



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 04 September 2019** at **14:15** to consider the undernoted business.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Minutes

The accuracy of the Minutes of the meeting of the Local Review Body held on 19 June 2019 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Notice of Review: 19/00159/PP – 32 Eglinton Street, Beith, KA15 1AQ

Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

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

Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

5 Notice of Review: 19/00135/PP – Westbourne Caravan Park, West Bay Road, Millport, Isle of Cumbrae KA28 0HA

Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

6 Urgent Items

Any other items which the Chair considers to be urgent.

Local Review Body Sederunt

Tom Marshall (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Christina Larsen
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Apologies:

Attending:

**Local Review Body
19 June 2019**

Agenda Item 2

Irvine, 19 June 2019 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.55 p.m.

Present

Tom Marshall, Timothy Billings, Robert Barr, Robert Foster, Shaun Macaulay, and Ronnie McNicol.

In Attendance

A. Hume, Planning Adviser to the LRB (Economy and Communities); A. Craig, Legal Adviser to the LRB (Legal Services); and E. Gray and H. Clancy, Committee Services Officers (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Ian Clarkson, Christina Larsen and Donald Reid.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the meeting of the Local Review Body held on 22 May 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review:

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of an application for planning permission refused by officers under delegated powers for the conversion of redundant agricultural building to form dwelling-house at a site to the West of Pirogue, Whiting Bay, Isle of Arran.

The Notice of Review documentation, Planning Officer's Report of Handling, Planning decision notice, location plan, further representations by interested parties and the applicant's response to the further representations were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request.

Members asked questions and were provided with further information on:

- the surface material of the site access which was detailed in the application to be paving stones around the property and gravel on the access road and received no objection from the Council's Active Travel and Transportation team;
- similar cases of converted properties on Arran and whether these set a precedent; and
- the proposed design of the property, similar new build properties on the island and the setting of the proposed development.

Councillor Foster, seconded by Councillor McNicol, moved that the Local Review Body uphold the decision taken by the Planning Officer to refuse the application for planning permission for the reasons set out in the planning decision notice.

As an amendment, Councillor Barr, seconded by Councillor Billings, moved that the Local Review Body overturn the decision taken by the Planning Officer and grant planning permission on the grounds that the proposed design would not look out of place and would increase the visual amenity of the site.

On a division there voted for the amendment two and for the motion four, and the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the decision taken by the Planning Officer to refuse the application for planning permission on the following grounds:

1. That the proposed development would be contrary to criterion (a), (b) and (f) of policy ENV3 of the North Ayrshire Council Local Development Plan as: (a) the existing building is not in an acceptable location or of appropriate scale and character for conversion to a dwellinghouse; (b) the building does not possess sufficient architectural or historic interest to make a significant positive contribution to the visual amenity of the rural landscape; and (f) the proposals do not take cognisance of the Rural Design Guidance.
2. That the proposed development would be contrary to criteria (a) and (c) of the General Policy of the North Ayrshire Council Local Development Plan as: (a) the proposed siting does not have regard to the visual effects of the development on the surrounding landscape; and (c) the development would have a significant adverse impact on the landscape character of the area.

The Meeting ended at 3.20 p.m.

NORTH AYRSHIRE COUNCIL

4 September 2019

Local Review Body

Title:	Notice of Review: 19/00159/PP – 32 Eglinton Street, Beith, KA15 1AQ.
Purpose:	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.
Recommendation:	That the Local Review Body considers the Notice of Review.

1. Executive Summary

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

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 19/00159/PP – change of use of a vacant bank to form hot food takeaway with small seating area and the erection of flue to the rear of the building at 32 Eglinton Street, Beith.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report:-
- Appendix 1 - Notice of Review documentation;
 - Appendix 2 - Report of Handling;
 - Appendix 3 - Location Plan;
 - Appendix 4 - Planning Decision Notice;
 - Appendix 5 - Further representations from interested parties; and
 - Appendix 6 - Applicants response to further representations.

3. Proposals

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

4. Implications/Socio-economic Duty

Financial

4.1 None.

Human Resources

4.2 None.

Legal

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

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 None.

Community Benefits

4.7 None.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations and their response is set out in Appendix 6 to the report.

Craig Hatton
Chief Executive

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

Background Papers

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

MR MOHAMMED JAWAD

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☒

Yes ☒ No ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

NORTH Ayrshire Council

Planning authority's application reference number

N/19/00159/PP

Site address

32 EGLINTON ST, BEITH, KA15 1AQ

Description of proposed development

CHANGE OF USE TO FORM HOT FOLD TAKEAWAY WITH
SMALL SEATING AREA AND ERECTION OF FENCE TO REAR.

Date of application

Date of decision (if any)

12/4/19

Note: This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

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

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

1. Further written submissions ☐
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

HEARING IS NECESSARY SO I CAN PUT ALL MY POINTS ACROSS, I WILL BRING PHOTOGRAPHS AT HEARING.

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE STATEMENT BY APPEAL

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

- ① STATEMENT OF APPEAL
- ② REFUSAL NOTICE
- ③ SITE PLANS
- ④ MENU FOR "MA CHER" @ 34 ESCINTON ST
- ⑤ PHOTOGRAPHS OF VACANT SHOPS
- ⑥ DECISION GIVEN BY LOCAL REVIEW BODY OVER 29A ESCINTON ST, IRVINE.

Note: The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

23.06.2019

1. Statement of Appeal

Statement of Appeal – Notice of Review 02/6/19

Change of use from Vacant Bank to form hot food takeaway with small seating area
at 32 Eglinton Street, Beith KA15 1AQ

Dear North Ayrshire Council,

My name is Mr Mohammed Jawad and I am the applicant whose application has recently been refused. I wish to lodge an appeal over this site. For the benefit of doubt I am receiving help writing this letter as I do not know how to write good English hence why I have requested any communication to be sent to Commercial Connexions at 120 Haggs Road, Glasgow, G41 4AT.

The proposal has been refused on the following grounds:

- (a) Contrary to TC 1 and General Policy
- (b) The proposal will have an adverse impact on the Amenity and adverse impact on the character of Beith Town Centre.

The characteristics and the Shopping Pattern have changed in many small towns and Beith is no different. More and more vacancies are seen on the High Street, we are lacking entrepreneurial spirit. If we cast our eyes back some 30 to 40 years, one could walk to their High Street and find Fishmongers, Alternation Shops, Wool Shops, Paint Shops, Hardware Shops, Bakeries, Cobblers. Families worked together and made businesses survive. The younger generation and school leavers are not willing to work the same way as we used to work, e.g. People would start at the bakeries at 2 o'clock in the morning for preparation and by 7am bake the bread and display it in their shops. Before 10 am the Bakery would have sold their stock and would be preparing to close up shop thereafter.

Shops were very hard to find 30/40 years ago, nobody was willing to vacate and commercial shops were in great demand. Nowadays there are plenty of shops available but we lack the workers.

I would request that you come with me to have a walk along the Main Street and Eglinton Street and we will count how many units are lying vacant. I have printed out photographs of some of the properties, which have lay dormant for some time now.

Card Shop is Closed

Delicatessen is Closed
Hotel is Closed
Banks have closed
Post Office is closed.

Recently North Ayrshire Council granted Hot Food Consent at 34 Eglinton Street, Beith "Mr Chef". This was contrary to Policy TC1 and General Policy. The upstairs of Mr Chef is a Residential dwelling.

The upstairs of my proposed unit is in fact an Office, ie Commercial development. There will be no adverse impact as our hours of operation are completely different.

My proposal is for an Indian Takeaway with Restaurant facility. There is no Indian Restaurant in Beith. With the opening of my shop, this will generate income and taxes for the local community. The opening of the shop will also create employment in the local area. I will be able to create at least 6 jobs, plus will need 2 delivery drivers. It is hard to even create one job, but I am trying to feed life into a derelict unit.

I am a Disabled person and have been reliant on Council Support for many years now; I wish to be self-supporting and would like to stop receiving benefits. The shop requires a huge financial investment; I am looking to take out a loan for this project as I have full faith in my abilities.

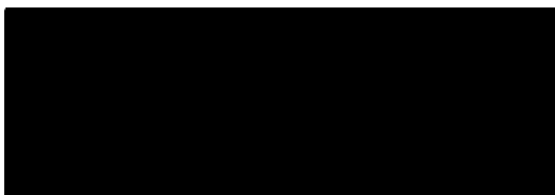
I want to help other people and generate local jobs but at the same time I need the Councils Help and Support to bring this dead shop alive again, otherwise there will be another empty shop on the High Street. With the business opening VAT will be generated helping raise further revenue for the Country.

The council have nothing to lose here. If with the opening of the shop causes any problems to the local area I am prepared to enter into an agreement with the Council and hand back the Planning Permission.

Under similar circumstances an application for Hot Food was lodged at 29a Eglinton Street, Irvine (16/00544/PP) Hot Food permission was granted conditionally with restricted opening hours and at Review Stage full Hot Food Takeaway permission was granted extending the opening hours. I too hope that you will be able to overturn your previous decision.

I would like to thank you for taking the time in listening or reading my appeal and would like to thank you even if you are unable to grant me permission under the circumstances.

Yours Sincerely



2. Refusal Notice

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/19/00159/PP

(Original Application No. N/100155707-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013

To : Mr Mohammed Jawab

With reference to your application received on 6 March 2019 for planning permission under the above mentioned Acts and Orders for :-

Change of use of vacant bank to form hot food takeaway with small seating area and the erection of flue to rear of building

at 32 Eglinton Street
Beith
Ayrshire
KA15 1AQ

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposal would be contrary to the provisions of the North Ayrshire Council Local Development Plan Policy TC 1 and General Policy criterion (b) Amenity, by reason of the resulting concentration of hot food uses in close proximity to one another resulting in adverse impacts on amenity, including additional noise, disturbance, potential odour nuisance and adverse impacts on the character of Beith town centre.

Dated this : 12 April 2019

.....
for the North Ayrshire Council

(See accompanying notes)

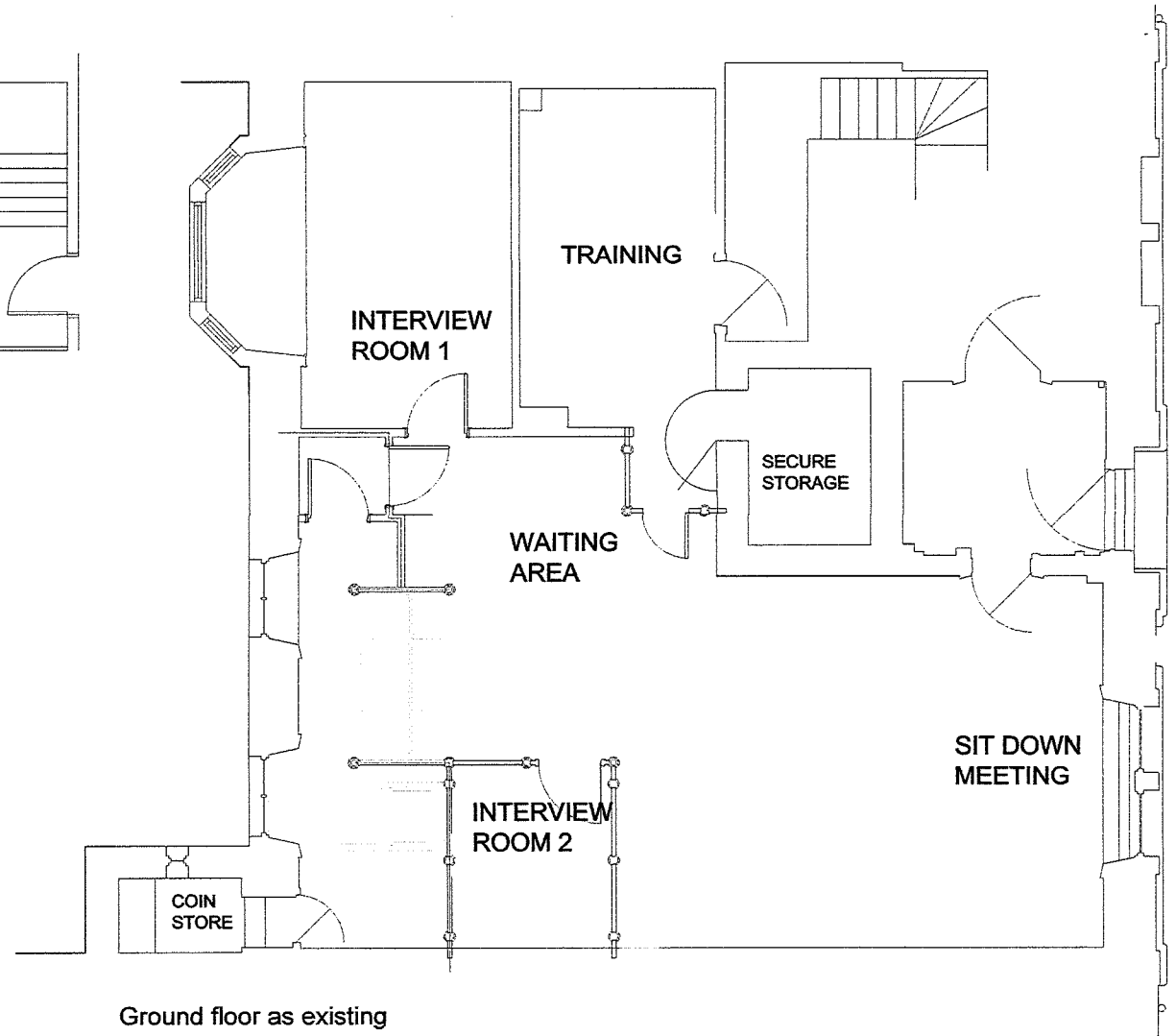
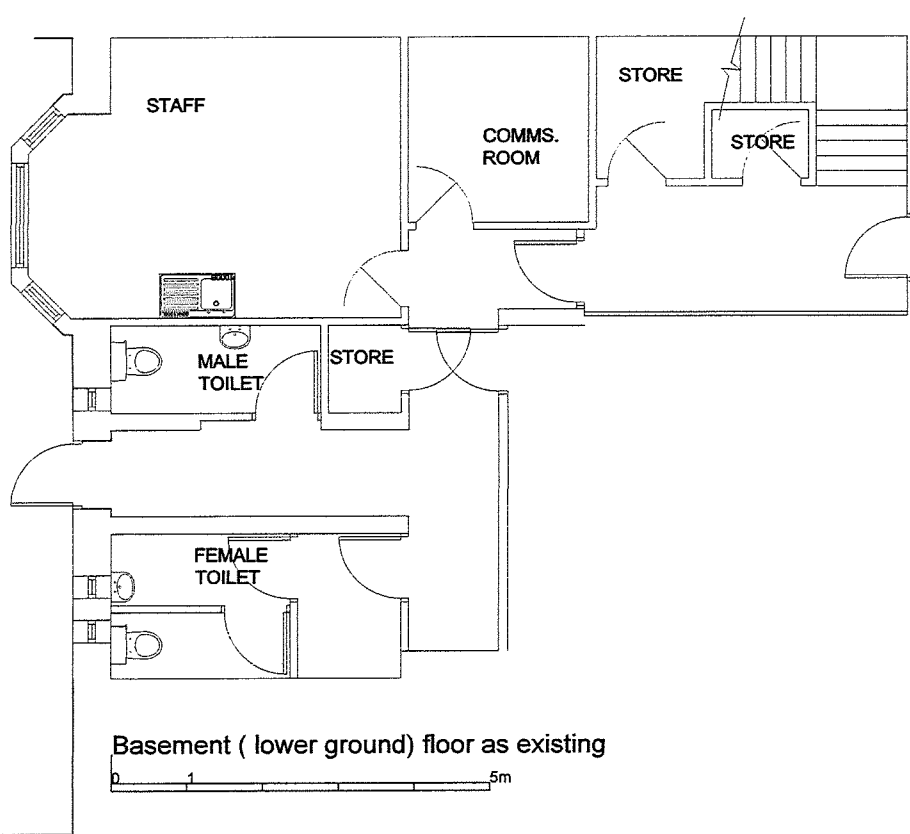
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

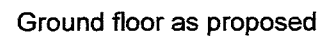
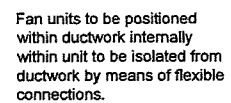
3. Site Plans



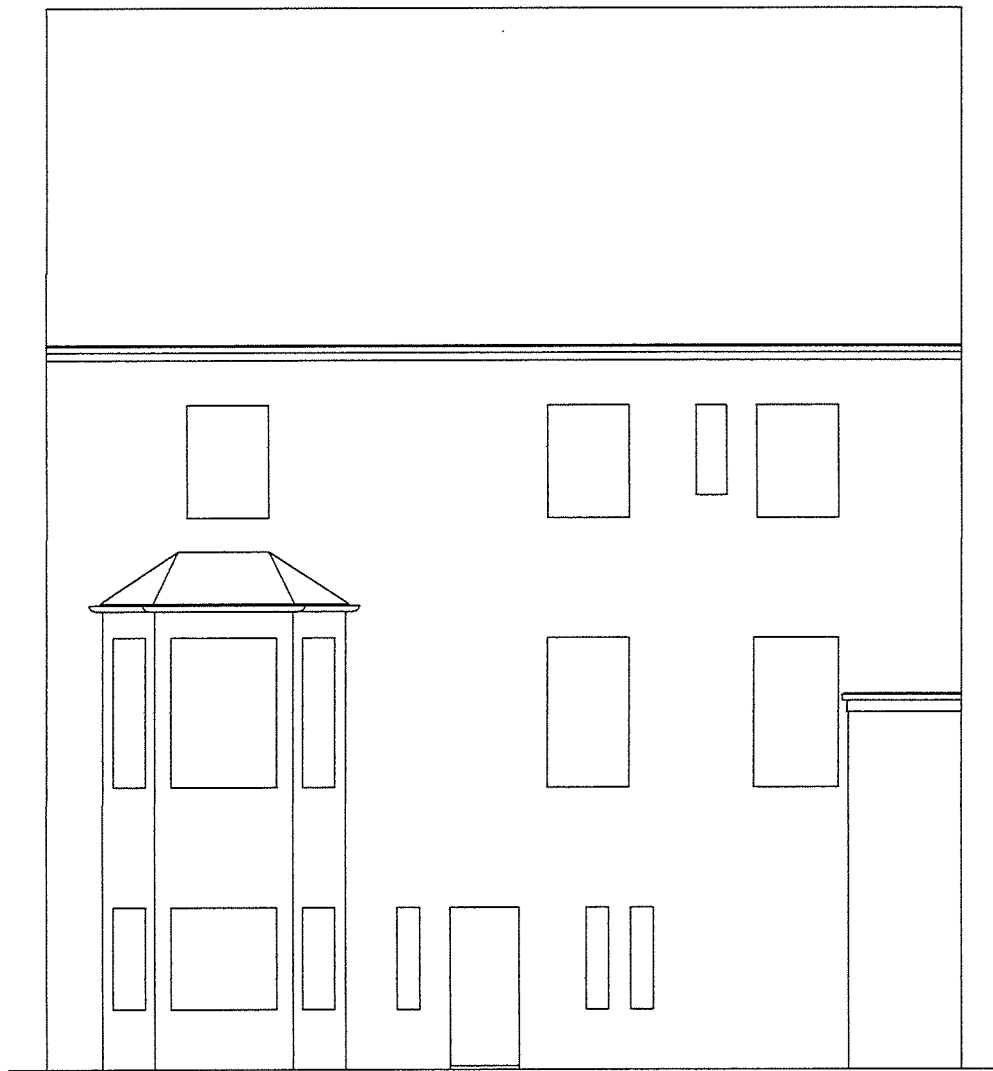
Proposals at
32 Eglinton Street
Beith

scale 1:50(A2)
dwg no. 27016/1a

SCALE drawn to 1-100 (A4)

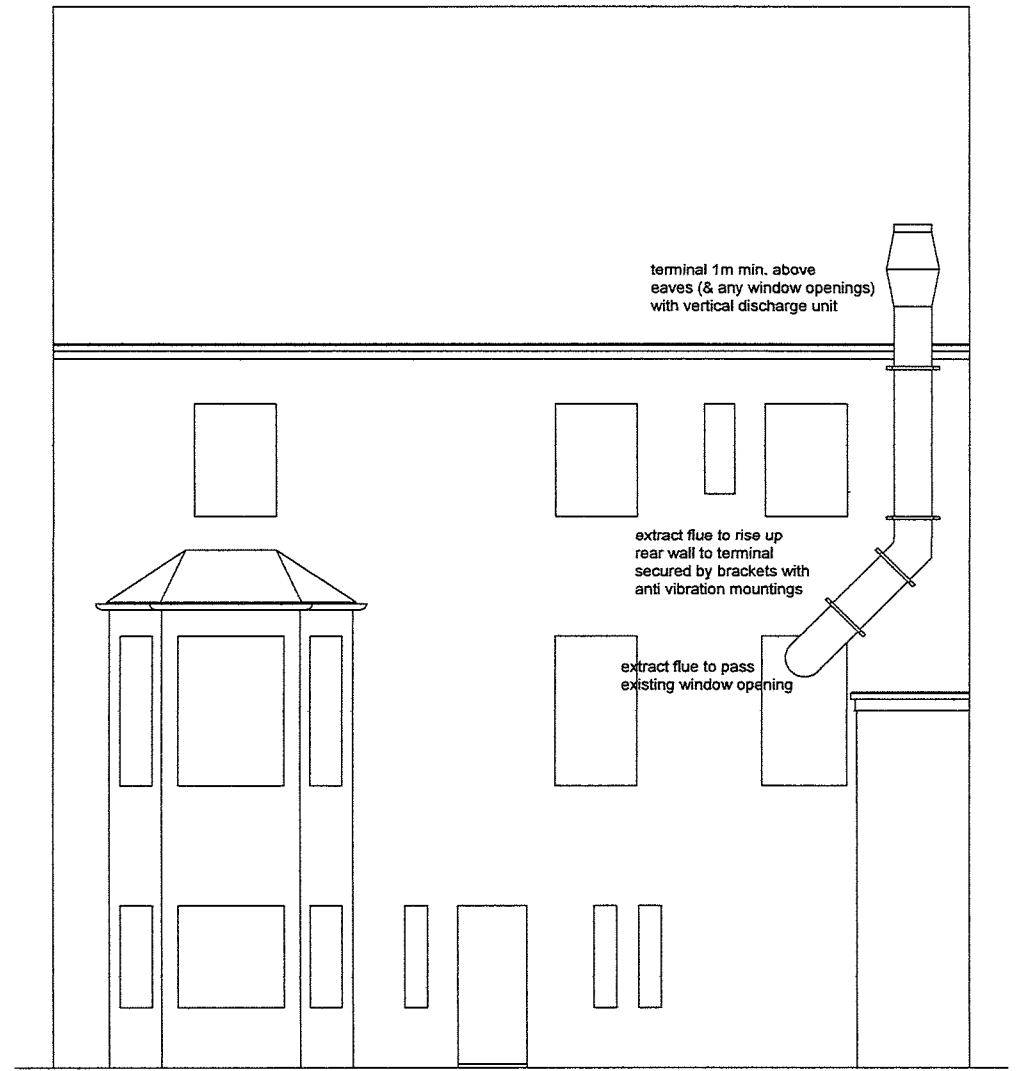


SCALE ~~now~~ to 1:100 (A4)



rear elevation as existing

0 1 5m



rear elevation as proposed

Proposals at
32 Eglinton Street
Beith

scale 1:50(A2)
dwg no. 27016/3

SCALE DRAFT 1:100 (A4)

PROPOSALS AT
32 EGLINTON STREET
BEITH

SCALE 1:200
DWG NO. 27016/11

0 2 10M



SITE PLAN

Bk

28

26

30

34

36

38

32

40

Bk

Shelters

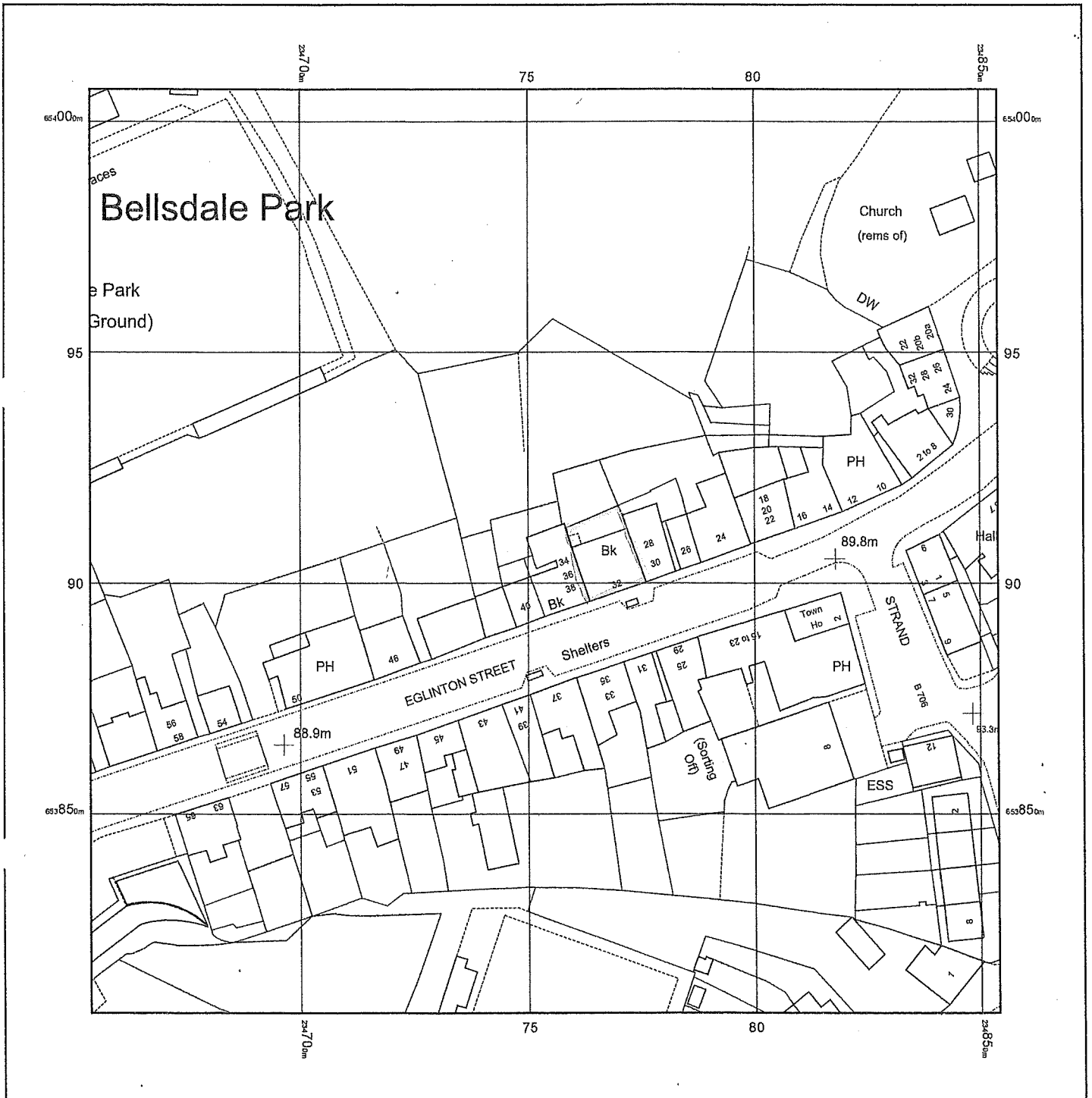
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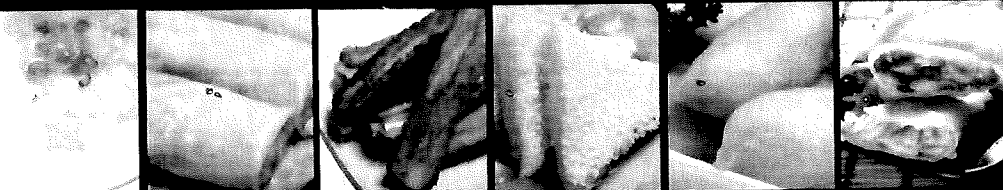
27016: 32 EGLINTON STREET, BEITH.

4. Menu for Mr Chef @ 34 Eglinton Street

Meal Deal £8.90 Per Person

One Starter + One Main Course (Served with Rice or Chips)

Starters



Main Course

- | | |
|---|---|
| • Chicken or Beef Curry | • Chicken or Beef with Onions |
| • Chicken or Beef in Black Bean Sauce | • Sweet & Sour Chicken Balls in Batter |
| • Chicken or Beef with Pickled Ginger & Pineapple | • Sweet & Sour Chicken Hong Kong Style |
| • Chicken or Beef with Szechuan Style | • Lemon Honey Chicken |
| • Chicken or Beef with Garlic Black Pepper Sauce | • Mixed Vegetables in ANY choice of Sauce |
| • Chicken or Beef with Mushroom | |

SPECIAL SET MEAL

For 2 Persons £21.90

STARTER:

Choice of Starters

Ribs or Dragon & Phoenix Rolls or Soup

MAIN COURSE:

Beef with Green Pepper in Black Bean Sauce

Sweet & Sour Chicken Hong Kong Style

Egg Fried Rice (2)

Banana Fritter or Pineapple Fritter

Prawn Crackers

For 3 Person £31.20

Extra: King Prawn with Cashew Nuts

For 4 Person £38.90

Extra: Chicken Szechuan Style

+ **Free** Bottle of Juice

MR CHEF

Chinese Takeaway

34 Eglinton Street, Beith
KA15 1AQ

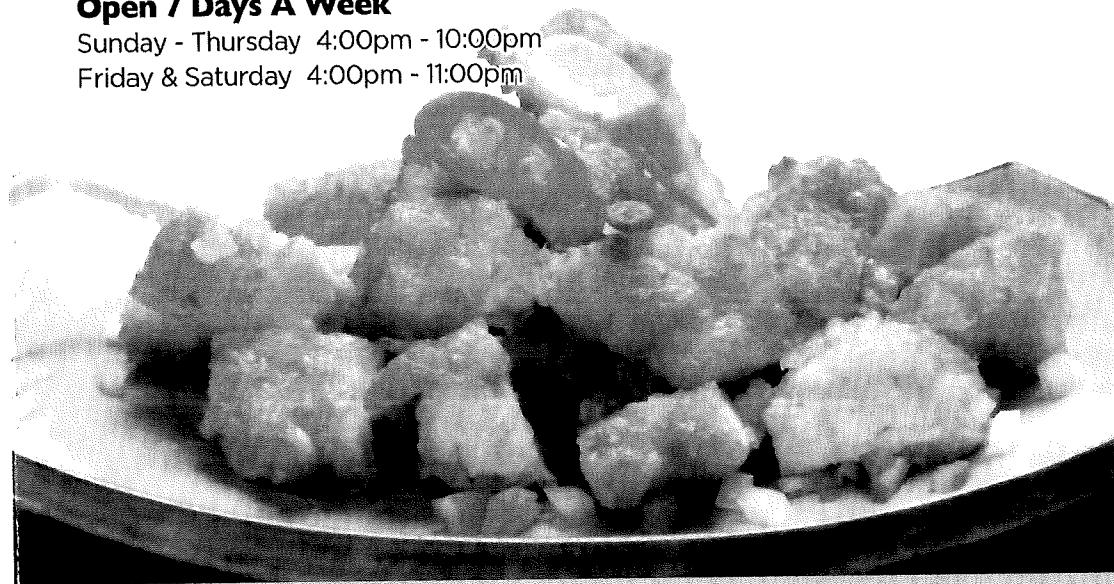
Home Delivery
Service

01505 506 088

Open 7 Days A Week

Sunday - Thursday 4:00pm - 10:00pm

Friday & Saturday 4:00pm - 11:00pm



FREE Prawn Crackers
with Food Order Over £15.00
(Excluding Delivery Charge)

CASH PAYMENT ONLY!

To the best of our knowledge, we do not use suppliers who deal in GM foods. Please inform us if you have any food allergies.

25/27
Eglinton
Street



**39 Eglinton
Street**

**41 Eglinton
Street**



51 Eglinton Street



**41 Eglinton
Street**



40 Eglinton
Street

Our HAPPY DAYZ

40

TO
LET
EASTON
01563
851242

TO
LET
EASTON
01563
851242



9 Eglinton
Street



Closed



5 The Strand

NORTH AYRSHIRE PROPERTIES



Beith Town House
14/15 Eglinton Street

17 Eglinton
Street



6.

EXAMPLE OF SUCCESSFUL
NOTICE OF REVIEW



**NORTH AYRSHIRE
COUNCIL**

**REVIEW DECISION NOTICE
DECISION BY NORTH AYRSHIRE LOCAL REVIEW BODY**

- Site Address: 29A Eglinton Street, Irvine
- Application for Review by Sava Estates per Bennett Developments and Consulting, 10 Park Court, Glasgow, G46 7PB
- Application Reference: 16/00544/PP
- Application Drawing: Location Plan 24049/7 (b) existing floor plans 24049/1
Proposed floor plans 24049/2
Existing elevations 24049/3
Proposed elevations 24049/4
Proposed elevations 24049/5
Proposed elevations 24049/6

Date of Decision Notice: 25th November 2016

Decision

North Ayrshire Local Review Body agrees to (a) uphold the review; and (b) replace condition 1 of planning permission N/16/00544/PP dated 22nd July 2016 with a substitute condition

1.0 Introduction

- 1.1 This Notice constitutes the formal decision notice of the North Ayrshire Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 A Notice of Review relative to Condition 1 attached to the grant of planning permission N/16/00544/PP dated 22nd July 2016 check for the maximum hours of operations for the change of use from vacant office to café with takeaway facilities and to installation of an external flue at 29A Eglinton Street, KA12 8AS was considered by the North Ayrshire Local Review at its meeting on 26th October 2016

1.3 The Local Review Body was constituted by Councillors Matthew Brown, John Ferguson, Robert Barr, John Bell, John Bruce, Ian Clarkson, Ronnie McNicol and, Tom Marshall.

Also in attendance were Ross Middleton, Planning Adviser, Jean Law, Legal Adviser and Angela Little, Committee Clerk.

2.0 Proposal

- 2.1 The application for planning permission for the change of use from a vacant office (Class 2.2) Café (Class 3) with takeaway facilities and installation of external flue at 29A Eglinton Street, Irvine. Planning permission was granted subject to the conditions. Condition 1 is the matter under review.

3.0 Preliminaries

- 3.1 The members of the Local Review Body were provided with copies of the following:-
 - (i) Notice of Review;
 - (ii) The Appointed Officer's Report of Handling;
 - (iii) The Decision Notice;
 - (iv) The North Ayrshire Council Local Development Plan adopted 20th May 2014
- 3.2 The Local Review Body were shown photographs of the site and plans relating to the application.
- 3.3 The Local Review Body also had the opportunity of examining the planning application and related documentation relating to the review on the Council's on line e-planning system.
- 3.4 The Local Review Body taking account of the material produced considered that the review application could be determined without further procedure in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4.0 Findings

- 4.1 The site is within Irvine Town Centre in terms of the North Ayrshire Local Development Plan. Policies TC1, HE1 and the General Policy of that plan were identified as relevant for consideration.

The proposal was considered to accord with the above policies.
- 4.2 The condition imposed in the original permission permitted operation between 10am and 8pm. The Local Review Body discussed whether it was reasonable to restrict trade in the evening to 8 pm being a time at which most restaurants would operate.

5.1 Having regard to the whole circumstances of the case, the North Ayrshire Local Review Body upheld the review and agreed to replace condition 1 of planning permission N/16/00544/PP dated 22nd July 2016 with a substitute condition as follow:-

1. that the maximum hours of operation for the use hereby approved shall be between the hours of 10.00am and 11.00pm on any day unless otherwise agreed in writing by North Ayrshire Council as Planning Authority".

The reason for the above conditions is:-

In the interest of the amenity of the area.

for the North Ayrshire Council

(See accompanying notes)

PLANNING & COMMUNITIES
Executive Director: Karen Yeomans
Cunninghame House, Irvine KA12 8EE
Tel: 01294 310000
www.north-ayrshire.gov.uk



NOTIFICATION OF COMPLETION OF DEVELOPMENT

Please return notice when you have completed the development

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TO:

Enforcement Officer
Planning Services
Cunninghame House
Irvine
North Ayrshire
KA12 8EE

Our Ref: N/16/00544/PP

Decision: Approved with Conditions

Decision Date: 25th November 2016

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE

Description of Development: Change of use of vacant office (Class 2) to Café (Class 3) with takeaway facility and installation of external flue.

Location of Development: 29A Eglinton Street, Irvine, Ayrshire, KA12 8AF.

Date when works complete: _____

Signed: _____

Applicant/Agent* _____

*Delete where applicable

Please read the following and retain for your information.

1. Work must have been carried out in accordance with the relevant docquetted plans and any conditions on the decision notice.
2. A grant of Planning Permission does not authorise work under the Building (Scotland) Act 2003.
3. A separate Building Warrant may be required. Please contact (01294) 324348 to ascertain the need for a warrant.
4. Should the docquetted plans not correspond with what you intend to construct/build, you must seek the Authority of the Council before proceeding.
5. If the development you intend to undertake is either a national or major development and of a type specified in Schedule 3 of the Town and Country Planning (Development Management Procedure)

Notification to be sent to an applicant under termination by the Planning Authority of an application following a review conducted under Section 43a (8).

Notice under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If the permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part (V) of the Town and Country Planning (Scotland) Act 1997.

ECONOMIC GROWTH

Head of Service: Caitriona McAuley
Cunninghame House, Irvine, KA12 8EE
Tel: 01294 310000 Fax: 01294 324304
www.north-ayrshire.gov.uk



Your Ref: Our Ref: I:\LPPUBLIC\CCU\Consultations\ANQ02877

If telephoning please call: **Mrs A Quigley, 01294 324361 (direct line)**
e-mail: aquigley@north-ayrshire.gcsx.gov.uk

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

14 March 2019

OFFICIAL

Mr Mohammed Jawab



Dear Mr Jawab

Environmental Protection Act 1990

Town and Country Planning (Scotland) Act 1997

Planning Ref: 19/00159/PP

Change of use of vacant bank building to form hot food takeaway with small seating area with the erection of a flue to the rear at 32 Eglinton Street, Beith KA15 1AQ

I refer to the above application which has been passed to Environmental Health by Development Management for consultation.

