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## NORTH AYRSHIRE COUNCIL

### Planning Committee

Locality	Irvine
Reference	19/00164/PP
Application Registered	14th March 2019
Decision Due	14th May 2019
Ward	Irvine South

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Glaxosmithkline Shewalton Road Riverside Business Park Irvine Ayrshire KA11 5AP
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<b>Applicant</b>	GlaxoSmithKline Plc
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<b>Proposal</b>	Erection of two wind turbines each measuring 86m to hub and 149m to blade tip, to include associated infrastructure
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### 1. Description

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

The proposal is for the erection of two wind turbines together with associated infrastructure within the large industrial site occupied by the pharmaceutical plant of GlaxoSmithKline (GSK), Riverside Business Park some 3 kilometres southeast of Irvine town centre. The turbines would be 86m high to hub and 149.5m to blade tip and would have a generating capacity of 8 megawatts. The turbines would have three blades and a diameter of 127m.

Turbine 1 would be located to immediately to the west of the GSK plant and Turbine 2 would be located approximately 400m to the south of Turbine 1. The turbines would have concrete foundations measuring 19.4m by 7.6m in area and a depth of 3.2m. In addition there would be crane hardstanding areas formed at the base of both turbines from crushed hardcore and measuring 42m by 26m to facilitate the construction of the turbines. A 10m wide and 500m long access track would be constructed which would join with the existing access road to the south of the plant. The wind turbines would have an operational phase of 25 years after which they would be decommissioned and removed from the site.

The GSK site currently has two operation wind turbines 110m high to blade tip (Turbines 3 and 4). These turbines are located to the southeast of the plant.

The site covers both an open countryside and industry allocation in the adopted Local Development Plan. The following LDP policies are relevant to the determination of the application: PI 9 (Renewable Energy); ENV 1 (New Development in the Countryside), IND 3 (Industrial Estates) and the General Policy.

In June 2011 Planning Permission was granted for the erection of three 110m high turbines (Turbines 1, 2 and 3) (09/00878/PP). Turbine 2 was removed from the approval in May 2013 as a non-material variation. In June 2013 an application for a further 110m turbine (Turbine 4) was approved (12/00629/PP). Turbine 3 was erected in 2012 and Turbine 4 in 2013. Planning Permission for Turbine 1 is still active.

A pre-application meeting discussing both the turbines and a solar farm proposal was held at GSK with NAC planning officers in November 2018. In January 2019 an EIA screening opinion for Turbine 1 and 2 concluded that a full Environmental impact Assessment would not be required (18/01125/EIA).

The application is accompanied by the following documents:

1. Planning Statement: Includes a summary of the development and assessment against the relevant criteria of the LDP. This report concludes that the principle of developing wind turbines in this location has already been established by previous successful applications. It states that renewable energy development is supported by national and local policy and that the proposed development would help meet the energy needs of the GSK plant which is a major employer in the area.

2. Landscape and Visual Impact Assessment: The report considers the impact of the development on a number of receptors in the surrounding area. It concludes that the development would have a major/moderate visual impact on the residents a Shewalton Lodge and a few dwellings on the southeastern edge of Irvine. There would be a moderate visual impact on a number of nearby core paths and roads. An updated LVIA was submitted to take into account views in East Ayrshire.

3. 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. The applicant was asked to produce a follow up survey for the presence/absence of protected species prior to the determination of the planning application.

4. Protected Species Survey Report: Following up from the Preliminary Ecological Appraisal a more detailed set of protected species survey work was undertaken. No trees containing potential bat roosts were found within 50m of the turbine. No otter or water vole resting places or evidence of recent use were found during the survey. No badger setts or field evidence was identified within the site. No great crested newt DNA was found in the water samples of the ponds near the site. A full ornithological survey was not carried out. The

report relies on the previous ornithological survey conducted for application 09/00878/PP which identified five species of conservation concern. Turbine 1 did not conflict with the flight paths of these species and Turbine 2 was assessed as having a negligible collision risk for these species. The increase in height of Turbine 2 is not expected to increase this risk.

5. Flood Risk Assessment: This report consists of a review of possible flood hazards. The only identified hazard was fluvial flooding from Dundonald Burn which bisects the site. An assessment of fluvial flood routing of Dundonald Burn concludes there is little to no risk of flooding as infrastructure will be located outwith the flood zone.

