and the Community Empowerment (Scotland) Act 2015. It is not possible to make Cumbrae a carbon neutral island. The proposal does not accord with the Local Development Plan. The planning history of the site is irrelevant.

Response: It is not considered that a renewable energy development would be odds with a carbon neutral aspiration. The Island Plan is considered to be a material consideration and is considered below. The proposal is assessed against the LDP below. The planning history of the site is a material consideration for any planning application.

7. Flooding. Water run-off from the site could flood the town.

Response: SEPA and NAC Flooding were consulted and offer no objections. Their comments are noted below.

8. Further information. No EIA has been carried out. There should be more information on the details of the solar panels, specifically elevations or sections. There is no information as to how the site would be connected to the National Grid. Pylons on the hillside would add to the visual impact. New cables under the sea could be required. No proof has been submitted that the development will not impact on residents of the island in the future.

Response: The proposal has been screened for EIA in accordance with the regulations and no EIA is required. The applicant has provided details of the installation of the panels. Any connection to the grid would be a matter under the Electricity Act and is not relevant to the planning application.

9. Health risk. The manufacture of panels involves harmful chemicals. There is fire risk associated with the development and the fire service may not be able to cope.

Response: No manufacturing of panels on the site is proposed and therefore this is not relevant to this planning application. The risk of accidents was considered through the EIA screening and no considered to be any greater than may be expected in a development of this scale.

10. Applicant. The applicant has no connection with the island. They do not have sufficient funds or a track record of developing such proposals. There will be no direct benefits to the community in terms of cheaper electricity. There would be no jobs for the local community. The consultation process was not considered effective.

Response: The applicant's connection or otherwise to the island or their track record is not a material planning consideration. Financial benefits are not material considerations in relation to this planning application. Given the scale of the proposal, no consultation was required by the applicant under planning legislation. However, it is understood they undertook consultation. The adequacy or otherwise would be a matter for themselves and is not relevant to the planning application.

The 7 comments in support can be summarised as follows:

1. Do not accept the Community Council's campaign against the development. The site is suitable. It is not acceptable to state that it should be elsewhere. The Island has suffered from a lack of investment for many years. Would like the works to start as soon as possible. This will bring economic benefit.

Response: Noted.

2. The Island should share the national project to reduce emissions. The Island will benefit from the electricity fed into the national grid. As a carbon neutral island this should be embraced. The area is less than 1% of the island. The benefits to the environment in terms of creating renewable energy outweighs any other concerns. This can only be a positive step for an island which seeks to be carbon neutral. Cumbrae should play its part in tackling climate change.

Response: Noted.

3. Do not accept that it will affect tourism. Views from the Island will be unaffected. The Hunterston power stations, and industry has been in sight for many decades. Most tourists enjoy the town, beaches and low road around the Island.

Response: Noted.

The 1 neutral representation can be summarised as follows:

1. Generally in favour but would like more visual representations.

Response: The information provided is considered adequate for the purposes of the planning application.

The applicant has provided a response to the comments raised, which can be summarised as follows:

- o The planning policy position has changed since the previous permission, with the current policies strengthening the need for renewable energy development;
- o Details of the panel arrays, fencing and CCTV have now been provided;

- o The details of the grid connection would be for the District Network Operator under the Electricity Act, although they would provide those details once known to the Council for information;
- o They are proposing a list of enhancement measures which will enhance biodiversity.
- o The site was selected due to its planning history and there is no requirement for a site selection process. Applications must be determined on their own merits.
- o The applicant is willing to make a contribution to community funding in order to ensure benefit to the local community. The applicant will be in touch with the Community Council separate to the planning process.

Response: The applicant's response on these points is noted. On the last point, this is not a material planning consideration. The applicant and Community Council or any other local group would be entitled to have such discussions.

The following bodies were consulted:

NatureScot - The application falls below the threshold for development on which they will comment.

Response: Noted. It is also noted that when the previous application (ref: 16/00124/PP) was determined, NatureScot did not consider there would be any significant environmental effects arising from the proposal.