Having considered the proposals, I intend to advise them that there are no objections to the application; however, the following matters must receive your attention:

1. Details of the extraction system must be accompanied by **written certification** from a member of the Building & Engineering Services Association or any other suitably qualified person confirming that the extraction system, as designed,;
 - is suitable for use in a catering environment.
 - will provide a suitable rate of extraction above all cooking appliances.
 - will sufficiently reduce or eliminate odours and efficiently extract products of combustion, taking into account the nature of the business, and will discharge to the external air in a suitable area to prevent odours affecting the residents of adjoining and surrounding dwellings.
 - has incorporated any necessary noise reduction measures to ensure operation of the system will not result in intrusive levels of noise affecting the residents of adjoining and surrounding dwellings.

Thereafter, the extraction system shall be fully installed and tested prior to the commencement of the operation of the food outlet hereby approved, shall be in operation at all times when cooking appliances are in use and shall be maintained to the satisfaction of North Ayrshire Council as Planning Authority.

Also, the following matters must receive your attention:

2. Except with the prior written agreement of the Environmental Health Service of North Ayrshire Council, permitted operating times for noisy demolition and/or construction works that are likely to cause a disturbance to neighbours shall be as follows:

Monday-Saturday (except on a public holiday): 0800-1900 hrs.

Plant, machinery and operating methods should be selected and used in accordance with BS 5228: Noise Control on Construction and Open Sites and the Control of Pollution Act 1974 to minimise nuisance from noise and vibration.

3. Due to the proximity of occupied houses, the provision of electricity to the site compound by means of standard generator(s) is not appropriate between 2300 and 0700 hours. Any generator(s) provided on site must be capable of being operated so as to be inaudible within any nearby residential property.
4. Demolition and/or construction work must not cause nuisance or loss of amenity to neighbouring properties due to excessive noise or dust.
5. Any asbestos material encountered during demolition operations must be dealt with in accordance with all relevant legislation and codes of practice.
6. Appropriate arrangements must be made for the removal and proper disposal of waste materials off site. Burning waste on site is not permitted unless exempted by SEPA. Irrespective of any permitted SEPA exemptions, dark smoke or smoke nuisance must not be created at any time.

Should you wish to discuss this letter please contact me at the above telephone number.

Yours sincerely

[Redacted signature]

Mrs A Quigley
Environmental Health Officer

Cc Mr D Jarvie, [Redacted]

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	19/00159/PP
Proposal:	Change of use of vacant bank to form hot food takeaway with small seating area and the erection of flue to rear of building
Location:	32 Eglinton Street, Beith, Ayrshire, KA15 1AQ
LDP Allocation:	Town Centre/Retailing
LDP Policies:	General Policy / TC1 / HE1 /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 06.03.2019 Neighbour Notification expired on 27.03.2019
Advert:	Regulation 20 (1) Advert Published on:- 13.03.2019 Expired on:- 03.04.2019 Schedule 3 Published on:- 13.03.2019 Expired on:- 03.04.2019
Previous Applications:	19/00165/LBC for Alterations to bank building to include internal alterations for hot food takeaway use and erection of flue to rear Pending Consideration on

Appeal History Of Site:

Relevant Development Plan Policies

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

19/00159/PP

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.

TC1

POLICY TC 1: TOWN CENTRES

1. Within the areas identified on the LDP Map as Town Centres, excluding Core Shopping Areas, development comprising Classes 1, 2, 3, 4, 7, 9, 10 and 11, and hot food takeaways, amusement arcades, public houses, theatres and flats shall accord with the LDP.

2. Development comprising a change of use from retail will require to demonstrate that:

(a) this will not undermine the retail function of the centre;

(b) all reasonable steps have been taken to let or sell the property for retail purposes (i.e. through active marketing), and

(c) no interest has been expressed in it at a rental level similar to other properties of a comparable size and location.

3. Development of a type likely to give rise to noise and disturbance (e.g. public houses, hot food takeaways) should:

- not be located so as to give rise to a concentration of such uses in close proximity where this would unacceptably impact upon amenity; AND
- not be located in a ground floor property where there are flats on upper floors.

See Policy A3 for details of relevant Supplementary Guidance.

HE1

POLICY HE 1: CONSERVATION AREAS

(a) Development within Conservation Areas:

Proposals for development which would adversely affect the visual amenity or historical/architectural character of a conservation area, including its setting, buildings, open space or trees, shall not accord with the LDP.

(b) Development adjacent to Conservation Areas:

Proposal for development adjacent to a conservation area which has a significant adverse effect on its architectural and historical character and wider setting shall not accord with the LDP.

(c) Demolition within Conservation Areas:

Demolition of a building in a conservation area shall not accord with the LDP unless it

can be justified against the following criteria:

- (i) an assessment of the importance of the building and its contribution to the local scene concludes there is little or no value in retention; OR
- (ii) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period; OR
- (iii) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; AND
- (iv) there is an acceptable comprehensive redevelopment proposal.

Note:

Applicants must prove that retention, restoration, and sympathetic conversion to some

other compatible use is not possible before proposals to demolish are accepted.

The Council encourages pre-application discussions regarding demolition and redevelopment. Detailed plans for an acceptable replacement building should accompany applications for conservation area consent.

Description

Planning permission is sought for the change of use of vacant bank premises within an office building to form a hot food takeaway. It is also proposed to install a flue on the rear elevation. The former Bank of Scotland is located on the ground floor of a 2.5 storey building within Beith Town Centre and is within the Beith Conservation Area. The building is category B listed.

The application site is over two levels: ground floor and basement. It is proposed to sub-divide the ground floor with a customer waiting area at the front and servery/kitchen and stores (with separate rooms for food and refuse) to the rear. The drawing notes the waiting area would have a small number of seats. An accessible toilet for customer use would also be provided, with access from the customer waiting area. It is proposed that the kitchen would have a ventilation flue which would pass through a rear window. The flue would then turn vertically, terminating 1m above the eaves. The flue itself would consist of a stainless steel cylindrical tube topped with a cowl. The basement level of the former bank would be utilised for stores, staff room and staff toilets.

The applicant's agent has provided a supporting statement which states that the anticipated hours of operation would be from 10 am to 11 pm on Sundays - Thursdays (inclusive) and from 10 am to 12 midnight on Fridays and Saturdays. The statement notes that, whilst seating would be limited, the proposal would "nonetheless offer a quality venue both to those wishing to use the premises as café and those availing themselves of the takeaway." The statement also highlights that the proposal would generate additional pedestrian activity in the street, and considers that the use would help improve safety during winter evenings due to the light from the windows.

The application site is within Beith Town Centre and also with Beith Conservation Area as identified within the Adopted Local Development Plan (LDP). On the upper floors of the building, with access from the same front entrance door, are other office suites. These continue to be occupied by another business.

The proposal requires to be assessed against Policy TC1 (Town Centres). This policy confirms the acceptability of a range of use classes within this allocation, including the proposed Class 3 and hot food takeaway use. The policy also requires that development of a type likely to give rise to noise and disturbance (eg. hot food takeaways) should (i) not be located so as to give rise to a concentration of such uses in close proximity where this would unacceptably impact on amenity; and (ii) not be located on ground floor properties where there are flats on the upper floors.

The proposal also requires to be assessed against Policy HE1 (Conservation Areas) which states that proposals for development which would adversely affect the visual amenity of historical/architectural character of a conservation area, including its setting or buildings, open space or trees, shall not accord with the LDP.

Finally, the proposal requires to be assessed against the relevant criteria of the General Policy of the LDP, in this case (a) siting, design and external appearance; and (b) amenity.

Consultations and Representations

The application was subject to the statutory neighbour notification procedures and also included an advertisement in a local newspaper. 3 objections, including one

from Beith and District Community Council, have been received and are summarised below:

1. There are presently six hot food takeaways in Beith town centre, four of which are within 100 metres of each other in a continuous row from 32 to 42 Eglinton Street. There are also cafe premises which provide takeaway food. The provision of another hot food takeaway would adversely impact on the mix of retail and commercial uses, leading to an over reliance on this type of business and limited cross-over trade. The local authority has a duty to promote health and well-being in the local population and allowing another takeaway would be an aberration of that duty.

Response: It is agreed that the proposal would lead to an over concentration of hot food uses in close proximity, notwithstanding the anticipated opening hours including day time use and the provision of a limited seating area. The proposal is not specific about the type of food that would be prepared and offered for sale. In any event, it is outwith the scope of the planning system to regulate the menu of hot food takeaways.

2. The proposal would add to congestion, including double parking when deliveries are brought in. There is lack of parking and a bus stop directly outside the front of the premises. Additional anti-social behaviour and noise pollution from the proposed use during the evening (from cars, pedestrians, etc) would adversely affect the amenity of residents in the flats above commercial premises in the street.

Response: Active Travel offered no objections, and note that dedicated parking is not proposed. Parking is available on road at this location, which is currently unrestricted. North Ayrshire Council reserves the right to alter parking control measures in the future. Anti-social behaviour is not a material planning consideration and would be a matter for the Police to consider should it occur. However, Policy TC 1 in the adopted LDP recognises that a concentration of hot food takeaways in town centre locations can result in adverse amenity impacts on the surrounding area and, consequently, may not be appropriate.

3. The proposal affects a listed building and the front entrance is shared. There is concern regarding potential damage to the other premises in the event of a fracas and over the type of signage which a takeaway would have.

Response: As noted above, anti-social behaviour is not a material planning consideration. However, Policy TC 1 in the adopted LDP recognises that a concentration of hot food takeaways in town centre locations can result in adverse amenity impacts on the surrounding area and, consequently, may not be appropriate. The installation of signage and other alterations to listed buildings require consent from the Council to ensure that their design is appropriate for the character of the building.

4. The proposal could lead to odours from the kitchen and the ventilation system would need to be affixed to the upper part of the building, which is not owned by the applicant.

Response: Environmental Health has no objection, and advises that a condition is required with respect to the details of the extraction system. The ventilation system would be affixed to the rear elevation where it would not be visible from Eglinton Street, but it would be visible from the parkland to the rear. There is an intervening woodland area between the rear elevation and the parkland, thereby mitigating the

visual impact when viewed from the parkland. The flue design would have to be free-standing in the event that the other building owner does not permit the flue to be attached to the upper part of the building. If planning permission is granted, such details could be clarified through a condition.

Consultations

Beith and District Community Council - object on the grounds set out above.

Response: As above.

Environmental Health: - No objections subject to the imposition of an appropriate condition with respect to the odour extraction system.

Response: Noted. This request could be covered with the imposition of an appropriate planning condition.

NAC Active Travel and Transport - No objections. No dedicated parking is proposed. Parking is available on road at this location, which is currently unrestricted. North Ayrshire Council reserves the right to alter parking control measures in the future.

Analysis

Policy TC1 of the adopted LDP states that within areas identified as town centres, development comprising takeaways and cafes shall accord with the LDP. However, development of a type likely to give rise to noise and disturbance, such as public houses and takeaways, should not be located so as to give rise to a concentration of such uses in close proximity where this would unacceptably impact on amenity and not be located in a ground floor property where there are flats above.

The property was formerly a bank. There are other hot food takeaways in close proximity, including one directly adjacent. The takeaway and kitchen area would have an office use above. It is considered that use as a hot food takeaway would give rise to a concentration of uses at this location which would unacceptably impact on amenity. As such, the proposed use would not accord with Policy TC1.

With regards to Policy HE1, the only external alterations would be the erection of a flue which would not be visible from the front of the property. The rear of the property is set some distance back from Bellsdale Park and views towards it are mitigated by an established wooded area. It is considered that the flue would not be highly visible from public areas and would have no adverse impact on the character of the conservation area. The premises could potentially be altered to accommodate a food takeaway use without any detrimental effects on the public frontage of the building, subject to appropriate signage, etc. As such, the submitted proposal would not be contrary to Policy HE 1.

With regards to the General Policy the relevant criteria the development requires to be assessed against are (a) siting, design and external appearance, (b) amenity.

The proposal would result in the re-use of a vacant bank within a category B listed building. However, with regard to the impact on the amenity of the area, it is agreed with the objectors that there would be an over-concentration of hot food uses within close proximity, with the resultant effects on the retail/commercial mix on offer within Eglinton Street. Whilst the supporting statement considers that the proposal would

lead to additional footfall, the likelihood of increased benefits to the town centre as a whole appears doubtful. Footfall is observed to be low in the area during daytime, which is likely to be a consequence of the changing nature of the town centre as a local shopping and service centre. Given the existing number of takeaway/cafe premises in the surrounding area, it is not considered likely that a further takeaway would revitalise the town centre or positively enhance its amenity as has been claimed in the supporting statement. The proposal may also lead to food odours impacting on town centre housing, in addition to other potential adverse impacts (eg. from traffic and pedestrians) during late evenings when retail shops are closed and takeaway premises remain open until late at night. In combination, such factors could have further adverse consequences on the attractiveness of the town centre area for supporting a mix of complementary uses both now and in the future. For these reasons, the proposal would not accord with criteria (b) of the General Policy.

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.

There are no other material considerations. In summary, for the reasons given above, it is considered that the proposal would not accord with the relevant provisions of the LDP and the application should be refused.

Decision

Refused

Case Officer - Mr A Hume

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	-	
Site Plan	-	
Existing Elevations	27016/3	
Existing Floor Plans	27016/1a	
Proposed Floor Plans	27016/2a	
Proposed Elevations	27016/4	



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/19/00159/PP

(Original Application No. N/100155707-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

To : Mr Mohammed Jawab
c/o David Jarvie
27 Aytoun Road
Pollokshields
Glasgow
G41 5HW

With reference to your application received on 6 March 2019 for planning permission under the above mentioned Acts and Orders for :-

Change of use of vacant bank to form hot food takeaway with small seating area and the erection of flue to rear of building

at 32 Eglinton Street
Beith
Ayrshire
KA15 1AQ

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposal would be contrary to the provisions of the North Ayrshire Council Local Development Plan Policy TC 1 and General Policy criterion (b) Amenity, by reason of the resulting concentration of hot food uses in close proximity to one another resulting in adverse impacts on amenity, including additional noise, disturbance, potential odour nuisance and adverse impacts on the character of Beith town centre.

Dated this : 12 April 2019

.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

KAREN YEOMANS : Executive Director (Economy & Communities)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



Chair
Beith and District Community Council
Email: [REDACTED]
Tel: [REDACTED]

Planning Department
Cunninghame House
Friars Croft
Irvine
KA12 8EE

23 June 2019

RE: 19/00159/PP | Change of use of vacant bank to form hot food takeaway and the erection of flue to rear of building | 32 Eglinton Street Beith Ayrshire KA15 1AQ – Notice of Review

I am writing on behalf of Beith and District Community Council regarding the above Notice of Review.

Beith and District Community Council hereby make further representation in our objection to this proposal.

As previously stated in our previous objection it is without doubt that there is no need for yet another hot food take away in our town as it is already well serviced within and out with locally from other suppliers including Indian hot food take away. There is concern that Beith is becoming over reliant on this type of service impacting on the general health and well being and financial impact on its community people.

Noise and anti social behaviour are a concern as previously described in addition to the impact of reduced car parking for residents; access to the bus stop outside the premises; disruption to the flow of traffic due to double parking or large vehicles unloading supplies to the premises on an already congested road.

The erection of a flue to the rear of the building gives rise for concern due to its appearance on this listed building. It will be visible and unsightly and alter the appearance of the building. It will also contribute to unpleasant odours for the residents living within the area and further impact on the environment and its atmosphere.

The application states that it would open at 10.00am; however this is an unusual time for this type of hot food take away to open for business as most open from 4.00pm. It is doubtful that the opening times will be adhered to once the business is operation.

At our meeting on 11 June, representation was made to the community council by Mr Singh, who introduced himself as the landlord. He requested to be heard with regards to his Notice of Review. Mr Singh informed the community council that the town would benefit from this service as it would make use of an empty building. He produced photographs of current unused buildings on the street, however he was corrected that some of the buildings photographed were in use such as the Townhouse, the garage and the sorting office. It was suggested to Mr Singh that he consider making an application for daytime activity other than a hot food take away within the premises as it was agreed that the town required investment during the day for consumers as it was already well served for evening trade. Mr Singh stated that there would be a restaurant in the back room for 20 covers however this is not reflected in the application.

Recently immigration attended 2 of the Chinese hot food take away outlets, including the recently approved Mr Chef, and arrested 3 illegal immigrants with a further 3 who ran away and were not apprehended. This raises concerns for the community in the staffing of these premises and the like and would request a reassurance that local people are employed to ensure investment is returned to the community. The applicant has not given any assurances of this matter.

I trust that you will take our concerns into consideration when making your decision on this review.

Yours sincerely

[REDACTED]

[REDACTED]

Beith and District Community Council



North Ayrshire Council
 Euan Gray
 Committee Services Officer
 Cunninghame House
 Irvine
 KA12 8EE

Dear Mr Gray,

18/01034/PP, Return of Comments.

I write in regards to your letter dated 1/7/19, which we have received and note the Comments raised by Community Council.

Please note that under Normal circumstances, when an appeal is lodged, the Council would normally send out a information pack to the applicant attaching all previous correspondence and letters of representations, Policy Guidelines, comments from Objectors and also comments which have been received in favour. This has not been sent to me. **Will this be sent?**

Population as per 2016 was 6040 according to citypopulation.de.

The objections, which have been raised, are by a sheer few numbers of people. If shops are opened back up, incentives given it will help bring back people into the area and help grow the population, preventing Beith to become a Ghost Town. Over the years the population of Beith has been decreasing.

The Community Council says that there is no need for an Indian Takeaway. I have not applied for just a Takeaway. My application clearly states that it is for a Takeaway with a seating provision for Restaurant purposes. There are 3 Fish n Chip Shops already, one on Eglinton Street, Main Street and another single storey shop just outside the Main Street.

Three Chinese Takeaway and Restaurants, two in Eglinton Street and 1 on the Main Street.

There is not one Independent Indian Takeaway and Restaurant in Beith, which they claim. The shop, which they are referring to, has a Fish n Chip fryer in the shop. You can't call this shop an Indian Takeaway, as the main business is Fish n Chips.

Noise and Anti Social behaviour is not a Planning Matter but a Police Matter.

Comments around congestion have been raised. The Main Street is congested, as this is a one-way traffic system.

Eglinton Street is not congested as this is a two-way system, so the point they raise regarding congestion is Invalid. They are talking about Large Vehicles; patrons of the takeaway will walk or come in some family cars to order their food. They will not be travelling in Large Commercial Vehicles. As an owner of the business I will be buying my supplies from local cash and carries and will be using my own car for buying raw materials.

There is high unemployment in the area, not every one will be using a car to come to this shop once its opened. This is a local shop for the community and local members can walk if they choose to use this shop.

In regards to the flue, In Scotland, an external flue is one of the best methods of dispersing odours and cooking smells. It is a lot better than Internal Flue or Carbon Box Filtration System. The property directly above the shop is Commercial, with no residential activity. The rear garden access is solely for the use of the property in question. No one else has access to the rear of the shop. I am happy to paint the flue to match the brickwork colour of the building to help it blend in.

Behind the property there is an abundance of over grown trees and has become more like a jungle. No one standing in the park can see the back wall of the property due to the dense number of heavy grown trees.

Flues to a Listed Building, is an issue for Historic Scotland to deal with. There are a numerous properties in Scotland which are Grade A listed and have flues attached to the rear wall. Our bank is a Grade C Building.

The community council members themselves should be doing more work to help make these shops occupied instead of raising unnecessary problems. I would like to know if the community council members have themselves reopened any closed shops or have they managed to persuade any of their family members to come forward and establish a business with the area. It's very easy for "them" to sit back and just talk, but in reality they do not want to do anything constructive. I am prepared to risk my savings into this as I have faith and hope.

In the last paragraph the community council talk about Immigration raids within Beith. This is a Police and Border Security Matter. The current fine is £20,000 for each illegal employee, which is found working within premises. There is no way I can dream of employing such people.

The community council can help by installing cameras of the main street for civilian safety and will also help with catching illegal workers if they are so concerned.

I will need two local delivery drivers, who have the knowledge of Beith and the Surrounding areas. I also need local staff for attending the phones and packing the orders. Local staff will also be used with the Restaurant. We will not be employing illegal workers.

If anyone from the Community Council know of local unemployed people then I will be happy to interview them, but will need experience of working on an Indian Kitchen. Priority will be given to them and they will need to sit a Health And Hygiene Course.

I would like to end this letter by quoting from South Lanarkshire Council, Local Plan. These comments are from the Scottish Executive Reporter and supersede any comment or observations from any organisation.

Page 9

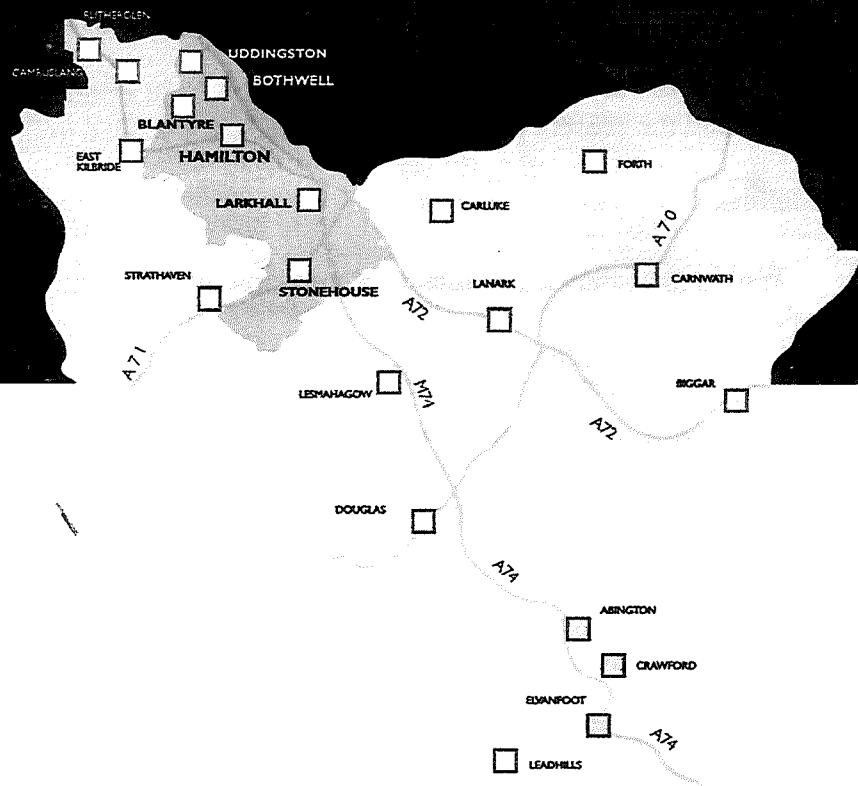
"Residents who choose to live within a central area cannot reasonably expect to enjoy the peace and quiet of a residential suburb and some late evening activity in the street should be anticipated" **Copy of this has been attached.**

In the light of the above, I hope you are in a position to Grant the application and help a dormant shop come back to life within Beith. The Community Council has not backed up their letter with any evidence. Environmental Health and the Road Department do not object to this proposal.

Many Thanks

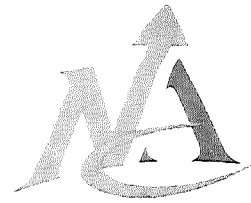


South Lanarkshire Council (Hamilton District) Local Plan



ECONOMIC GROWTH

Head of Service: **Caitriona McAuley**
Cunninghame House, Irvine, KA12 8EE
Tel: 01294 310000 Fax: 01294 324304
www.north-ayrshire.gov.uk



Your Ref: Our Ref: I:\LPPUBLIC\CCU\Consultations\ANQ02877

If telephoning please call: **Mrs A Quigley, 01294 324361 (direct line)**
e-mail: aquigley@north-ayrshire.gcsx.gov.uk

North Ayrshire Council
Comhairle Siorrachd Air a Tuath

14 March 2019

OFFICIAL

Mr Mohammed Jawab
32 Eglinton Street
Beith
Ayrshire
KA15 1AQ

Dear Mr Jawab

Environmental Protection Act 1990
Town and Country Planning (Scotland) Act 1997
Planning Ref: 19/00159/PP

Change of use of vacant bank building to form hot food takeaway with small seating area with the erection of a flue to the rear at 32 Eglinton Street, Beith KA15 1AQ

I refer to the above application which has been passed to Environmental Health by Development Management for consultation.

Having considered the proposals, I intend to advise them that there are no objections to the application; however, the following matters must receive your attention:

1. Details of the extraction system must be accompanied by **written certification** from a member of the Building & Engineering Services Association or any other suitably qualified person confirming that the extraction system, as designed,:
 - is suitable for use in a catering environment.
 - will provide a suitable rate of extraction above all cooking appliances.
 - will sufficiently reduce or eliminate odours and efficiently extract products of combustion, taking into account the nature of the business, and will discharge to the external air in a suitable area to prevent odours affecting the residents of adjoining and surrounding dwellings.
 - has incorporated any necessary noise reduction measures to ensure operation of the system will not result in intrusive levels of noise affecting the residents of adjoining and surrounding dwellings.

Thereafter, the extraction system shall be fully installed and tested prior to the commencement of the operation of the food outlet hereby approved, shall be in operation at all times when cooking appliances are in use and shall be maintained to the satisfaction of North Ayrshire Council as Planning Authority.

Also, the following matters must receive your attention:

2. Except with the prior written agreement of the Environmental Health Service of North Ayrshire Council, permitted operating times for noisy demolition and/or construction works that are likely to cause a disturbance to neighbours shall be as follows:

18/01034/PP

5 JULY 2019

26 ENGELTON ST BEITH KA15 1AQ
MAY BE CLOSING DOWN



in Person of 32 ENGELTON ST BEITH
HOT/COOL RELOCATION
APPEAL

FOR:- NORTHAMPTONSHIRE COUNCIL
MR EURO CORRY
COMMITTEE SOURCES OFFICER
CHANNINGHAME HOUSE
JOURNALS
KA12 8EE

William Hill to shut 700 betting shops with 4,500 jobs at risk

by Frances Rougvie

July 4, 2019, 10:30 am **Updated:** July 4, 2019, 11:00 am

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Betting group William Hill has said it plans to close around 700 betting shops across the UK, with 4,500 jobs at risk.

William Hill said of its store closure plans: "This follows the Government's decision to reduce the maximum stake on B2 gaming products to £2 on 1 April 2019.

"Since then the company has seen a significant fall in gaming machine revenues, in line with the guidance given when the Government's decision was announced in May 2018."

It plans to begin shutting shops by the end of the year.

There are currently six stores in Dundee.

P. T. O

NORTH AYRSHIRE COUNCIL

4 September 2019

Local Review Body

Title:	Notice of Review: 18/01123/PP – Site to North of Standingstone Hill, Kilbirnie.
Purpose:	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.
Recommendation:	That the Local Review Body considers the Notice of Review.

1. Executive Summary

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

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 18/01123/PP – the erection of a 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to include associated earthworks and infrastructure at the site to the north of Standingstone Hill, Kilbirnie.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report:-

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

3. Proposals

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

4. Implications/Socio-economic Duty

Financial

4.1 None.

Human Resources

4.2 None.

Legal

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

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 None.

Community Benefits

4.7 None.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations and their response is set out in Appendix 6 to the report.

Craig Hatton
Chief Executive

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

Background Papers

0



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100167735-001

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

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:

North Ayrshire Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site to the North of Standingstone Hill Kilbirnie Ayrshire

Northing

658616

Easting

229172

Description of Proposal

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

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

Type of Application

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

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

<p>What does your review relate to? *</p> <p><input checked="" type="checkbox"/> Refusal Notice.</p> <p><input type="checkbox"/> Grant of permission with Conditions imposed.</p> <p><input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.</p>							
<p>Statement of reasons for seeking review</p> <p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p> <div style="border: 1px solid black; padding: 10px; min-height: 50px;"> <p>The grounds for the review of the planning authority's decision are contained in the supporting document entitled 'RCA Community Turbine Planning Appeal'.</p> </div>							
<p>Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>							
<p>If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)</p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>							
<p>Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 10px; min-height: 50px;"> <p>RCA Community Turbine Planning Appeal Radio City Association Policy Framework Analysis RCA Garnock Valley Socio-Economic Analysis RCA Re-investment Strategy - Electric Valley</p> </div>							
<p>Application Details</p> <p>Please provide details of the application and decision.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">What is the application reference number? *</td> <td style="border: 1px solid black; padding: 5px;">18/01123/PP</td> </tr> <tr> <td>What date was the application submitted to the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">07/01/2019</td> </tr> <tr> <td>What date was the decision issued by the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">06/03/2019</td> </tr> </table>		What is the application reference number? *	18/01123/PP	What date was the application submitted to the planning authority? *	07/01/2019	What date was the decision issued by the planning authority? *	06/03/2019
What is the application reference number? *	18/01123/PP						
What date was the application submitted to the planning authority? *	07/01/2019						
What date was the decision issued by the planning authority? *	06/03/2019						

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

Further written submissions on specific matters

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

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

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

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Allan Wilson

Declaration Date: 03/06/2019



Radio City Association

Community Wind Turbine Planning Appeal

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1. Executive Summary

1.1 The proposed development consists of the construction of a single 2.5MW wind turbine, with a hub height of 65m and an overall blade tip height of 110m.

1.2 This turbine will be in **community ownership with full re-investment of all revenues** into the local communities of the Garnock Valley

1.3 There is **substantial local support from members of the local community** with 85 letters of support submitted and a significant number of petitioners with the same objective. This has not been recognised in the report of handling where officials note only 8 supportive comments and 21 negative comments as objections to the development despite receiving only 11 objector letters from groups outwith the community. The basis for a decision to refuse has not been fair and in the planning balance. It overlooks and underemphasises the strength of local support and benefits to the community.

1.4 The review body is respectfully requested to overturn the decision of the council on the grounds that:

- Planners have failed to apply enough weight to material considerations regarding the wider **economic and social benefits** of the proposal in their decision. These benefits arising from community ownership include creation of employment estimated using detailed econometric modelling at **18 FTE jobs created/safeguarded per annum, benefits to the social fabric of the local area by combating issues such as inequality and promoting sustainable economic development** as well as the potential to provide power supply to local businesses via Power Purchase Agreements, thereby increasing their sustainability. There will also be **additional economic benefits to the voluntary sector and others in the local community, providing resources, building capacity and greater resilience**: this accords with the Authority's aspirations for **inclusive economic growth and community wealth capacity development**.
- The planning authority have failed to apply sufficient weight to the material consideration regarding the **environmental benefit** of the proposal in their decision. The production of renewable energy resulting in reduction in emissions amounting to over 2.3million kilograms of CO2 annually is a vital part of tackling of climate change. This should be given adequate weight in the consideration for the proposal in line with the Authority's declaration of a '**climate emergency**' – where this proposal will demonstrate a real contribution.
- The planning authority have failed to apply enough weight to the proposed development's **consistency with and reinforcement of stated local and national policy objectives**. This includes reference to community ownership, combating climate change and a series of other strategic policy objectives at local and national level as addressed within this report and the policy framework. The decision for refusal relied on subjective opinions on landscape impact based on an outdated policy.
- In reply to the stated refusal reasons the following points are made that the proposal is supported by planning policy and is **in accord with policy PI9 criterion (a)-(i)** with a slight non-conformance regarding criterion (c) contrary to the report of handling and moreover the development is in compliance with policy **ENV 1, ENV 5, ENV 6** as detailed in the conclusion as well as with Policy **ENV 7** and **ENV 9** - contrary to the findings of the Report of Handling - in addition to PI 8 and HE 1, HE 4 and HE 5 and LDP General Policy and planning policy in respect of SPP 2014 and NPF3 as well as Planning Advisory Notes (PANs).

2. Grounds for Appeal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Response to Report of Handling

3.1 Policy PI9

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

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

Section 10.28 of the LDP states that:

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

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

3.1.1 PI9 (a)

The Report of Handling states:

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

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

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

Response:

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

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



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

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

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

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

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

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

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

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

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

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

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

3.1.2 PI9 (b)

The Report of Handling states:

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

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

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

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

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

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

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

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

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

Response:

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

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

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

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

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

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

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

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



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



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

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

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

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

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

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

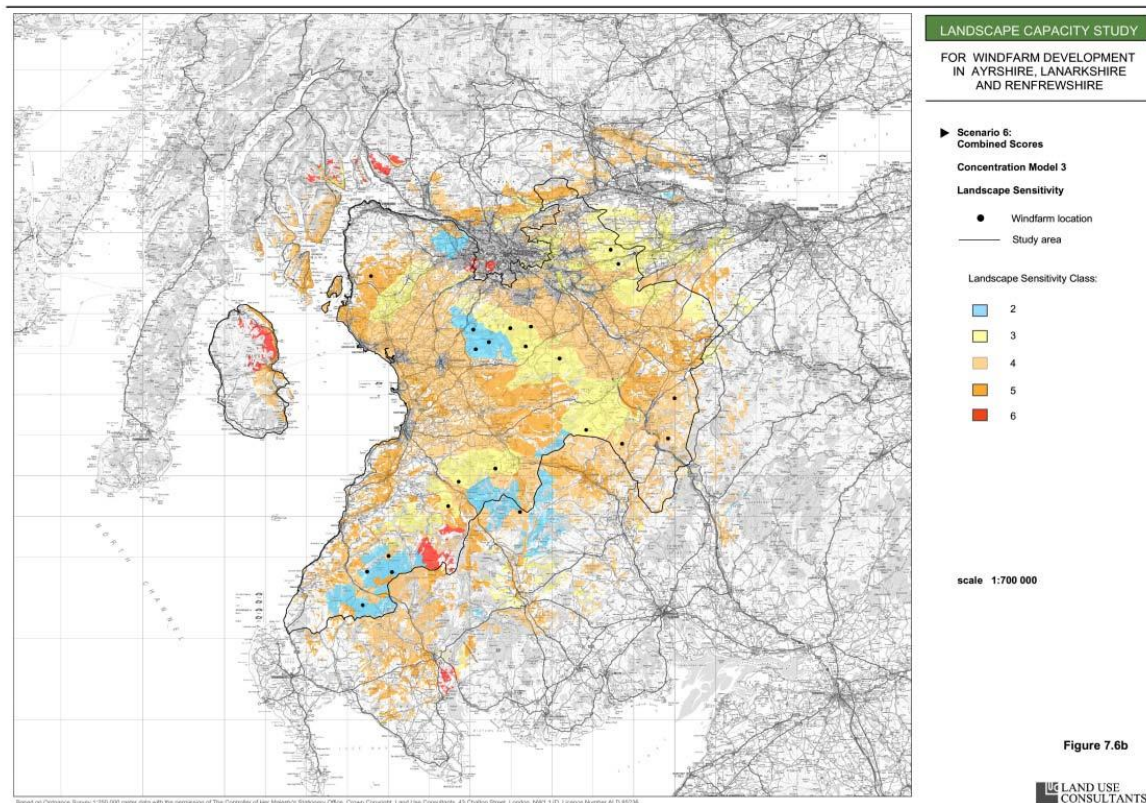
Consequently, it has been more than adequately demonstrated, by the evidence within the LVIA already submitted, of the **absence** of 'any significant adverse impact on the intrinsic landscape qualities of the area.'

