
NORTH AYRSHIRE COUNCIL

22nd March 2023

Planning Committee

Locality	Kilwinning
Reference	23/00097/CON
Application Registered	8th February 2023
Decision Due	
Ward	Kilwinning

Recommendation	Approved subject to Conditions
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Location	Benthead Farm Kilwinning Ayrshire KA13 7RU
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Applicant	Gina Mackenzie Loughrey
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Proposal	Installation of a solar farm with a generating capacity of up to 63mw and a battery storage system with a capacity of up to 31.1MW and associated infrastructure
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1. Description

The Scottish Government's Energy Consents Unit has consulted the Council, as Planning Authority, on an application under Section 36 of the Electricity Act 1989.

The application, at Benthead and Dykeneuk Farms, is for a "solar generating facility with a capacity of up to 63 MW and battery storage with a capacity of up to 31.1MW on farmland." The site covers an extensive area of approximately 130 hectares in the rural area 4km to the northeast of Kilwinning. The area to be covered with solar panels is approximately 69.4 hectares. It is estimated that the solar farm would generate 73GWh of electricity per year.

Section 36 of the Electricity Act states that consent is required from the Scottish Ministers for the construction of such facilities with a capacity exceeding 50 megawatts. The Energy Consent Units, in accordance with The Electricity (Applications for Consent) Regulations 1990, has sought the views of the Council, as Planning Authority on the proposed development.

The proposed development includes the following components:

- A solar farm of up to 63MW capacity. Solar PV panels to be rack mounted and arranged in linear rows on an east-west alignment, all facing south;
- Up to 18 no. battery storage container units (providing 31.1MW capacity), associated transformers and switchgear (approx. 18m x 2.5m x 3.2m), within a compound to be located on land to the east of an existing woodland area towards the southern end of the site near to the Benthead Farm access road;
- Vehicular access points from the Lylestone - Barrmill Road to the west and from the B778 to the southeast;
- Formation of access tracks (these would not be interconnected across the site area);
- 1 no. substation building (approx. 12m x 4m x 3m), to be located within a compound at the most southerly point of the site, east of a woodland area near to the Benthead Farm access road;
- 15 no. inverter kiosks (approx. 6m x 2m x 2m);
- 16 no. transformer kiosks (approx. 6m x 5m x 3m);
- Underground cables connecting substation, switchgear, transformers and inverters;
- Deer fencing to site boundaries with regular openings to provide passage for small mammals;
- Existing field boundaries are to be retained with improved management of roadside hedges (for enhanced screening and biodiversity);
- Fields to continue to be used for rough grazing land by sheep, with areas to be reserved for enhancing the biodiversity of the land to provide comparable habitats in relation to the neighbouring SSSI/SAC (e.g. peatland restoration on areas which are degraded and unsuitable for the development);
- seeding with locally sourced wildflowers would take place following completion of all works involving ground disturbance around the solar panels, excluding areas to be retained for compounds or tracks), the purpose of which would be to enhance the ecological value of the land for nature (e.g. pollen producing flowers for attracting insects and birds).

On reaching the end of its 40-year operational life, the proposed solar development would be decommissioned, and the site restored to farmland.

The consultation includes a number of reports, plans and drawings. These include a design and access statement, flood risk and drainage assessment, farming and land management plan, pre-application consultation reports, habitat survey reports and a glint and glare assessment. The submitted documentation notes that most of the site would be naturally screened from public roads by existing hedgerows and the topography once enhancement has taken place. Viewpoints from local houses and farms have also been taken into account during design following two stages of public consultation. The hedgerows and trees surrounding the site would remain intact.

The existing land use is agricultural, primarily rough grazing land (for sheep) within the north fields (Dykeneuk Farm) and improved pasture (for cattle grazing and/or silage) in the fields towards the south and west (Benthead Farm). Areas of rough grazing adjoin deep peatland areas towards the north and central areas of the farmland, where disturbance of deep peat would be avoided. As noted above, the proposals also provide for peatland restoration where appropriate. There are some small pockets of woodland on the fringes of the site and several small woodlands within it, which would be retained. Site topography is generally a flat plateau, with a wide 'open' landscape character providing long views in all directions. The land rises slightly towards the west towards Jameston Moss. There is an existing wind turbine (Benthead), which is approximately 61m in height to blade tip located towards the western edge of the site. There are coniferous plantation woodland areas to the west near

Jameston Moss and also to the north around Lissens Moss. A number of minor watercourses or field ditches pass through the site. These would be left undisturbed with road crossing points provided only where necessary for access.