SEPA - No objection. The Extended Vegetation Survey and Assessments have been carried out as per the requirement. It is agreed that the water habitats are mostly surface water fed. The recommendation that a post-construction Habitat Management Plan (HMP) should be produced is welcome.

Response: Noted. An HMP could be required to be submitted and approved as a condition if permission is granted.

Scottish Wildlife Trust - The Trust objects to the proposal. It does not appear that there is any justification for the choice of this location in comparison to other sites. The site is within the Barbay Hill Local Nature Conservation Site. The Trust considers that the overall integrity of the LNCS would be compromised. The habitat of the site is dependent on hydrology, and they consider that this would be adversely impacted. They consider the proposal is contrary to Policy 16 of the LDP and Policy 3b of the NPF4 and that there are no considerations which outweigh the potential impact. If permission is granted, then the Ecological Impact Assessment (EclA) and all mitigation measures identified in the Extended Vegetation Survey should be carried out.

Response: Noted. The proposal is assessed against all relevant policies of the LDP and NPF4. SEPA has been consulted and has no objections in terms of hydrology. If permission is granted conditions could be attached requiring appropriate mitigation measures to be undertaken.

Glasgow Prestwick Airport - No objection.

Response: Noted.

NAC Active Travel and Transportation (Roads) - No objection. The applicant should contact Roads for a road inspection. The proposed passing places should be retained permanently.

Response: Noted. Conditions relating to the road improvements could be applied to any permission, if granted.

NAC Flooding - The proposed mitigation, including the proposal for culvert crossing, landscaping and sediment management, should be incorporated in any permission.

Response: Noted. Such requirements could be governed by condition if permission is granted.

NAC Environmental Health - The rated noise level from the operation of the proposed development must not exceed background noise level at the curtilage of the nearest noise sensitive property by 5dB. The development must not interfere with any private water supply.

Response: Noted. The noise level could be controlled condition. The applicant has been made aware of the NAC Environmental Health's comments.

West of Scotland Archaeology Service - The issues raised in terms of archaeology can be adequately dealt with by condition.

Response: Noted. The requirement for a programme of archaeological works can be required by condition to any permission if granted.

Cumbræ Community Council (CCC) - The CCC sought comments and received 237 objections and 3 responses in support.

The CCC object to the proposal. They consider that due to policy changes the principle of a solar farm in this location is not agreed. They consider that the policies of the LDP and NPF4 do not support the proposal. Any carbon neutral proposal should be community led. There is no detail of the connection to the National Grid, this is considered to be contrary to Policy 18b of NPF4 which requires provision is made to address impact on infrastructure. There are no elevations or sections of the solar panels. There is no detail for the CCTV installations etc. They do not consider there is sufficient information for the other aspects of the proposal. The proposed passing spaces would lead to further loss of habitat. There is not enough information regarding the transport requirements.

The land is agricultural land used for grazing. There are a number of habitat types within the land. They are important habitats for many species of birds including some endangered birds. They do not consider that the surveys carried out by the application is sufficient. An EIA should have been required for the proposal.

The development would be detrimental to tourism which is the which is the main economic driver for the island. The ferries would be impacted by construction traffic to the detriment of tourism and residents. This proposal also pre-empts the Carbon Neutral Island project launched in 2022. This should be a community led project.

Do not consider that the LVIA reflects what will actually be seen. There are no permitted development rights within Conservation Areas for solar panels, which includes most of Millport.

There has been a lack of engagement with the community. Notice of the event held by the applicant were not received until after the event. No changes have been made since the previous application was withdrawn.

The CCC provided a further response, following the applicant's response to the comments raised. This essentially reiterates their objections previously set out. They consider that the current policy context does not support the proposal. They consider that there would be an impact on food security due to a loss of grazing land. They give an example of an application for planning permission elsewhere, where a grid connection was provided. The fence drawings are 3m in height whereas in the planning statement it is referred to as 2m.

Response: The CCC's comments are similar to the points raised by the public and have been addressed above. Policy18b of NPF4 states that development should only be supported where there is provision to address impacts on infrastructure. It is not considered that this relates to connection to the National Grid. Such connections are permitted development under Class 40 of the General Permitted Development Order or a matter under the Electricity Act and is not relevant to the planning application. Such a connection would be determined by the District Network Operator (Scottish Power) and, if necessary, the Scottish Government's Energy Consent Unit. The fence has been assessed as per the submitted plans.