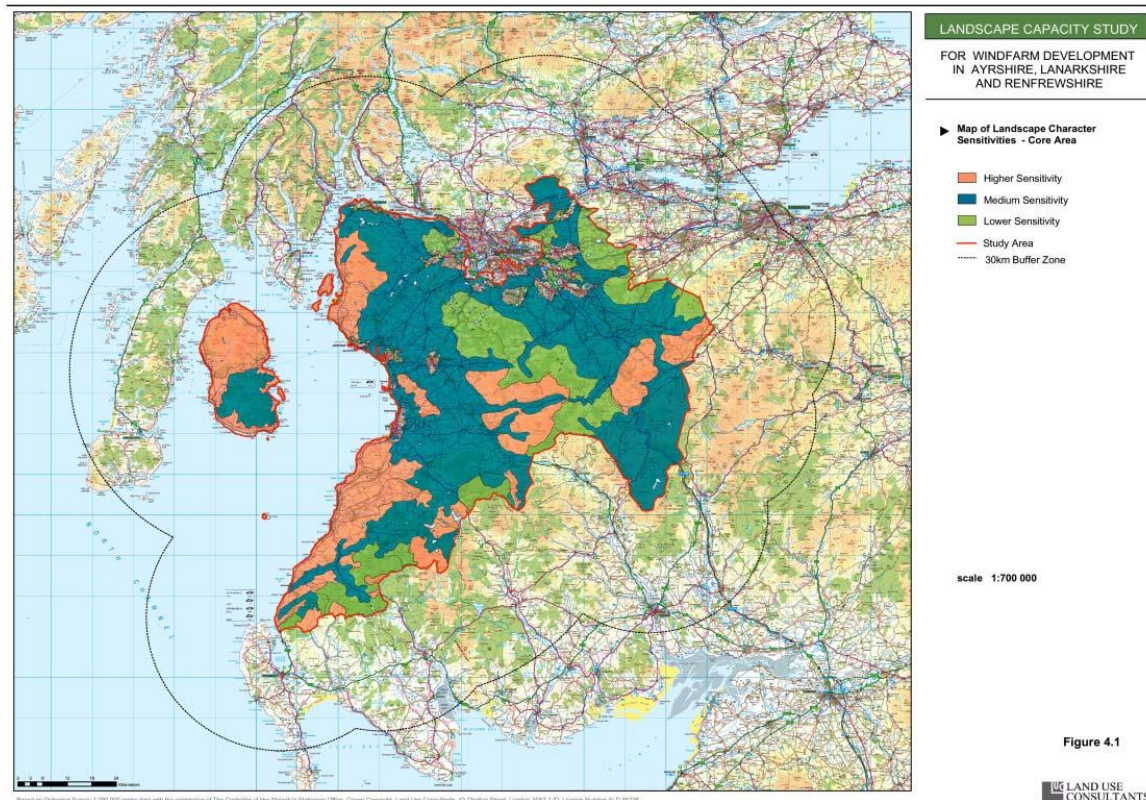
The LVIA in examining impacts upon dwellings and settlements came to the following conclusions:

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

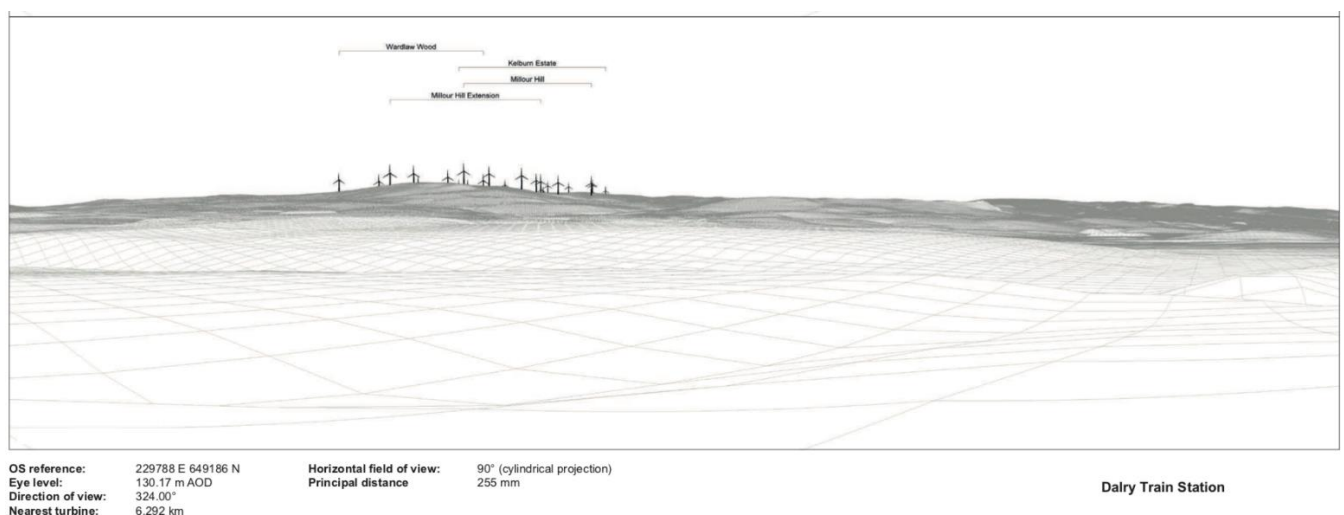
		potentially have views of the blade tip only whilst some parts of the town have no views at all. For this reason, the level of change effect is assessed to be Negligible to None	
Dalry	9.7 km	Viewpoint 9 from Blair Road near Stoophill Farm illustrates the type of view some residents of Dalry may experience.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

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





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



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

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



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



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

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



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

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

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

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

3.1.3 PI9 (c)

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

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

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

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

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

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

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

Response:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Anthony Hume duly replied on 6th September 2017:

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

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

I hope that is fair comment."

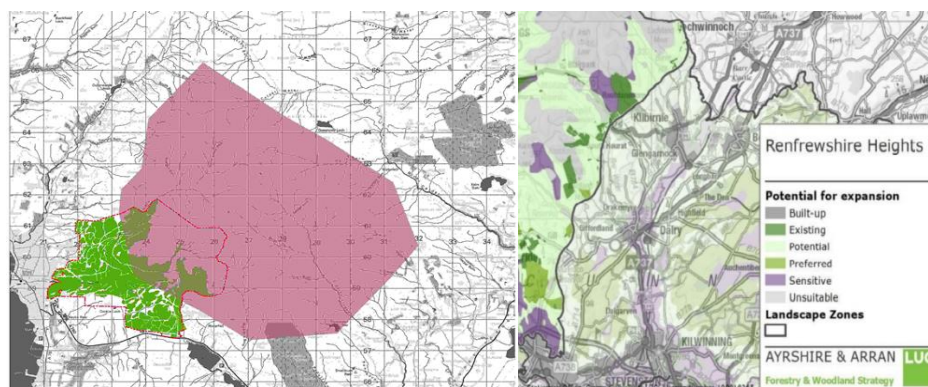


Radio City then proceeded at Planners specific behest to develop their plans for the economic development 'package' that would be 'measurable and direct' and would accrue to the Garnock Valley from the re-investment of the revenues from the turbine in accord with both Planners wishes and the Scottish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

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

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

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



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

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

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

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

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

Health Protection Scotland concluded:

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

This was re-iterated by NHS Ayrshire and Arran:

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

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

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

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

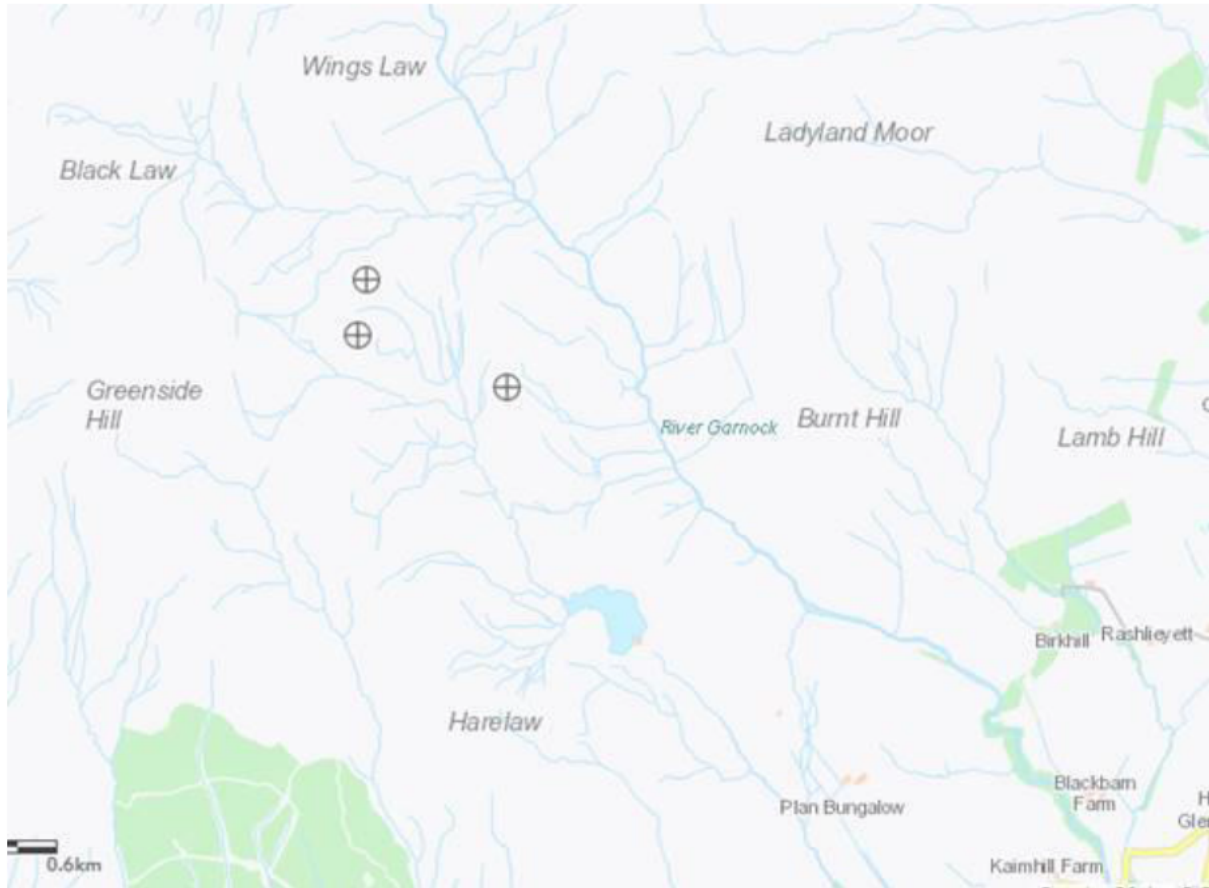
Allan/Gordon

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

The turbines are named as follows:

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

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



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

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

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

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



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

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

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

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

3.1.4 PI9 (d)

The Report of Handling states:

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

Response:

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

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

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

3.1.5. PI9 (e)

The Report of Handling states:

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

Response:

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

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

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

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

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

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

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

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

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

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

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

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

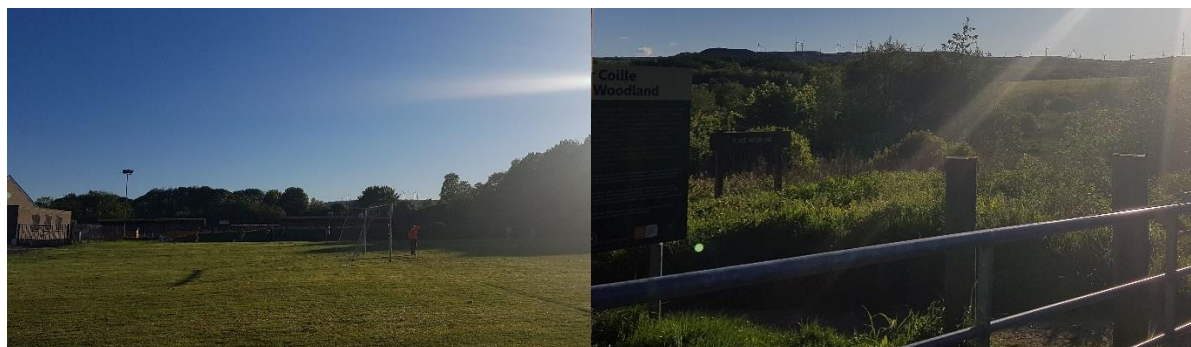
In terms of recreational assets, the LVIA conducted viewpoints as part of the screening process including Beith Golf Club, Countryside Walkers, users of public parks and the national cycle network concluding for each and every one there would be **no significant impact** based on approved national guidelines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

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

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

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

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



3.1.6. PI 9 (h)

The Report of Handling states:

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

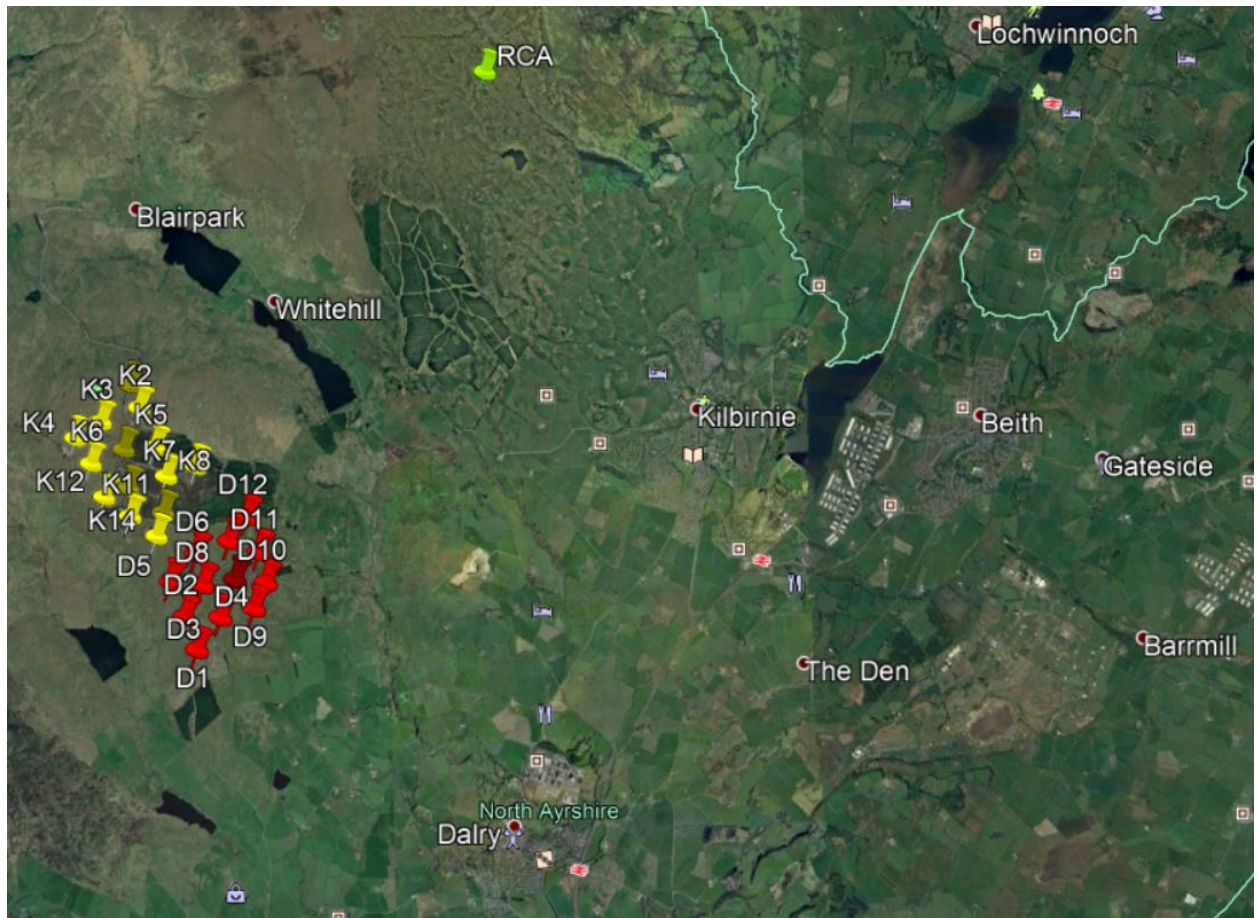
Response:

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

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

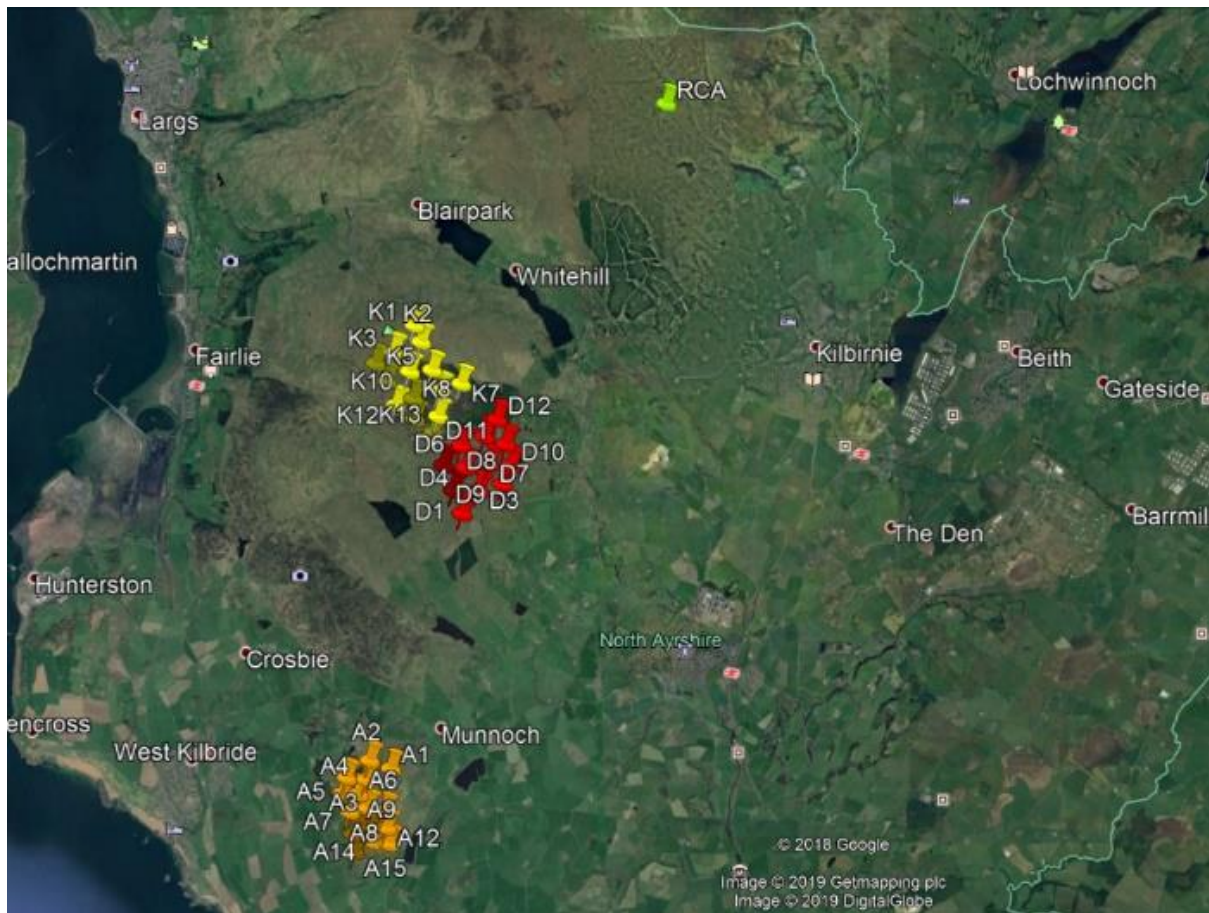
The landscape and visual impact assessment which analysed the visual impact of the proposal on the landscape concludes that whilst the turbines will be visible from parts of the immediate surrounding area, the actual visual impact will be minimal, due to the wide vistas, back clothing and available screening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

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



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

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



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

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

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

3.1.7. PI9 (i)

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

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

Response:

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

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

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

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

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

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

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

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

3.1.8. Summary of Policy PI 9

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

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

3.2 Policies ENV7 and ENV9

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

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

3.2.1 ENV 7

The ROH states the following:

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

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

Response:

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

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

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

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

3.2.2 ENV 9

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

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

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

Response:

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

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

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

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

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

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

3.3 General Policy

In terms of general policy the ROH states the following:

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

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

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

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

Response:

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

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

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

4. Inaccuracies Within Report of Handling

4.1 Previous applications

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

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

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

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

4.2 Access Track

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

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

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

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

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



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



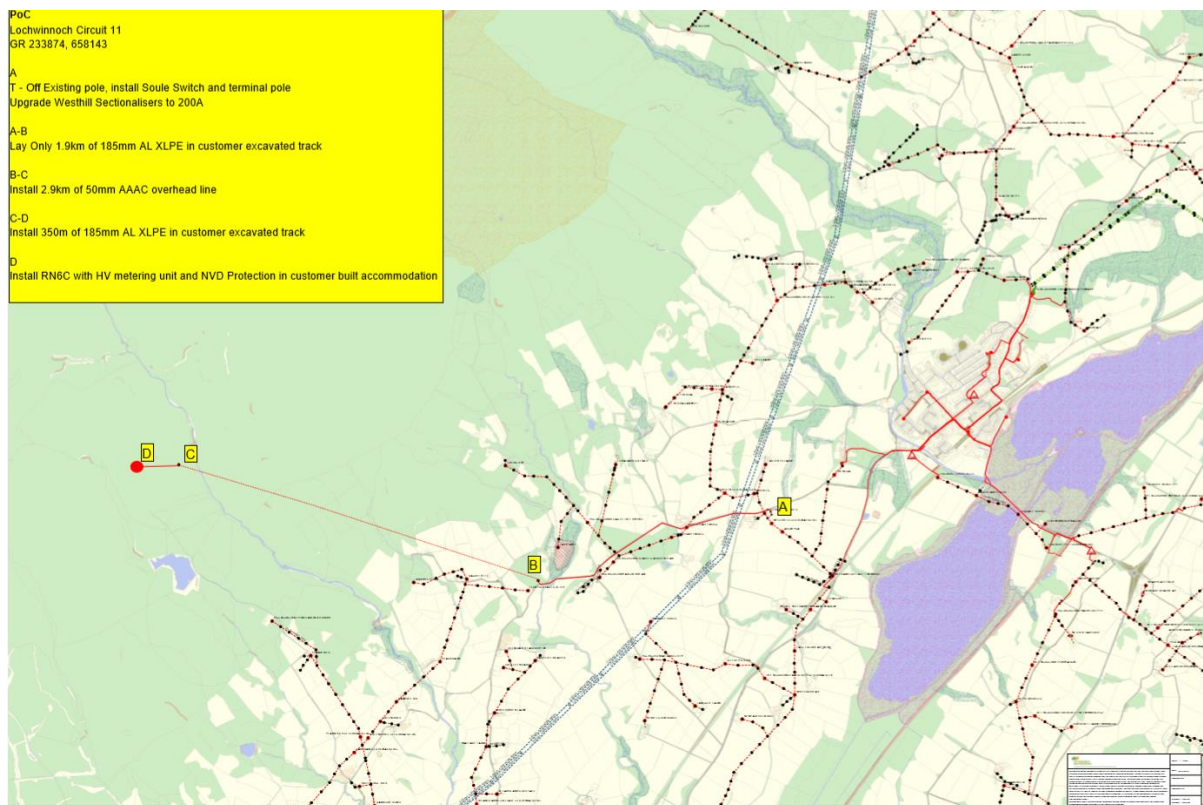
4.3 Grid Connection

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

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

2.2.6 Grid Connection

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



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

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

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

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

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

5. Material Considerations within Report of Handling

5.1 Considerations in ROH

The ROH states the following:

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

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

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

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

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

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

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

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

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

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

Response:

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

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

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

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

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

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

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

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

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

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

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

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

The Planning response (above) notes that:

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

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

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

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

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

5.2 SPP

The report of handling states:

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

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

Response:

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

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

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

SPP 2014 states the following:

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

Going on to state:

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

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

1.2 Our vision is a Scotland which is:

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

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

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

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

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

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

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

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

Going on to state that:

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

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

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

Local Government and Communities Directorate
Planning and Architecture Division

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

All Heads of Planning



Our ref: A12537067
11 November 2015

Dear Colleague,

Energy Targets and Scottish Planning Policy

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

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

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

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

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

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



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

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

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

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

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

Yours faithfully,



John McNairney

Chief Planner

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



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

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

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

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

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

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

The ROH goes onto state further:

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

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

Response:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dear Chris,



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

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

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

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

Kind regards, Kenny"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COIGACH COMMUNITY WIND TURBINE NEAR ACHILTIBUIE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Dear Gordon

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

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

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

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

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

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

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

5.3 LDP 2

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

Response:

Statute sets out the following:

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

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

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

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

The LDP2 foreword states the following:

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

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

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

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

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

Delivering on Community Priorities:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposal is also supported by the Regeneration Opportunities Policy:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Going on to state:

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

6. Report of Handling Summary

The Report of handling states in its summary:

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

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

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

Response:

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

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

“Principles for Sustainable Land Use

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Material Considerations not Considered

7.1 Environmental Impact

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.2 Socio-Economic Benefit

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

The planning authorities' report of handling states that:

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

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

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

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

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

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

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

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

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

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

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

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

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

7.3 Policy Context

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

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

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

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

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

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

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

7.4 Rural Development

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

Scottish Planning Policy on rural development states:



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

PAN 73 - Rural Diversification states that;

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

It goes on to state that;

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

In addition, the outlining of SPP 15 states that:

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

Further stating that:

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

SPP 15 concludes by stating that:

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

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

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

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

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

Precedent 1:

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

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

Precedent 2:

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

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

8. Consultations and Representation

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

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

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

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

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

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

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

2500 x 0.3 x 8760 / 4122

Energy Supply for = 1594 homes

1594 x 4122 = 6,570,468KWh

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Summary

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

Reason 1

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

In Response to refusal reason one

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

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

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

Reason 2

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

In response to refusal reason two:

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

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

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

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

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

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

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

Reason 3

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

In response to refusal reason three:

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

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

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

SPP states the following

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

SPP also states the following regarding NPF3:

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

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

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

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

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

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

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

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

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



Radio City Association

Policy Framework Analysis



Executive Summary

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

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 - 6.15 Other Local Plans with potential tie-in
7. National Strategies, Policies and Frameworks
8. Conclusion

1 Council Plan 2015-20

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The three strategic aims of Priority 5 are as follows;

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

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

Summary of Electric Valley and Council Plan 2015-20

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

Performance indicators include;

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

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

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

2 Directorate Plans



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

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

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

2.1 Democratic Services

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

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

2.2 Economy and Communities

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

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

Locality Planning

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

Inclusive Growth

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

2.3 Education and Youth Employment

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

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

2.4 Place

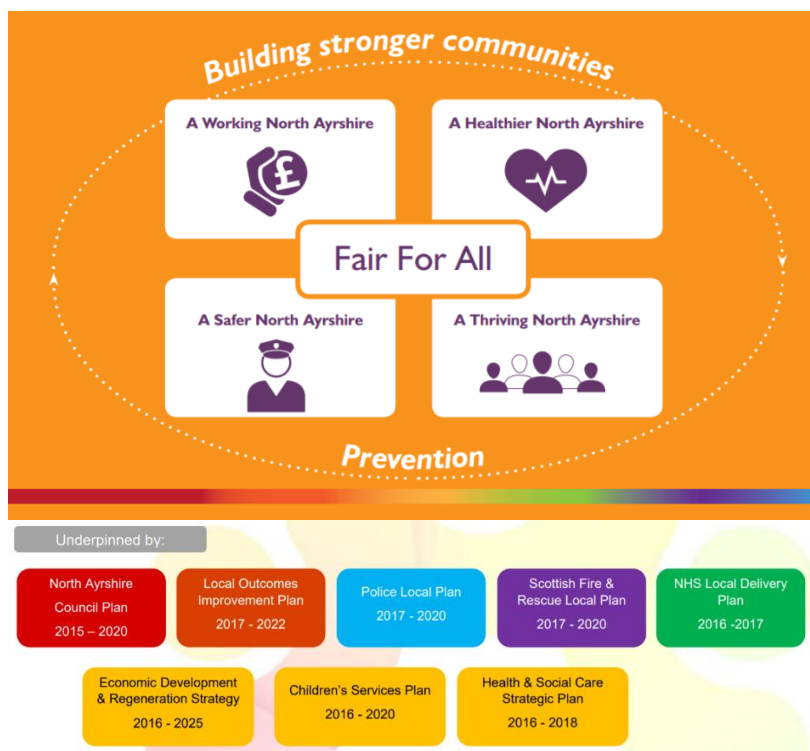
The Directorate Plan of Place has 5 Priorities as outlined below. Of these, relevant to the Electric Valley are Priority 1 Effective Asset Management, Priority 2 “Environment Sustainability” and Priority 3 “Inclusive Growth”. The Electric Valley will assist in effective asset management particularly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

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

3 Fair For All Strategy 2017-32

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

"North Ayrshire - A Better Life"



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

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

The Fair For All Strategy has four priority areas:

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

A Working North Ayrshire

Relevant Policy:

- Economic Development and Regeneration Strategy 2016-25

CPP Ambition

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

CPP Aims

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

CPP Objectives

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

Electric Valley Policy Summary

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

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

A Healthier North Ayrshire

Relevant Policy

- Health and Social Care Partnership Strategic Plan 2016-18

CPP Ambition

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

CPP Aims

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

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

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

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

CPP Objectives

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

Electric Valley Policy Summary

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

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

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

A Safer North Ayrshire

Relevant Policies:

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

CPP Ambition

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

CPP Aims

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

CPP Objectives

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

Electric Valley Policy Summary

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

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

A Thriving North Ayrshire – Children and Young People

Relevant Policy

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

CPP Ambition

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

CPP Aims

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

CPP Objectives

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

Electric Valley Policy Summary

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

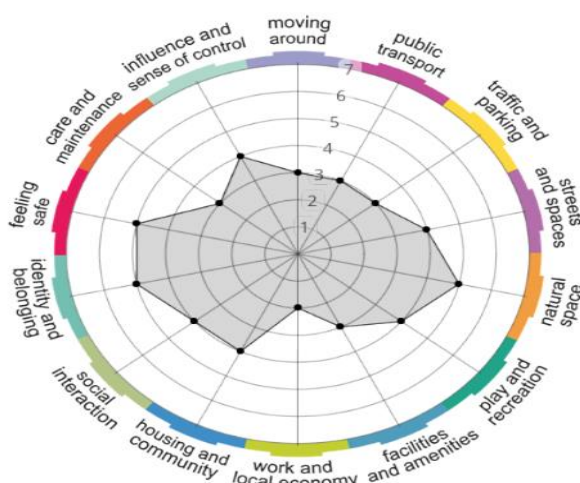
4 Local Outcomes Improvement Plan (LOIP) 2017–2022

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



4.1 Garnock Valley Locality Plan 2017

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



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

Garnock Valley Locality Priorities

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

4.2 Go Garnock 2016

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

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

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

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

4.3 Town Centre Audits

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

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

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

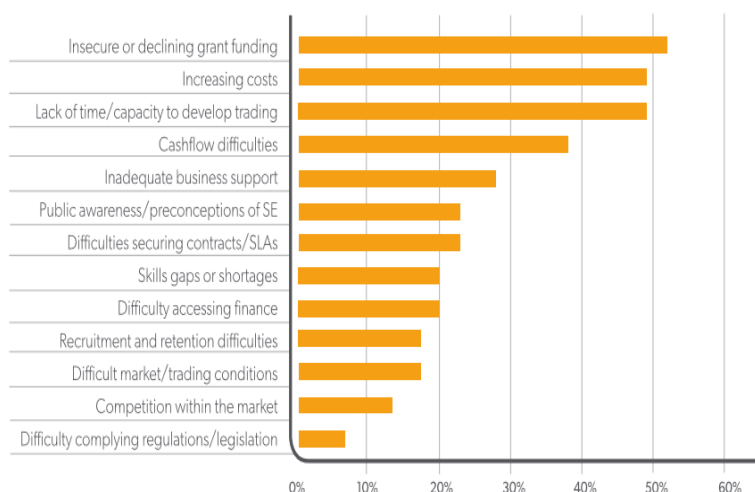
4.4 LOIP, Garnock Valley Locality Plan and Go Garnock Summary

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

5 Social Enterprise Strategy

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

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



Social Enterprise Strategy Strategic Priorities:

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

Social Enterprise Vision

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

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

6 Other Relevant Strategies, Policies and Plans

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

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

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

6.2 Local employment activity plan

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

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

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

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

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

6.4 Ayrshire Growth Deal

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

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

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

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

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

6.5 Open Space Strategy 2016 – 2026

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

6.6 Youth Citizenship and Participation Strategy 2015-19

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

6.7 Youth Employment Strategy for North Ayrshire 2013 – 2020

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

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

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

6.9 Vacant and Derelict Land Strategy

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

6.10 NAC Digital Strategy

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

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

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

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

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

6.12 North Ayrshire Priority Sectors for Business Growth

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

- Manufacturing
- Life Sciences
- Construction
- Tourism and Leisure

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

6.13 North Ayrshire Inclusive Growth Diagnostic

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

6.14 Better Off North Ayrshire

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

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

6.15 Other Local Plans with potential tie-in

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

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

- Kilbirnie Conservation Area Regeneration Scheme (CARS)

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

7 National Strategies, Policies and Frameworks

- **Scottish Government National Performance Framework**

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

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

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

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

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

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

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

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

- **Scottish Government Economic Strategy**

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

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

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

- **Community Energy Strategy**

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

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

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

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

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

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

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

- **Scottish Government Community Energy Policy**

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

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

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

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

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

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

- **Low Carbon Economic Strategy or Scotland**

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

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

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

- **Public Health Reform**

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

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

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

Priority 3: A Scotland where we have good mental wellbeing

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

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

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

8 Conclusion

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

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

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

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

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

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

Radio City Association

Community Wind Turbine Socio-Economic Analysis



Authors:

Neil MacCallum

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

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

Gordon McGuinness

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

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

Scott Wilson

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

Executive Summary

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

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1. Current Socio-Economic Realities

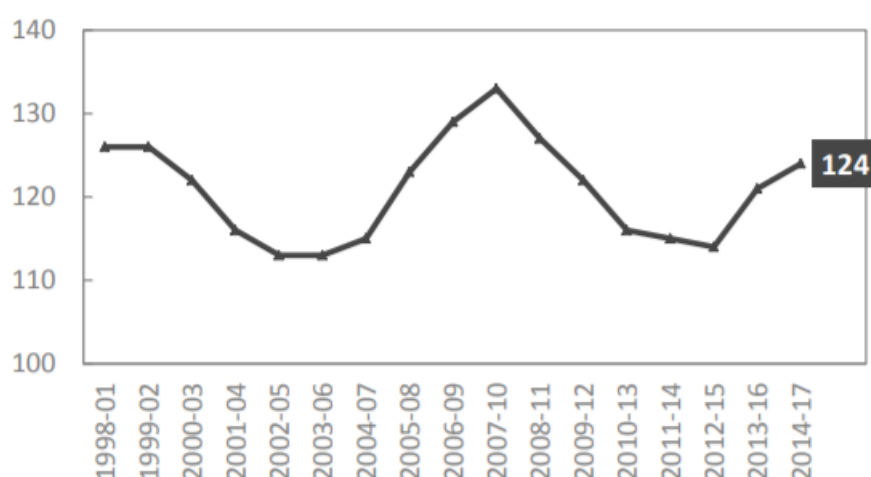
1.1 Poverty and Inequality National Context

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

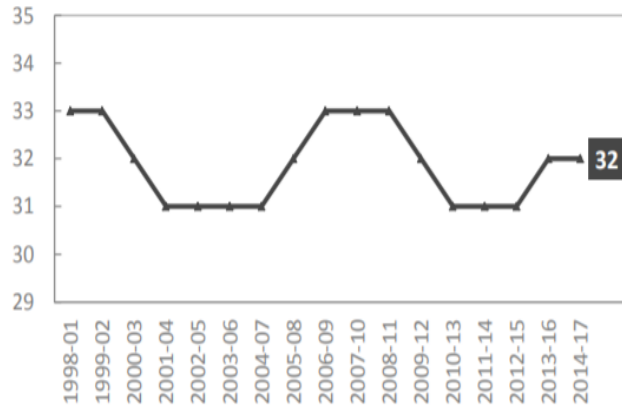
- In 2015/16 the top 10% of the population in Scotland had 38% more income than the bottom 40% combined.
- In 2012-2014 the wealthiest 1% of private households owned more wealth than the bottom 50%.
- In 2015-16 men in the most deprived areas of Scotland were expected to live 26 fewer years in good health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

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

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



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



In practice, the proportion of overall income going to each individual increases gradually across the income distribution. In 2014-17, the Gini coefficient for Scotland was 32, unchanged from 2013-16, but higher than in the previous three-year periods

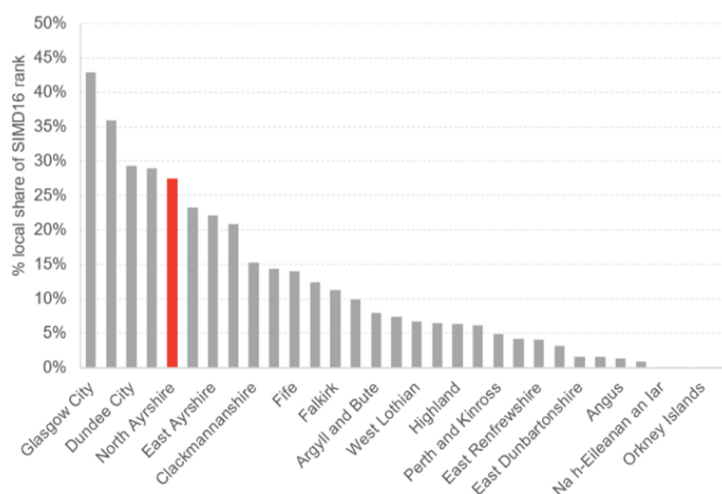
Poverty can be measured in a number of different ways, each of which can tell us something different about poverty. One of the most common measures is relative (income) poverty which identifies people living in households with an equivalised income below 60% of the UK median household income. Persistent poverty identifies individuals who live in relative poverty for three or more of the last four years. It therefore identifies people who have been living in poverty for a significant period of time, which is more damaging than brief periods spent with a low income. The impacts can affect an individual throughout their lifetime.

- Between 2013 and 2017, 11% of all people in Scotland were in persistent poverty after housing costs. This compares to 10% in 2012-16.
- Overall, in Scotland 58% of people in poverty and 70% of children in poverty live in a household where someone is in employment.
- 1 in 4 children in Scotland (26%) are living in poverty. Between 2013 and 2017, 17% of children in Scotland were in persistent poverty after housing costs. This compares to 14% in 2012-16. Children have consistently had a higher risk of living in persistent poverty after housing costs than working-age adults and pensioners in Scotland. This is especially true for some groups who are at greater risk of poverty than others, children living in households where the mother is under age 25 are at greatest risk.
- 45% of lone parents are living in poverty and 23% of people in a family with a disabled adult live in poverty
- 1 in 5 working age people (20%) in Scotland are living in poverty. Between 2013 and 2017, 10% of working-age adults in Scotland were in persistent poverty after housing costs. This compares to 9% in 2012-16.
- 13% of pensioners in Scotland are living in poverty. Between 2013 and 2017, 10% of pensioners in Scotland were in persistent poverty after housing costs. This compares to 11% in 2012-16.