In terms of the adopted North Ayrshire Local Development Plan (LDP), the site is within the Countryside. To the northeast of the boundary is Dykeneuk Moss, which is a designated Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Local Nature Conservation Site (LNCS). These designations relate to the peatland habitat of Dykeneuk Moss. To the southeast is the B778 Lylestone - Auchentiber road. To the west the land uses include farmland and plantation woodlands. Within the site are several minor public roads, including the Lylestone - to Barrmill road which bisects the site from SW to NE; a minor road running E-W to Benthead Farm and a minor road running from SE to NW linking the B778 to the Lylestone - to Barrmill road via Darmule.

In terms of the adopted LDP, the proposal requires to be considered against Strategic Policy 1 (The Countryside Objective), Strategic Policy 2 (Placemaking), Policy 14 (Green & Blue Infrastructure), Policy 15 (Landscape & Seascape), Policy 16 (Protection of our Designated Sites); Policy 18 (Forestry, Woodland, Trees and Hedgerows), Policy 23 (Flood Risk Management) and Policy 29 (Energy Infrastructure Development). National Planning Framework 4 (NPF 4) is also of relevance given its status as part of the statutory development plan.

The proposed development was screened for EIA purposes during early 2022 (ref. 22/00050/EIA). The conclusion reached was that EIA was not required.

Relevant Planning History

None.

Relevant Development Plan Policies

SP1 - The Countryside Objective
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

Placemaking

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 14-Green & Blue Infrastructure

Policy 14:

Green and Blue Infrastructure

All proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur.

Green and blue infrastructure should be multi-functional, accessible and integral to its local circumstances. For example, Sustainable Urban Drainage Systems (SuDS) have the potential to play a key role in the delivery of meaningful blue and green infrastructure, providing amenity and improving biodiversity as well as providing a sustainable flood risk solution. We will require details of the proposed arrangements for the long-term management and maintenance of green infrastructure, and associated water features, to form a key part of any proposal.

Our Open Space Strategy (2016-2026) highlights the need for an audit which identifies valued and functional green and blue infrastructure or open space capable of being brought into use to meet local needs. We will support the temporary use of unused or underused land as green infrastructure including where it consists of advanced structure planting to create landscape frameworks for future development. Support will be given to proposals

which seek to enhance biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. We will also support proposals that are in accordance with the vision and outcomes of the Central Scotland Green Network as well as those of the Garnock Connections Project.

Detailed Policy 15-Landscape & Seascape

Policy 15:

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 Policy 16:

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 18 - Forestry, Woodland

Policy 18:

Forestry, Woodland, Trees and Hedgerows

Development proposals will only be supported when it would not result in the loss or deterioration of an ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits from the development that outweigh the loss of the woodland habitat.

Where development includes the removal of woodland, the Scottish Government's Control of Woodland Policy and the current Ayrshire and Arran Woodland Strategy including relevant compensatory planting requirements will be taken into account.

Where the loss of trees, hedgerows or woodlands of merit is unavoidable and compensatory planting is required, replacement trees should be of a similar scale and massing to the loss or if smaller there should be additional tree planting committed to ensure a net gain is achieved. We will also expect developers to engage with Forestry Commission Scotland.

We recognise that trees and woodlands are an important yet dynamic part of our landscape. In recognition of this where a tree (or group of trees) is of significant value to public amenity or where they strongly contribute to the character of a Conservation Area we may consider promoting a formal Tree Preservation Order (TPO). We will normally only do this when there is a clear, pressing and immediate threat to a valuable tree (or group of trees) - not as a matter of course and not in conflict with good arboricultural practice and management. In the case of works to trees covered by a tree preservation order we will support management schemes and maintenance works that adhere to good arboricultural practice.

Generally, we will support proposals for dedicated timber export facilities as well as timber export developments that are combined with other marine based activities on Arran where there are no unacceptable adverse environmental impacts and align with our Placemaking policy. Proposals should also align with Policy 28: Transport as an Economic Driver.