6. Cultural Heritage and Archaeology Assessment: This desk-based assessment reviews the sites archaeological potential and considers the cumulative effects of the proposal upon cultural heritage assets. The site has a moderate to high archaeological potential and as such mitigation is required to be agreed with WOSAS. The effect of the proposal on nearby heritage assets would be minor.

7. Telecommunications: Consultation was carried out with the relevant link operators. The Joint Radio Company objected to the proposal. The assessment does not consider that any mitigation is required, however, consultation is ongoing with the Joint Radio Company to determine their assessment requirements.

8. Aviation: The proposed turbines will be within the line of sight of the Prestwick Airport primary surveillance radar (PSR) and are likely to generate unwanted returns on the displays. The NATS Lowther Hill radar will have a line of sight of both the turbines. The effect on these radar systems will require mitigation.

9. Transport Statement: Concludes that the traffic generated by the proposal can be accommodated without significant traffic impacts on the surrounding road network. The abnormal loads assessment concludes that the route identified for the transportation of the turbine components from the Port of Ayr is feasible.

10. Noise Impact Assessment: Considers the cumulative noise impact of the proposal and the existing turbines at nearby noise sensitive receptors. The noise modelling techniques used confirm that cumulative operational noise levels are not expected to exceed the day and night time limits agreed with NAC Environmental Health.

11. Coal Mining Risk Assessment: The site has recorded former coal mining and mine entries. Further details are required prior to the commencement of works to identify shallow mine works beneath the site, and mine stabilisation may be required.

12. Pre-application Consultation Report: The applicant undertook pre-application consultation with the local community in the form of a public event held at the GSK Sport and Social Club on the 25th of January 2019, which was attended by 7 people.

## **Relevant Planning History**

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.

### **ENV1**

#### **POLICY ENV 1: NEW DEVELOPMENT IN THE COUNTRYSIDE (EXCLUDING HOUSING)**

Proposals for new development within the countryside (excluding housing) shall not accord with the LDP unless the following criteria can be satisfied:

- (a) the development is necessary non-residential development associated with agriculture, forestry operations or other established rural businesses and is of a scale proportionate to the operational need of the rural business it is associated with; OR
- (b) the development is a small-scale business falling within Class 4 that has a specific locational need to be located on site;

OR

(c) the development is essential public infrastructure that has a specific operational need to be located on site or where a range of alternative sites have been examined within settlements and no suitable site can be made reasonably available;

OR

(d) the development is within an existing village on mainland North Ayrshire, Arran or the Isle of Cumbrae, and would not constitute ribbon, backland or sporadic development;

OR

(e) the development is a tourism proposal acceptable under Policy TOU 1;

OR

(f) the development is outdoor sport and recreation with a specific operational need to be located within the countryside.

Development proposals should take account of the Council's approved Rural Design Guidance and include landscaping proposals.

IND3

### POLICY IND 3: INDUSTRIAL ESTATES

Proposals for business; industrial; and storage and distribution uses within Use Classes 4, 5 and 6, including small groups of workshop units of 150m<sup>2</sup> or less, on the sites listed in Table 3, and identified on the LDP Maps, shall accord with the LDP.

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.

## **2. Consultations and Representations**

There were no neighbours to notify and the application was advertised in the local press. No letters of representation have been received.

Consultations:

Irvine Community Council: No response

South Ayrshire Council: The turbines will be highly visible from Dundonald Castle which is a scheduled monument. South Ayrshire Council support consultation with Historic Environment Scotland with regards to this issue and defer to their comments.

Response: It was not considered necessary to consult with HES given that there are no listed buildings or schedule monuments within 500m of the site. The Cultural Heritage and Archaeology Assessment states that the magnitude of impact of the proposed turbines on Dundonald Castle would be low as the proposed turbines are in the same context as operational/consent turbines.

East Ayrshire Council: Lodged a holding objection due to lack of information in regards to the visual impacts on Kilmarnock/Crosshouse. The applicant provided an updated Landscape and Visual Impact Assessment which took into account agreed upon viewpoints in East Ayrshire. While East Ayrshire Council remains concerned over the scale of the proposal, the objection has been withdrawn .

Response: The remaining concerns are duly noted and are considered in the analysis section.

Royal Society for the Protection of Birds: No response.