1.2 North Ayrshire Social Statistics

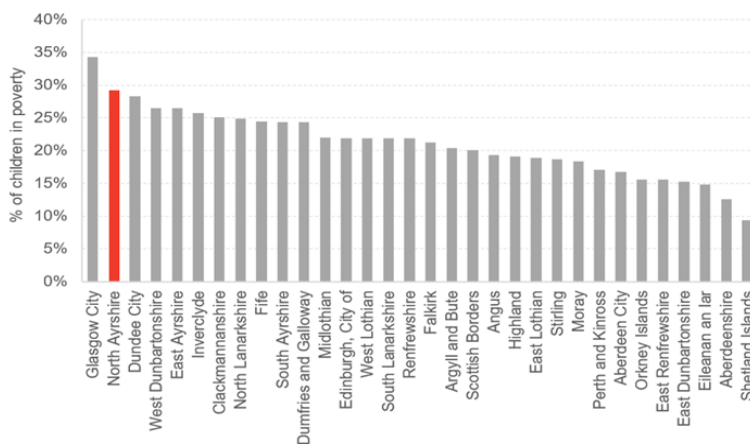
Poverty and Inequality

The Scottish Index of Multiple Deprivation (SIMD) 2016 shows that **27% of North Ayrshire's 186 data zones are within the 15% most deprived in Scotland** making North Ayrshire the fifth most deprived council area in Scotland after Glasgow, Inverclyde, Dundee and West Dunbartonshire. **The Garnock Valley has 27 datazones. 7 of these (26%) are within the 15% most deprived; 14% of the the North Ayrshire proportion.** This is an overall increase from 22% in 2012



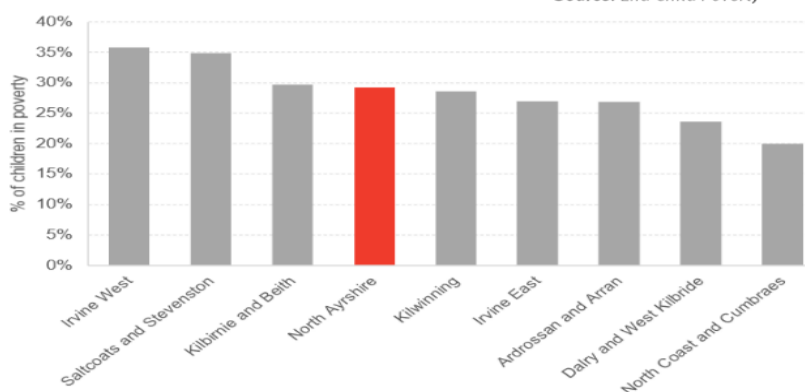
Source: Scottish Government

Poverty rates in North Ayrshire have increased steadily since 2011. In **North Ayrshire, there are an estimated 7,705 children living in poverty** (End Child Poverty, 2018). This is the 2nd highest rate in Scotland at 29%.



Source: End Child Poverty

The council ward of Kilbirnie and Beith has a child poverty rate of 29.67% after housing costs in 2018, which is **higher than the North Ayrshire average and an increase of almost 3.5% since 2016.** The rate in Dalry and West Kilbride ward is 20.19% after housing costs which may be explained by the disparity between the towns of Dalry and relatively more prosperous West Kilbride.

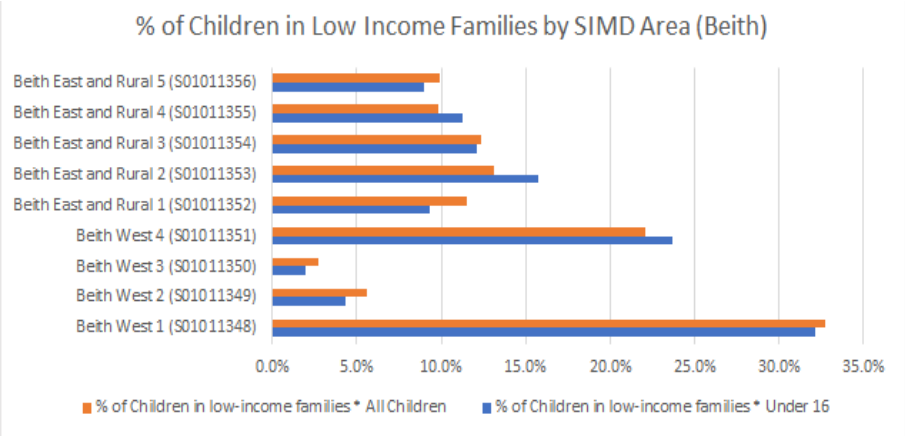


Source: End Child Pover

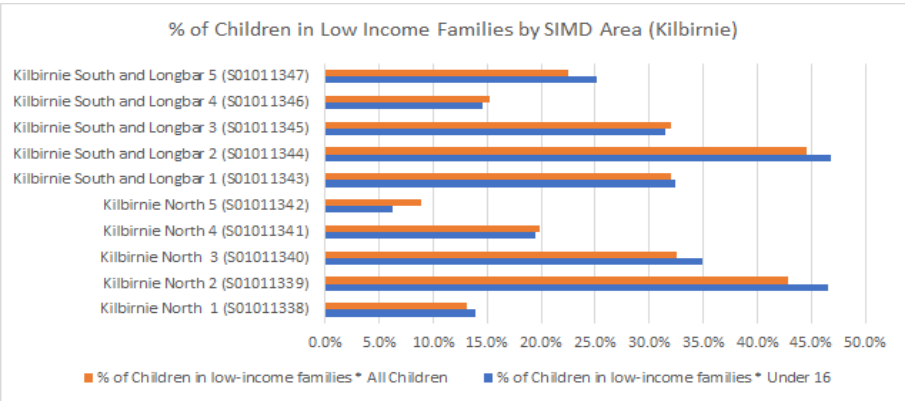
The **HMRC Children in Low-Income Families Local Measure** shows the proportion of children living in families in receipt of out-of-work (means-tested) benefits or in receipt of tax credits where their reported income is less than 60% of UK median income.

Using the data produced the following graphs have been produced providing for local data on deprivation at data-zone level in the towns of the Garnock Valley. This allows for a demonstration of the inequality that exists between wealthier (or less deprived) areas of the Garnock Valley and the most deprived.

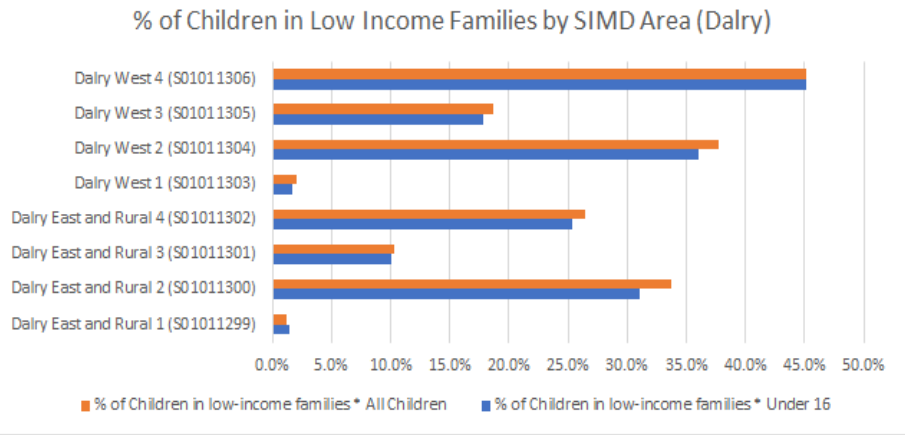
Dalry and Kilbirnie are comparable in terms of overall deprivation although Dalry also appears to have the starkest contrast in terms of inequality between intermediate data-zone areas. Kilbirnie has higher levels of children in income deprived households as a percentage of children under the age of 16, whilst Beith is lower overall with the exception of data-zone Beith West 1 being more comparable to the average level within the Garnock Valley.



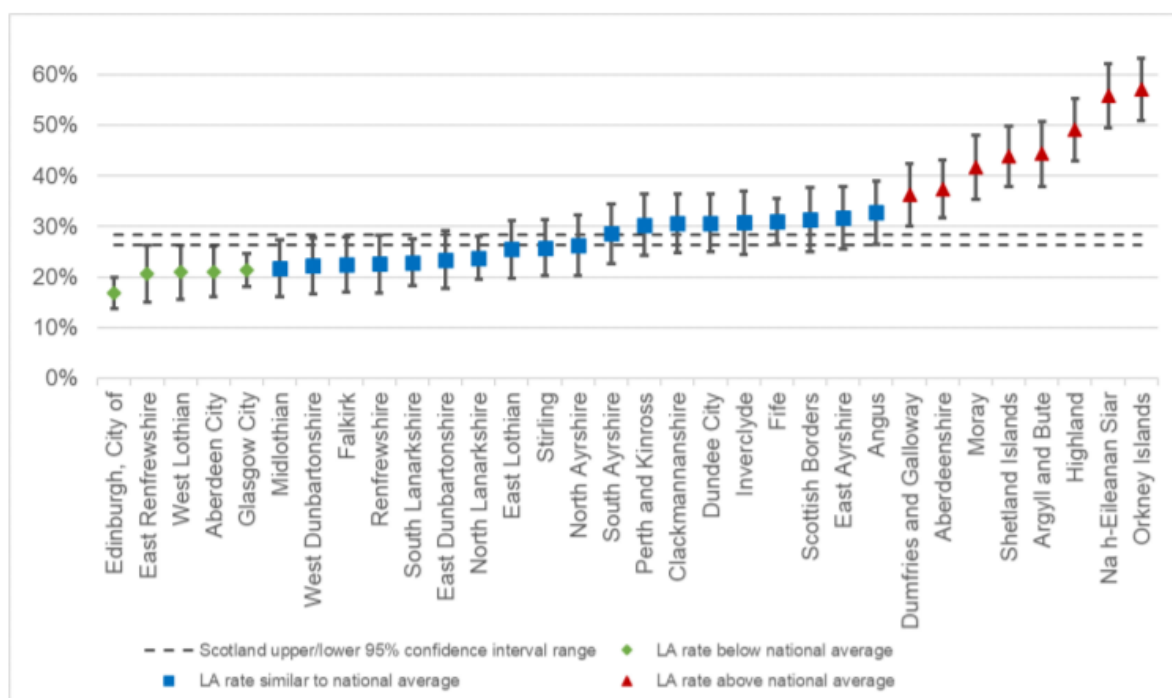
Source: HMRC 2018



Source: HMRC 2018



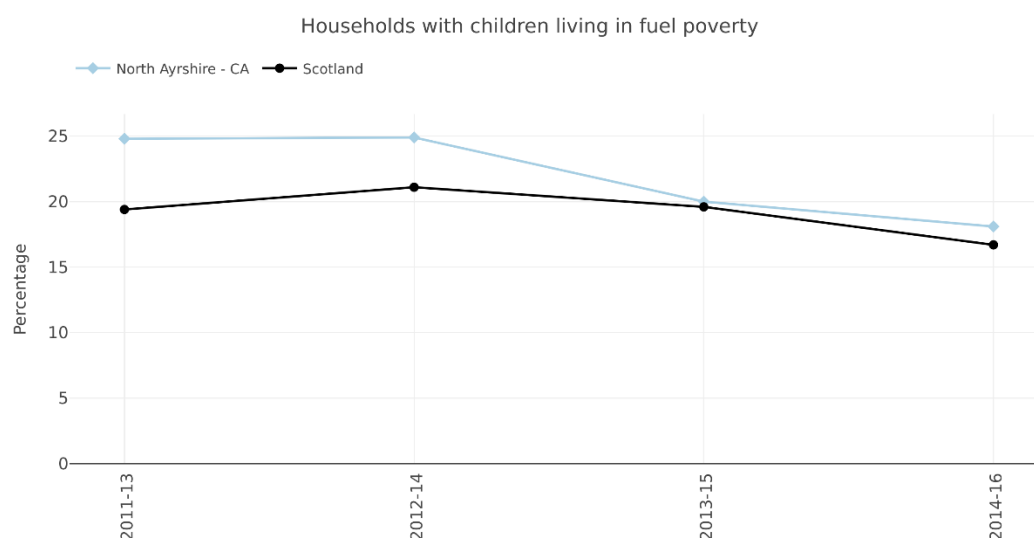
Source: HMRC 2018



Source: SHCS 2015-17

The above graph shows the percent Dwellings in Fuel Poverty by local authority. North Ayrshire has the 14th highest in fuel poverty out of 32 local authorities slightly higher than the Scottish average. **North Ayrshire's rate of Fuel Poverty stands at 26% in 2017 compared to 23.7% as the Scottish national average.** However, the rate of extreme fuel poverty in North Ayrshire is below the national average at 8% compared to 11.9% in Scotland.

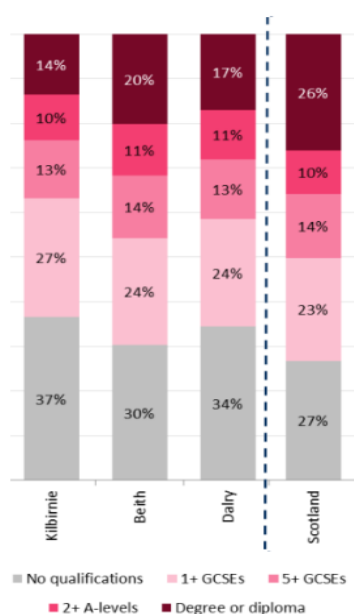
Although **North Ayrshire fares poorly in terms of energy efficiency, which is one of the main drivers of fuel poverty.** North Ayrshire is 4th lowest out of 32 local authorities in terms of percent dwellings with insulated cavity or solid walls compared to Scotland average and the lowest in percentage terms by number of dwellings with less than 100mm loft insulation and 8th highest by presence of damp within dwellings. North Ayrshire also has the 7th highest level of SHQS Failings in Scotland.



This persistent inequality also ranges to financial exclusion as the town of Kilbirnie had the **highest bankruptcy rate in Scotland** at almost **three times the national average** personal insolvency rate according to 2014 statistics published by Scottish Government Agency Accountant in Bankruptcy, whilst **North Ayrshire is ranked 3rd highest in Scotland overall**. There is a high degree of financial exclusion in the locality with only a single bank branch serving the entire Garnock Valley population of circa 20,000 people following bank closures.

Education

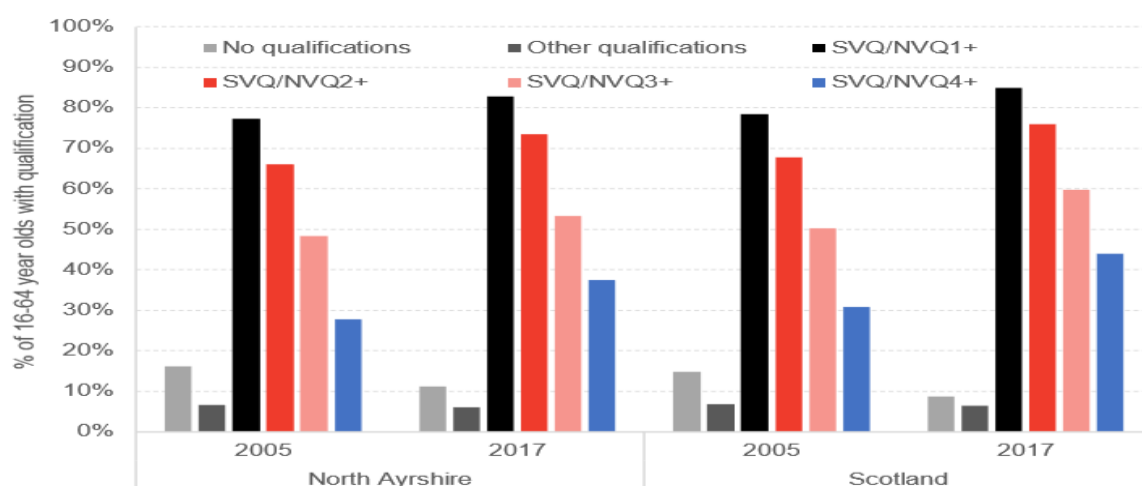
In terms of education, North Ayrshire has one of the lowest levels of educational attainment and one of the highest levels of people aged 16 and over with no qualifications. Additionally, North Ayrshire displays a lack of basic digital skills making digital exclusion prominent. In 2017, the NOMIS database displayed that in North Ayrshire **11.1% of the population have no qualifications compared to the national average of 8.7% in Scotland**.



There is a gap in both in intermediate and high-level skills. In 2015, the proportion of those in employment (25-64) who are graduates in North Ayrshire, at 19.0%, was lower than in Scotland as a whole, at 34.6%.

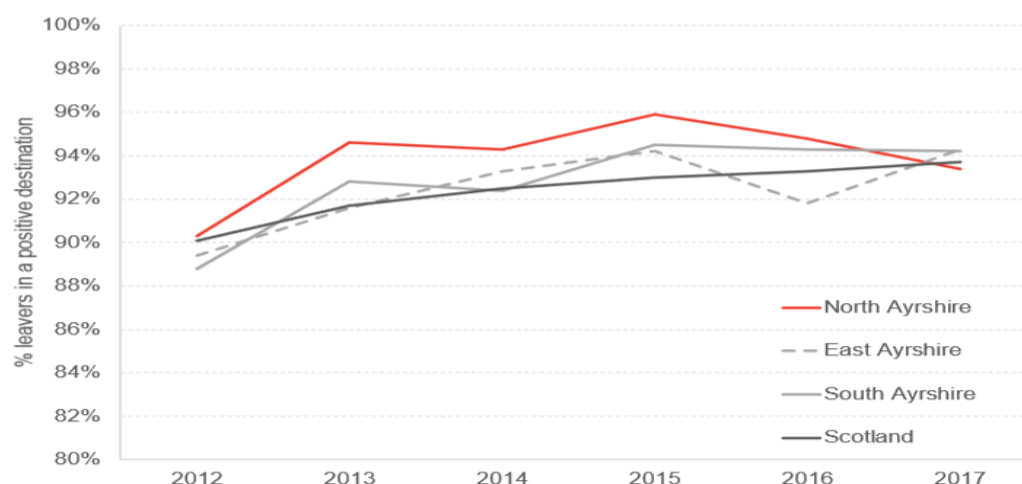
In addition, lower proportions of people (16-64) have reached SVQ3+ or SVQ4+ in North Ayrshire than in Scotland as a whole. Issues around skills particularly affect women within North Ayrshire, with the lowest proportion of females (16-64) with degree level qualifications amongst all Local Authorities in Scotland. Females are also highly segregated in the labour market in lower-skilled (and predominantly lower-paid) employment, in part, a result of subject selection in education and occupational segregation. North Ayrshire's proximity to Glasgow City also results in outward migration of younger/skilled people.

Source: UK Census 2011



Source: ONS

Although not statistically significant, there has also been a **downward trend in school leavers in positive destinations resulting in North Ayrshire now being below the Scottish national average**. The proportion of school leavers deemed to be in “positive destinations” is high and broadly aligned with the national figure although North Ayrshire’s youth unemployment rate (16-24) is also high compared to Scotland as a whole.



Source: Scottish Government

School leavers in North Ayrshire are more likely to enter further education (31.1%) compared to Scotland (23.4%) however, a lower proportion of school leavers enter Higher Education (33.2%) compared to the Scottish average of 36.8%. Lack of aspiration and opportunities for young people can compound the challenges of the work-readiness/skills mismatch. The latest 2011 National Census data shows that the proportion of all people aged 16-74 in the North Ayrshire Council area with a **degree level qualification was 20 per cent which was lower than the Scottish figure of 26 per cent**.

A lower proportion of people who leave the school are in employment in North Ayrshire than in Scotland as a whole and more young people (16-19) are not in full-time education, employment or training (NEETS). However, North Ayrshire school leavers are more likely to enter work upon leaving education than the other two Ayrshire authorities. This requires to be caveated however by the fact that positive destinations as a measure includes employment using zero-hour contracts and may not be indicative of a quality of work as is reflected in the wider economy.

The percentage of school leavers living in the most deprived area with 1 or more qualification at SCQF Level 6 (Higher Level) in North Ayrshire was lower than the Scottish average in 2016/17 at 40.3% compared to 43%. By the time they leave school, young people in the 20% least deprived areas of Scotland are almost twice as likely to achieve one or more Highers or Advanced Highers compared to young people in the 20% most deprived areas.

The Scottish Government Poverty and Inequality Commission states that in Scotland by the time a child reaches age five, **those in families in the highest 20% of earners were around 13 months ahead in their vocabulary compared with children in families in the bottom 20% of earners**.

Digital Skills

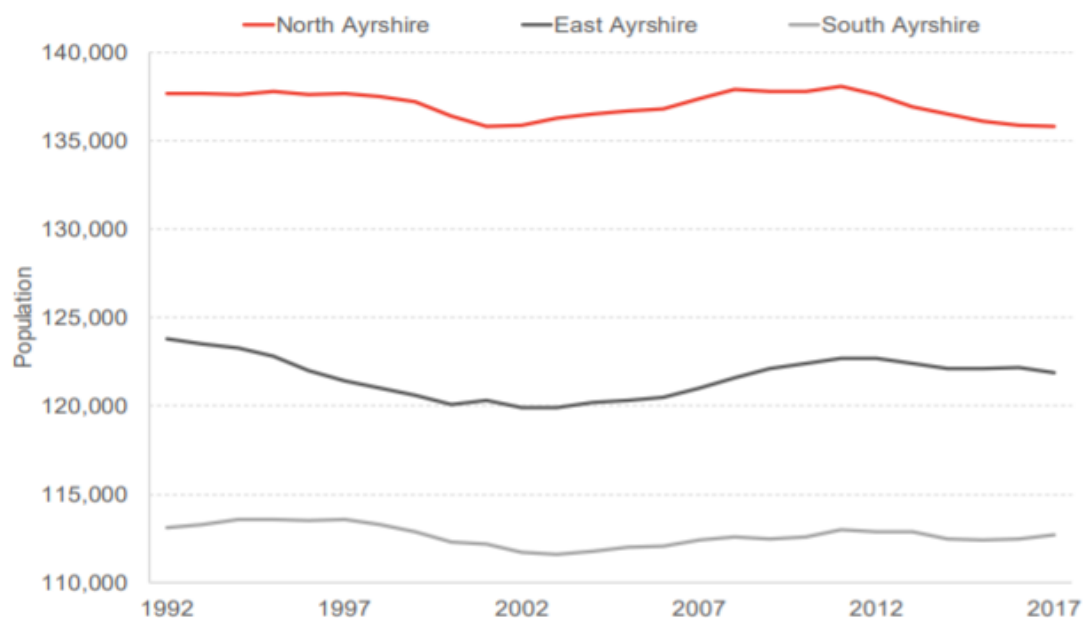
Digital skills are a Scotland-wide constraint, particularly impacting on the excluded groups. Specifically, evidence shows that the level of income influences people's confidence in using the internet and people with physical or mental health conditions are less likely to use the internet.

In North Ayrshire, evidence from the Scottish Household Survey 2015 shows that a higher proportion of adults than in Scotland overall are less confident in pursuing activities when using the internet. These activities include both very basic digital skills (e.g. send and receive emails, use a search engine, shop online) and relatively more advanced skills (e.g. use public services online, identify and delete spam, be able to tell what website to trust).

The lack of confidence in using the internet affects the employability of people overall, as better digital skills may be beneficial for the individuals both at a private level and in the workplace. The ability of using the internet would also counterweight the issue of physical distance (e.g. less need of travelling).

Demographics

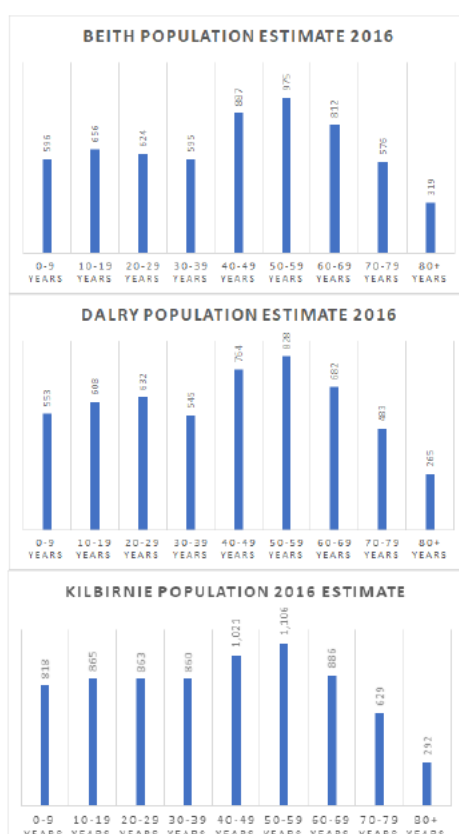
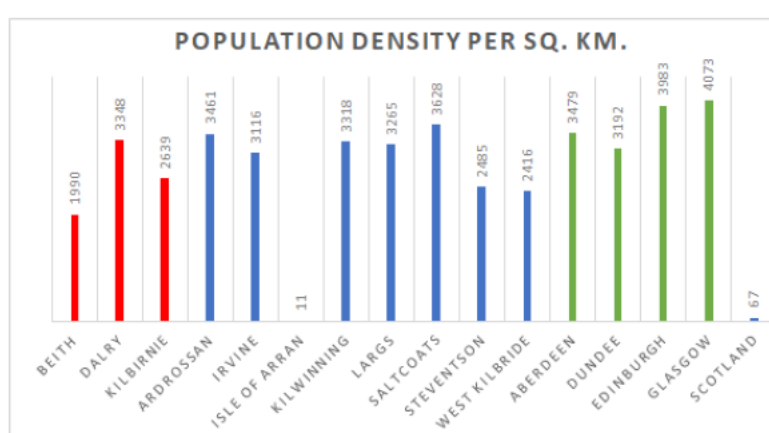
In the decade to 2013, the population of the settlement of Kilbirnie declined by 1% this compares to a 0.7% decline across North Ayrshire and a 5% increase across Scotland over this ten-year period. Only five council areas in Scotland and 22 in the UK as a whole suffered population decline in this given period. Over the next decade North Ayrshire's working age population is projected to continue to fall, slowing economic growth and putting pressure on public services.



Source: ONS

Between 1998 and 2018, the population of North Ayrshire has decreased by 1.6%. This is the 28th highest percentage change out of the 32 council areas in Scotland. Over the same period, Scotland's population rose by 7.1%. It is anticipated that between 2012 and 2026 the population of North Ayrshire is projected to decrease by 4% whilst the population of the Garnock Valley is projected to decrease by 9%.

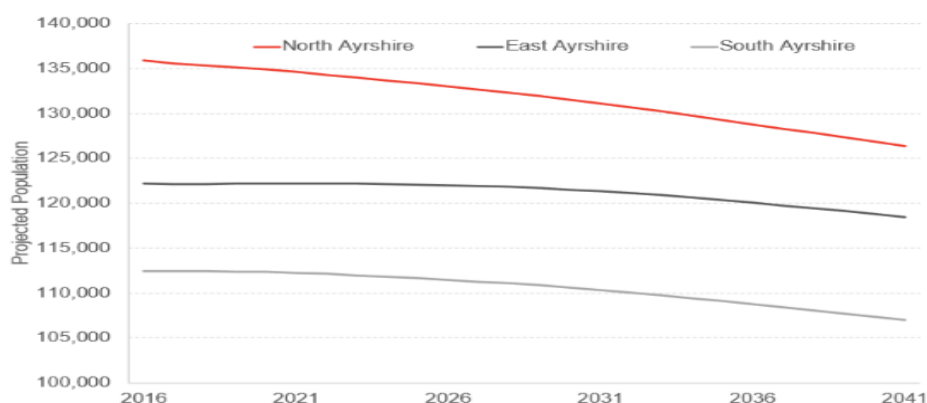
Population Source: SIMD	
Area	2014 Estimate
Kilbirnie	7,378
Beith	6,424
Dalry	5,896
Garnock Valley	19,698



The Garnock Valley accounts for 14.8% of total North Ayrshire population.

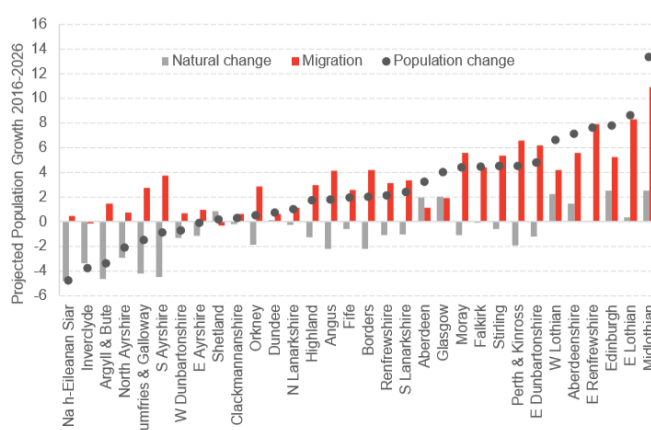
A total of 63% of the population of the Garnock Valley are aged 16 – 64. A further 17% are aged 0 – 16, and there is a total of 20% who are aged 65+. Overall, the population is expected to age, with 65 + the only age group projected to increase in size. In the Garnock Valley locality this is projected to increase by 25% and North Ayrshire an increase of 31% is anticipated. The population aged under 18 is projected to decrease by 9% while this group will decrease by 18% in the Garnock Valley. Working age residents will decline by more than 13% across North Ayrshire compared with a 16% reduction in the Garnock Valley.

A falling working-age population limits demand in the local economy making it harder to attract business investment and create job opportunities.

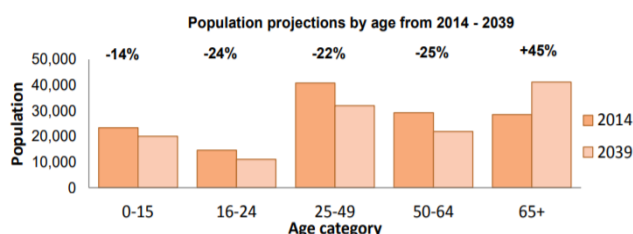


Between 2016 and 2026, the population of North Ayrshire is projected to decrease from 135,890 to 133,023. This is a decrease of 2.1%, which compares to a projected increase of 3.2% for Scotland as a whole.

North Ayrshire's working age population is projected to fall by 3.5%, with pensionable age population forecast to grow by 3.2% and population aged 75+ estimated to grow by over 30%. Official National Records Scotland (NRS) statistics predict a **23% decline** in the North Ayrshire working age population in the 25-year period between 2014 and the year 2039.



Source: National Records Scotland



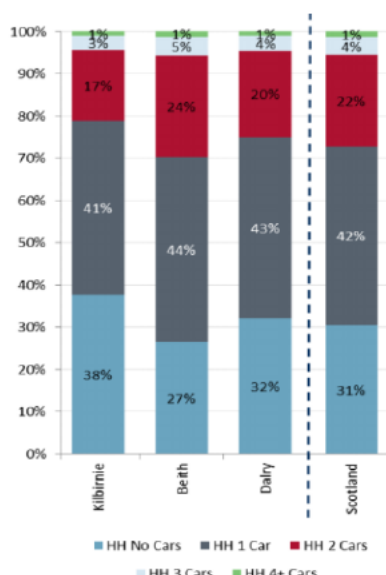
Crime and Justice

Overall, crime including violent crime and recidivism is a problem in North Ayrshire, in no small part due to lack of economic opportunity, socio-economic background and poor educational prospects. North Ayrshire had a higher **recorded-crime rate - for all crimes and offences - of 920 per 10,000 population** in 2016/17 an increase from 690 per 10,000 population in 2011/12. Scottish Government statistics for 2014/15 show the **Ayrshire Judicial Area has the second highest re-conviction rate in Scotland** standing at 30.7 compared to the Scottish mean of 28.2. The **top priority out of five total of the Garnock Valley Locality Planning Partnership People's Panel Workshops** was the aim "*We live our lives safe from crime, disorder and danger*" indicative of a need to provide an alternative by offering local people opportunities for the benefit of the entire community.

North Ayrshire's prisoner population is **62% higher than the average across Scotland as a whole** standing at a rate of 261.5 per 100,000 compared to 161.9 per 100,000 in

Scotland. This is also the case for young people in prison which in North Ayrshire was 484.7 per 100,000 compared to 300.2 per 100,000 in Scotland over the period 2012-14

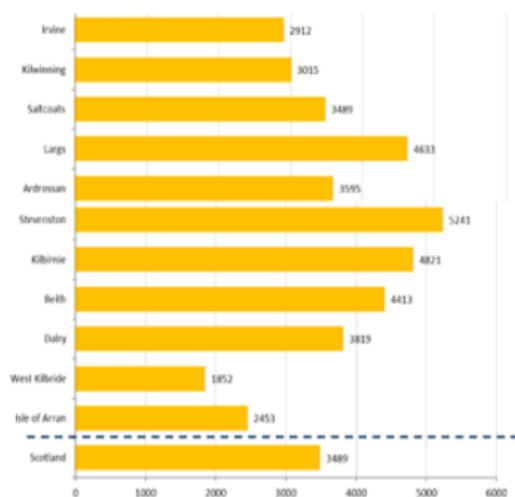
Transport and Access



Access to and affordability of public transport is an issue within the Garnock Valley. This affects access to services such as ability to receive healthcare with limited transport availability to Crosshouse hospital for example

In terms of car ownership Kilbirnie and Dalry have a higher number of households with no access to a car whilst Beith has a higher level of car ownership with a higher than average number of households with more than two cars.

SIMD Access Rank



The Scottish Index of Multiple Deprivation (SIMD) ranks locations by access to services (GP, post office and retail centres and schools). Data zones are ranked from 1 being most deprived to 6,976 being least deprived. The higher the rank, the better the access to services.

The average of towns in the Garnock Valley are considered to have above average levels of access, however empirical evidence would suggest otherwise with limited access to higher levels of services such as hospitals being inaccessible for many people as well as closures of local services since the SIMD 2016 survey period.

1.3 Health Indicators

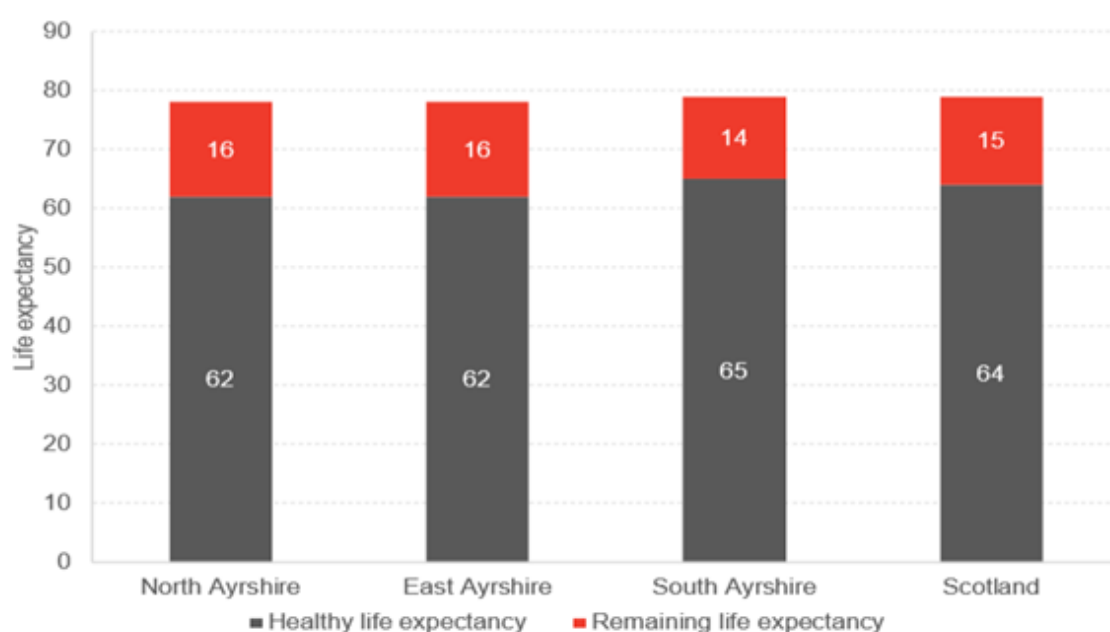
Limited health related data is available at a Garnock Valley level. As such, data presented relates to local authority wide and, where available, reference has been made to more localised data. Overall, **North Ayrshire's poor health outcomes are inextricably linked to factors such as higher social deprivation, and as a result North Ayrshire suffers from issues such as the highest avoidable death rate in Scotland - 373 avoidable deaths per 100,000 people (2016).**

The Garnock Valley Health and Social Care Locality Planning Forum has identified the following priorities:

- Engage with young people to help improve their health and wellbeing
- Improve low-level mental health and wellbeing across all age groups
- Reduce social isolation across all age groups
- Reduce the impact of musculoskeletal disorders

Life expectancy

Average life expectancy from birth in North Ayrshire for males is **6th lowest in Scotland**. For females, average life expectancy from birth in North Ayrshire is the **8th lowest in Scotland**.



Source: Scottish Public Health Observatory

In line with national and North Ayrshire wide data, life expectancy in the Garnock Valley continues to increase; however, male life expectancy in the Garnock Valley locality ranges between 73.3 years in Dalry East & Rural to 78.3 years in Kilbirnie North. **Four out of the six intermediate zones in the Garnock Valley fall below the national life expectancy average of 76.6 years.** In contrast, female life expectancy in four out six Garnock Valley neighbourhoods are above the national average. Overall, the median male life expectancy in the Garnock Valley is 75.6 years – **approximately one year below the national average and the North Ayrshire rate**, while median female life expectancy is years, above both the national and North Ayrshire rate. Kilbirnie also has **the 9th lowest life expectancy for pensioners in the UK** according to a 2012 report by actuarial firm Towers Watson.

Behaviours

Along with the Irvine locality, **smoking prevalence was the highest in the Garnock Valley locality at 17% compared with a rate of 15% across North Ayrshire and a rate of 10% in the North Coast. North Ayrshire has a higher rate of smoking attributable deaths (422 per 100,000) compared to Scotland and a higher percentage of women smoking during pregnancy (27%).**

In addition, **North Ayrshire has higher rates of hospital stays for alcohol (895 per 100,000) and for drugs 342 per 100,000 compared to the Scottish average.** Specifically, the Intermediate Zones of Beith West and Kilbirnie South and Longbar have higher rates than the Scottish average, although not different to the North Ayrshire average.

Ill-health and injury

Compared to national figures, **North Ayrshire has higher rates of patients (65+) with emergency hospital admissions; patients hospitalised with asthma; patients hospitalised with Chronic Obstructive Pulmonary Disease (COPD); patients hospitalised with Coronary Heart Disease (CHD); and patients with emergency hospitalisations.** The Intermediate Zones within the Garnock Valley are similar to the North Ayrshire averages.