3. Analysis

S.37 of the Town and Country Planning (Scotland) Act 1997 states that in dealing with an application the Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan for the area is considered to be the LDP, adopted in November 2019, and NPF4, adopted in February 2023.

Strategic Policy 1, the Countryside Objective, of the LDP states that in principle support will be given to proposals outwith towns and villages for a range of developments including developments with a demonstrable specific locational need including development for renewable energy production i.e., solar farms.

The proposal is therefore acceptable in principle in respect of Strategic Policy 1. However, the specific details of the site and the suitability of this specific location require to be assessed against the other policies of the development plan.

Policy 1 of NPF4 states that when considering all development proposals, significant weight must be given to the global climate and nature crises.

Strategic Policy 2 of the LDP relates to placemaking and sets out the qualities of a successful place, this includes visual considerations, amenity impacts and the connectedness of a site. Policy 14 of NPF4 is essentially a reiteration of Strategic Policy 2 of the LDP.

Policy 29: Energy Infrastructure Development of the LDP states that support will be given to energy infrastructure developments where they contribute positively to North Ayrshire's transition to a low carbon economy and have no unacceptable adverse environmental impacts. The relevant factors to be considered, including cumulatively, are as follows: visual impact; landscape; impact on the historic environment; residential amenity and noise; natural heritage; establishing the use of the site for energy infrastructure; providing a net economic impact; scale of contribution to renewable energy targets; public access; impact on tourism and recreation; aviation interests; road traffic; effects on the water environment; and decommissioning.

Policy 11 of NPF4 states that proposal for all forms of renewables will be supported including solar arrays. Proposals will have to be considered against the same criteria set out in Policy 29 of the LDP.

Visual/Landscape

Policy 15: Landscape and Seascape of the LDP states that support will be given to development that protects and/or enhances the landscape/seascape character of the area. Support will only be given to development in Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting. Proposals should take into account local landscape features.

Policy 29 of NPF4 states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area.

The development would comprise the installation of solar panel arrays with associated infrastructure. The application site is some 15.3ha in area, whilst the solar arrays would be in an area some 9.1ha in size.

A Landscape and Visual Impact Assessment (LVIA) has been submitted and considers the application site from various views. The site would be visible in views from the highest point of the Island, the Glead Stone viewpoint. The development would have significant effects on the landscape character of the application and the immediate surroundings. It is not considered that there would be significant effects at longer distances, including from transport routes and key viewpoints.

It is acknowledged that there would be significant visual effects in the immediate area. The site would be visible when looking south-west from the Glead Stone. The application site boundary, on its western side, is with the road. It will be possible to view the site from the road, particularly the southern end of the site. However, there is scope to limit the visual impact from the Glead Stone and the road. The solar arrays and associated equipment and fences would be some 170m from the Glead Stone. There is an area in between which is within the application site but outwith the development area. A condition could be attached to any permission, if granted, requiring submission of a suitable landscaping scheme for this area and the western boundary to mitigate the impact of the views from Glead Stone.

It is also agreed that there would be limited visual impact from longer distances. The settlement of Millport is some 1km from the application site at its closest point with the main road through the town, Marine Parade/Kames Bay being approx. 1.5km distant. There is woodland between the site and the town, with an undulating landform. Whilst a portion of the development may be visible in views to the north from the town, this would be at the eastern

end of the town with the majority of the site, screened by the hills and woods. It is also noted that Millport is aligned largely east to west, with the key views from the town being to the south.

The settlement of Largs is approx. 3.5km to the east of the site, whilst Fairlie is some 3.7km distant. Parts of the development would be visible from shore in those settlements. However, this would again be in the context of undulating landform and extant woodland outwith the site. From significant views, such as Haylie Brae, the development would be largely screened by vegetation on the Island and the mainland as well as being at least 4.2km distant. Part of the development may also be visible to users of the A78, the A760 and the ferry route to the Island. However, such views, particularly for road users, would be fleeting and any impact is not considered to be significant.