North Ayrshire Council Active Travel and Transportation: No objections. Applicant to submit an Abnormal Load Movement Application to North Ayrshire Structures Team.

Response: Noted. Abnormal Load Movement Application can be ensured via condition.

North Ayrshire Council Environmental Health: No objections subject to conditions.

Response: Noted.

Scottish Natural Heritage: The development falls below SNH threshold for consultation.

Response: Noted.



Scottish Environmental Protection Agency: Refer to standing advice for wind farm developments of under 10MW.

Response: Noted.

Scottish Water: No objections. There is public water and sewer infrastructure on the site and the applicant should engage with Scottish Water to ensure that these assets are protected.

Response: Noted.

West of Scotland Archaeology Service: The construction of the previous turbines was monitored as a result of planning conditions, and archaeological features were uncovered. A similar condition should be attached to this permission secure the implementation of an archaeological watching brief.

Response: Noted.

Health and Safety Executive: No response.

National Air Traffic Services (NATS): Have objected due to the potential effect of the turbines on the Lowther Hill radar system. NATS confirmed in correspondence with the applicant that the effects could be mitigated by a technique known as 'single cell blanking'. The applicant has prepared an agreement with NATS to provide single cell blanking mitigation. Following the signing of this agreement NATS will remove the objection.

Response: The signing of the mitigation agreement will involve the payment of a non-refundable fee and so the applicant has asked for the application to be determined prior to signing the agreement. NATS confirmed that this mitigation requirement should be ensured by planning condition.

Glasgow Prestwick Airport (GPA): Object as the proposed development is visible to the primary surveillance radar and thus has the potential to generate clutter on their radar displays. GPA requires that the applicant undertake a feasibility assessment to determine whether the recently installed 'Terma Scanter Radar' is capable of being able to deliver mitigation of the development. Following the confirmation of the Terema Scanter Radar mitigation GPA will withdraw their objection.

Response: The applicant has signed a mitigation contract with GPA and has begun the feasibility assessment, but it has not been completed. The applicant's aviation consultants state that there 'is little or no doubt that the Scanter Radar will be confirmed as capable of mitigating this development'. In the interest of transparency, GPA have not confirmed that they would be supportive of the mitigation being dealt with via a planning condition.

Civil Aviation Authority: No response.

Ministry of Defence Estates: No objections but require to be advised of the following should Planning Permission be granted: construction start and end dates; maximum height of construction equipment and the latitude and longitude of every turbine.

Response: The construction start and end dates and details of the constructing equipment can be secured by a condition, to be passed on to the MOD. The latitude and longitude of the proposed turbines is already available and can be found in the Planning Statement and site plan.

BAA Aerodrome Safeguarding: No objections.

Response: Noted.

**Publicity:-** Not Advertised

**Reason for advertisement:-** Regulation 20 (1) Advert  
Published on:- 27.03.2019

**Site Notices:-** No Site Notice

### **3. 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 1 (New Development in the Countryside)
- Policy IND 3 (Industrial Estates)
- 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 would add two wind turbines to a site in which there are already two existing turbines. The new wind turbines would be significantly taller than the existing, however, their proposed siting would mean that the difference would not be highly noticeable or distracting from most viewpoints in the surrounding landscape. The proposed turbines are also of a different design to the existing. However, this difference would not be especially noticeable at the distances from which the turbines would be most visible. The proposal would comply with criterion (a).

The site traverses a Countryside and Industry allocation within the Local Development Plan. There are no site-specific designations. The surrounding landscape is characterised by industrial uses and is dominated by the nearby GSK plant and the existing wind turbines. It

is not considered that the proposed turbines would have an unacceptable adverse impact on the landscape character. As such, the proposal would accord with criterion (b).

In the North Ayrshire Landscape Wind Capacity Study (2018) the area is designated as Character Type 2A - 'Coastal Lowlands with Industry'. The study advises that this landscape area has a high sensitivity for very large turbines (130m+). This proposal needs to be considered in relation to the planning history where Turbine 1 benefits for an extant approval and Turbine 2 has been previously approved to a height of 110m. The principle of the development of large turbines on the site has previously been approved, the application essentially relates to an increase in height from 110m to 149.5m. The proposal would therefore comply with criterion (c).