Mental health

The proportions of adults with long-term physical or mental health condition is considerably higher in North Ayrshire (47%) than in Scotland as a whole (29%) and a lower proportion of people self-reporting their health as “very good” within the Scottish Household Survey 2015. This represents a significant barrier to inclusive growth.

In North Ayrshire a high percentage of young people also face mental health challenges. **North Ayrshire has seen an increasing percentage of the population prescribed medication for anxiety/ depression/ psychosis between 2009 (16%) and 2015 (21%).**

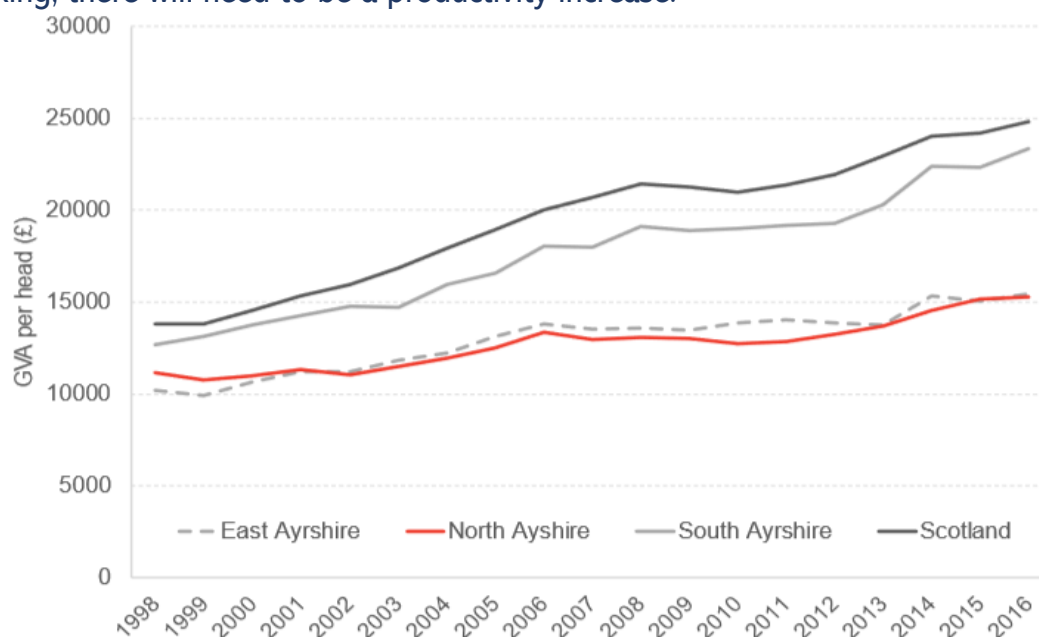
Aggregated data between 2013 and 2017 shows **North Ayrshire with a higher rate of suicide (all persons and males) compared to the Scottish average.** Rates for women are lower than the Scottish average.

1.4 Economic Performance

On a variety of economic indicators, **North Ayrshire has performed worse than national averages across Scotland and the UK.** Economic growth in North Ayrshire averaged 1.1% p.a. between 2006 and 2015 representing the **3rd slowest of all 32 Scottish local authorities, and 54th slowest of the 301 UK local authority areas** identified in the Office of National Statistics (ONS) databank.

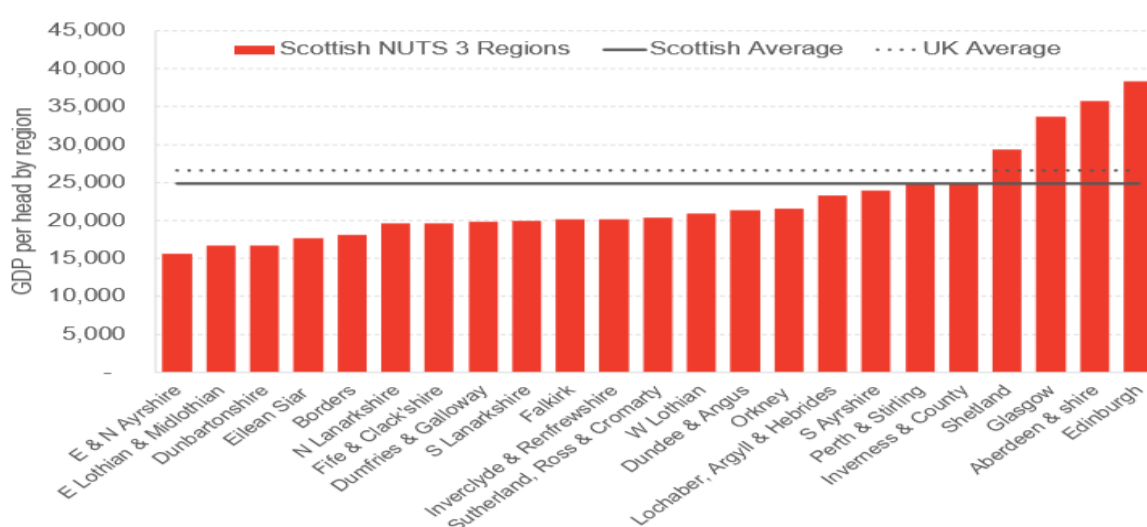
The GVA of both North Ayrshire has been consistently well below the Scottish average. In the latest available year, **GVA per head in North Ayrshire was £15,294, which is 38% lower compared than the Scottish average of £24,800.** In the tri-council area, East Ayrshire is comparable at £15,460 and South Ayrshire fares slightly better and is

closer to the Scottish average at £23,375. The projected fall in working age population means it will be challenging to increase GVA simply by increasing the number of people working, there will need to be a productivity increase.



Source: ONS

Nomenclature of Territorial Units for Statistics (NUTS), is a hierarchical classification of administrative areas used across the European Union for statistical purposes. The “NUTS 3” area, is a level of EU geography which combines East Ayrshire with the mainland part of North Ayrshire for measures such as GDP, as can be seen below the NUTS 3 area of East Ayrshire and **North Ayrshire mainland has the lowest GDP per head by region in Scotland.**

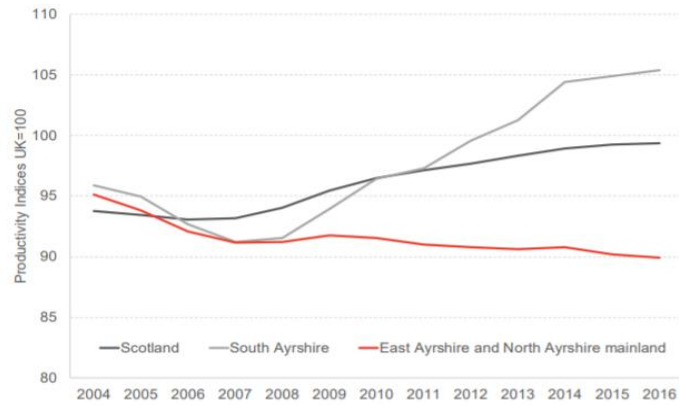


Source: ONS

NUTS 3 statistics also demonstrate that the productivity rate of North Ayrshire is significantly lower than the national average which in turn are also lower than international comparisons of OECD and EU member states.

Two key drivers of productivity are innovation and investment.

In terms of ability to attract investment, evidence shows that North Ayrshire struggles to attract Foreign Direct Investment (FDI), opportunity exists however by supporting endogenous growth and investment. North Ayrshire also has a low Business Research and Development (BERD) at £32 per head compared to the Scottish average.



Source: Scottish Government



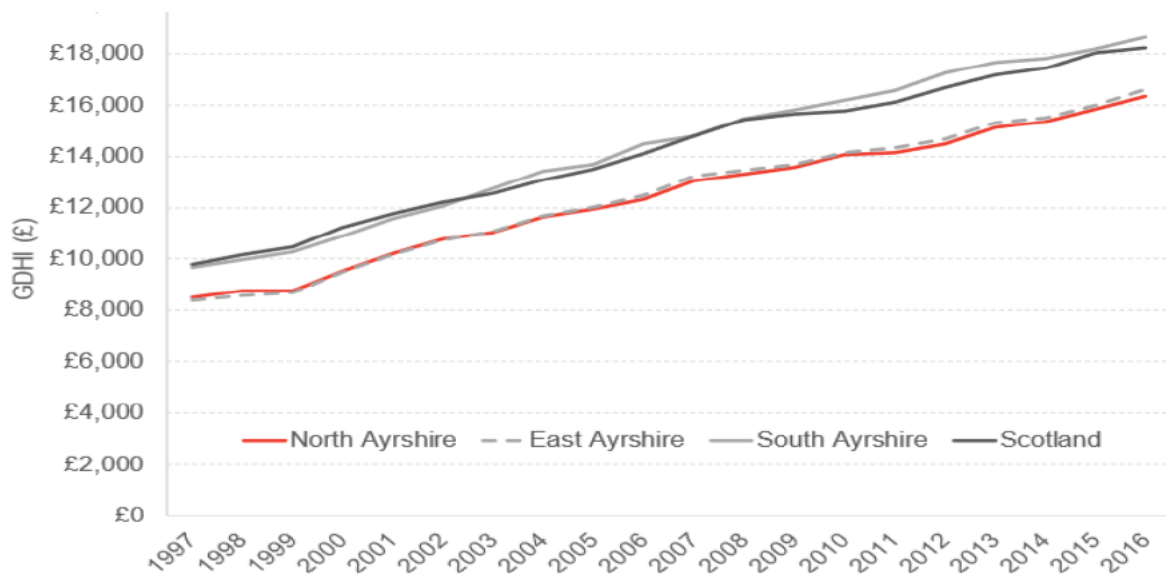
Source: Scottish Government

Household Income

For residents of North Ayrshire average household income in 2015 was £30,537, lower than the Scottish average of £34,625 and the UK average of £36,402. Garnock Valley locality planning documents report that the Garnock Valley has some of the lowest household incomes in North Ayrshire with two thirds of the population of Garnock Valley earning less than £30,000.

North Ayrshire's wage growth is also below the national averages with the 8th slowest in Scotland and 51st slowest of the 391 UK local authority areas identified in the (ONS) files. Household disposable income in North Ayrshire was 0.5% lower than the national average of 3.1% p.a. between 2006 and 2015. In 2017, those earning less than the living wage in North Ayrshire stood at 21.1% in comparison to the Scottish average of 18.4% (ASHE).

Gross Disposable Household Income (GDHI) measures the amount of money that that all of the individuals in the household sector have available for spending or saving after taxes and benefits have been accounted for. This shows a consistent gap between North Ayrshire and the Scottish average, around 13% lower in the latest year.



Source: ONS

A major determining factor on lower levels of disposable income in North Ayrshire is because high percentages of people are in employment in lower-paying sectors (i.e. wholesale and retail trade, accommodation and food services, residential care activities). These sectors are also characterised by low levels of job progression. Evidence shows that this impacts women and aspiration/ambitions of youth may also be negatively affected in addition to the legacy impacts of post-industrial decline.

The need to commute significant distances to higher paid jobs can compound challenges of transport and childcare. In 2016, median weekly earnings for full-time employees who reside in North Ayrshire were 2.6% lower than in Scotland as a whole (£523 compared to £537), whereas the median weekly earnings for full-time employees who work in North Ayrshire were 4.7% lower than those for Scotland as a whole (£510 compared to £535). This seems to confirm that people commute to different Local Authorities where jobs are better paid than those within North Ayrshire.

House Prices

The median house price in 2017 in Kilbirnie and Beith council ward was £80,000 compared to £97,000 across North Ayrshire and £152,355 across Scotland. In the Kilbirnie and Beith ward **79.5% of households are in A-C Council Tax Band** compared to 69.3% in North Ayrshire and 60.2% in Scotland and the NRS Registers of Sasines 2015 showed **Kilbirnie to have lowest median house value in North Ayrshire at £60,000.**

Average House Prices 2014 Source: NRS Registers of Sasines	
Area	House Price (£)
Kilbirnie	60,000
Beith	86,500
Dalry	68,750
North Ayrshire	92,000

Business

The **business start-up rate in North Ayrshire is lower than the Scottish average**, at 34 per 10,000 resident adults compared to 49 per 10,000 resident adults across Scotland. Overall, there are no significant differences in survival rates for new businesses in North Ayrshire relative to other parts of the country. Like most of Scotland, the majority of businesses in North Ayrshire are micro-business (88.7%), consisting of 0-9 employees, and small businesses (9.5%), consisting of 10-49 employees. Only 1.5% and 0.3% of businesses were medium or large. However, they tend to employ the most people. North Ayrshire also has a lower number of businesses per 10,000 people than both East and South Ayrshire.

Birth of new Business Enterprises in 2011 and their Survival Source: Scottish Government					
Area	1-year survival	2-year survival	3-year survival	4-year survival	5-year survival
North Ayrshire	97%	79%	65%	53%	45%
Scotland	94%	78%	63%	53%	46%

Number and percent of registered enterprises by employment band, 2018 Source: ONS		
Employment band	North Ayrshire Count (%)	Scotland Count (%)
% Micro (0 To 9)	2,900 (88.7)	153,515 (87.9)
Small (10 To 49)	310 (9.5)	17,745 (10.2)
Medium (50 To 249)	50 (1.5)	2,770 (1.6)
Large (250+)	10 (0.3)	700 (0.4)

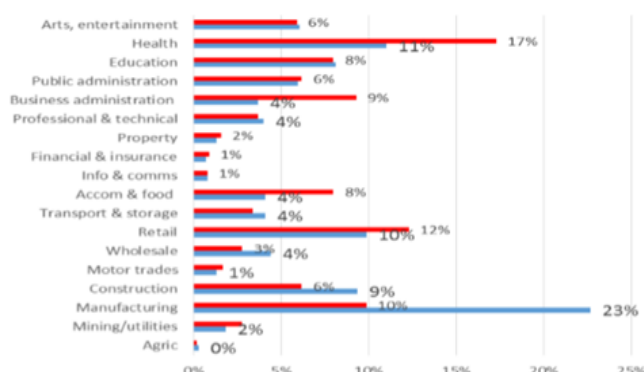
Employment

North Ayrshire's **employment rate fell from 68.6% in 2006 to 68.1% in 2017**. Elsewhere, employment rates increased in both Scotland and the UK in this period. The employment rate in North Ayrshire was the **2nd lowest in Scotland and the 56th lowest of the 206 UK local authority areas** defined in the NOMIS (ONS) database. The number of people in North Ayrshire aged over 16 who have **never had a paid or unpaid job increased 2% in the years 2007 to 2017 from 6.5% to 8.5%** equating to a total of 9,400 people who have never experienced work. In 2017, the **number of workless households in North Ayrshire was 24.4%** in comparison to 18% in Scotland and 14.5% across the UK.

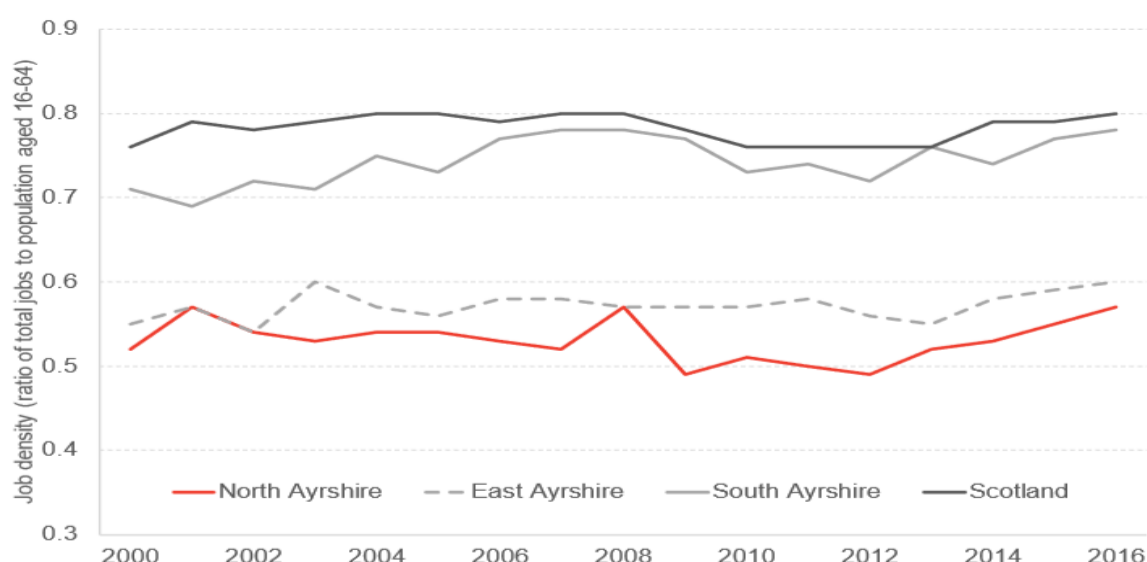
The following chart opposite summarises employment by sector in **North Ayrshire (red)** and the **Garnock Valley (blue)**.

The Sectors with greatest employment in the **Garnock Valley** are: **Manufacturing (23%)** **Health (11%)** **Retail (10%)** and **Construction (9%)**.

Top sectors by employment within **North Ayrshire** include **health (17%)**, **retail (12%)** **manufacturing (10%)** and **business administration (9%)**.



In the **Garnock Valley**, approximately 2,300 of economically active age (aged 16 – 64), are inactive, with greatest proportions of populations receiving any benefits being resident in **Dalry (20.6%)** and out of work benefits (**17%**). **Kilbirnie's** situation is **18.5%** on any benefit and **14.9%** on out of work benefit.



Source: ONS

The **Job Density** of **North Ayrshire** is also lower, standing at **0.58** in **2017** - i.e. there is approximately one job available for every two residents of working age (16 - 64). In comparison, the **Scottish** average is **0.81** and **UK** figure is **0.86**. Measures of jobs density – both in-work and vacancies – give a useful measure of how ‘deep’ a job market is (and often therefore how resilient an economy is). This is one indicator that **North Ayrshire** seems to perform particularly less well, particularly compared to the **Scottish** and **UK** averages.

Those with a **disability** are also less likely to be employed in **North Ayrshire** with an employment rate of **36.4%** compared to **45.4%** across **Scotland** in **2017**. The economic inactivity of those aged **16-24** in **North Ayrshire** is **34.6%** (**2017**), overall **youth employment** (those aged **16-24**) has also fallen since **2007** from **59.1%** to **57.8%** in **2017**.

North Ayrshire has an issue with female participation rates, specifically in terms of percentage of females who are inactive due to looking after family/home (33.0% compared to 29.4% in Scotland as a whole). The number of Out of School Care (OSC) school-age childcare places is lower than the number of pre-school places, which suggests a lack of demand/ latent demand due to currently low participation rate of women. Wrap-around care is identified as barrier for female residents. **Therefore, availability of affordable and flexible childcare is key for removing obstacles of women caring for family/home and therefore increasing inclusion.** The European Commission found that 73% of mothers in the UK who didn't work or worked part time because of inadequate childcare services cited childcare as being too expensive. The OECD has identified affordable, accessible childcare as a factor that **promotes gender equality, and as a factor in tackling the gender pay gap and occupational segregation.** In addition, 'Closing the Gender Gap: Act Now' published in 2012 argues that key to the decision to return to work post-pregnancy is the availability of affordable, flexible, good-quality childcare.

Female employment has risen in recent years; however, North Ayrshire still has the **second lowest employment rate for women in Scotland** at 63.3% (2017) ahead of only Glasgow City. This rise in female employment may indicate an increase in part time and insecure work as is reflected in the wider economy. The period 2005 to 2015 witnessed a rise in the level of self-employment among both men and women. However, **the fastest increase has been amongst women who experienced a 57.6% rise in the numbers self-employed** over the period compared to an increase in men's self-employment of 11.8%

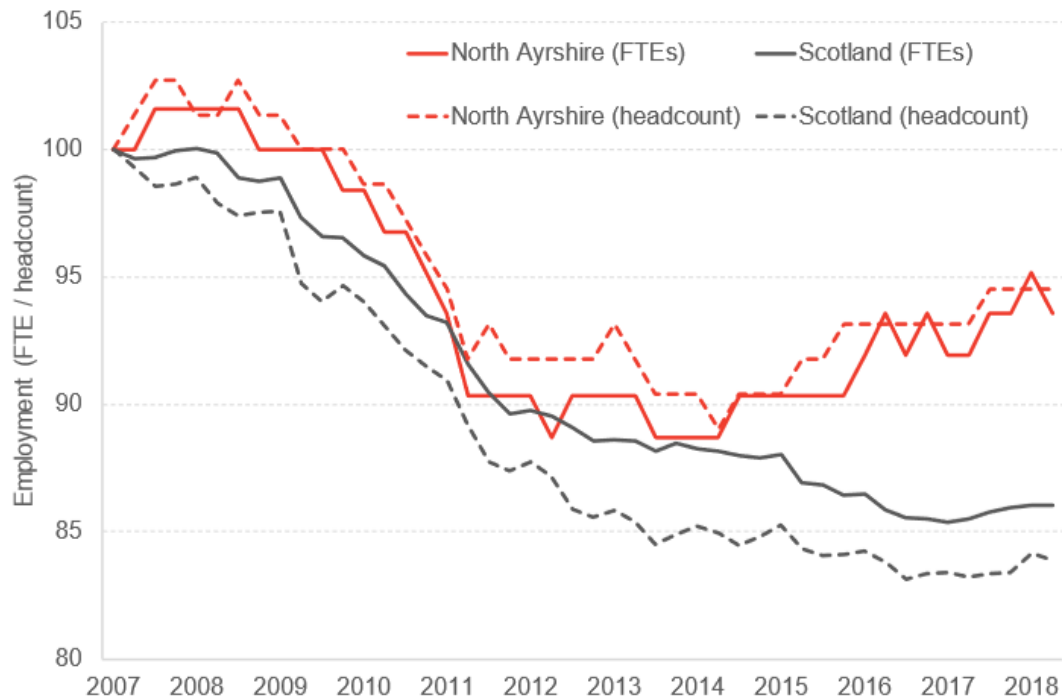
A key trend across the UK since the financial crisis, has been a rise in part-time work and self-employment. Some of this reflects pressure on wages forcing people to take 2nd jobs and/or for a household to have more than one earner. But it also appears to reflect a structural change in the make-up of our economy, with more flexible ways of working. In North Ayrshire, most of the increase in part-time work has come from males. **The share of male employment that is full-time has decreased in North Ayrshire, with the part time share increasing from 9% to 15%.** Some studies – particularly in the United States of America – suggest that such trends might reflect a worrying trend of reduced opportunities for lower skilled men (with significant spill-over impacts on well-being, health and family stability).

Underemployment is also a common issue with official statistics indicating 11.8% (2017) experiencing underemployment in North Ayrshire compared to 8% (2017) across Scotland.

North Ayrshire also has a higher out of work claimant rate than Scotland and the UK as a whole. The claimant count rate in North Ayrshire, at 4.1% (3,425 claimants) in March 2017, was the highest amongst all Local Authorities and considerably higher than the figure for Scotland as a whole, at 2.4%. As of February 2019, the claimant count in North Ayrshire was 5.6% compared with a Scottish rate of 3% and UK rate of 2.6%. With the roll out of Universal Credit the figure is likely to rise as a broader span of claimants are required to look for work than under Jobseeker's Allowance.

1.5 Socio-Economic Analysis

The Radio City Association (RCA) believe that the proposals and benefits set out reveal the strong case for supporting the application. It would be naïve to assume the development would be a “silver bullet” that will resolve all societal issues however, it would nevertheless act to resolve issues locally.



Source: The Scottish Government

The above graph shows Local authority employment in North Ayrshire and Scotland since Q1 2007, (Full-time equivalent (FTE) and headcount). This highlights the declining ability for local authorities to tackle socio-economic issues, however **by encouraging and working together with the social enterprise and community voluntary sector genuine grassroots community led change could be empowering and transformative.**

Other areas and communities have adopted this initiative in following a locally owned, controlled and focused project of community ownership. The RCA seeks to follow these and become exemplary to other communities by developing this project which will be capable of **delivering significant, substantial and long-lasting socio-economic benefits.** These benefits and positive impacts will be seen at a project, community and strategic level. Indeed, the approval of this application will **provide immediate benefits to many and assist to realise further community focused and controlled projects to release further potential for growth through people, community enterprise and third sector community organisations that would not otherwise happen.**

In technical economic terms, the **additionality effects will be significant and the follow-on multiplier effects will generate a positive ripple effect in terms of jobs, income and services provided in the local area.** This will all provide enhanced community capability

and capacity building to create a stronger **platform for sustainability and growth, addressing the severe challenges that the area faces** and has faced for many decades.

Other local projects have not had the change effect that this project will provide – it is a **game changer for the community** and can be delivered with confidence. This proposal will be a **shining example of community enterprise and empowerment in action**. This will enable community development led from and by members of the local community to show the **enterprise, innovation and sustainability** working together to create a balanced and valuable project.

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

The statistics outlined above are startling but merely scratch the surface of the case for approving this planning application. There is a litany of other statistics which highlight the need for this type of development. **There is evidence from elsewhere in Scotland that shows how the type and form of development proposed will realise significant benefits and positive impacts.**

Communities, such as the **West Harris Trust and Coigach Community Development Company**, have benefited significantly. Both of these examples are in the Highlands and Islands area which has been an excellent area for demonstrating the power of community led projects to **address issues such as sustainability of communities, local capacity and confidence and self-sufficiency in community economy facilities**. However, the west central Scotland area faces severe challenges that the current planning application would make a material contribution to addressing.

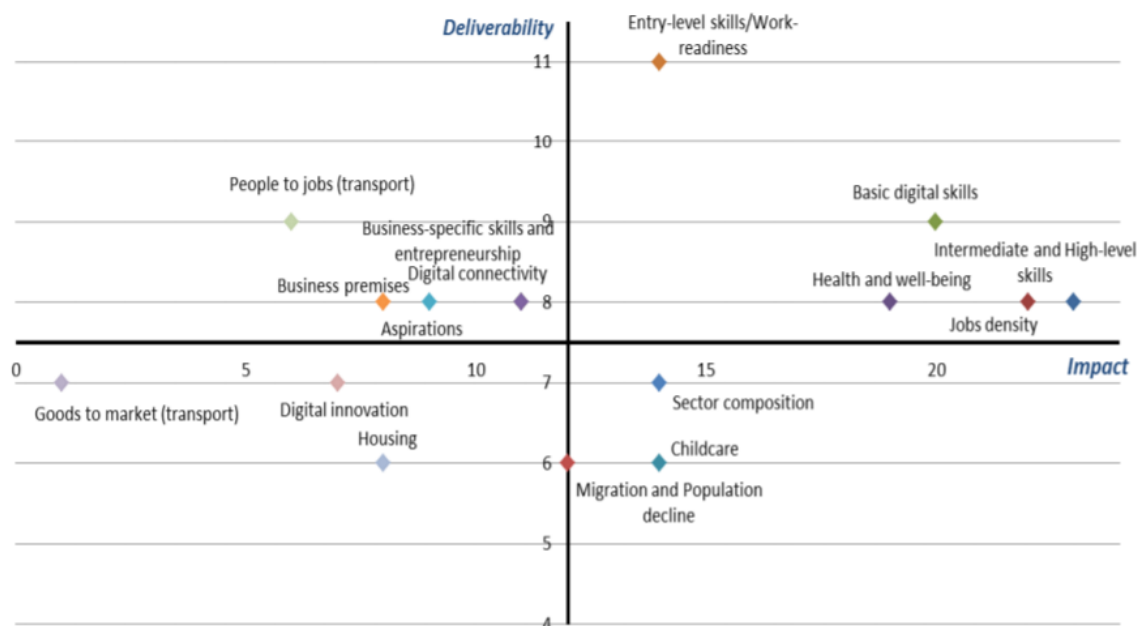
As shown above, **North Ayrshire is one of the most prominent areas in need of this type of project** and many would argue that it should have come forward before now. Community led investment of this type as proposed is needed given the decline of many post-industrial areas including across the Garnock Valley which is a prime example unfortunately. It should be emphasised that it is incumbent on us all to act to support and assist the community realise its true potential.

The Scottish Centre for Regional Inclusive Growth working with North Ayrshire Council developed the Inclusive Growth Diagnostic in order to assess what is holding back long-term sustainable inclusivity and growth in North Ayrshire.

The table below sets out drivers of inclusive growth outcomes in North Ayrshire identified through the inclusive growth diagnostic and a matrix that was developed to demonstrate the impact and deliverability of each of these.

Inclusive Growth Drivers in North Ayrshire

Infrastructure	Slow roll out of digital infrastructure and poor coverage (mobile)
	Lack of appropriate business premises
	Housing: energy efficiency and availability of smaller properties
	Transport (people to jobs)
	Transport (goods to market)
Skills	Intermediate and advanced skills
	Entry-level skills/ work-readiness
	Basic digital skills (which can also limit social inclusion)
	Digital innovation/ advanced digital skills
Social Capital	Community empowerment
	Aspirations (individual and business)
	Health, particularly mental, compounds inclusion challenges
	Difficulties in accessing affordable and flexible childcare
Value/ quality of jobs	Structure of the economy/ sectors/ industries
	Availability of local jobs (jobs density)
	Sustainable working population



It is the strong belief of RCA that **this development can address many of the challenges and socio-economic issues in the local area and promote sustainable and inclusive economic growth**. The evidence and professional views expressed in this paper show the need for the development.

The positive benefits from the development will change the prospects positively for many individuals and community groups currently bereft of such opportunities to **improve their lives and the sustainability of the local community** without further dependency on subsidies and welfare support that is diminishing with prolonged budgetary pressures. **The project benefits and impacts will change lives positively and could literally in some cases save lives.**

If we are to confront the **spectre of climate change in the modern world and the complications presented in this new era by the third industrial revolution** with all the advances forthcoming in terms of automation, digitalisation, biotechnology, Moore's Law and artificial intelligence - all of which offer what could be overwhelming, significant promise of change but could also pose a significant new set of challenges with diffuse benefits and palpable acute effects – then the approach has to be grassroots and community-led in order to tackle some of these challenges that will be presented and will be the touchstone of value in the coming decades, with **promotion of community wealth building to deliver an inclusive economy** through focusing on the role of anchor institutions and others in supporting and developing a sustainable local circular economy where they are located.

This calls for a mission led approach to develop a net job exporter situation and tackle the disproportionate impacts on communities and people that will be introduced by coming challenges of the future. These factors and more make the compelling case for imaginative and predictive solutions from governments and institutions as well as local communities.

There are limits to that which can be done from the community level up, such as the limits of scaling up, critical mass, connectivity between sectors and clustering.

The proposed development is an exceptional approach that will create positive impact, foster local governance and generate a mission led approach to yield true community wealth building and provide inspiration for communities increasing aspirations and reaping the benefits of those auspicious and providential outcomes delivered.

Strategic direction, therefore, is *required* from policy makers and institutions like the local authority in supporting projects such as this.

2. The Electric Valley

2.1 Project Background

The RCA set out to resolve these issues with ambitious regeneration proposals in a developed concept known as the “**Electric Valley**”.

The proposed wind turbine development is at the core of the project providing the revenue to support the re-investment for the sustainable future. **The turbine will become a key economic and social asset for the Garnock Valley Community** and for the future of communities across Scotland and the Scottish wind energy sector as a beacon of the success of community ownership of renewable energy infrastructure.

The economic and social impact will extend beyond the proposed reinvestment and into the construction and operational phases. The construction of the turbine will **support local jobs and businesses as well as the local supply chain**. Upon becoming operational, the turbine will become a key component in the education of local people about the natural environment and climate change

2.2 Re-investment Strategy

The RCA have developed the “Electric Valley” concept with seven areas of strategic focus as highlighted below. The £6 million investment in the community as a result of the development is anticipated to directly **create and safeguard 18 jobs per annum** before taking account of the construction of the turbine itself or multiplier effects as a result of the re-investment or support of the local supply chain as well as various other indirect social and economic benefits that would arise as a result.



Economic Development

- Fosters sustainable inclusive economic growth locally
- Supports the growth of social enterprise sector in the locality
- Addresses population decline
- Provides for further ethical investment locally and furthers economic development
- Supports local business growth and expansion



Poverty and Inclusivity

- Tackles educational inequalities e.g. through provision of skills training
- Reduces fuel poverty by promotion of renewable technologies
- Increases public access to services
- Addresses issues of accessibility to transport
- Promotes financial inclusion
- Promotes digital inclusion
- Supports inter-generational cohesion
- Reintegrates ex-offenders into society



Health, Sport and Recreation

- Promotes uptake and accessibility to sport
- Provision or Investment in facilities for use of the community
- Promotes healthy living e.g. through activities or education
- Tackles issues of mental health or social isolation
- Combats drug and alcohol dependency or misuse



Culture and Heritage

- Supports sustainable future for local heritage sites
- Promotes culture, heritage or history of the area
- Provides benefit to community with improved aesthetic of area e.g. art installation
- Educates local people of cultural, industrial or social heritage



Employment

- Develops skills and employability of local people
- Provides opportunity of personal development
- Tackles social issues relating to issues of unemployment
- Provides prospect of sustainable long-term employment to local people
- Offers opportunities for those often excluded from the labour market (e.g. veterans, women, ex-offenders)



Community Empowerment

- Supports local community organisation(s)
- Enables greater community capacity or confidence allowing for greater impact
- Highly involves or is community led allowing community influence over process
- Increases volunteering opportunities
- Improves perceptions of area by local people
- Tackles issues such as anti-social behaviour



Environment

- Provides or promotes use of renewable energy resource
- Educates on effects and measures to combat climate change
- Promotes benefits or utilises renewable or green technologies



3. Anticipated Revenue Returns to the Community

Radio City Association (RCA) were required by the Scottish Government's Community and Renewable Energy Scheme (CARES) Board to provide a **P90 Net Energy Yield** (GWh/annum) to determine the project's financial feasibility prior to their approval of loan funding to allow RCA to proceed with the development in early 2018. RCA commissioned Prevailing Ltd (who also provide this service to the CARES Board) to produce this independent estimate which they did on the 1st April 2018.

The **P90** is the lowest estimate of the three estimates produced for RCA by Prevailing Ltd. which also include **P50** & **P75** estimates in a highly technically detailed Energy Production Estimate Report.

The **P90** is the level of annual electricity that is forecasted to be exceeded 90% of the year, hence this is always the lowest figure. It is also the figure that funders require to lend upon as it presents the greatest certainty of future performance.

Prevailing Ltd. used wind speed data to analyse and model the landscape against the proposed candidate turbine, a **Nordex N90/2500** which has a total rated capacity **2.5 MW**, with a Hub height 65 m.

Prevailing Ltd. determined the average hub height wind speed would be **8.02 m/s**. This allowed for production of an indicative **P50** net energy yield of **8.56 GWh/a** and an estimated 10 year **P90** net energy yield (indicative) **7.44 GWh/annum** based on a Capacity factor of 39.0 %.

RCA then engaged Forsa Energy, a wind energy business who have developed and operate energy assets across Europe, to calculate the potential revenues from the sale of the energy produced which is displayed in Table 1 below.

Table 1

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	
39% CF																					
Nordex N90/2500 2.5MW 65m Ht	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	7440	148800
NO FIT Payment	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
GBP @ 0.0503/kWh	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£7,484,640
Gross GBP / yr	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£374,232	£6,097,640
Annual O&M + Insurance (estimates)	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000	£73,000
Net GBP/yr	£374,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232	£301,232
	£374,232	£675,464	£976,696	£1,277,928	£1,579,160	£1,880,392	£2,181,624	£2,482,856	£2,784,088	£3,085,320	£3,386,552	£3,687,784	£3,989,016	£4,290,248	£4,591,480	£4,892,712	£5,193,944	£5,495,176	£5,796,408	£6,097,640	

*O&M Estimates Cost £/Annum	
WTG O&M 2.5MW	£51,000.00
Grid O&M	£1,000.00
Rent	£2,000.00
BoP	£2,000.00
Insurance	£5,000.00
Metering/LV Supply/Comms etc.	£4,000.00

Turbine Supply Cost	
Nordex	€ 2,055,000

*rental redacted for landowner commercial confidentiality

Source: Forsa Energy

Forsa produced the above spreadsheet for RCA using the Prevailing data. The data used was again the **P90 lowest estimate also taking account of no support via the Feed in Tariff (FiT) scheme**. Forsa also used an indicative Power Purchase offer (PPA) from Good Energy to underpin their revenue estimates.

As the above highlights, Forsa Energy and Prevailing Ltd have **determined independently of RCA in figures approved by the Scottish Government** utilising their joint resources and wind speed data that the candidate Nordex N90/2500 2.5MW WTG located at the proposed RCA Community Wind Turbine Site would produce **£6,097,640 net revenue over the period 2019 – 2038**.

This revenue would be used to repay loans and interest with the **net surpluses fully re-invested** in local community projects as per the Scottish Government CARES Financial Model. It is the ambition of RCA that these projects would also be fully sustainable and provide re-investment to allow the community to develop and prosper for the long-term future and leverage of external funding.

The net revenue is of course calculated on the **lowest estimate** of the Prevailing P90 figure of an annual output of 7440 MWh/a, and also based on receiving no support via the Feed in Tariff in a **No-FiT scenario** and Export rates of £0.0503 per kWh based on a proposed Good Energy PPA and conservative average capacity factor of 39% and payment of annual Operation and Maintenance (O&M) + insurance/grid costs.

It is worth noting that since these estimated revenues were produced the UK Government have proposed the **Smart Export Guarantee (SEG)** to Community owned and operated energy schemes of less than 5MWs. It is also worth noting that the projected lifespan of the WTG is 25 years and therefore *5 years additional net revenues* of a minimum of £301,232 p.a. **or £1,506,160** should be added to the revenue projection minus any decommissioning costs over a 25-year period.

4. Socio-Economic Impact

4.1 Quantifiable Effects

The P90 Figure revenue has been determined **independently** by Prevailing Ltd. and Forsa Energy and **approved by the Scottish Government (CARES) Board**. The P90 offers a conservative estimate of the anticipated performance of the proposed wind turbine, and it is stressed that these are **minimum expected returns**.