Supplementary Guidance: Trees and Development provides guidance on information required to be submitted as part of planning applications involving tree works as well as matters to consider when designing and constructing development to minimise impacts on trees.

Detailed Policy 23-Flood Risk Management

Policy 23:

Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation.

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

- o Clearly set out measures to protect against, and manage, flood risk.
- o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.
- o Include provision of temporary/construction phase SuDS.
- o include appropriate long-term maintenance arrangements.
- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

Detailed Policy 29 - Energy Infrastructure

Policy 29:

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

A range of consultations for Section 36 applications are undertaken by the Energy Consents Unit of the Scottish Government, who have the statutory duty to determine such applications. In this respect, the Council is a statutory consultee. Publicity for proposals of this type is carried out by the Energy Consents Unit, who would consider any public comments they receive.

To inform the Council's position on the proposals, a number of internal consultations were undertaken, and are summarised below:

NAC Active Travel & Transportation - No objections, and recommend that, for all the junctions accessing the site, visibility splays of 2.5 metres by 120 metres, in both directions, must be provided and maintained at the junction with the public road. No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles.

Response: Noted. A condition requiring the implementation of the above sightlines could be recommended in the Council's response.

NAC Flooding Officer - Advise that SEPA's flood hazard map indicates that parts of the site are at high and medium risk of surface water flooding and the application documents show that there is a network of drainage ditches within and around the site. The site plan shows that the proposed solar panels would generally be located away from the areas of indicative flood risk, which is an approach that NAC would support. NAC Flooding would, however, strongly advise that the recommendations of the applicant's Flood Risk and Drainage Assessment are either incorporated into the application drawings or that the implementation and maintenance of the recommended actions are controlled by conditions that would be attached to any consent.

Response: Noted. A condition requiring the implementation and maintenance of the works indicated above could be recommended in the Council's response.

3. Analysis

As noted above, the proposal requires to be considered against Strategic Policy 1 (The Countryside Objective), Strategic Policy 2 (Placemaking), Policy 14 (Green & Blue Infrastructure), Policy 15 (Landscape & Seascapes), Policy 16 (Protection of our Designated Sites); Policy 18 (Forestry, Woodland, Trees and Hedgerows), Policy 23 (Flood Risk Management) and Policy 29 (Energy Infrastructure Development). Each policy is considered individually below.

Strategic Policy 1 (The Countryside Objective)

Part c) of SP1 states that, in principle, the Council will support proposals in the countryside for "developments with a demonstrable specific locational need including developments for renewable energy production ie. wind turbines, hydroelectric schemes and solar farms." In this case, it is proposed to develop a solar farm with battery storage and ancillary infrastructure. The majority of the site would retain its agricultural use, with improved management of peatland and enhanced ecology. It is considered that the proposal has a specific locational need and accords with SP1.

Strategic Policy 2 (Placemaking)

The intention of SP2 is to ensure that all development contributes to making quality places. It safeguards, and where possible enhances, environmental or amenity impacts. In this case, it is noted that the proposed solar farm would be sited so as to minimise impacts on housing near the site. This would be achieved by siting solar panels away from the edges of fields near housing; retaining and restoring hedgerows and ensuring that the site compounds (eg. battery storage area, sub-station area) would be screened by existing woodland plantations. It is considered that, in certain places, the woodland plantations are in need of enhancement through additional or replacement planting to reinforce their

effectiveness for screening and amenity purposes during the lifespan of the development. A condition could be recommended in this respect. It should be noted that the proposed racking system for mounting the solar panels would not exceed 3m above ground level, thus minimising the visual impact on the flat, plateau landscape of the site. CCTV poles would also be erected around the site, to enable monitoring of the panels and other plant to take place remotely, the height of which would also be 3m. Again, the landscape and visual impact of these vertical elements would not be significant across the expansive site area, being close to ground level and screened from external viewpoints by hedgerows and, in places, woodland. There would be no other amenity impacts arising from the development in terms of noise, overshadowing or privacy impacts. The glint and glare assessment indicates that the panels would be black in colour and non-reflective. In summary, it is considered that the proposals are acceptable in terms of SP2.