The applicant's Archaeology and Cultural Heritage assessment considers the effect on heritage assets within an inner study area of 500m and wider study area 5km. Within the inner study area there are no assets of medium or high sensitivity. Within the outer area there are six scheduled monuments and 166 listed buildings. Of these there are several that the proposed turbines would have a moderate/minor impact on, including Dundonald Castle, Drybridge standing stone and Auchans Castle. The proposed turbines would be visible from these assets in the same context as the operational and consent turbines. The proposal would accord with criterion (d).

There are no tourist or recreation facilities in the immediate vicinity of the site. There are likely to be some tourist or recreational facilities from which the proposed development would be visible from a distance, eg. Dundonald Castle, Irvine Beach Park and waterfront, but it is not considered that this would constitute an unacceptable adverse impact given the wider landscape context. As such, the proposal would accord with criterion (e).

With regards to the impact of the proposal on telecommunications, the applicant carried out consultations with the relevant link operators. The Joint Radio Company has objected to the proposal. Consultation is ongoing with the Joint Radio Company to determine the assessment requirements and whether any mitigation would be required. If mitigation was required, it would not likely require the input of planning.

In regards to radar systems there are two which would be affected by the proposed development and would require mitigation; the NATS Lowther Hill Radar and the GPA primary surveillance radar. It is proposed to mitigate the effect on NATS Lowther Hill Radar through a technique called 'single cell blanking'. The advice provided to the planning authority is that this technique is a tried and tested, mitigating the effect of wind turbines on radar. The applicant's consultants advise that it would be effective in this instance. There is a draft contract in place between NATS and GSK to provide this mitigation. With regard to the effect of the development on the GPA radar, a contract has been signed between GPA and GSK which has initiated an eight-week feasibility assessment to determine whether the existing Terma Scanner Radar can be used to mitigate the development. The applicant's aviation consultants have stated that there is "little or no doubt that the Scanner radar will be confirmed as being capable of mitigating the development". As it has not been demonstrated at this point in time that the adverse impacts of the development on these radar systems can be mitigated and so the proposed development does not comply with criterion (f).

The primary purpose of the proposal is not to sell power to the grid but to supply the GSK plant with energy. Excess power can be connected to the grid via a recently constructed

control building located adjacent to the existing GSK substation. No new infrastructure is required in order to connect to the grid. The proposal would comply with criterion (g).

The only nearby turbines are the two existing 110m turbines on the GSK site and a single 54.9m high turbine at Heatherhouse Industrial Estate in Irvine. There are no proposed or consented wind farms in the surrounding area. The proposed turbines would be read as part of the existing group at GSK. There would be no visual connection with the turbine in Irvine and there would therefore be no cumulative effect and the proposal would accord with criterion (h).

The proposal does not satisfy the content of the Ayrshire Supplementary Guidance on Wind Farm Development (2009) because it has not demonstrated that Glasgow Prestwick Airport is satisfied with the proposal and therefore the development conflicts with criterion (i).

The proposed development is co-located with the GSK plant which is a significant user of electricity and complies with criterion (j).

The proposal conflicts with criteria (f) and (i) of policy PI9 and is therefore contrary to this policy.

Policy ENV 1, New Development in the Countryside, shows a presumption against development in the countryside unless the proposal meets one of a number of criteria. The proposed development does not fall within any of these categories, however, Wind Turbine 1 which is on the part of the site allocated as countryside already benefits from an extant planning permission, although the proposal would increase its height. The location has therefore already been judged to be appropriate for a turbine and the proposal is acceptable in terms of policy ENV 1.

Turbine 2 is located on part of the site which is allocated as an industrial estate. The proposal would be ancillary to the existing Class 5 industrial use on the site and is therefore in accordance with policy IND 3.

In regards to the General Policy, criteria (a) Siting, Design and External Appearance and (c), Landscape character have all been discussed above in terms of Policies PI 9 and have been found to be acceptable.

There are no nearby dwellinghouses, the closest one being Tanglewood, approximately 900m from Turbine 1. The nearest settlement, Drybridge, is approximately 1500m from Turbine 1. The visual and noise impacts on these dwellings have been fully assessed and are not considered to be significant. There have been no objections from nearby residents. Environmental Health have requested conditions be attached to control the noise immisions at nearby noise sensitive premises. They have also attached a standard condition relating to contaminated land. The proposal complies with criterion (b), Amenity.