Using the estimated revenue figures, it can be determined what a transformational impact community ownership of renewable resources could have. Based upon the estimated minimum return of circa **£6million over 20 years which equates to £300,000 re-investment per year**, it can be quantified that the following tangible examples could be provided as set out in section 4.2 as a result, and that this represents significant investment in people and communities that would otherwise not be realised.

4.2 Examples of Impact in Numbers

- A. **30 Bursaries to allow economically disadvantaged local young people to enter further or higher education every year** (£10k per person per annum – Source: Skills Development Scotland)
- B. **60 Modern Apprenticeship Schemes per year providing life changing opportunities to attain skills and future employment for young people or ex-offenders** (£5k per person per annum – Source: Skills Development Scotland)
- C. **75 homeless people locally could be provided housing for one year** (Average net weekly household payment consisting of rent, heat and power £76.10 – Source: COICOP - ONS)
- D. **500 people could receive support of 10 Sessions of Mental Health Counselling** (£10-£70 indicative cost per session for private treatment (Assumed cost of £60) – Source: NHS)

4.3 Analysis of Potential Impact

The socio-economic impact of this potential re-investment set out in examples A-D in section 4.2 and its possible impact both upon lives and relieving of constrained public finances can be demonstrated qualitatively using empirical data collected from academic and other reputable sources.

Examples A and B

The RCA turbine could prospectively provide funding which would pay for 60 apprenticeship schemes for local young people or provide ex-offenders with training opportunities to prevent re-offending or 30 bursaries for economically disadvantaged young people to enter further education.

Research carried out by the Centre for Economics and Business Research (Cebr), a leading economic consultancy, determined the benefits to the UK economy of apprenticeships. It was determined **that for every £1 that is spent on apprenticeships, the national economy gains £21**. This is high in comparison to other expenditure returns on investment in the innovation, research and technology sectors range from around £4 – £7 per £1 spent. In addition, apprentices are more **likely to be in employment for longer, and will receive higher earnings**, with wage premiums of 11% for intermediate-level apprentices, and 18% for advanced-level.

If these training opportunities were to be provided to ex-offenders there are wider societal benefits as well as increased life prospects for that individual. The national re-offending rate average is **25% within 6 months of release and is 54% within 1 year, this rate drops to 4% when in employment or training** based on empirical evidence of organisations such as Together Group who provide skills training to ex-offenders. Again similarly, if local young people were provided with these employability skills and training opportunities the North Ayrshire economy will benefit as will the life prospects of those young people

Similarly, this is the case for university graduates who are likely to earn more and be in employment than those without a tertiary education. Research by Universities UK has highlighted that over a working life, the representative individual with an undergraduate qualification will **earn between 20% and 25% more** than his or her equivalent holding two or more A-levels. In addition, Higher education qualifications do not just affect earnings. Individuals in possession of higher education qualifications are **more likely to be employed** compared to those with the next highest level of qualification. They are also **more likely to return to employment following periods in unemployment or economic inactivity**.

This benefit does not just extend to university education but also further education at colleges. The **benefits of an HNC / HND qualification are £35,000-£45,000** based on average gross additional lifetime earnings.

A college or university education and apprenticeships create **benefits to the economy in terms of employment, increased skills and wage earnings** and reflective statistics such as GDP and GVA but also benefit wider society by providing **opportunity of personal development of the individual**.

Example C

The average weekly amount spent on the spending Classification of individual consumption by purpose (COICOP) category of housing (net), fuel and power was £76.10 FYE 2018.

This consists of net rent (rent payments that the householders meet themselves, after housing benefits and any rebates received by the household to help pay for rent have been subtracted) as well as the costs of fuel and power.

The causes of homelessness, including rough sleeping, are complex; however, a lack of affordable housing could be one reason. Taking the example of providing housing for

75 individuals for one year, research shows that effective early interventions **reduce the personal and financial cost of homelessness**.

The Centre for Housing Policy in the Department of Social Policy and Social Work at the University of York determined the **cost of a single person sleeping rough in the UK for 12 months was £20,128**. This is a high cost to the public purse in addition to the numerous adverse effects homelessness has upon the individual and is in stark contrast to **the cost of intervention of £1,426**.

Evidence shows that people who experience homelessness for three months or longer cost on average **£4,298 per person to NHS services, £2,099 per person for mental health services and £11,991 per person in contact with the criminal justice system**.

Research conducted for the Scottish Government has indicated that **NHS service use is 24 per cent higher among homeless people in Scotland** and previous research has suggested that homelessness **increases reoffending rates** (among people with criminal records) by 20 per cent.

By providing housing for 75 individuals for a year, the RCA community turbine prospectively **could save the public purse £1,509,600** as well as **freeing up public services** such as the NHS or justice system to deal with other pressing issues and have positive impacts for individuals who may have been homeless integrating them into society.

Example D

Mental health can have a devastating impact on an individual's daily life and have impacts for the economy. An OECD study found that the cost to the UK of **mental health issues was 4.5% of GDP each year**, caused by productivity losses, higher benefit payments and the increased cost to the NHS.

Mental health problems can **prevent individuals from finding work** if they are unemployed and have the **potential to be life threatening**.

5. What Will Be Achieved

5.1 Summary

Some of the proposed projects for re-investment are in the preliminary stages as set out in the **Planning Supporting Statement**. The projects mentioned are only the start of wider ambitions of the RCA, it is the intention of the membership led organisation of the RCA to have the **full involvement of the Garnock Valley community** in developing projects and targeting this re-investment locally as we have already endeavoured to do so with local organisations in our initial proposals.

As set out previously in **Section 2** RCA has established the **Electric Valley** concept with seven areas of strategic focus as a criteria for projects in order to tackle socio-economic issues in the Garnock Valley:

- **Economic Development** - RCA aim to create a circular local economy by investing in sustainable community led projects which also then can re-invest in people and the community as well as supporting local businesses in diversification
- **Poverty and Inclusivity** - RCA will seek to address social issues such as poverty including fuel poverty and promote social inclusion through projects with activities focused on financial inclusion, digital inclusion and tackling of social inequalities.
- **Health and Sport** – RCA will provide investment in facilities for recreation and promotion of healthy living and sport as well as seek to tackle social issues such as addiction and address mental health issues and promote wellbeing
- **Culture and Heritage** – RCA projects will promote cultural, industrial and social heritage through activities such as provision of public artwork and promotion of art and cultural projects.
- **Employment** – RCA projects will provide employment opportunities that will be skilled and well paid as well as provide employment skills and promotion of education
- **Community Empowerment** – The Garnock Valley community will be involved fully in all projects from conception to delivery with an ability to influence all aspects of the project.
- **Environment** – RCA will promote the natural environment and natural heritage and tackle climate change through sustainable development, carbon reduction projects and education.

These criteria have been the strategy for the embryonic proposals for re-investment in the Valefield and Knox Institute projects as set out within the planning support statement.

5.2 Job Creation

Neil MacCallum a co-author of this report who has over 30 years experience of economic analysis with the OECD, National Audit Office, Scottish Enterprise and the Scottish Chambers of Commerce has created the econometric model to assess the potential job creation which is likely to result from the annual re-investment in prospective projects funded from the development in the Garnock Valley.

Based on evidence garnered from UK based projects on cost per job, utilising the HM Treasury Green Book - Regional Development Agency Appraisal Evaluation Guidance, annual investment of £373,000 would create / safeguard a net of **18 jobs per annum** (created or safeguarded) with **job life of 10 years minimum**.

These jobs would be **liable to be longer lasting given the evidence** on persistence and self-containment which the the UK Government Department of Communities and Local Government recognised is much 'stickier' in deprivation areas - such as SIMDs within the Garnock Valley. This however requires to be caveated by the fact that this relates to Small & Medium sized enterprises rather than social enterprises and community enterprises/groups per se, such as those liable to be the principle beneficiaries of the planned development investment. There is no suggestion however, that such jobs would be any less 'long term'.

The relevant calcultion therefore is:

$$\text{Revenue} \div \text{Cost per job} \times \text{Multiplier Effect}$$

$$£373,000 \div £30,000 \times 1.25 = 15.5$$

Construction jobs additional at £145,000 (2.5 jobs a year) which results on a net total of **18 jobs per annum** - based on Regional Development Agency (RDA) evidence from England (2003-15).

Taken over the period of the twenty five year operational life of the development therefore, **the job effect is likely to be even greater** given the labour intensity of many of the projects to be supported.

In addition, the economic **multiplier effects will add further rounds of benefit** (from indirect expenditure and induced spending/inter-trading) with additional net positive impacts in the local economy. All this will **increase capacity, resillience and sustainability** emphasised by the RCA's strategic approach to creating and assisting projects that can become anchors in the economy and local community rather than short lived ventures

reliant on funding and a small pool of dedicated people. These projects have the ability to be **transformational and inspirational with the potential to become exemplary**.

This is based on the book calculation and local calibration from actual projects – such as the 5 full time jobs RCA expects will be created directly from the projects in the first year. The calculation is also projected from the net job creation effect applied to comparable circumstances in England.

5.3 Economic Impact Qualitative Assessment

According to **North Ayrshire Council's Social Enterprise Strategy (NASEN)**, the size of the social enterprise sector in North Ayrshire is **below the Scottish average** with only 98 Social Enterprises recorded as operating in North Ayrshire out of 5,199 in Scotland, a rate of 1.88% in comparison to North Ayrshire's population share of 2.5% and significant share of levels of deprivation which would indicate a greater need for Social Enterprise.

There is a demonstrable need for social enterprise, charities and the wider third sector to work together to create an alternate local economy and provide a level of services to seize upon the currently untapped potential of the sector in order to create local job opportunities, grow the local economy, support local people through social projects and ensure that redevelopment is community led providing a sustainable future for local people.

6. Other Impacts and Future Impacts and Benefits

6.1 Development and Construction Potential

The RCA turbine will support employment while the project is being developed and during its construction both directly and indirectly in the supply chain. In total the capital expenditure during the development and construction phase of the development will be approximately £2.25 million, which is equivalent to £0.9 million per MW installed. This expenditure will be split between:

- Development;
- Balance of plant;
- Turbine; and
- Grid connection.

The economic impact of the expenditure is dependent on the sectors in which the money is spent, and the location of this expenditure. It is estimated that during the development and **construction phase the RCA turbine will support 8 job years and generate approximately £1 million GVA to the Scottish economy.** These assumptions were taken from previous BiGGAR economics research for RenewableUK.

6.2 Decommissioning Potential

The decommissioning of the RCA turbine in 25 years time would also represent an economic opportunity for the companies involved in this process. It is assumed that the expenditure on decommissioning this turbine would be approximately £125,000 and that the location of the companies involved would be locally based. This would be a short-term activity that could **support a total of 2 job years and £0.2 million GVA.**

6.3 Environmental Benefits

The turbine is expected to displace 2.3 million Kg Co2e annually based on a very low estimate of the capacity factor of 30%. The P90 figure which was produced independently by Prevailing Ltd and approved by the Scottish Government anticipate the minimum capacity to be 39% based on their analysis of wind speeds and topography. The carbon payback of the development is demonstrated in the calculation below:

$$\frac{\text{Capacity (2500KW)} \times \text{Assumed Efficiency (30\%)} \times \text{Hours in a Year (8760)}}{\text{Average Annual Scottish Household Electricity Consumption (4122 KWh)}}$$

This allows for an **energy supply for 1594 homes**, which is equivalent to **displacement of CO2 emissions of 2,309,914 kgCO2e annually** when compared to home supplied by UK National Grid. **Energy accounts for 25% of the UK's CO2 emissions**, the efforts to reduce this and supply renewable energy is rightly supported.

The figure of 2.3 million kg CO₂e displaced annually is **equivalent to removing approximately 600 cars from the road every year** of the proposed operational period of 20 years. Transport accounts for 26% of the UK's CO₂ emissions and is a leading cause of air pollution and premature deaths as a result with one estimate the Royal Colleges of Physicians and of Paediatrics and Child Health stating **air pollution contributes to 40,000 early deaths a year in the UK.**

The UK Climate Change Risk Assessment 2012 Evidence Report estimated the cost of climate change and identified the main future risks. It estimates that **annual damages from flooding alone could increase to £12bn by the 2080s**, an increase of about ten times compared with current-day estimates if action isn't taken to tackle climate change. In addition, the United Nations Report by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) has warned that **1million species are facing extinction if radical action is not taken to combat climate change.**

The model predictions of the impacts climate change could have are not certain. There is much that science does not yet know, and wider social and economic trends will also affect the UK's vulnerability to the effects of climate change. These range from an ageing population who have greater vulnerability to extreme heatwaves – to population growth and increasing household and industry demand for water. However, in order to **combat climate change and meet international obligations reduction of carbon emissions must be encouraged** and this development assists in that global effort in a small but meaningful way.

The cost of not acting is too great, RCA believes that the next generation has the potential to be the greatest generation, however we are fast approaching a situation where they could be the last if action is not taken to tackle the nefarious impact that global warming will have on the planet and all life on it.

6.4 Farm Diversification and Rural Development Opportunity

The proposed development **assists in farm diversification** a key aim of the council by supporting a local dairy farm's operations and sustainability.

In addition, there is potential for **Power Purchase Agreements (PPA's)** to be agreed with local businesses which will allow them to secure cheaper electricity reducing overheads and allowing for their future **sustainability, expansion and development** securing jobs in the local area and supporting the local economy and local enterprises.

6.5 Tourism, Recreation and Education Benefits

The development has the potential to be **beneficial for tourism and recreation by enabling improved access to the Clyde Murshiel Regional Park**. Other wind farms, such as Whitelee have joined the Association of Scottish Visitor Attractions after nearly 250,000 visitors, including 10,00 school children were attracted there between June 2009 – June 2012.

In addition, at least another 100,000 people had accessed the wind farm's trails for **recreational purposes such as walking and cycling**. There are multiple benefits associated with this potential increase in future recreational activity including **health and wellbeing benefits with such as improvements to cardio-vascular and mental health** from physical activity such as walking. Added to this is the social benefit of experiencing nature and education of children on climate change and the natural environment. **Radio City propose to collaborate with, local walking groups, local schools and the Priory Education Group to facilitate recreational and educational access to the turbine and assist with curriculum studies on the natural environment.**

Evidence shows that visitor numbers to the CMRP have increased with wind turbine developments ongoing as the graph below highlights. Visit Scotland Surveys have indicated that **intentions to visit a place are unaffected by wind turbine development** with 83% saying it would not impact their decision to visit, if anything the Garnock Valley's **tourism industry will be bolstered** by the improvement in access and re-investment in facilities proposed.

- 
Economic Development


Poverty and Inclusivity

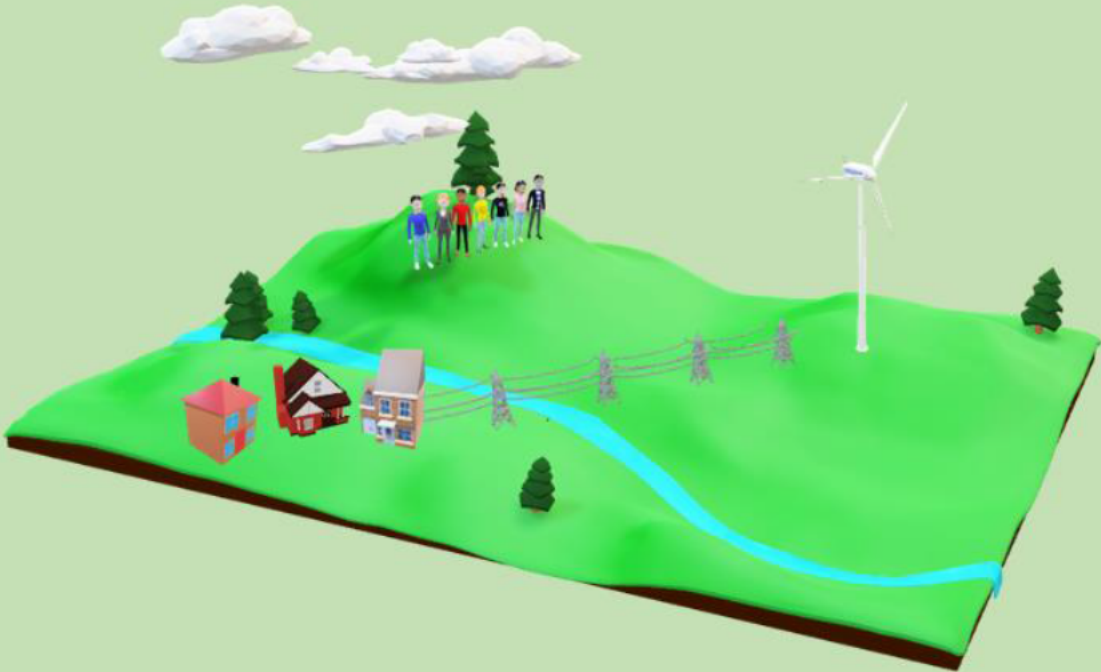

Health, Sport and Recreation


Culture and Heritage


Employment

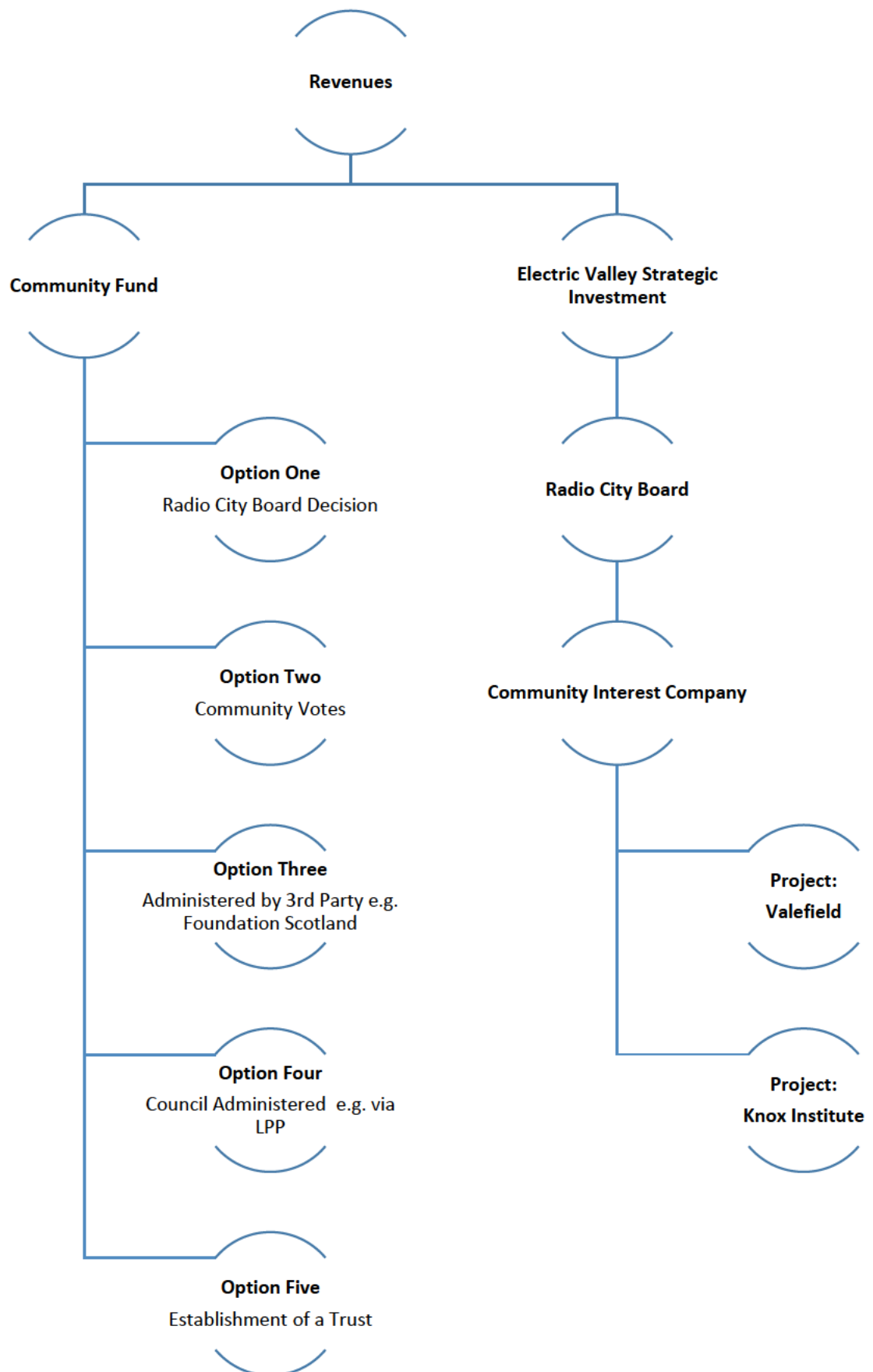

Community Empowerment


Environment



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1. Re-Investment Structure



Radio City Association Subsidiary Structure

Introduction

The common way for charities to deal with trading which does not fall within their objects is to channel the income and expenditure relating to those activities through a separate company. This is part of good governance and necessary where the trading might put the charity's assets at risk.

There are various options on the form of a subsidiary, one being a Community Interest Company (CIC) which is a form of not for profit entity that can be set up by the parent charity.

The Electric Valley project has potential to generate significant financial surpluses reinvested in the local community and for distribution to local community groups. It is an exciting venture that could become a “game changer” for the community.

However, all ventures carry risk and the options, structures and processes must be considered carefully by the Trustees as part of their obligations. This paper considers how Radio City Association (RCA) could take forward the energy project in a way that best protects the charity and is an efficient way to distribute surpluses to the community through other organisations and specific projects set up to benefit the community.

Public Benefit Obligation

All activities of a charity such as RCA should provide public benefit and should be available to a wide section of the public. With a subsidiary such as a CIC there is the opportunity to generate income and charge market prices for activities and use this income to cross-subsidise other charitable activities such as the relief of poverty.

The surplus (profit-making activity) may be safely undertaken in a charity subsidiary with the profits donated to the parent charity tax effectively and distributed or reinvested in the community.

A number of subsidiaries can be created to handle multiple ventures which can be not for profit and for profit entities. A subsidiary is a company where the majority of the shares are owned by the charity. Usually all the shares in a trading subsidiary are owned by the charity, making it a wholly owned subsidiary. If the charity has subsidiaries, the charity must produce consolidated accounts for the group.

So that the subsidiary does not pay tax, it must shed its taxable profits by tax-effective transfer to the charity. This is usually achieved by Gift Aid.

Context and Options

The Electric Valley project is now at a vital stage. An appropriate structure is required to direct, guide and control the project moving forward in ways that provide suitable forms of security and protection of the project aims, management of the investment and distribution of surpluses to the community through appropriate processes and decision making.

There were a range of possible options examined on how to best take the project forward:

1. **Radio City Association Runs It Directly** – this has the advantage of complete control but the charity and its trustees carry all the risk;
2. **A New Charity Is Set Up** – this has advantages in terms of funding access to grants and taxation concessions but restrictions on activities and reduced flexibility;
3. **A Limited Company Subsidiary Of The Charity** – this can take various forms such as a private company limited by share capital or the form of a social enterprise such as a Community Interest Company (CIC);
4. **Pass The Project Over To Another Organisation** – this removes all risk but removes local control, influence on decision making and access/allocation of surpluses to community projects.

The CIC Option

In considering the context of the project, CIC status is suggested as the most suitable structure for a social enterprise, i.e. a business that is set up primarily to benefit the community and serve a social purpose. This is also the model favoured by the Scottish Government's (CARES) for community ownership.

A charity such as RCA may register a CIC as a subsidiary company. That CIC (e.g. Garnock Valley Community Energy Company) is permitted to pass assets to the charity. An 'asset lock' will be in place that ensures the assets of the organisation are only used for the benefit of the community.

A CIC would be asset locked to Radio City Association to ensure that the assets (turbine, cash, goods, property, etc.) and profits of the company are used solely for community benefit. Any assets including the turbine and surpluses generated can only be sold at their full market cost, so that their value is retained by the CIC or otherwise transferred for the benefit of the community. This includes the distribution of surpluses to local community projects and organisations through appropriate processes.

These processes will require an appraisal of projects and organisations with full transparency on the criteria for decision making and distribution of funds. Further requirements will be in place for reporting, monitoring and evaluation of the impacts of the funds distributed with evidence of the additional community outcomes.

The CIC model is designed to provide an effective legal framework for social enterprises which aim to provide benefit to the community or to trade with a “social purpose” rather than to make a profit.

A Community Interest Company is a relatively new type of legal framework, established in UK company law by the Companies (Audit, Investigations and Community Enterprise) Act 2004.

Community Interest Companies are regulated by both UK Company Law - The Companies Act 2006 (as is every UK based business) - as well as by a separate and independent government regulator, The Office of the Regulator of Community Interest Companies, who are governed by The Community Interest Company Regulations 2005. CICs must register with the CIC Regulator and submit annual reports (known as a CIC34) to demonstrate that they are working in the interest of the community and that the asset lock is being observed and provides for overall transparency. A CIC also needs to justify its status by declaring how it will be of benefit to the community. This is done through the submission of form CIC36, which contains the initial Community Interest Statement and is used to express the purposes of the company to the Regulator. As in the case with other organisations with charitable purposes, an objects clause should also be included in the articles of association.

The "asset lock" is an essential feature of all CICs and is designed to ensure that the assets of the CIC are used exclusively for the benefit of the community. Any assets and profits must be retained within the CIC and used solely for community benefit. The only bodies to which assets are allowed to be transferred are other “asset-locked bodies” – i.e. those organisations which already have an asset lock. This means that assets may only be transferred to charities, or to other CICs.

CICs are taxed in much the same way as any other company and it is important to manage the income generation and Gift Aid processes efficiently. CICs can borrow money and can be funded from a variety of sources, including grants and donations, loans from high street banks and other institutions and use of investment mechanisms such as SITR (Social Investment Tax Relief). The CIC option allows for increased funding opportunities that may otherwise be unavailable to the charitable arm of RCA, by working together it is possible to maximise the available funding options.

CICs are suitable for organisations that are going to earn all or most of their income through trading (charging for goods or services) and a wide range of activities so long as it provides a benefit to the community. Directors of the CIC (and others) can be paid

for providing services to the organisation, such as the role of General Manager or Chief Executive to run the executive functions on a full or part time basis allowing for greater organisational capacity.

Setting up a CIC is the simplest way of ensuring that your organisation's assets and profits are used for the benefit of the community.

There is an option to set up a CIC with share capital to attract additional investment in future however it is not recommended to follow this route in order to keep things clear and simple.

Next Steps and Actions

- RCA Board agree the preferred processes and set up a CIC with an Asset Lock to RCA;
- Such a CIC could be a company limited by guarantee without share capital, set up for public benefit with or without charitable status;
- Directors of the CIC would be appointed by RCA and would include representatives from the RCA Board and other likeminded individuals within the community and with high levels of expertise who have a shared commitment to the aims and objectives of the Electric Valley project;
- Agree the name of the CIC, Registered Office and Directors;
- Apply for registration with regulator and on receiving a Company Registration Number, open a bank account with multiple signatories;
- Publicise the proposals, the CIC and the opportunity to participate – devise a future communications and marketing strategy to share information with other stakeholders including the local authority and community;
- Consider engaging professional support with the processes linked to available funding and future funding applications.

2. Strategic Investment Proposals

The strategic investment of the Electric Valley project is focused on seven key areas of focus which are underpinned by a set of multiple non-prohibitive criteria and guidelines that allow for targeting of the re-investment by establishing a scoring matrix allowing the RCA board an insight into the impact of the re-investment and appraisal of its effectiveness.

This strategic focus of investment is based upon existing policy frameworks at local and national level as well as RCA's own socio-economic analysis of the Garnock Valley area and consultations already carried out. The matrix therefore allows for targeted investment based on local need and demand. Projects are then evaluated on a variety of outcomes.



Preliminary proposals have already been developed regarding the Seven Areas of Focus for strategic re-Investment on two projects which are set out below. These are proposals that have yet to go for further community consultation in regards to the re-investment but are indicative of the ambitions of the “Electric Valley” project and use of the strategy for the re-investment purposes.

1) Valefield (See Appendix One)

Redevelopment of the Valefield in Kilbirnie (adjacent to the former Glengarnock Steelworks site which closed in 1985). Valefield has been the home park of Kilbirnie Ladeside FC since the post second world war period having been founded in 1901. The project plan would see the construction of a modern pavilion for use by Kilbirnie Ladeside FC and other community sports organisations with dressing rooms, event space and other facilities.

The plan also includes the adjacent 7ha to create new Community Sports facilities including tennis courts and a centre for other racquet sports. These would include a centre for cycling and other activities in a centre similar to other facilities found at locations such as 7Stanes Kirroughtree in the Galloway Forrest. Given the facility is on National Cycle Network 7, it's well placed for cyclists and other users of the route. A Cultural & Industrial Heritage Visitor Centre on the history of the area including the

steelworks and the area's association with Scotland's national bard, Robert Burns, is also proposed within the Valefield redevelopment. It is the intention of the applicant to link their Burns heritage centre with the wider Burns Heritage 'trail' in Ayrshire as a whole to attract visitors from further afield. In addition, a community owned and operated Micro-Brewery for "Blasties Brew" in tribute to the local steelwork heritage and the moniker for Kilbirnie Ladeside FC and other potential brands such as Beith Juniors and Dalry Thistle and other clubs in North Ayrshire e.g. 'Buffs' beer for Kilwinning or Largs Thistle Lager etc. This is a niche market that can be developed for Scotland's junior Football Clubs which will provide employment and revenue to allow for long term sustainability and continuous growth and re-investment in the locality. The Valefield redevelopment will also be environmentally sustainable through the use of a local energy centre employing renewable heat technology.

2) Knox Institute Social Enterprise & Community Hub (See Appendix Two)

A business plan has been submitted to North Ayrshire Council as part of the asset transfer process which details the proposals. The Knox Institute, constructed 1892, is a category B listed building at the heart of Kilbirnie town centre. It is the aim of this project to make it a focal point in the town centre providing economic and social regeneration – a collaboration between various social enterprises, community groups and charities to create a hub for social action in the Garnock Valley and North Ayrshire. This project seeks to safeguard the future of this iconic building, and its unique heritage for future generations by protecting it from dereliction and redeveloping it as a publicly accessible facility to serve local people. The project will contribute positively to the regeneration of the Garnock Valley through sustainable economic growth by providing a home for social businesses, creation of local employment opportunities and the occupation of a currently unused building in the town centre of the town. In addition, the project will develop the social fabric of the area through a celebration of local industrial heritage and empowering the community as well as building community capacity and improving accessibility to services and advice for local people to meet community demand. The building will incorporate art and history installations which reflect the heritage of the property as a philanthropic venture of the Knox Family and local history including social and industrial heritage housed and displayed within the redeveloped property and available to be viewed by the public. The creation of these art installations will be developed as part of a programme of arts and heritage, which will be delivered with local people in parallel to the physical redevelopment project. The project will consist of the interior renovation of the Knox Institute building, creating an energy efficient home for the proposed social enterprise hub creating a unique and environmentally sustainable environment for the growth of the third sector and a local circular economy. The Institute project came out of a need to address local economic stagnation and the vacant nature of the high street. It is - like Radio City - central to the town both geographically and overall in its perception to visitors and residents about the local issues that need to be tackled. The project would see the building be utilised as a community asset rather than a perceived liability seizing upon the towns proud industrial and philanthropic past and demonstrating the hopes for the future.

Electric Valley Re-Investment Criteria Matrix

Economic Development

- Fosters sustainable inclusive economic growth locally
- Supports the growth of social enterprise sector in the locality
- Addresses population decline
- Provides for further ethical investment locally and furthers economic development
- Supports local business growth and expansion



Poverty and Inclusivity

- Tackles educational inequalities e.g. through provision of skills training
- Reduces fuel poverty by promotion of renewable technologies
- Increases public access to services
- Addresses issues of accessibility to transport
- Promotes financial inclusion
- Promotes digital inclusion
- Supports inter-generational cohesion
- Reintegrates ex-offenders into society



Health, Sport and Recreation

- Promotes uptake and accessibility to sport
- Provision or Investment in facilities for use of the community
- Promotes healthy living e.g. through activities or education
- Tackles issues of mental health or social isolation
- Combats drug and alcohol dependency or misuse



Culture and Heritage

- Supports sustainable future for local heritage sites
- Promotes culture, heritage or history of the area
- Provides benefit to community with improved aesthetic of area e.g. art installation
- Educates local people of cultural, industrial or social heritage



Employment

- Develops skills and employability of local people
- Provides opportunity of personal development
- Tackles social issues relating to issues of unemployment
- Provides prospect of sustainable long-term employment to local people
- Offers opportunities for those often excluded from the labour market (e.g. veterans, women, ex-offenders)



Community Empowerment

- Supports local community organisation(s)
- Enables greater community capacity or confidence allowing for greater impact
- Highly involves or is community led allowing community influence over process
- Increases volunteering opportunities
- Improves perceptions of area by local people
- Tackles issues such as anti-social behaviour



Environment

- Provides or promotes use of renewable energy resource
- Educates on effects and measures to combat climate change
- Promotes benefits or utilises renewable or green technologies



3. Community Fund

As well as the larger scale re-investment as a direct result of the revenues, a sum will also be made available for local community organisations. A 'Community Fund' provision has five options for its establishment and related operation based on the Scottish Government's preferred rate of £5k/MW of electricity produced. As currently configured, this would generate a fund of £12,500 per annum for the Wind Turbine and approximately £5,000 per annum for the Hydro Turbine i.e. **£350,000 combined over 20 years**, that RCA can distribute directly to local community causes in addition to the projected re-investment of the remaining **£8m - £10.65m**.

It is worth pointing out at this juncture, in relation to the above, that the reason why revenues for investment from a community owned renewable energy development are so materially more beneficial for the communities it serves is because ALL the revenues so generated are re-invested back into the Community whereas in relation to 'Community Benefit' only a small proportion of the overall revenues being generated are returned to the Community by way of the £5k/MW standard payment favoured by commercial developers and the Scottish Government.

This means, by way of example, that the RCA Wind Turbine would return more in community investment to the Garnock Valley area than all the other turbines currently deployed in North Ayrshire Council area return in 'community benefit' to ALL the communities of North Ayrshire combined

RCA as well as setting up a community benefit fund that communities can bid into independently, will in addition be re-investing ALL the remaining revenues in community owned and operated projects that will create a massive legacy benefit for the Garnock Valley in accord with the Charitable purposes and Memorandum and Articles of Association of the RCA.

- **Option One - Radio City Board Decision**

The Radio City Board take applications and distribute money to other organisations locally in the Garnock Valley

- **Option Two - Community Votes**

Similar to CPP Participatory Budgeting process a public vote on proposals for redistributing money could be held as an event or online participation

- **Option Three - Administered by 3rd Party e.g. Foundation Scotland**

Drawback of monies being lost in legal/administrative fees etc. rather than re-distributed

- **Option Four - Council Administered e.g. via LPP**

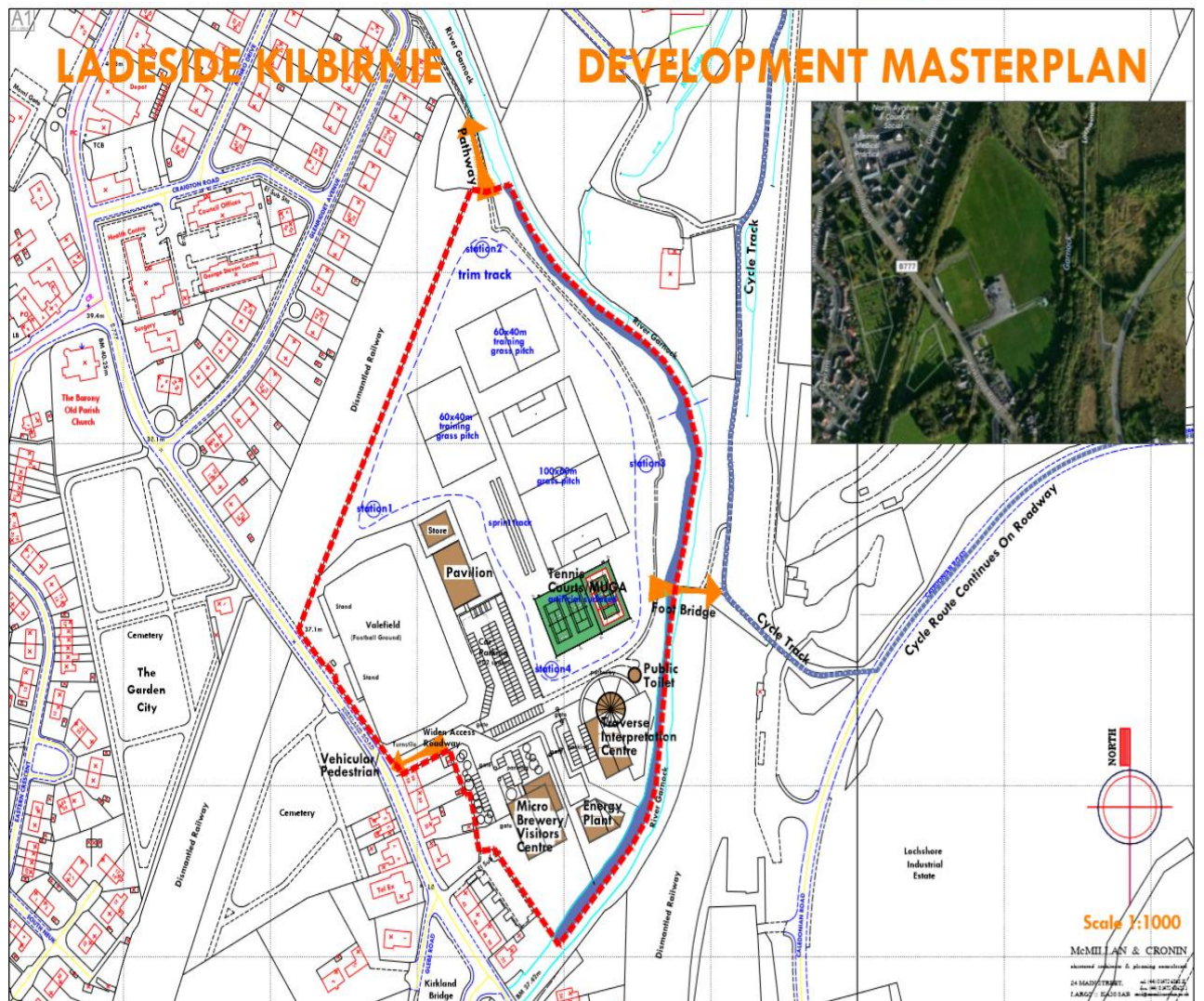
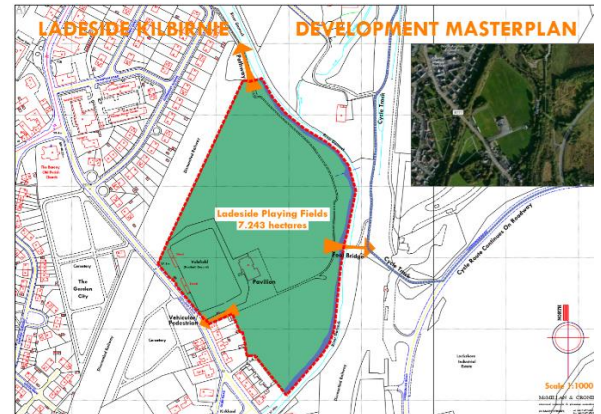
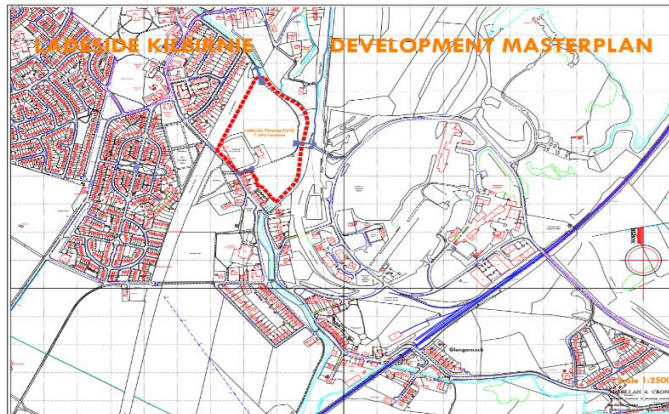
LPP composed of Councillors, HSCP, Council Officers and Community Council etc.