The application site is within the Cumbrae Special Landscape Area (SLA). The SLA covers the whole of the Island which has a variety of landscapes. The majority of the Island comprises managed farm and moorland, within which the application site is located. The range of views towards the development is considered above, and it is not considered these views would impact on the SLA other than in very close proximity. On balance the SLA would not be unacceptably impacted. The proposal takes account of local landscape features, including the landform and woodlands, and uses these to screen the site.

Objections have been raised on the basis of the Council's 2008 Landscape Character Assessment which found the landscape of Cumbrae to be 'sensitive' to development. That Assessment was prepared in respect of expansion of the settlement of Millport and relates to the area immediately surrounding the town. It is not considered the Assessment has any material weight. However, it is noted that the application site is outwith the area identified as being unsuitable for development.

Given the above, it is considered that the proposal accords with Policy 15 of the LDP and Policy 29 of NPF4 and Strategic Policy 2 and Policy 29 of the LDP and Policy 11 of NPF4 in respect of visual impact.

Historic Environment

Policy 9: Preserving and Enhancing our Conservation Areas states that development within or adjacent to a Conservation Areas will be supported where it preserves or enhances the Conservation Area.

Policy 7 of NPF4 stated development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting and or its setting is preserved or enhanced.

The application site is some 1.35km distant from the Millport Conservation Area ("the CA"). The CA is approx. 26.3ha in area and incorporates approx. 50% of the built-up area of the town. The character and appearance have their origins in an 18th century planned town. The old town area is around the pier, which is the original gateway to the settlement. To either side of the old town are planned streets facing predominantly south, with narrow streets running north. Later larger villas are at the western and eastern end of the Conservation Area, built to face the sea.

The development would have no direct impact on the Conservation Area. As outlined above, a portion of the development may be visible from the eastern end of town, and this is also true for the Conservation Area. However, given distances, it is not considered that it would have any significant effect on the setting of the Conservation Area. Longer views of the town from the south, where the character and appearance of the Conservation Area can be appreciated in full, the increased distances would further diminish any impact. Given the above, the proposal is considered to have no impact on the Conservation Area and therefore accords with Policy 9 of the LDP and Policy 7 of NPF4 and Policy 29 of the LDP and Policy 11 of NPF4 in terms of the historic environment.

Noise Impacts on Communities and Individual Dwellings

NAC Environmental Health has been consulted and has no objection. A condition could be attached to any permission so that the rated noise level from the operation of the development does not exceed background noise level at the curtilage of the nearest noise sensitive property by 5dB. Subject to such a condition it is considered the proposal accords with Strategic Policy 2 and Policy 29 of the LDP and Policy 11 of NPF4 in terms of noise and residential amenity.

Natural heritage/soils/water environment

Policy 16: Protection of our Designated Sites of the LDP states that support will be given to development which would not have an unacceptable adverse effect on our natural environment. Development adversely affecting Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated that the overall objectives of the designation and overall integrity of the designated area would not be compromised, or any adverse effects on the integrity of the area are clearly outweighed by social environmental or economic benefits. Policy 4 of the NPF is essentially a reiteration of Policy 16 of the LDP.

Policy 22: Water Environment Quality states that generally development which leads to the deterioration of the water environment will be resisted unless it would deliver significant, environmental, or economic benefits.

Policy 3 of NPF4 states that development proposals will contribute to the enhancement of biodiversity. Policy 4 of NPF4 states that development proposal that by virtue of type, location or scale have an unacceptable impact on the natural environment will not be supported.

The application has been submitted with a Preliminary Ecological Appraisal, Extended Vegetation Survey and Hydrological Assessment. The assessments do not identify any significant adverse impacts on priority species or habitats. NatureScot was consulted and offer no comment. SEPA was consulted and do not object. Those surveys have been carried out in accordance with SEPA's previous instructions. SEPA does not consider the water environment will be adversely affected.

The Scottish Wildlife Trust objects to the proposal. The Trust considers the proposal would compromise the Barabay Hill Local Nature Conservation Site and that the hydrology of the site, on which the habitat is dependent, would be adversely impacted. They consider the proposal is contrary to Policy 16 of the LDP and Policy 3b of the NPF4.