In regards to criterion (d), Access, Road Layout and Parking Provision, the site would be accessed via a crushed hardcore access track taken from an existing access road which runs along the southern boundary of the GSK plant and connects to Oldhall Roundabout. A suitable turning head would be provided. An abnormal load movement application for the delivery of the turbines to the site is ensured via conditon. The proposal complies with criterion (d).

With regards to criterion (e), Safeguarding Zones, the application site is within the Safeguarding Zone for Glasgow Prestwick Airport. A condition could be used to ensure that no blade will be fitted to either turbine prior to the provision of radar mitigation.

With regards to criterion (h), the site is not a Natura 2000 site and has no other environmental designations. The provided Species Survey report did not find any protected species on site; however, it did make a number of recommendations for steps to be taken to avoid damaging any habitats or disturbing bird breeding season. These are ensured via condition.

The proposal conflicts with criterion (f) and (i) of policy PI9 as there is outstanding objections from NATS and GPA regarding the effect of the development on their radar systems. With regards to the effect on the NATS Lowther Hill radar, while the objection remains outstanding, once the mitigation contract is signed NATS has indicated that the objection will be removed. The mitigation contract will not be signed unless and until planning permission has been granted due to a not insignificant non-refundable fee. It has, however, been agreed with NATS that the objection can be addressed by a condition which would ensure that no blades are fitted to the turbines until a mitigation scheme has been approved.

With regards to the objection from GPA, a feasibility assessment is currently undergoing to determine whether the development can be mitigated. GPA will not withdraw the objection until this is confirmed. This work will take approximately 8 weeks. GSK has confirmed that if there was a delay to the determination of the planning application until the feasibility assessment is complete, this delay could have significant implications on the funding of the project, and indeed the viability of their entire renewable project, the aim of which is to ensure the future competitiveness of the Irvine plant.

GlaxoSmithKline (GSK) is a major economic generator in the local area, being one of the single biggest employers in Ayrshire, and currently with over 300 full-time employees, and in addition, up to 200 contractors on-site at any one time involved with support projects and outsourced activities. If the site cannot provide a competitive cost of goods, there is a possibility of job losses. Electricity is the second highest single cost item in the fermentation processes involved in the manufacture of antibiotics at the Irvine site. The proposed wind turbines along with a proposed solar farm would significantly reduce a major cost of the operation of the plant and therefore help to ensure its long-term viability. The only other areas where significant costs are incurred are in salaries and in raw materials. The workforce has already been slimmed to a lean organisation, and the raw material costs are unable to be reduced as commodity prices have been increasing.

The proposed wind turbine project is a key part of the energy reduction strategy, to make step change improvement in energy costs and carbon footprint, as it provides the single biggest opportunity to reduce costs, generate green electricity, remain competitive and thereby retain employment at the site.

The emerging North Ayrshire Proposed Local Development Plan is a material consideration, and the proposal has been assessed against the terms of the Proposed LDP. In this instance, assessing the proposal against the terms of the Proposed LDP would not alter the conclusion of the assessment of the proposal against the adopted LDP, because the policies in the Proposed LDP are substantially similar to those in the adopted LDP, and it does not raise any new issues that would alter the assessment of the proposal.

In summary, while there are outstanding objections from NATS and GPA regarding the effect of the development on their radar systems, these effects can be mitigated through single cell blanking and Terma Scanner Radar mitigation respectively. It is proposed to deal with radar mitigation by a suspensive condition, and it is noted that the extant planning permission for a 110m high turbine in the location of Turbine 1, was granted subject to a similarly worded condition. It is considered that the economic benefits of the proposal outweigh the consideration of the conflict with policy PI9. It is therefore recommended that planning permission be granted subject to conditions.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. No turbine blade shall be fixed to either turbine until:

- (i) The developer has agreed radar mitigation schemes with Glasgow Prestwick Airport and the National Air Traffic Services and those schemes have been approved in writing by North Ayrshire Council as Planning Authority; and
- (ii) The approved mitigation measures have been implemented to the satisfaction of North Ayrshire Council as Planning Authority.

Thereafter, the development shall operate fully in accordance with the approved schemes and shall not operate should the radar mitigation measures not be achieved because the developer or the operator does not comply with the Scheme.