- **Option Five - Establishment of a Trust**

A trust could be established with members of council and community to administer

Appendices

Appendix One – Valefield Development Masterplan



Appendix Two – Knox Institute Social Enterprise & Community Hub



REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	18/01123/PP
Proposal:	Erection of 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to include associated earthworks and infrastructure
Location:	Site To North Of Standingstone Hill, Kilbirnie, Ayrshire,
LDP Allocation:	Countryside/Rural Community
LDP Policies:	POLICY PI 9 / ENV7 / ENV9 / General Policy /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 07.01.2019 Neighbour Notification expired on 28.01.2019
Advert:	Regulation 20 (1) Advert Published on:- 16.01.2019 Expired on:- 06.02.2019
Previous Applications:	None
Appeal History Of Site:	None

Relevant Development Plan Policies

POLICY PI 9
POLICY PI 9: RENEWABLE ENERGY

Proposals for the development of wind turbines, wind farms, biomass, solar powered, thermal, wave or run-of-river renewable energy development, or microrenewables, shall accord with the LDP subject to the proposal satisfying the following criteria:

- (a) the development is appropriate in design and scale to its surroundings; AND
- (b) it can be demonstrated that there is no unacceptable adverse impact on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation, and coastal areas); AND
- (c) in the case of individual wind turbine or wind farm development, that the proposed development is not in an area designated as "high sensitivity" in the "Landscape Capacity Study for Wind Farm Development in North Ayrshire"; AND
- (d) the proposal shall not result in unacceptable intrusion, or have an unacceptable

adverse effect on the natural, built, cultural or historic heritage of the locality; AND
 (e) it can be demonstrated that there are no unacceptable adverse impacts on the operation of tourism or recreation interests; AND
 (f) it can be demonstrated that any unacceptable adverse effects on telecommunications, transmitting, receiving, or radar systems for civil, broadcasting, aviation or defence interests can be effectively overcome; AND
 (g) the proposal can be satisfactorily connected to the national grid without causing any unacceptable negative environmental impacts; AND
 (h) when considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no unacceptable impacts due to the cumulative impact of development proposals; AND
 (i) in the case of individual wind turbine and wind farm development, that the proposal satisfies the contents of the Ayrshire Supplementary Guidance: Wind Farm Development (October 2009); AND
 (j) where appropriate, applicants will be required to demonstrate consideration of colocation with significant electricity or heat users.

The Council will require that any redundant apparatus will be removed within 6 months of it becoming non-operational and that the site will be restored, unless it can be demonstrated that said apparatus will return to productive use within a reasonable timeframe.

ENV7

POLICY ENV 7: SPECIAL LANDSCAPE AREAS

Within the identified Special Landscape Area, which includes the National Scenic Area in North and Central Arran and Clyde Muirshiel Regional Park, as defined on the LDP Map, the Council shall pay special attention to the desirability of safeguarding or enhancing the character or appearance of the landscape in the determination of proposals.

Development should be sited so as to avoid adverse impacts upon wild land. There is a presumption against development in these areas unless it can be demonstrated that the proposal:

- (a) meets the needs of agriculture or forestry; OR
- (b) is a recreation, leisure or tourism proposal which will bring a level of social and economic benefit to the area which outweighs the need to protect the area from development; OR
- (c) is a renewable energy generation development; AND
- (d) is appropriate in design and scale to its surroundings; AND
- (e) has no unacceptable direct, indirect or cumulative impacts on the landscape character and/or the natural and built heritage resource; AND
- (f) has no unacceptable impacts on the visual amenity of the area; AND
- (g) has taken cognisance of the Council's Rural Design Guidance, where applicable.

In addition to the above criteria, proposals for development which would affect the National Scenic Area, as identified on the LDP Map, shall not accord with the LDP unless:

- (h) the objectives of designation and the overall integrity of the National Scenic Area will

not be compromised; OR

(i) any significant adverse impacts on the qualities for which the National Scenic Area has been designated are clearly outweighed by social or economic benefits of national importance.

ENV9

POLICY ENV 9: NATURE CONSERVATION

1. International Designations.

Proposals for development likely to have a significant effect on Natura 2000 sites, as identified on the LDP Maps, will be subject to an Appropriate Assessment of the implications for the site's conservation objectives. Proposals shall not accord with the LDP unless the Appropriate Assessment indicates that:

- (a) they will not adversely affect the integrity of the site; or
- (b) there is no alternative solution; and there are imperative reasons of over-riding public interest including those of a social or economic nature; and subject to any necessary compensatory measures being provided to ensure that the overall coherency of the Natura 2000 network is protected.

2. National Designations.

Proposals for development which would affect national designations such as Sites of Special Scientific Interest, as identified on the LDP Maps, shall not accord with the LDP unless:

- (a) the objectives of designation and the overall integrity of the area will not be compromised; or
- (b) any unacceptable impacts on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

3. Local Designations.

Proposals for development which could affect Local Nature Conservation Sites (LNCS), as listed in Supporting Information Paper 3, and sites of local importance as wildlife habitats or wildlife corridors, will be assessed:

- (a) to ensure that appropriate measures are proposed to conserve, as far as possible, the site's wildlife or habitat interest including the retention of open watercourses and provide for replacement of habitats or features where damage is unavoidable;
- (b) to determine their effect on the management of features of the landscape which are of importance for wildlife, for wild flora and fauna; and
- (c) with a view to complementing the ecological coherence of the Natura 2000 network.

Proposals for development affecting a site covered by the provisions of this policy are likely

to require an Environmental Statement.

Where development is permitted, the Council may apply specific conditions or a Section 75

or other agreement to secure the protection of wildlife habitats.

For the avoidance of doubt, where Policy ENV9 applies to a development proposal it shall

have primacy over the other policies of the Plan.

General Policy

GENERAL POLICY

(a) Siting, Design and External Appearance:

- Siting of development should have regard to the relationship of the development to existing buildings and the visual effects of the development on the surrounding area and landscape.
- Design should have regard to existing townscape and consideration should be given to size, scale, form, massing, height, and density.
- External appearance should have regard to the locality in terms of style, fenestration, materials and colours.
- Development will require to incorporate the principles of 'Designing Streets' and 'Designing Places'.
- The particularly unique setting of North Ayrshire's rural, coastal, neighbourhood and town centre areas, and those with similar characteristics, necessitates that all development proposals reflect specific design principles unique to these areas. Coastal, Rural, Neighbourhood and Town Centre Design Guidance (four separate documents) are Supplementary Guidance to the Plan and contain further details.
- Consideration should be given to proper planning of the area and the avoidance of piecemeal and backland development.
- Design should have regard to the need to reduce carbon emissions within new buildings.

(b) Amenity:

Development should have regard to the character of the area in which it is located.

Regard should be given to the impact on amenity of:

- Lighting;
- Levels and effects of noise and vibration;
- Smell or fumes;
- Levels and effects of emissions including smoke, soot, ash, dust and grit or any other environmental pollution;
- Disturbance by reason of vehicular or pedestrian traffic.

Development should avoid significant adverse impact on biodiversity and upon natural

heritage resources, including those outwith designated sites and within the wider countryside. Development proposals should further have regard to the preservation and

planting of trees and hedgerows, and should also have regard to their potential to contribute to national and local green network objectives.

In relation to neighbouring properties regard should be taken of privacy, sunlight and daylight.

(c) Landscape Character:

In the case of development on edge of settlement sites, substantial structure planting will

generally be required to ensure an appropriate boundary between town and country is

provided. Such proposals should include native tree planting, retain natural features where possible and make provision for future maintenance.

Development should seek to protect the landscape character from insensitive

development and the Ayrshire Landscape Character Assessment shall be used to assist assessment of significant proposals.

(d) Access, Road Layout, Parking Provision:

Access on foot, by cycle, by public transport and other forms of transport should be an integral part of any significant development proposal. Development should have regard to North Ayrshire Council's Roads Development Guidelines and meet access, internal road layout and parking requirements.

(e) Safeguarding Zones:

Pipelines, airports and certain other sites have designated safeguarding areas associated with them where specific consultation is required in assessing planning applications. The objective is to ensure that no development takes place which is incompatible from a safety viewpoint. The need for consultation within Safeguarding Zones is identified when an application is submitted. Supporting Information Paper No. 7 provides further information on Safeguarding Zones.

(f) The Precautionary Principle

The precautionary principle may be adopted where there are good scientific, engineering, health or other grounds for judging that a development could cause significant irreversible damage to the environment, existing development or any proposed development, including the application itself.

g) Infrastructure and Developer Contributions

For development proposals which create a need for new or improved public services, facilities or infrastructure, and where it is proposed that planning permission be granted, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Developer contributions, where required, will be sought through planning conditions or, where this is not feasible, planning or other legal agreements where the tests in Circular 3/2012 are met. Other potential adverse impacts of any development proposal will normally be addressed by planning condition(s) but may also require a contribution secured by agreement.

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This will emerge from assessment of the impact of development proposals upon:

- Education;
- Healthcare facilities;
- Transportation and Access;
- Infrastructure;
- Strategic landscaping; and,
- Play facilities.

Further to analysis of infrastructure, indicative requirements for housing land allocations are set out within the Action Programme. Developer contributions will be further established by Supplementary Guidance (timing, costs etc.).

In addition to the above, Mixed Use Employment Areas are identified within the LDP. These sites are allocated for a mix of uses, subject to an element of employment space creation or improvement being provided. This will be informed by a business plan and masterplan. In these specific cases, contributions to the above (and affordable housing requirements as set out in Section 5) will also be required.

h) 'Natura 2000' Sites

Any development likely to have an adverse effect on the integrity of a 'Natura 2000' site will only be approved if it can be demonstrated, by means of an 'appropriate assessment', that the integrity of the 'Natura 2000' site will not be significantly adversely affected.

i) Waste Management

Applications for development which constitutes "national" or "major" development under the terms of the Planning Etc. (Scotland) Act 2006 will require the preparation of a Site Waste Management Plan (SWMP), which will be secured by a condition of the planning consent.

Description

The application seeks planning permission for the construction of a wind turbine development at a site within the upland area to the west of the upper reaches of the River Garnock, approximately 2 km northwest of Kilbirnie. The proposed turbine

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would have a capacity of 2.5 megawatts (MW). The typical candidate model as illustrated in the submitted application would measure 65m to hub height and 110m to blade tip. Rotor diameter would be 90m.

In order to construct the development, it is also proposed that an existing 3.5m access track leading to Kings Burn from Plan Farm via the former Pundeavon Reservoir would be reconstructed and widened to 5m with 1m verges either side, with land raising where necessary. The upgraded length of track would be extended to the proposed wind turbine site. The track would be surfaced with crushed stone and aggregates. Cut and fill operations along the route of the track would result in over 1km of earthworks over the upland landscape. The current track is a temporary road which was formed for pipe laying operations. However, the proposed upgrade to a 5m track with 1m verges would be permanent.

At the site, which is situated at approx. 330m above Ordnance Datum, a stone surfaced crane hardstanding of 20m x 45m is proposed to provide a level platform for constructing the turbine. An electrical transformer unit and switchgear building would be sited alongside the turbine. The switchgear building would be sited on a concrete slab. It would measure 4.4m x 4.408m on plan and 3.9m in height. High voltage cables would be routed below ground. At this stage, the precise route for a grid connection is not known. The applicant has indicated, that a micro-siting allowance of 25m to allow for consideration of ground conditions at the site, is required.

The wind turbine is intended to have an operational life span of approximately 25 years, following which the structure would be removed and the site reinstated.

The application is accompanied by the following documents:

1. Supporting Statement

The supporting statement provides an assessment of the proposal against the Local Development Plan, and examines other material considerations relevant to the proposal. In particular, the supporting statement highlights that the proposed development would be a 'community owned turbine' which would re-invest the revenue in the local communities of the Garnock Valley over the 25 year operational period: estimated to be £300,000 per year, and £6 million in total. Examples of potential projects are set out, which would have a focus on increased economic development and business diversification, creation of employment and training, town centre regeneration and improvements to education and leisure facilities. In addition, the development would generate electricity to supply approximately 1,600 homes annually, and displace 2.3 million tonnes of carbon dioxide emissions.

The applicant contends that the development would create/safeguard 18 full time equivalent jobs for a minimum of ten years, and that the socio-economic benefits would outweigh any 'subjective' landscape or other environmental impacts. A summary of the wider benefits that the applicant wishes to deliver through the proposed development are as follows:

"The projects undertaken by RCA to address economic stagnation in the community include, but are not limited to, the Lochshore re-development, Stoneyholm Mill Trust and our renewable energy projects including our proposed community owned and operated WTG , a community owned small-scale hydro scheme in conjunction with Scottish Water, 'Garnock Connections' and our 'Step Forward' and 'Healthy Hills' walking routes supported by the Local Community Planning Partnership, the Institute Project in Kilbirnie 'Conservation Area' and an Electric Vehicle Club scheme

in conjunction with the Climate Challenge Fund. The returns from all these projects, grouped together within an overarching 'Electric Valley' concept, will be re-invested in the local community in various social projects providing for employment and training opportunities, new social enterprise and a vital community hub."

2. Preliminary Ecological Appraisal

The submitted appraisal was undertaken by an environmental consultant on behalf of the applicants. The appraisal includes a combination of desk studies and field surveys. The surveys undertaken did not reveal the presence of any protected species, although the consultant has recommended that further survey work is undertaken. Recommendations have also been made in relation to mitigation measures which should be adopted in the event of the development proceeding.

3. Abnormal Loads Route Access Assessment

The submitted study considers the route that delivery traffic would need to follow from Ayr Harbour, where the turbine parts would be off-loaded, to the application site. In order to facilitate the safe delivery of the proposed turbine parts, the study identifies the most appropriate road route to the site, as well as pinpointing constraints that would require temporary measures on the public road network, as well as some modifications that may be required on private roads nearer the site.

4. Noise Report

The report considers the industry standards for wind turbine noise and undertakes an assessment of anticipated noise levels in decibels.

5. Hydrology Report

An appraisal has been undertaken to identify and assess the possible pollution scenarios that the proposed development could have on the water environment within the area (both at the site and in the surrounding area). The report considers that, as long as recommended mitigation and good practice measures are adopted in the construction process, the water environment can be protected both during construction and once the development is operational.

6. Heritage Impact Assessment

The assessment combines both desk studies and a walkover survey. The assessment considers recorded archaeological and heritage resources (including listed buildings, scheduled monuments, conservation areas, designed landscapes) and concludes that there would be no adverse impact on the setting of any heritage assets within 5km nor adverse impacts on the ability to understand, appreciate or experience those assets.

7. Landscape and Visual Appraisal

The report considers baseline conditions and identifies the key landscape and visual resource within the study area, which is the surrounding environment within 20km of the site. However, the focus of the appraisal is within 10km radius from the site. The method of assessment is in accordance with the current guidelines published by the Landscape Institute and the Institute of Environmental Management and Assessment in 2013.

Consideration is given to statutory and non-statutory designations, both in terms of the built and natural environment. Reference to the SNH landscape character areas and NAC Landscape Capacity Study has also been considered. Impacts on the nearby settlements of Kilbirnie, Beith, Lochwinnoch and Dalry, as well as transport routes through the area, are also discussed.

13 representative viewpoints have been selected to enable an assessment of the landscape and visual effects. Each has been illustrated using photomontages and wireframes, with commentary.

The report concludes that the site is constrained on three sides by higher ground, which has the effect of narrowing the arc of visibility. The most significant effects are considered to be the within the 2km nearest the site, with more distant views filtered and mitigated by woodland belts and hedgerows.

The application site is located within an area of Countryside in terms of the Adopted North Ayrshire Local Development Plan (LDP). The site is within Clyde Muirshiel Regional Park (CMRP), which is listed as a Sensitive Landscape Area (SLA) in the LDP.

Finally, the site is also within the 5,016 hectare Waterhead Moor - Muirshiel Wild Land Area as designated by Scottish Natural Heritage (SNH) in 2014. (Note: the LDP proposals map shows an indicative 'Wild Land Search Area' which does not include the application site. At the time of the adoption of the LDP in May 2014, the final Wild Land designation boundary had not been set by SNH. For the avoidance of doubt, the application site is within the designated Wild Land Area).

The following LDP policies are relevant to the determination of the application: PI 9 (Renewable Energy); ENV 7 (Sensitive Landscape Areas); Policy ENV 9 (Nature Conservation) and the General Policy.

Policy PI 9 of the LDP states that proposals for a range of renewable energy developments, including wind turbines, shall accord with the LDP subject to satisfying a range of criteria.

Policy ENV 7 of the LDP relates to development within Special Landscape Areas (SLA). The policy states that within the identified SLA, which includes Clyde Muirshiel Regional Park, the Council shall pay special attention to the desirability of safeguarding or enhancing the character or appearance of the landscape in the determination of proposals. Development should be sited so as to avoid adverse impacts upon wild land and there is a presumption against development in the above areas unless it can be demonstrated that the proposal satisfies a range of criteria.

Policy ENV 9 covers a range of international, national and local wildlife designations, and presumes against developments that would adversely affect the integrity of such areas.

The General Policy is a consideration for all planning applications and covers a range of issues including siting, design, external appearance and landscape character.

The applicant also wishes the community owned nature of the proposed development and the resultant funding stream that would be used to enhance the social and economic development of Kilbirnie and the wider Garnock Valley to be taken into account as a material planning consideration.

In terms of planning history, an application for the development of a 24 turbine wind farm at Ladyland Moor, which includes the application site, was refused on 24th February 2009 (ref. 07/00761/PP). The grounds for refusing the application were

18/01123/PP

based on the "significant adverse impact on Clyde Muirshiel Regional Park resulting from its adverse landscape and visual impact, cumulative visual impact and being detrimental to recreational and tourism interests and the enjoyment of visitors to the Regional Park and the wider area in general."

Consultations and Representations

Neighbour notification was undertaken in accordance with statutory procedures, which included an advertisement in a local newspaper. A range of representations have been received, including objections and letters of support. The applicant was given the opportunity to respond to the points raised in the letters of objection as well as the consultation responses.

11 letters of objection have been received, which are summarised below.

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

Response: Noted. The applicant advises that there are over 104 square miles of land in the Regional Park and that there are already 38 commercially operated wind turbines in the North Ayrshire part of the Regional Park. However, in fact, there are fewer than 38 large scale turbines in the North Ayrshire part of CMRP. There are currently 28 at the Dalry/Millour Hill/Kelburn cluster and 2 at Ardrossan (out of a wind farm of 14 turbines at Ardrossan, 12 of which are outwith the CMRP boundary), taking the total to 30. See Analysis.

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

Response: Noted. The applicant disputes that the financial benefit would be limited and has identified numerous potential projects that could benefit from the proposed development. The applicant also argues that there is a need for such a development as it would reduce CO2 emissions and supply electricity for over 1000 homes. See Analysis.

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

Response: Noted. The applicant notes that the area has a high overall sensitivity to wind energy developments, but argues that the proposed development is of smaller scale and would therefore have less impact, and that visual impact is "entirely subjective". However, the Council's Landscape Capacity Assessment still considers a single turbine of the height proposed to be large scale, and provides a framework for the assessment of wind turbine application across the range of different landscapes of North Ayrshire. See Analysis.

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

Response: There is no objection in terms of noise from NAC Environmental Health.

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

Response: The applicant has responded by stating that the proposed development of one turbine would in no way set a precedent, and that community ownership and the associated community revenue stream would set the development apart from the commercial developments that have been listed. However, there are other considerations to be satisfied in terms of the adopted LDP. See Analysis.

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

Response: Noted. The applicant advises that the site was chosen to avoid protected habitats and deep peatland, following investigation of the various designations in the locality. Nonetheless, the application site is within an area where LDP policy provides significant protection from inappropriate development. See Analysis.

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

Response: The applicant considers that the proposed development would increase the ability of the public to utilise the park by making it more accessible to people. However, the proposed access road and the wind turbine would impact significantly on the wild landscape character of the Upland Core area. The applicant also considers that visitor numbers to CMRP have not been affected by the existing wind turbines in the area. See Analysis.

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

Response: The applicant has responded by stating that the planning authority needs to consider the benefit to the community and community ownership. See Analysis.

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

Response: Noted. The applicant highlights that no objection has been raised by Scottish Natural Heritage in this regard. However, concerns have been expressed by the Scottish Wildlife Trust. See Analysis.

10. The proposal would introduce industrialisation to the southern heartland of the park, within the only Wild Land Area in west Central Scotland which was

designated in 2014 for its special qualities. To introduce such development north of the A760 would almost certainly prove to be the thin end of a large wedge that would encourage further applications and result in the death of CMRP's hill country enjoyed so much by the public.

Response: Noted. The applicant considers that the landscape to the north of the A760 is an arbitrary designation and that there is no reason that it should be prohibitive to development of the proposal. See Analysis.

11. As well as not being a sustainable development due to numerous adverse environmental impacts, the turbine would have a very negative impact both on landscape and visual grounds not only within the park but also for those living in parts of North Ayrshire and Renfrewshire.

Response: Noted. The applicant disagrees and considers that the findings of the ZTV and LVIA show these impacts would not be significant. However, the matter requires careful consideration in terms of LDP policies. See Analysis.

12. Increasing renewable energy developments is needed but they must be appropriately sited. The applicant does not appear to have attempted to find any alternative site outwith CMRP.

Response: Noted. The applicant has advised that other sites were considered and only chose the proposed site after careful consideration of alternatives. This matter is discussed further elsewhere in the report.

13. EU Directive 2011/92/EC states that, in order to justify a decision on a windfarm, the competent authority is required to complete its own environmental impact assessment. Such a document has not been produced and is awaited. There needs to be an EIA for a proposal of this type in CMRP, especially in a Wild Land Area.

Response: Not agreed. The anticipated environmental effects, based on the scale of the proposed development, would not require EIA. However, in line with the EIA Regulations, the proposal was screened and includes a series of measures designed to mitigate environmental impacts.

14. It is misleading of the applicant to state that, as a community turbine, the development would benefit the local community of Kilbirnie. Whilst this is partially correct, given that money derived from the turbine would be given to the charity RCA who would then use it for local benefit, it could be misconstrued by people thinking that the electricity generated would be used locally. If the charity wish to gain revenue from a wind turbine, they have the whole of the UK from which to identify a suitable location which is not environmentally sensitive.

Response: The applicant considers that "it would not constitute environmental justice to introduce a turbine to another community whilst channelling the revenues from same to a different community" hence their reason for wishing to site the development in the area that would benefit. The applicant points to the many local benefits, to the Garnock Valley area, that could arise as a result of the development. However, the landscape and visual impacts of the proposed development would extend outwith North Ayrshire and into parts of Renfrewshire. There is also a wider concern about the development of wild land within the Upland Core landscape of the

Regional Park, which is a resource for the whole of West Central Scotland. See Analysis.

15. The applicant claims that wind farms in CMRP haven't affected visitor numbers. It is probably correct that the vast majority of visitors only go to visitor centres (eg. Castle Semple). However, there is no mechanism for calculating how many people visit the wild land area. The numbers are not likely to be large but would be diminished further by the presence of any more wind turbines. People who want to experience the solitude and sense of place of the wild land find turbines incongruous in such settings.

Response: There is no mechanism in place for measuring visitor numbers to the wild land area of CMRP. The applicant considers that the development would not impact on the wildness of the core wild land area. See SNH consultation response, below.

16. The Wild Land is a wonderful asset within walking distance of Kilbirnie. Unlike extremely remote wild land where visitors have to travel and walk long distances, the Wild Land at the application site is easily and quickly reached on foot from the town. It is a wonderful free community asset yet the applicant proposes to despoil it.

Response: Noted. The applicant refutes any suggestion that their proposal would "despoil" the landscape.

17. In the event of a turbine fire, the Fire Brigade could not reach it with their hoses. Some nacelle oil would spill onto the ground, probably alight and the moorland is likely to catch fire as well as being polluted. If fire gets into peat, it can burn underground for weeks or even months and the Fire Brigade will confirm to you that it is particularly difficult to extinguish.

Response: This is not a material planning consideration. However, the applicant cites a report by the Health & Safety Executive published in 2013 which concluded that the safety risks associated with wind turbines are very low.

18. The development would have potential pollution risks, during and after construction for the River Garnock. This would affect fishing and those with private water supplies, as has happened elsewhere.

Response: Noted. The applicant has produced a hydrology report, which concluded that, as long as recommended mitigation and good practice measures are adopted in the construction process, the water environment can be protected both during construction and once the development is operational. In the event of planning permission being granted, the development would involve supervision by an Ecological Clerk of Works. This could be secured by condition.

19. The development would have an adverse effect on protected species such as water voles and badgers. Though there will be no bats in the immediate surrounds they are known to travel surprisingly long distances to places with a good concentration of midges such as wind turbines. Turbine blades are propellers and create a different atmospheric pressure. The effect on bats, going into this different atmospheric pressure is that their lungs explode and needless to say they are killed. Bats are protected species.

Response: Noted. These particular matters are not evidenced in terms of the submitted Preliminary Ecological Appraisal. If approved, mitigation measures would be required to protect habitats and protected species.

20. Lochwinnoch Community Council object to the application particularly as it would lead to further reduction in the Wild Land and beautiful open countryside of CMRP which is used by so many people for recreation purposes.

Response: Noted. Lochwinnoch Community Council represent an area outwith North Ayrshire, but have concerns over the proposed development since the issues raised are cross-boundary. As noted above, the Regional Park is a resource for the whole of West Central Scotland and, therefore, the views of neighbouring areas are of relevance given the scale and potential impacts of the proposal on the wider area.

21. The CMRP Forum understands the obvious local financial benefits of the project to Kilbirnie, but highlights that any such project needs to consider the wider impacts and needs of the community and future generations. While local association may have been the driver for this application there is no link between location and local electricity usage. Therefore there is no reason why this project could not be located in a more appropriate location outside the Park and still generate the same financial benefit to the community.

Response: Noted. See Analysis.

85 letters of support have been received, the points raised in which are summarised below:

1. The socio-economic benefits outlined in the application should justify its support, as there is a clear and urgent need for the investment generated by the development to address economic stagnation, social and health inequalities in the local communities of the Garnock Valley.

Response: This is noted. However, as applies in all cases, there is a statutory requirement to determine the application in accordance with the development plan unless other material considerations indicate otherwise.

2. The project will address these indicators of multiple deprivation through introducing measures to sustainably grow the local economy via increased economic development and business diversification, creation of employment and training (18 full time equivalent jobs per annum), support town centre regeneration and improvements to educational, sports, leisure and recreation facilities.

Response: Noted. It is agreed that the potential benefits of the proposed development could provide significant regeneration benefits to the Garnock Valley area. See Analysis.

3. The application appears to have very limited impacts on ecology, ornithology, archaeology, hydrology and other environmental features.

Response: Noted. See consultation responses and Analysis.

4. A single turbine owned by a community based charity would have limited and entirely subjective visual impacts and would be a positive addition to the area. Public opinion surveys continually point out that the majority of the Scottish public are in

favour of wind turbine developments, and that most people surveyed by Visit Scotland said that turbines would not put them off visiting a place. Visitor numbers to Clyde Muirshiel Regional Park have increased despite the existing wind farm developments.

Response: The application requires to be determined on its merits, taking a broad range of issues into account.

5. The project would help to tackle climate change via the displacement of 2.3 tonnes of CO₂ annually. There should be more projects of this type.

Response: Noted.

6. The development would not adversely affect the Wild Land Area (WLA), as there is a history of development in the vicinity including the Pundeavon Reservoir, hydro schemes and an approved Forestry Planting Scheme at Halkshill-Blairpark. The application site is removed from the core WLA and would utilise land that is considered to be of little ecological value.

Response: Noted. Not agreed. See SNH consultation response and Analysis, below.

7. Scottish Planning Policy (SPP) does not prohibit development in WLAs, in some circumstances.

Response: In this regard SPP, states that "development [of WLAs] may be appropriate in some circumstances" and goes on to state "further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation." See Analysis.

8. The key benefit of the proposal would be the £300,000 annual income generated for supporting local community based economic regeneration projects, leading to jobs and other social and economic benefits. This is not an insignificant sum of money and would dramatically outweigh the subjective assumptions that have been made about the development.

Response: Noted. See Analysis.

Consultations

Scottish Natural Heritage (SNH) - Holding Objection - The site is situated within the Waterhead Moor - Muirshiel Wild Land Area and is approximately 1.5km south of the Renfrewshire Heights Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

Scotland's wild and remote areas have a distinct and special character, which is increasingly rare to find. Wild Land Areas (WLAs) are considered nationally important and merit strong protection. This wild land area is one of only three WLAs south of the Highland Boundary Fault.

There is insufficient information at the present time to determine whether the proposal will have any significant adverse effects on the qualities of the Waterhead Moor - Muirshiel Wild Land Area. SNH therefore object to this proposal until further information on the effects on the wild land qualities is submitted.

Based on the information submitted to date there is a strong possibility that SNH would object to this application for a proposal of this nature and scale in this

location. These comments are made without prejudice to any future supporting information (wild land assessment) for this application.

The proposed site lies approximately 1.5kms from the Renfrewshire Heights SPA and SSSI, both designated for their breeding hen harrier population. The nearest hen harrier breeding site lies over 2km from the proposed turbine site and the habitat surrounding the turbine is considered unsuitable for nesting. SNH therefore, advise that there will be no Likely Significant Effect (LSE) on the hen harrier qualifying interest of the SPA and we consider an appropriate assessment to be unnecessary.

Response - Noted.

Clyde Muirshiel Regional Park Authority - The proposed turbine would be a significant detrimental impact on the recreational asset of Clyde Muirshiel Regional Park. The proposed turbine would have a significant visual impact on the landscape features of the Regional Park. The Garnock Valley is an attractive rural feature and leads to the scenic waterfall at the Garnock Spout. Glengarnock Castle is within two kilometres of the potential turbine and within 400m of the site of a standing stone and corn-drying kiln. The Garnock area has breeding peregrine falcons and raven. The noted turbine location is around two kilometres from the Renfrewshire Heights Special Protection Area and Site of Special Scientific Interest for hen harriers. The turbine would be within one of the 42 Scottish areas of Wildland noted by Scottish Natural Heritage. Surveys should be conducted to establish any potential impacts on nesting birds and species of conservation concern.

Response: Noted.

Glasgow Prestwick Airport - object. GPA are not satisfied that the proposed wind turbine would be fully shielded from the primary radar at Prestwick as it has the potential of generating wind turbine clutter on the operational Air Traffic Radar Displays. If the Developer, through more detailed radar LOS modelling (incorporating refraction and diffraction effects - that are beyond the capability of our simple LOS modelling), can convince GPA that the proposed turbine will not be seen by its radar then it may be in a position to remove the objection after review of a radar modelling report.

Response - Noted. If planning permission is granted, a suspensive condition could be attached which would require Glasgow Prestwick Airport to be fully involved in any formal mitigation measures being agreed.

Kilbirnie and Glengarnock Community Council - welcomed the proposed economic boost to Kilbirnie but are concerned at the environmental cost of the investment. Some member of the Community Council felt very strongly that the environmental cost outweighed the economic benefits.

Response: Noted.

Ministry of Defence - no objection.

Response: Noted.

National Air Traffic Services (NATS) - originally objected but withdrew objection and issued an amended response. Although the proposal is likely to impact NATS electronic infrastructure, this impact can be managed such that it does not affect the provision of a safe and efficient en-route ATC service.

Response: Noted.

NAC Environmental Health - no objection subject to conditions in relation to turbine noise.

Response: Noted. If planning permission is granted, conditions to meet the requirements of Environmental Health could be attached.

NAC Active Travel & Transportation - no objection. The applicant would require to submit all relevant abnormal load movement application and notification forms for submission to NAC Structures Team.

Response: Noted.

Scottish Wildlife Trust - In principle, SWT strongly supports the development of sustainable, non-carbon releasing forms of electricity generation. However, this proposal, in its present form, is unacceptable because of its location. SWT therefore objects to the current proposal and suggest that to allow even one large turbine in the WLA would set a damaging precedent for North Ayrshire. Although the traditional Peregrine nesting site is about 2km from the proposed turbine, the latter is likely to be within the pair's normal hunting range. Since raptors tend to avoid wind turbines this would, therefore, result in a loss of hunting territory, particularly when work is being done on the turbine. In an area in which the biodiversity is already impoverished from many years of overgrazing by sheep this could be significant. On p42 of the Supporting Statement (1st bullet point) it is stated that Skylark is one of the characteristic species of bird found on the site. It is then stated that the "species recorded....are of relatively low conservation concern". In fact, Skylark is currently on the Red List of Birds of Conservation Concern (BoCC4). This proposal is one that SWT would, in other circumstances, accept because of its beneficial effect in reducing climate change. If the proposer could find another site outside the Regional Park and Wild Land Area the Scottish Wildlife Trust would consider withdrawing its objection.

Response: Noted. See Analysis.

West of Scotland Archaeology Service - There are no recorded archaeological sites contained within the application area although a number of sites are recorded in the surrounding landscape indicating a human presence from prehistoric, medieval and later periods. One potential prehistoric site lies very close to the proposed line of the access. In circumstances where the degree of archaeological survival is uncertain, WoSAS advise the Council to consider attaching an archaeological watching brief condition to any consent they may be minded to grant.

Response: Noted. If planning permission is granted, a condition to meet the requirements of WSAS could be attached.

Beith & District Community Council, Dalry Community Council, Glasgow Airport, RSPB, SEPA - no comments.

Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise. In this case, the adopted North Ayrshire Local Development Plan is the development plan. The following policies are applicable to the consideration of the proposal:

- Policy PI 9 - (Renewable Energy)
- Policy ENV 7 (Special Landscape Area - Clyde Muirshiel Regional Park)
- Policy ENV 9 - (Nature Conservation)

- General Policy

Firstly, Policy PI 9 states that renewable energy proposals shall accord with the LDP subject to satisfying a range of criteria.

Criterion (a) requires that the development is appropriate in design and scale to its surroundings. The proposal is for a large scale wind turbine. It is not considered that the scale would be appropriate to its surroundings, as evidenced by the photo montages submitted with the application. Within the "Upland Core" area to the northwest of Kilbirnie, there is an absence of tall manmade structures of the height proposed, such as turbines. Whilst noting that there are various manmade features within the landscape, none are of a scale that diminish the "wild land" character which the area has. The large scale of the turbine would tend to diminish the open landscape of the Upland Core of the upper Garnock Valley within the vicinity of the site.

It is noted that there is a long established electricity transmission line on lower ground, with pylons of approximately 40m in height. The pylons cross the rural agricultural landscape northwest of Kilbirnie. They continue towards Lochwinnoch and can be traced back to Hunterston. However, the pylons occupy lower ground and have as a backdrop the higher Upland Core area further west. It is not considered that the presence of the pylons would mitigate nor justify the siting of the proposed development. In summary, it is not considered that the proposal would be appropriate in design and scale in relation to criterion (a).

Criterion (b) requires it to be demonstrated that there is no significant adverse effect on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation and coastal areas). As noted above the site is within an area of wild land as well as within the Special Landscape Area of Clyde Muirshiel Regional Park. There is also a Special Protection Area nearby.

In response, it is considered that the large scale of the proposal raise a significant issue in terms of landscape and visual impact. Due to the elevated position of the site (330m AOD, with the 65m turbine tower reaching a height of at 395m AOD and the 110m tip reaching 440m AOD), the height of the turbine would be widely visible not only from the south and east but also from the northeastern approach to the Garnock Valley from Renfrewshire, particularly along the A737 road corridor between Roadhead Roundabout and Beith. The hill summits to the east of the site, on the opposite side of the steeply sloping upper reaches of the River Garnock, vary in height from 297m at Lamb Hill to 389m on higher parts of Ladyland Moor. To the east, the ground slopes downhill over a distance of approximately 2.5km to 100m, then falls more gradually over undulating ground onto the broad floor of the Garnock Valley to a level of around 32m - 36m AOD. The distance from the site to the floor of the valley is approximately 5km. The effect of both the scale and the elevated position of the site, with lower ground to the east providing direct views into the upland area from the more settled lowlands, would make the development conspicuous and highly visible. It is also considered that the form of the development, with its rotating blades, would contrast unsympathetically with the naturalistic rugged form of the landscape.