Policy 14 (Green & Blue Infrastructure)

The intention of this policy is to require that all proposals "seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure." As noted above, the proposed development would include measures to enhance biodiversity through the restoration of hedgerows, the restoration of degraded peat and the planting of wild flowers following ground disturbance. The policy notes that "support will be given to proposals which seek to enhance biodiversity.... including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats." It is noted that the peatland restoration would bring a significant part of the site up to a standard of habitat closer to that of the neighbouring SSSI/SPA designation at Dykeneuk Moss. The benefits of the development, in terms of habitat restoration and creation, would therefore exceed the baseline conditions of the land in terms of its current use. The proposals are therefore acceptable in terms of Policy 14.

Policy 15 (Landscape & Seascape)

The policy sets out to support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on both designated and non-designated landscape areas. The landscape character of the site and its surroundings is with the 'Ayrshire Lowlands' in terms of the landscape character type defined in the 'Ayrshire Landscape Assessment' produced in 1998 for the former Scottish Natural Heritage. 'Ayrshire Lowlands' is described as "an extensive area of agricultural lowland which occupies much of the Ayrshire basin.... The landform is surprisingly complex, dissected by many burns and streams draining to incised main river valleys to create an undulating lowland landscape. Landcover is predominantly pastoral. Cattle, sheep and grassland are common.... A number of placenames include the term 'moss', reflecting the presence of peat bogs and mires. Whilst many of these have been drained and reclaimed for agriculture, some areas of peatland remain."

The commentary goes on to state that "fields are often regular in shape and enclosed by beech or hawthorn hedges. For the most part the hedges are in good condition. Many field boundaries are also marked by mature hedgerow trees. These trees give the landscape a surprisingly wooded character, often forming avenues along minor roads. In places this structure has begun to decline as trees have been felled and not replaced."

It is considered that, as part of the landscaping and mitigation works associated with the proposals, the opportunity has arisen to restore not only the peatland and hedgerows but also the hedgerow trees which were once typical of the locality. It is noted that most hedgerows along the edges of the site have been cut back quite severely, with very few

hedgerow trees remaining. Such tree planting within the hedgerows would help to filter views towards the rows of solar panels, repair and enhance landscape character and promote further biodiversity within this locality. Tree planting within hedgerows would not form a dense barrier to light and would therefore be unlikely to have any material impact on the performance of the solar panels. Elsewhere, it has been noted that within the woodland areas that would be utilised for screening of battery storage units and other items of plant, there is evidence of ash dieback and limited natural regeneration. In these areas, work would be required to restore the woodlands and thus repair the decline to landscape character. A condition could be recommended to secure the details of such planting. Subject to such a condition, the proposals would be acceptable in terms of Policy 15.

Policy 16 (Protection of our Designated Sites)

The policy supports proposals which would not have an unacceptable effect on our valuable natural environment as defined by a variety of legislative and planning designations. As noted above, the site is close to the Dykeneuk Moss SSSI/SPA and Nature Conservation Site of Local Importance. No part of the development would take place within the boundary of these designations. The proposal would, however, enhance habitats within the boundary of the solar farm site which would have a beneficial impact on the ecology of the SSSI (e.g. peatland restoration). As such, the proposals would be acceptable in respect of Policy 16.

Policy 18 (Forestry, Woodland, Trees and Hedgerows)

The policy seeks to resist the loss of established woodlands, trees and hedgerows. Where loss is unavoidable as a result of development, compensatory planting is required. As discussed above, the opportunity has arisen to increase tree planting at various locations within the site, to improve woodland and to reinforce established hedgerows. Such planting would compensate for the sections of hedgerow to be removed for site accesses (although existing field gates would be used whenever possible). Subject to the recommended condition discussed above, the proposals would be acceptable in terms of Policy 18.

Policy 23 (Flood Risk Management)

The policy supports development that demonstrates accordance with the Flood Risk Framework shown in Schedule 7 of the LDP. The policy notes that development should generally avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Sustainable drainage systems should be incorporated into new development. In this instance, the consultation includes a flood risk and drainage assessment. This has been reviewed by the Council's Flooding Officer and found to be fit for purpose. A general condition is recommended that would require the implementation of all measures identified in the supporting information, including flood protection and drainage works, to be implemented during the course of the development. A Construction Environmental Management Plan (CEMP) condition is also recommended.