##### **Reason**

In order to mitigate any adverse impact of the development on Glasgow Prestwick Airport's primary surveillance radar and the National Air Traffic Services Lowther Hill radar.

##### **Condition**

2. At wind speeds not exceeding 12ms<sup>-1</sup>, as measured or calculated at a height of 10m above ground level at the wind turbine, the noise immission level at any noise sensitive premises, including those dwellings listed in Table 5 of the applicant's Noise Report 'Proposed extension to wind energy development - GSK Irvine, Noise Impact Assessment, KSG Acoustics, Prepared for Stephenson Halliday, 27 February 2019', shall comply with the following:

- (i) During night hours, defined in The Assessment and Rating of Noise from Wind Farms, 1996 ETSU-R-97 as 23:00 to 07:00 on all days, the cumulative noise immission level of the two wind turbines associated with this permission and the two existing wind turbines (built under permissions 09/00878/PP and 12/00629/PP) shall not exceed 43dB LA90,10min or the ETSU-R-97 derived night hours noise limit based on the measured LA90,10min noise level plus 5dB(A), whichever is the greater. The night hours noise limits shall be taken from Table 5 of the applicant's noise report.
- (ii) During Daytime Hours, defined as 07:00 to 23:00 on all days, the cumulative noise immission level of the two wind turbines associated with this permission and the two existing

wind turbines (built under permissions 09/00878/PP and 12/00629/PP) shall not exceed 35dB LA90,10min or the ETSU-R-97 derived quiet waking hours noise limit based on the measured LA90,10min noise level plus 5dB(A), whichever is the greater. The quiet waking hours noise limits shall be taken from Table 5 of the applicant's noise report.

**Reason**

To meet the requirements of Environmental Health

**Condition**

3. When assessed at any noise sensitive premises the operation of the wind turbine shall not result in any audible tones as defined in The Assessment and Rating of Noise from Wind Farms, 1996 (ETSU-R-97).

**Reason**

To meet the requirements of Environmental Health

**Condition**

4. The presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Environmental Health Service of North Ayrshire Council. Thereafter, a suitable investigation strategy, agreed with the Environmental Health Service of North Ayrshire Council, shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site.

**Reason**

To meet the requirements of Environmental Health

**Condition**

5. That the applicant shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, and agreed by the West of Scotland Archaeology Service, and approved in writing by North Ayrshire Council as Planning Authority prior to the commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.

**Reason**

To meet the requirements of the West of Scotland Archaeology Service

**Condition**

6. That the applicant shall construct and operate the development in accordance with the Protected Species Survey Report (ref. SHA05.19.1833) and, where necessary, shall implement recommended mitigation measures contained in the Protected Species Survey Report to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To ensure that the development does not impact upon any protected species.

**Condition**

7. By the end of a period of 25 years from the completion of the development, all of the above ground elements of the development hereby approved shall be removed within 24 weeks. Thereafter, the site shall be restored in accordance with an appropriate scheme of restoration to be approved in writing by North Ayrshire Council as Planning Authority.

**Reason**

In recognition of the temporary nature of the development.

**Condition**

8. If any turbine ceases to be operational for a continuous period of 6 months all of its above ground elements shall be removed within 24 weeks and the ground reinstated to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To ensure that any turbines which become redundant are removed; in the interest of the visual amenity of the area.

**Condition**

9. No development shall commence on the site until a Construction Method Statement, including details of all on-site construction works, detailed timescales for the various stages of site clearance, construction and commencement of operation and environmental mitigation measures has been submitted to, and agreed in writing by North Ayrshire Council as Planning Authority. The development shall then progress in accordance with the approved Construction Method Statement.

**Reason**

To ensure that the development is constructed in a satisfactory manner and to protect environmental features.

**Condition**

10. That prior to the commencement of the development hereby approved, the applicant shall complete all relevant Abnormal load movement application and notification forms and submit all relevant forms to North Ayrshire Structures Team. Unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, all HGV traffic associated with the construction of the wind turbines shall enter and leave the site from the A78 trunk road via the Newhouse Interchange, the B7080 (moss Drive) and Oldhall Roundabout.

**Reason**

In the interest of road safety



Karen Yeomans  
Executive Director  
Economy & Communities

For further information please contact Mr John Mack on 01294 324794.



## Appendix 1 – Location Plan

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