The objection of the Scottish Wildlife Trust is noted, as are the comments of SEPA. SEPA do not consider that the hydrology of the site would be adversely affected. It is not considered that Policy 3b of NPF4 is relevant as that relates to 'national' or 'major' planning applications, and this is neither.

The LNCS is some 33.1ha in area. The application site comprises approx. 46% of the LNCS. However, the area where development takes place is some 27.5% of the LNCS. The majority of the development would be solar arrays, comprising rows of panels some 13.5m in length and some 4.5m wide. Each row would be set on eight poles and sit between 0.8m and 3m off the ground.

It is agreed that there would be an impact on the LNCS by virtue of the development. However, given the nature and scale of the development it is not considered that any impact would be significant. The panels would allow for habitats to be retained underneath and for species to access and use the site. A Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) could be required by condition of any permission to ensure impacts are minimised and biodiversity enhanced.

Conditions could also be attached to any permission to ensure the mitigation works in terms of flooding and drainage were carried out.

It is not considered that there would be any significant adverse impact on the LNCS, protected species or habitats, the water environment. The proposal is considered to be of a type and scale which would not have an unacceptable impact on the natural environment in this location. Subject to conditions relating to construction and habitat management, the proposal accords with Policy 16 and Policy 22 of the LDP and Policies 3 and 4 of NPF4. The proposal also accords with Policy 29 of the LDP and Policy 11 of NPF4, in terms of natural heritage, soils and the water environment.

Traffic

A Transport & Access Statement has been submitted with the application. This states that construction traffic would be routed between the ferry slip and the site along the B899 and U36 (Inner Circle) road. Vehicles would travel around the northern portion of the U36 to avoid use of any roads closer to Millport and minimise impact on the coast road. It identifies the need for passing places and other road improvements.

It is acknowledged that there would be impacts on the road network during construction and decommissioning. However, it is possible to minimise the disruption on other road users by restricting the routing to/from site. It is not considered the operation of the site would have any impact on traffic. NAC Active Travel and Transportation was consulted and do not object to the proposal. They consider that the proposed passing places should be retained permanently. All of this could be governed by condition if permission is granted. The Council, as Roads Authority, has powers to require repairs or similar should roads be damaged by such traffic.

The installation of passing places will likely require the loss of some road verges and vegetation. In order to minimise such impacts, the details of passing places and road junction improvement could be required to be agreed by condition. Suitably located passing places with minimal ground disturbance would improve the accessibility of the road whilst retaining the rural character.

The ferry service would have to be utilised in order to bring material to site. Objections have been raised over the impact of traffic on the service. This would be a matter for any developer and the ferry operator. However, it is noted a service runs approx. every 15mins Monday to Saturday in the summer and half hourly at other times. It is not considered that any impact on the ferry service would be significant or material to this application.

Given the above, the proposal is considered to accords with Strategic Policy 2 and Policy 29 of the LDP and Policy 11 of NPF4 in terms of traffic.

Impact on Tourism, Recreation and Public Access

The application site is rough grassland and open moorland which in itself has limited recreational value. The western edge of the site would be adjacent to a road leading to the Glead Stone, a popular view point, and the impact on views is considered above. It is noted that the site would be visible in views below the Glead Stone to the south-east. However, the views would not be impeded, and the panorama would remain available.

The U36 road provides opportunity for walking and cycling to both the Glead Stone and as a circular route around the upper parts of the Island. The circular route would be impacted during construction and restoration phases but would remain available, with improvements as set out above, during the operation of the development. The impacts would be on the northern portion of the circular route and access to the Glead Stone would remain from the College Street end of the route during construction/restoration.

Objections have been raised on the impact of the development on tourism. It is acknowledged that visitors to the Island do so for a variety of reasons. The views from, to and within the Island will be a reason as will the recreation and public access opportunities which the Island provides. The impact on views and recreation/access is addressed above. Whilst there would be some impacts, it is not considered to be significant or, in the case of access, long term. Many views of, from and within the Island will be unaffected as will the ability to move around the Island. A condition could be attached to any permission to require landscaping on the western side of the site in order to help screen the development including fences and CCTV from the road.