Policy 29 (Energy Infrastructure Development)

This policy states that support will be given to energy infrastructure development, including solar, where it will contribute to the transition to a low carbon economy and have no unacceptable adverse environmental impacts. The policy requires that consideration be given to environmental, community and public safety aspects of a development.

In terms of environmental impacts, the proposals would be acceptable in terms of the detailed policies considered above, resulting in a biodiversity net gain in comparison with the baseline conditions (farmland).

In terms of community impacts, it is considered that the proposals would contribute significantly to the generation of renewable energy targets. There are no plans to create pathways through the site (there are no designated footpaths within the site at present). It is not considered that the proposals would have any adverse impacts on tourism and recreation. The opportunity has been taken to provide battery storage within the site, which would be screened from the nearby public road by woodland.

In terms of public safety, the internal consultations carried out do not indicate any areas of concern with the proposals. A Construction Environmental Management Plan (CEMP) could be included as a recommended condition.

The decommissioning of the site following its 40-year operational period could be secured by condition, which could be recommended as part of the Council's consultation response.

The proposals are considered to accord with Policy 29.

The application has also been assessed against the adopted National Planning Framework 4 and it has been determined that the proposal does not raise any significant strategic planning issues which conflict with the foregoing assessment. In respect of this proposal, it is noted that the key aims of NPF 4 relate to the climate and nature crises. The proposed development would generate electricity from a renewable source, as well as providing battery storage facilities to improve the efficiency and effectiveness of the scheme. In addition, considerable benefits for biodiversity and nature would be created through peatland restoration, hedgerow restoration and new planting of pollen rich wild flowers. The underlying agricultural land use would also be retained in the interests of food production.

Taking the foregoing into account, it is recommended that the Council, as Planning Authority, does not object to the proposed development and recommends the undernoted conditions to the Scottish Government's Energy Consents Unit for its consideration.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That the development shall be implemented in accordance with the submitted plans, drawings and recommendations contained in the application (inclusive of all associated supporting reports and documentation) unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To secure the implementation of the development in accordance with the supporting information.

Condition

2. That prior to the commencement of the development, the applicant shall submit a Construction Environmental Management Plan for the written approval of North Ayrshire Council as Planning Authority, which shall address site construction traffic routes and management, working hours, dust suppression measures, noise control measures and

surface water run-off control measures. Thereafter, the development shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of environmental protection during the construction phase.

Condition

3. That, for all roads/tracks accessing the site, visibility splays of 2.5 metres by 120 metres, in both directions, shall be provided and maintained at the junction with the associated public road. No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles.

Reason

In the interests of road safety.

Condition

4. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of landscaping and tree planting. The scheme shall include:

- the restoration of existing hedgerows, including the planting of hedgerow trees throughout the site;
- the restoration of existing woodland areas, including the removal of diseased/dead trees and details of their replacement;
- details of tree protection measures;
- details of wild flower planting;

The landscaping and tree planting scheme shall include details of species, planting densities, soil treatment and aftercare. Thereafter, the scheme as may be approved shall be implemented prior the development becoming operational and managed thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To secure a comprehensive scheme taking account of landscape character, visual impact, biodiversity and habitats.

Condition

5. That, prior to the commencement of any peatland restoration, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed scheme of such works, including their timing and future management arrangements. Thereafter, the scheme as may be approved shall be implemented and managed during the lifespan of the solar farm to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To secure a comprehensive scheme taking account of biodiversity and habitats.

Condition

6. That, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, the rated noise level, as defined in BS 4142:2014+A1:2019, from the operation of fixed plant and machinery, including the battery storage facilities, sub-station, transformers,

etc. shall not exceed the background noise level at the curtilage of any noise sensitive property existing or consented at the time of the application.

Reason

To safeguard the residential amenity of houses within the vicinity of the site from noise generated by fixed plant and machinery.

Condition

7. That the solar farm and battery storage facilities hereby permitted shall be removed and the land restored for agriculture and/or nature conservation purposes within 40 years of the date of the consent, all to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed beforehand.

Reason

To make provision for future land use to reflect that the operational phase of the development is estimated to be 40 years.

James Miller
Chief Planning Officer

For further information please contact Mr A Hume Planning Officer on 01294 324318.

Appendix 1 – Location Plan

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