The application is therefore considered to accord with Policy 20 of the LDP and Policy 11 of NPF4 in terms of tourism, recreation, and public access.

Aviation interests

Glasgow Prestwick Airport has been consulted and offer no objection, having reviewed the information relating to potential glare. There is therefore not considered that there would be any significant impacts on aviation interests.

The application is therefore considered to accord with Policy 29 of the LDP and Policy 11 of NPF4 in terms of aviation interests.

Scale of Contribution to Renewable Energy Targets

The Scottish Government has set a target of being net zero by 2045. Scotland's electricity demand as of 2021 was approx. 32,316GWh of which approx. 85% was generated through renewables. The proposal is stated to have an output capacity of up to 19MW. Whilst this

would generate an amount of renewable energy which is small in the context of the overall figures, it is considered that this would represent a significant contribution for Cumbrae and the wider North Ayrshire. The Isle of Cumbrae is identified in the LDP as having limited capacity for renewable energy which could provide larger outputs i.e. wind turbines.

The application is therefore considered to accord with Policy 29 of the LDP and Policy 11 of NPF4 in terms of contribution to renewable energy targets.

Providing a Net Economic Impact

The proposed development would provide jobs during the construction period and in the supply chain. Once operational there would be limited jobs, although ongoing monitoring and maintenance would be required. Direct job creation for the Island would likely be limited, although the Council has produced an economic baseline report for the Island (October 2021.) It concluded that the Island has more than double the percentage share of over 65s compared to Scotland (38% of population as opposed to 19%) and a lower proportion of working age population (53% compared to 64%). Approx. 55% of the workforce is employed in either health or tourism. As such, direct economic benefit from any construction project is likely to be limited in terms of jobs. The development would most likely provide economic benefit through the potential cheaper energy which could be of benefit to the Island or the wider energy network.

The application is therefore considered to accord with Policy 29 of the LDP and Policy 11 of NPF4 in terms of economic impact.

Establishing the Use of the Site for Energy Infrastructure/Decommissioning

The applicant has stated that the site would likely be decommissioned and reinstated at the end of its lifespan. It is not clear what this lifespan would be. However, any permission could be governed by condition requiring removal of the equipment and restoration of the site within a period following the site ceasing to be operational (i.e., ceasing to generate electricity).

It is noted that the site has previously been granted permission for a solar farm and subject to a condition regarding details, the proposal is considered to accord with Policy 29 of the LDP and Policy 11 of NPF4 in terms of establishing as a site for energy infrastructure and decommissioning.

Conclusion

Policy 1 of NPF4 states that significant weight will be given to the global climate and nature crisis. The proposal has been assessed above against the relevant policies of the LDP and NPF4. The proposal has, on balance, been considered to accord with those policies. It is acknowledged that the proposal would have impact particularly in terms of visual impact and the road network. However, it is considered that these would not be significant or can be mitigated through conditions. The proposal would contribute to the production of renewable energy and net zero targets and biodiversity can be preserved and enhanced through a Habitat Management Plan. The proposal can therefore help tackle the crises and significant weight should be given to this in any decision.

In terms of other material considerations, it is noted that the site has previous permission for a solar farm. That permission lapsed shortly before the COVID emergency period. An attempt to prolong the life of that permission through variation of conditions was refused, not because the solar farm was unacceptable in principle but because the specific changes to the conditions were unacceptable in themselves.

North Ayrshire Council's Cumbrae Island Plan approved in March 2022 provides a 10-year vision for 2032 where Cumbrae is a more sustainable and accessible island, with improved infrastructure, transport and housing. The Island would be attracting a more balanced population, enjoying a wider range of employment opportunities and activities.

The proposed development would address some of the vision set out in the plan. The Island would have a larger source of renewable energy with improved road network. The proposal is not considered to prevent any of the other aims of the plan being achieved.

Scottish Government's Carbon Neutral Islands (CNI) project is a 2021-2022 programme for government commitment aimed at supporting six islands to become carbon neutral by 2040. The definition of 'carbon neutral', in the context of this project means an island where the greenhouse gas emissions, captured as CO2 equivalent, are in balance with carbon sinks. Great Cumbrae is one of the project islands.

This project is at an early stage, with a progress report published in January 2023. This stated that for each of the islands in depth carbon audits, community climate change action plans and climate change investment strategies are to be developed. Whilst such work has not yet been carried out, the CNI states that delivery will be achieved through a mixture of existing public funding, public-private partnership and private investment.

The CNI is in such an early stage that it is not considered to carry significant weight in determining the application. However, the proposal is a private development of renewable energy development which will contribute towards renewable energy targets and as such does not appear to conflict with the aims of the CNI.

Given all of the above, the proposal is considered to accord with the LDP and NPF4 and there are no material considerations which outweigh the assessment. Planning permission is therefore recommended to be granted subject to conditions.

4. Full Recommendation

Approved subject to Conditions

Condition

1. That prior to the commencement of the development, a Construction Environment Management Plan (CEMP) shall be submitted to the Council, as Planning Authority, for approval. Thereafter the development shall be carried out in accordance with any CEMP as may be approved.

Reason

To ensure the construction of the development is carried out in a suitable manner to minimise disruption to the site and island

Condition

2. The prior to the commencement of the development, details of the passing places, to be constructed as passing places, including vegetation required to be removed and replanting, if required, shall be submitted to the Council, as Planning Authority, for approval. The passing places will thereafter be constructed prior to any works in the application site.

Reason

To ensure appropriate passing places in the interests of road safety and to reflect the rural location of the development.

Condition

3. No development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council, as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council, as Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason

To ensure appropriate consideration of any archaeology given the possibility of such interest within the site.

Condition

4. That the development shall be carried out in accordance with the mitigation identified at 3.2 in the Hydrological Assessment, dated January 2023. Details of a bridge or bottomless culvert structure for the track crossing shall be provided to the Council, as Planning Authority, for approval prior to the commencement of that part of the development. The development will thereafter be carried out in accordance with any details as approved.

Reason

To ensure appropriate hydrological mitigation

Condition

5. Prior to the commencement of the development, a scheme of landscaping for the site, including details of ongoing maintenance/replacement as necessary shall be submitted to the Council, as Planning Authority, for approval. Any landscaping scheme as approved shall be carried out no later than the first planting/seeding season following completion of the development and prior to operation. Once operational, any landscaping shall be maintained/replaced as per any approved details.

Reason

To ensure appropriate landscaping of the site in the interest of visual amenity

Condition

6. That prior to the commencement of the development, a scheme of restoration shall be submitted to the Council, as Planning Authority, for approval.

Reason

To ensure and appropriate scheme of restoration in the interest of visual amenity.

Condition

7. That within six months of the cessation of electricity generation by the development, or within six months following cessation of construction works prior to the development becoming operational, the solar panels and all associated equipment, structures, fences, CCTV and hardstanding/roads shall be removed, and the site restored in accordance with any scheme of restoration as may have been approved.

Reason

To ensure the remaining habitats of the site are preserved and enhanced in the interests of biodiversity.

Condition

8. Prior to the operation of the site, a Habitat Management Plan (HMP), including grazing monitoring and enhancement plan shall be submitted to the Council, as Planning Authority, for approval. Any HMP as approved shall hereafter be carried out during the operation of the development.

Reason

To ensure appropriate management of habitats in the interests of biodiversity

Condition

9. The rated noise level, as defined in BS 4142:2014+A1:2019, from the operation of the proposed development must not exceed the background noise level by 5dB or more at the curtilage of the nearest noise sensitive property.

Reason

To ensure the development operates at an appropriate noise level in the interests of residential amenity.

Condition

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended (or any Order revoking or re-enacting that Order) the express approval of the Council, as Planning Authority, shall be required in respect of any development including the erection, extension, rearrangement or alteration at the site of fixed plant or machinery, buildings, structures, or private ways.

Reason

To retain control over development in recognition of the rural location.

Yvonne Baulk
Head of Service

For further information please contact Mr Iain Davies on 01294 324320.

Appendix 1 – Location Plan

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