At closer range, the development would be highly visible from parts of the nearby settlements of Kilbirnie and Beith, as evidenced by the submitted photo montages which show a selection of viewpoints from public places. The development would also be highly visible for much of the eastern part of the Garnock Valley, adding

cumulatively in longer views of the landscape to the existing windfarm developments at Dalry/Millour Hill/Kelburn. However, the separation distance between the existing cluster of turbines at Dalry/Millour Hill/Kelburn and the proposed turbine would avoid coalescence.

The development would be screened from the southwest by higher ground, and would not be visible from the A760 road corridor for much of the route between Kilbirnie and Largs. This is due to the fact that the hill summits to the west of the site, such as Black Law (466m AOD) and Greenside Hill (447m AOD) would be higher than the hub and tip height of the turbine, providing significant mitigation when viewed from roadways to the southwest and west. However, whilst the hills to the west would provide screening from the A760 transport corridor, the turbine would still be highly visible from within the upland area itself, including relatively uninterrupted views from Misty Law (510m AOD). There would also be direct and uninterrupted views from the hills nearer the site such as Lamb Hill, Black Law and Wings Law (386m AOD). Whilst the summit of Misty Law is just over 3km north of the site, the summits of Black Law, Wings Law and Lamb Hill are all closer at around 2km. The steeply sloping sides of the hills, especially the slopes through which the River Garnock and many small tributaries flow, also contribute to the rugged and naturalistic character of the upland core landscape. The development would result in a manmade element of significant scale within a distinct natural landform that appears to have remained largely unchanged over many centuries, other than a (now removed) reservoir development, a hill track to serve a pipeline and hill farming activities. The contrast in scale together with visibility over a long distance is considered to be a significant adverse negative effect on the landscape character of the area.

Although the turbine would not be visible from the North Coast area of North Ayrshire and nearby islands (such as Bute, the Cumbraes and Arran), it would be very visible from many parts of the Garnock Valley, including settlements, open spaces and transport corridors. The landscape and visual impacts would also extend into the closest parts of Renfrewshire to the North Ayrshire boundary. The applicant's view is that, as the Garnock Valley would be the principal geographic area to benefit from the income derived from the development, such impacts on the landscape would be tolerated, therefore making them more acceptable than would be the case otherwise.

The letters of representation received illustrate that many of those who support the development, including the applicant, view the landscape and visual impacts as "subjective". Those in support have focussed mainly on potential income and how this could be used to benefit the local area, which, in their view, would overcome any adverse landscape, visual and environmental impacts.

However, the difficulty with this approach is that it assumes a broad consensus within not just the local community but also in the neighbouring areas beyond, such as Renfrewshire. The applicant has not indicated that those parts of Renfrewshire would gain any financial or community benefit from the proposal. There is also an objection to the proposal from Lochwinnoch Community Council, which represents the neighbouring area. This objection is on the grounds of landscape and visual impact, rather on the lack of any direct benefit.

In summary, it has not been demonstrated that there would be no significant adverse effect on the intrinsic landscape qualities of the area in relation to criterion (b).

Criterion (c) states, in the case of individual wind turbine or wind farm development, that the proposed development is not in an area designated as "high sensitivity" in the "Landscape Capacity Study for Wind Farm Development in North Ayrshire."

The site is within Landscape Character Type (LCT) 19c: The Upland Core. This character area is an area of high sensitivity, described as "the higher hills at the core of the uplands of the CMRP. It also forms the most remote part of the upland area with no roads and few tracks. Hills are generally more defined than elsewhere in the upland area with distinct domed summits, occasionally ringed by a faint tracing of crags and scree. The Hill of Stake and Misty Law are over 500m high; this latter peak forming a particularly distinctive landmark in wider views of the uplands from the east. A cluster of knolly peaks, centred on Irish Law (484m), lie in the southern part of this character area and also feature on the skyline in views from the west. Steep-sided narrow valleys cut into hill slopes and some of these are dramatically rocky in places. Small lochans occur within areas of slacker ground. Grass moorland is the predominant landcover and the absence of field enclosures contributes to the simplicity and openness of this landscape of open, sweeping summits and softly rolling ridges."

The study advises that "all development typologies would introduce built development into the more intact core area of these uplands and would significantly affect the sense of seclusion and wildness which is commonly experienced when walking within this relatively unmodified core area of the CMRP."

The Study recommends that the spatial landscape strategy for the area maintains the rugged scenery and sense of wildness associated with the northern part of the Clyde Muirshiel uplands by directing wind farm development away from Landscape Character Types 19a-c and ensuring that turbine development sited in the adjacent Rolling Hill Slopes (8b) avoids significant impact on its setting and perceptual qualities. The Wild Land Area which covers a major part of these character types this adds weight to the protection of these uplands.

In view of the above, it is not considered that the proposal is satisfactory in relation to criterion (c).

Criterion (d) requires that proposals shall not result in unacceptable intrusion, or have an unacceptable adverse effect on the natural, built, cultural or historic heritage of the locality. In this regard, it is considered that the proposal would result in unacceptable intrusion both on the immediate natural landscape around the site and within the wider area beyond. There would be less direct adverse effects on the built, cultural or historic heritage of the locality, primarily due to the remoteness of the site from historic sites and conservation areas in the surrounding area. In summary, it is not considered that the proposal would be acceptable in relation to criterion (d).

Criterion (e) states that it requires to be demonstrated that there are no unacceptable adverse impacts on the operation of tourism or recreation interests. In this regard, the applicant and supporters of the proposal argue that visitor numbers to destinations at Clyde Muirshiel Regional Park have increased during recent years, despite the presence of large wind farm developments within the uplands to the south of the A760. However, opponents of the proposal argue that the wild land area where the application site is located is not an area where visitor numbers are a key consideration, and that one of the qualities of wild land is the absence of

development and large numbers of people. Without doubt, due to its elevated position in the landscape, the development of the application site as proposed, would alter the backdrop to the views from, for example, the National Cycle Network between Lochwinnoch and Kilbirnie, from the main transport corridors (both road and rail) which pass through the area as well as commercial facilities such as Auchengree Farm. As noted above, it is considered that the large scale of the development would adversely alter such views of the upland landscape. The perception of the landscape by those experiencing the area on foot would also be changed by the presence of a large turbine in a wild land area. Whether or not this factor would ultimately harm tourism or recreation interests to an unacceptable degree is unclear, but the outlook from certain key locations in the area, and within the upland area surrounding the site, would certainly be affected by the large scale of the development. As such, it is not considered that the proposal is satisfactory in relation to criterion (e).

Criterion (f) states the proposal requires to demonstrate that any significant adverse effect on telecommunications, transmitting, receiving or radar systems for civil, broadcasting, aviation or defence interests can be effectively overcome. In this regard, there is an objection from Glasgow Prestwick Airport. However, the applicant advises that this issue can be overcome. If the application is approved, this matter would require to be addressed before the commencement of the development by a negative suspensive condition. The proposal could, therefore, meet the requirements of criterion (f).

Criterion (g) states there is a need for the proposal to be satisfactorily connected to the national grid without causing any unacceptable negative environmental impacts. In this regard, the applicant has investigated this issue and has been advised by the relevant authority that such a connection can be secured. If the planning application is approved, the grid connection, anticipated to be an overhead line carried on timber poles, would require to be the subject of a separate utilities notification application. The proposal could, therefore, meet the requirements of criterion (g).

Criterion (h) requires, when considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no negative impacts due to the cumulative impact of development proposals. In this regard, the nearest operational wind turbine developments are those to the south at Dalry/Millour Hill/Kelburn. As noted above, this cluster of 28 large turbines which vary in height from 100m to 125m (to blade tip) with an overall maximum height above Ordnance Datum of 460m. The proposed turbine would have a maximum height above Ordnance Datum of 440m, with higher upland areas in between to create separation and avoid coalescence. As noted above, in longer views towards the upland landscape of Clyde Muirshiel, particularly from the southeast, east and northeast, the existing windfarms and the proposed turbine would be visible from certain positions, such as transport corridors or rural land. Arguably, this would add to a sense of cumulative impact of large scale turbine development on the high ground above the Garnock Valley, albeit of lesser impact than would be the case if the proposed development were for multiple turbines. As such, the proposal would not meet the requirements of criterion (h).

Criterion (i) states, in the case of individual wind turbine and wind farm development, that the proposal satisfies the contents of the Ayrshire Supplementary Guidance: Wind Farm Development (October 2009). Whilst further work has taken place on landscape capacity issues since this guidance was published, it nonetheless

identifies the site and surrounding area as having high sensitivity to large scale wind farm development. The guidance also covers a range of other topics that are addressed in the wider LDP policy framework, and are therefore covered elsewhere in this report. Accordingly, the proposal would not meet the requirements of criterion (i).

Finally, criterion (j) states, where appropriate, applicants will be required to demonstrate consideration of co-location with significant electricity or heat users. This is not considered to be appropriate in this particular case, as the development aims to utilise the wind resource that is available as a consequence of the upland position of the site, rather than as a means to serve a significant electricity user at or near the site. The primary purpose of the proposal is to generate income for local economic development projects through a renewable energy source, rather than to de-carbonise any particular industrial or commercial electricity consumer in the locality. The proposal would not raise any issues in relation to criterion (j).

In summary, the proposal would not accord with Policy PI 9.

Policy ENV 7 (Special Landscape Areas) presumes against development in such areas unless it can be demonstrated that, in the case of renewable energy developments, is appropriate in design and scale to its surroundings. The policy also requires that proposals must have no unacceptable direct, indirect and cumulative impacts on landscape character and/or the natural and built heritage resource; has no unacceptable impacts on visual amenity and, where applicable, takes cognisance of the Rural Design Guidance.

The above matters have all been considered in terms of Policy PI 9, above. For similar reasons, it is considered that the proposed development would not accord with Policy ENV 7.

Policy ENV 9 deals with Nature Conservation and covers a range of international, national and local wildlife designation. The policy presumes against developments that would adversely affect the integrity of such areas.

The proposal was subject to a number of environmental studies, including a Preliminary Ecological Appraisal and a hydrology study, as noted above. Subject to the adoption of certain mitigation measures, as recommended by the studies, the applicant considers that the nature conservation issues raised can be resolved satisfactorily. However, consultation responses from Scottish Wildlife Trust indicate a number of concerns with the proposal in terms of nature conservation, especially in relation to wild birds, as noted above. Scottish Natural Heritage (SNH) has not, however, expressed such a view, and although the site is within 1.5km of the SPA/SSSI, SNH considers the site to be unattractive to hen harriers. Nonetheless, SNH has expressed other concerns in relation to the wild land area designation at the site and surrounding area. Further environmental matters have been raised by third parties who have objected to the proposal. On the basis of these concerns, it is not considered that the proposal would not have any adverse effects on the integrity of the wildlife designations in the vicinity of the site. As such, the proposal would not accord with Policy ENV 9.

Turning to the General Policy, the relevant criteria are discussed below:

Criterion (a) Siting, Design and External Appearance, (b) Amenity and (c) Landscape character have all been discussed extensively above in terms of Policies PI 9 and ENV 7.

The proposal also requires to be considered in relation to criterion (d) Access, road layout, parking provision. In this respect and Abnormal Loads Route Access Assessment has been submitted. This report indicates that alterations would be required at various locations en route to allow the delivery of the large turbine parts (eg. tower and rotor blades). The proposed widening of the existing narrow access track to 5m with 1m verges either side over a distance of 1km would further increase the environmental impact of the development on the upland landscape leading to the site from the former Pundeavon Reservoir. [Note: The stone surfaced access track north of the former reservoir is temporary and was formed to facilitate pipe laying works for a hydroelectric power development near Holehouse Farm. This track requires to be removed upon the completion of a hydroelectric development.] Therefore, whilst access could potentially be achieved through a combination of road improvements and reconstruction, the effect of such engineering operations would further damage the natural landscape character of the upland, wild land area due to the scale and design of the proposed track.

There are no other relevant matters in terms of the General Policy.

Turning to other material considerations, it is noted that the applicant wishes significant weight to be attached to both community ownership and the potential regeneration benefits for the local area from the income generated by the turbine over its lifespan. The applicant estimates that this would amount to £300,000 per year or £6 million in total.

Whilst both factors are significant, the key spatial planning issue is whether or not these potential benefits would outweigh development plan policy, and whether the chosen site is essential to secure these outcomes. Fundamentally, land use planning is spatial, and has the role of directing development to appropriate places. The application site and the surrounding upland area is provided with a significant level of protection in terms of the adopted Local Development Plan, as has been discussed above. Therefore, prior to the submission of the application, the applicant was asked to consider a number of other less sensitive sites, including within existing windfarm areas nearby, and at lowland locations outside the Regional Park altogether.

In response, the applicant advised that other such options were considered, but ultimately discounted on the basis that the sites that were investigated were not available or that it could result in a different host community having to accept the environmental impacts of the development without any benefits to them.

The applicant also advised that other sites investigated may not have generated the same level of financial return, potentially rendering the development unviable or substantially reducing the income for spending on local regeneration projects.

A smaller turbine (or turbines) may also generate a revenue stream, but even a reduced scale of turbine (ie. lower height) on the same site would raise broadly similar issues in relation to the high sensitivity of the landscape. In terms of the Landscape Capacity Study, only small turbines (15m - 30m height) are ranked as having medium sensitivity within the Upland Core area.

A further option would be the development of a number of smaller turbines at another, less constrained location (or locations), thus limiting the vertical scale and extent of the associated landscape and visual impacts. Such alternatives are not before the Council, and would need to be the subject of separate application(s).

Over the last decade, the Council has acted, through planning policies and landscape capacity studies, to direct large scale wind turbine developments away from the Upland Core area of Clyde Muirshiel Regional Park. The level of protection has arguably increased since the refusal of the Ladyland Moor windfarm application in February 2009, with a much clearer spatial strategy now in place to provide a robust framework for decision making. The 2014 Wild Land Designation by SNH has added another layer of protection for the Upland Core area, with other manmade developments, such as an underground pipeline serving a hydro electric generator near Holehouse Farm, being of lesser scale than the proposed wind turbine.

Whilst noting that the applicant has strongly argued that the application site is the most suitable from the applicant's perspective, and that the impacts on the landscape are merely 'subjective,' it is not agreed that the potential benefits of the project are entirely dependent only on this particular site for their realisation, notwithstanding the efforts of the applicant to mitigate and reduce environmental impacts through the consideration of constraints.

As noted above, the application site is particularly constrained, and it is considered that its development in the manner proposed would erode the special landscape character of the location. It is therefore not agreed that this is the most appropriate site for a large scale wind turbine. The potential benefits that could be gained by the community in terms of ownership, low-carbon energy generation and revenue are not considered to be sufficient mitigation in this particular case, as the long term effects on the Upland Core landscape would be very significant and permanent, with re-powering a likely outcome beyond the lifespan of any initial development.

Another material consideration applicable to the proposal is Scottish Planning Policy, which offers guidance on renewable energy developments. SPP was published in June 2014 and is therefore slightly more up to date than the LDP, which was adopted in May 2014. Among other things, SPP advises that "development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales - including extensions and re-powering - taking account of the considerations set out at paragraph 169," where it is highlighted that "proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include: net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities." The spatial frameworks recommended by SPP for local development plans states that areas of wild land as shown on the 2014 SNH map, as well as areas containing carbon rich soils, deep peat and priority peatland habitats, should be treated as areas of significant protection from wind farm development. The site is within a wild land area in terms of the SNH map. It is outwith an extensive deep peat area by approximately 300 metres. It is therefore considered that, as per the above analysis, any weight that can be attached to the local and community socio-economic benefits which the proposal may generate would be outweighed by the location of the site within a wild land area, where, in terms of SPP, there is a presumption against wind turbine development.

Moreover, the status of SPP is non-statutory, and clearly highlights that the 1997 Planning Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Local Development Plan (LDP) provides the basis for decision making, and enables an assessment to be undertaken for renewable energy developments (such as wind turbines) and for developments within Special Landscape Areas, such as Clyde Muirshiel Regional Park.

Turning finally to the proposed Local Development Plan (LDP) 2, which is also a material planning consideration to which some weight requires to be attached. LDP 2 takes into account the wild land and special landscape designations and states that the Council "will only support development in Wild Land Areas or which affect Special Landscape Areas where they would not have an unacceptable impact on the special character, qualities and the settings of the Wild Land and Special Landscape Areas." Furthermore, Policy 29 (Energy Infrastructure Development) illustrates the Council's Windfarm Spatial Framework, and identifies the site and its surroundings as an "area of significant protection." Therefore, in relation to the protection of such areas from unsuitable development, the policy framework between LDP and LDP 2 has been reinforced.

Given this planning policy framework, the above considerations all emphasise the difficulty in using community ownership and income as a justification for the proposed development.

In summary, whilst it is agreed that community ownership together with the potential income stream could contribute to positive socio-economic outcomes for the local area of the Garnock Valley, the proposed location for the development within the Upland Core area of Clyde Muirshiel Regional Park is and remains the most critical determining land use planning issue. Ultimately, the role of the planning system, as noted in SPP, is to direct development to appropriate places, and to help protect and enhance natural assets, such as the Upland Core landscape. In this instance, it is not considered that the proposed development would be appropriately located. The protection of the Upland Core area from large scale wind turbine development, as per the above analysis, should therefore be given more weight than the other material considerations identified by the applicant.

Notwithstanding possible alternatives, the planning authority must determine the application that has been submitted. Therefore, on balance, given the high overall sensitivity of the landscape to large scale turbine development, it is recommended that planning permission is refused.

Decision

Refused

Case Officer - Mr A Hume

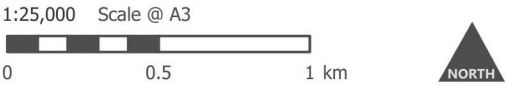
Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	3036-REP-015	
Site Plan	3036-REP-016	
Site Plan	3036-REP-022	
Proposed Elevations	3036-DR-P-0004	
Foundation Plan	3036-DR-P-0005	
Proposed Plans and Elevations	3036-DR-P-0006	
Sections	3036-DR-P-0007	
Other	3036-REP-014	
Other	FIG 3	
Other	FIG 4	
Other	FIG 5	
Other	FIG 6	
Visualisations	FIG 8-1	
Visualisations	FIG 8-10	
Visualisations	FIG 8-11	
Visualisations	FIG 8-12	
Visualisations	FIG 8-13	
Visualisations	FIG 8-2	
Visualisations	FIG 8-3	
Visualisations	FIG 8-4	
Visualisations	FIG 8-5	
Visualisations	FIG 8-6	
Visualisations	FIG 8-7	

Visualisations	FIG 8-8	
Visualisations	FIG 8-9	



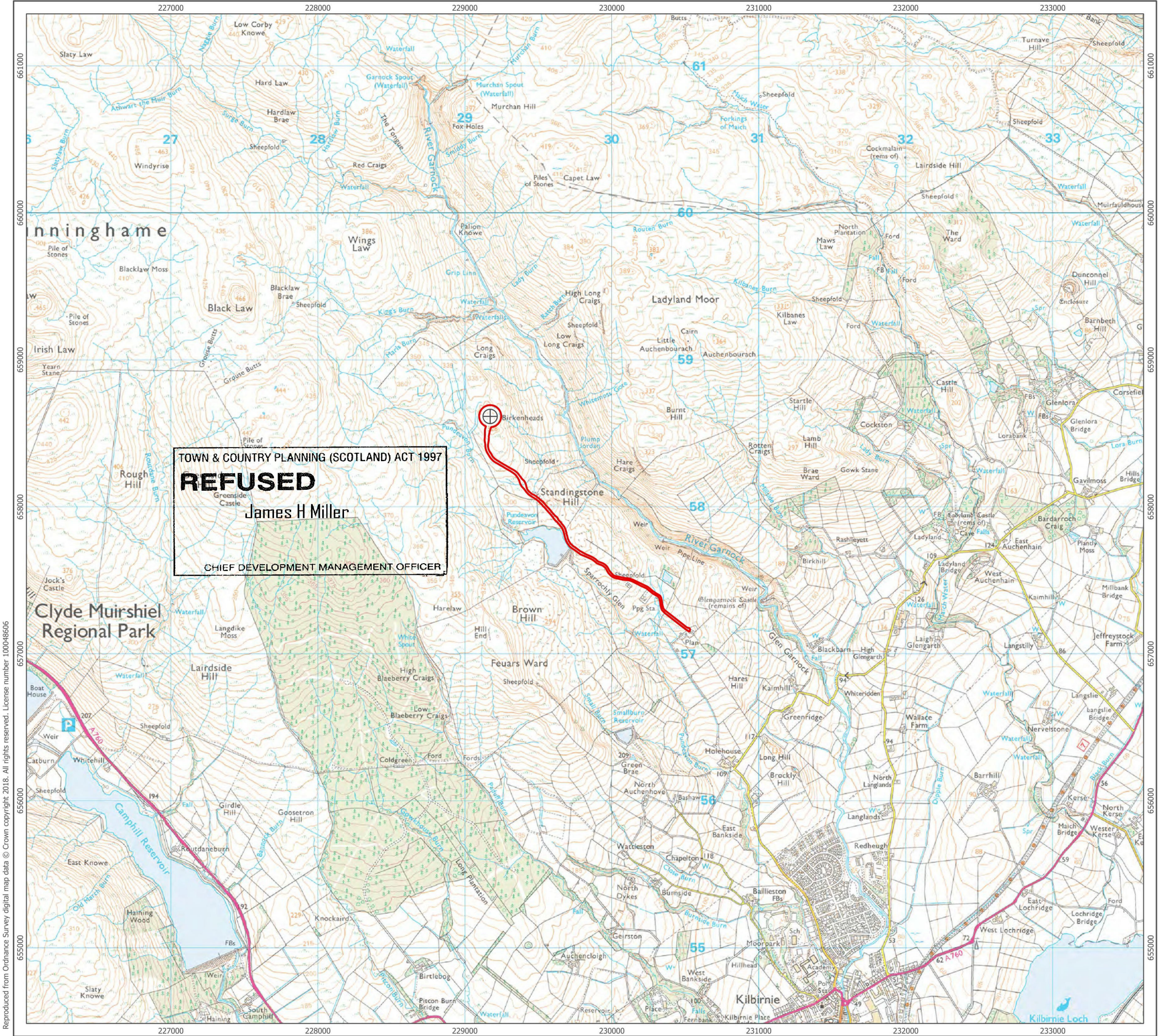
- ⊕ Proposed Turbine Location
- ▭ Site Boundary



Produced By: SC	Ref: 3036-REP-015
Checked By: AG	Date: 07/12/2018

Site Location
Figure 1

Radio City Community Turbine
Supporting Statement





North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/18/01123/PP

(Original Application No. N/100144918-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

To : Radio City Association Fao Mr Allan Wilson
c/o Arcus Consulting Services Ltd Fao Ailsa Gray
7th Floor
144 West George Street
Glasgow
G2 2HG

With reference to your application received on 7 January 2019 for planning permission under the above mentioned Acts and Orders for :-

Erection of 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to include associated earthworks and infrastructure

at Site To North Of Standingstone Hill
Kilbirnie
Ayrshire

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. That the proposed development would be contrary to the provisions of Policy PI 9 and ENV 7 of the adopted North Ayrshire Council Local Development Plan by reason of the large scale of the development and associated adverse landscape and visual impacts on the surrounding Special Landscape Area of Clyde Muirshiel Regional Park that is offered significant protection by the above policies. In addition, the development would be within an area identified as being of high overall sensitivity to large scale wind turbine development in terms of the Council's Landscape Capacity Study for Wind Farm Development in North Ayrshire. In terms of the above policies, there is a presumption against wind turbine development within areas of high sensitivity for reasons of adverse impacts on landscape character.
2. That the proposed development would be contrary to the provisions of General Policy criterion (c) Landscape Character and (d) Access in relation to the formation and widening of an access track to 5m with 1m verges either side over a distance of 1km, which, in addition to the wind turbine and its associated hardstanding, would further increase the adverse environmental impacts of the development to the detriment of landscape character within the Special Landscape Area and Wild Land area.
3. The proposed development, by reason of its siting, scale and design, would be contrary to the provisions of the Windfarm Spatial Framework as illustrated in Policy 29 (Energy Infrastructure Development) of the North Ayrshire Council Proposed LDP 2. The site is within an area of significant protection and the proposed development would adversely affect the character of the Waterhead Moor - Muirshiel Wild Land area.

Dated this : 6 March 2019

.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

KAREN YEOMANS : Executive Director (Economy & Communities)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Save Your Regional Park campaign

Tel. [REDACTED]

E.mail. [REDACTED]

"A true conservationist is a man who knows that the world is not given by his fathers, but borrowed from his children"

John J Audubon 1785-1851

www.saveyourregionalpark.co.uk

North Ayrshire Council
Planning Dept
Irvine
North Ayrshire

Attention Mr A Hume / Euan Gray14th June 2019

Dear Mr Hume and Mr Gray,

By e.mail to eplanning@north-ayrshire.gov.uk

Re: Application No 18/01123/PP - Erection of 2.5 MW wind turbine with 110m blade tip and 65m to hub and associated infrastructure North of Standingstone Hill, Kilbirnie

Further to our objection made by e.mail to eplanning@north-ayrshire.gov.uk on 30th January 2019 per below, we would like to reiterate what has already been stated. In addition, as this application is to be reviewed by the Council's Review Body we would like particular attention to be taken into account concerning the position of this turbine in the heartland and Wild Land designated area of Clyde Muirshiel Regional Park (CMRP).

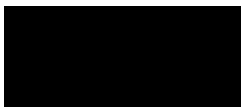
As one of the 3 constituent Councils responsible for CMRP and its future, it is important that the Review Body accepts and takes their guardianship seriously. South of the A760, Largs to Kilbirnie road which is in the park, already hosts Wardlaw Wood, Millour Hill, Kelburn and part of Ardrossan windfarms plus a Crematorium, all of which are approved, constructed and in operation. It is particularly important for the park, for all the reasons already stated that turbines should NOT be approved to the north of the A760 which would start the industrialisation of yet another chunk of the park.

South of the A760 is now more of an industrial estate with a huge power station than a park and enough is enough if this wonderful facility Clyde Muirshiel Regional Park is to survive.

Please forward a copy of this letter and attached original objection to North Ayrshire Council's representatives on both the CMRP Authority Board and Advisory committee and confirm that this request has been carried out.

Please also acknowledge receipt of this letter.

Yours sincerely



Chairman

Save Your Regional Park campaign

& Member of the Clyde Muirshiel Regional Park Authority Consultative Forum.

Save Your Regional Park campaign

Tel. [REDACTED]

E.mail. [REDACTED]

"A true conservationist is a man who knows that the world is not given by his fathers, but borrowed from his children"

John J Audubon 1785-1851

www.saveyourregionpark.co.uk

North Ayrshire Council
Planning Dept
Irvine
North Ayrshire

Objection made by e.mail to eplanning@north-ayrshire.gov.uk 30th January 2019

Attention Mr A Hume

Dear Mr Hume,

Re: Application No 18/01123/PP - Erection of 2.5 MW wind turbine with 110m blade tip and 65m to hub and associated infrastructure North of Standingstone Hill, Kilbirnie

PREAMBLE

Save Your Regional Park (SYRP) campaign was set up in 2005 to alert the public and organise resistance to a series of major windfarm proposals threatening the destruction of Clyde Muirshiel Regional Park, at that time a Category 5 IUCN Protected Area comprising 108 square miles of wild and beautiful countryside serving the central belt and the west of Scotland as well as national and international visitors. IUCN has since withdrawn the Category 5 designation for each of the 3 Regional Parks as a result of a total lack of wildlife / environmental management by the Clyde Muirshiel Regional Park Authority (Renfrewshire, North Ayrshire & Inverclyde councils' responsibility), plus Pentland and Lomond Hills Regional Parks.

We are a fully constituted organisation.

SYRP wishes to respond to this application for a wind powered turbine proposed for the upper River Garnock glen which would introduce industrialisation to the Southern **heartland** of the park and would be situated within the SNH designated '**WILD LAND**'. This Wild Land area is the only 'WILD LAND' area in the west Central Belt of Scotland and was thus designated for its special qualities.- see Waterhead Moor WILD LAND <https://www.nature.scot/sites/default/files/2017-11/Consultation-response-Description-of-Wild-Land-Waterhead-Moor-Muirshiel-July-2016-04.pdf>

North Ayrshire and the Scottish Government have already inappropriately approved 4 windfarms with turbines in Clyde Muirshiel Regional Park (CMRP) all to the south of the A760 and to introduce this industrial development north of the A760 would almost certainly prove to be the thin end of a large wedge which would encourage further applications and result in the death of CMRP's hill country

enjoyed so much by the public. As an example, in 2005, there were proposals for 125 turbines in the same area as the subject application, stretching along the hillside above and between Kilbirnie and Lochwinnoch. The turbine numbers were reduced for the application and then withdrawn a few days before the P LI was due to start.

We object to this development on the following grounds

Local Development Plan	The Development Plan supports the development of renewables in appropriate places. The proposed site is not appropriate as it is in a 'Wild Land' designated area of CMRP which should have maximum protection from industrialisation.
Sustainability	<p>The <i>Environmental Science</i> definition of 'Sustainability' is "the quality of not being harmful to the environment or depleting natural resources, and thereby supporting long-term ecological balance".</p> <p>While wind turbines in some places do fit this description, this particular proposal does not. It is</p> <ul style="list-style-type: none"> • in the Wild Land of CMRP in an area popular with 'wild' hill walkers • Close to a regular nesting site of Peregrine Falcons (rare protected species) and a Special Protection Area (SPA) & Site of Special Scientific Interest (SSSI) • Has considerable potential to pollute the River Garnock (an important salmon and sea trout river) during construction with runoff plus fuel and chemical spills. • Has potential to pollute the River Garnock after construction and during operation as a result of leaching from the concrete base • Has the potential to disturb and pollute some of the many private water supplies in the area. From an earlier consultant's report on the many local private water supplies it was established that turbines in this area were likely to cause damage.
Appearance	This unspoilt WILD LAND area of CMRP is famous for 'the Spout of Garnock' and the appearance of this turbine would be very detrimental to the landscape and visual impact of the area.
Impacts on Surroundings	<p>A turbine placed on this site in the Wild Land area of CMRP would have a very negative impact both on landscape and visual grounds not only from the parks perspective but also for those living in parts of North Ayrshire and Renfrewshire.</p>

Cumulative impact must be taken into consideration with the inappropriately approved existing windfarms in the park, to the West of Kilbirnie and Dalry which are all south of the major tourist route, the A760 and the fact that this would open up a completely new area north of the A760 to even more inappropriate development.

CMRP is one of only 3 Regional Parks in Scotland and serves the largest concentration of people in the Central Belt. The poor health issues in the West Central Belt are a constant concern of the Scottish Government and the 3 Local Authorities responsible for CMRP and CMRP's hills are a focus for exercise, recreation and mental peace. Joined up thinking is required and if this area were to become industrialised, that would be yet another bite out of the already substantially reduced area of unspoiled landscape.

Planning and economic benefits	The application appears to be submitted by a charity but for the reasons above, regardless of the earnings and local distribution, the development would have a severe detrimental effect on the immediate and greater area and is inappropriate on this site.
Need	<p>As recognised above, Scottish Government and North Ayrshire Council want to increase their Renewables but they MUST be appropriate. This development most certainly is not appropriate and is not needed.</p> <p>Under article 5.3 of The Environmental Impact Assessment (Scotland) Regulations, the Developer should consider alternative sites for a windfarm. The applicant does not appear to have attempted to find any alternative site outwith the Regional Park.</p>
Overlooking / loss of privacy	There are a few households that would be looking up the glen to this site and a lot more at a greater distance. Many of these people bought their houses based on clear views of the unspoilt countryside of CMRP. The impact will be negative.
Detrimental environmental impact	<p>See 'Impact on Surroundings' above, particularly paragraph 3 and remarks under the heading 'Sustainability'</p> <p>Windfarm development is subject to the Aarhus Convention, not only as it is a programme related to the environment, but also as individual wind farm projects are listed under Annex II of the Directive on Environmental Impact Assessment (85/337/EEC as amended) and are therefore subject to the public participation requirements of Article 6 of the Convention. This application is no exception.</p> <p>The UK, including Scotland, is a signatory to the United Nations Economic Commission for Europe (UNECE) Aarhus Convention.</p> <p>The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted on 25th June 1998 in the Danish city of Aarhus at the Fourth Ministerial Conference in the 'Environment for Europe' process.</p> <p>The Aarhus Convention is an environmental agreement. The Convention:</p> <ul style="list-style-type: none"> ■ Links environmental rights and human rights ■ Acknowledges that we owe an obligation to future generations ■ Establishes that sustainable development can be achieved only through the involvement of all stakeholders ■ Links government accountability and environmental protection ■ Focuses on interactions between the public and public authorities in a democratic context. <p>The subject of the Convention goes to the heart of the relationship between people and governments. The Convention is not only an environmental agreement; it is also a Convention about government accountability, transparency and responsiveness.</p> <p>The Aarhus Convention grants the public rights and imposes on Parties and</p>

public authorities' obligations regarding access to information and public participation and access to justice.

The justification for this application is that it would generate greenhouse gas emission, fossil fuel savings and money for the community. However, no evidence of this is actually available in the documentation prepared at EU, UK or Scottish administrative levels. In fact it is abundantly clear what documentation there is, when it is available, is not transparent, as defined by the "Aarhus Convention: An Implementation Guide".

"Transparency means that the public can clearly follow the path of environmental information, understanding its origin, the criteria that govern its collection, holding and dissemination, and how it can be obtained".

In response to a complaint to UNECE regarding Scotland's renewable energy programme being illegal, a preliminary determination was issued on 30th March 2012 – see <http://www.unece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpptfwg/envppcc/envpppubcom/european-union-and-united-kingdom-acccc201268.html>

The conclusion was that the complaint was entirely admissible as "the United Kingdom of Great Britain and Northern Ireland deposited its instrument of ratification of the Convention 23 February 2005, meaning that the Convention entered into force for the United Kingdom on 24 May 2005, i.e. ninety days after the date of deposit of the instrument of ratification. Furthermore, the United Kingdom has not opted out of the aspects of the compliance mechanism relating to communications from the public". A similar complaint to UNECE from Ireland has been upheld.

Under Article 3 of the Convention, now codified as Directive 2011/92/EC, in order to justify a decision on a windfarm (Annex II 3 (i)), the competent authority is required to complete its own environmental impact assessment, in the light of each individual case of the direct and indirect effects of the project on the specific environmental factors.

We are advised that early in the decision making after the developer's EIS has been made available and in adequate time before the period allowed for public comment has expired, the main reports and advice issued to the competent authority (North Ayrshire Council), should have been made available to the public. It hasn't been made available.

We see no sign of your reports on the application website and therefore are unable to complete our comments until these have been read. Please advise when we can expect to view these necessary documents. In the mean time we will comment on the applicant's documents but reserve the right to comment on North Ayrshire Council's EIA and other documents when they become available.

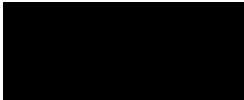
Please take our comments into consideration and note our strong objection to this development.

CMRP is a highly important 'green lung' for the Central Belt, easily accessible to the public by train, bus and private vehicle. The effective area of unspoilt countryside, particularly in North Ayrshire has reduced far too much already and this latest proposal should be rejected.

In finishing I will repeat the quote by the internationally famous 18th / 19th century naturalist John Audubon ***"A true conservationist is a man who knows that the world is not given by his fathers, but borrowed from his children"***. We must not be the generation to forget these wise words and allow CMRP to be turned into an industrial estate.

Please acknowledge receipt of this letter.

Yours sincerely



Chairman

Save Your Regional Park campaign

& Member of the Clyde Muirshiel Regional Park Authority Consultative Forum.

Further Rep 2



Scottish Natural Heritage
Dualchas Nàdair na h-Alba
nature.scot

Mr Euan Gray
Committee Services Officer
North Ayrshire Council
1st Floor (East)
Cunninghame House
IRVINE
KA12 8EE

Date: 19 June 2019
Our Ref: CNS/REN/ST/SH
Your Ref: 18/01123/PP

Dear Sirs

Planning Application – 18/01123/PP: Site to the North of Standingstone Hill, Kilbirnie – Notice of Review

Thank you for the opportunity to provide additional comment to the review of the above planning application.

I can confirm that at this stage, Scottish Natural Heritage (SNH) has no further comments to make on the original application, supporting materials or the administration of the planning application process.

Should the review panel agree to accept additional information from the applicants, with particular reference to the impacts on the Outerwards Wild Land Area, then SNH would be pleased to offer further comments when this becomes available.

Yours faithfully

[Redacted]
Area Officer
Ayrshire and Arran
Strathclyde and Ayrshire



Defence
Infrastructure
Organisation

Your Ref. 18/01123/PP
DIO Ref. 10044943

Telephone [MOD]:

E-mail:

Via Email

North Ayrshire Council
Review Body Admin Team

21st June 2019

Dear Sir/Madam,

Council Planning Review Body reference – 18/01123/PP

Planning Application reference – 18/01123/PP

Erection of 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to include associated earthworks and infrastructure.

Location: Site to North of Standingstone Hill, Kilbirnie, Ayrshire.

The Ministry of Defence (MOD) has received notification from North Ayrshire Council stating that the above planning application will be reviewed by the Council's Planning Review Body.

The MOD submitted a response dated 14th January 2019 to North Ayrshire Council raising no objection to the proposal. The MOD has reviewed this response in light of the Review and I can confirm that the MOD raises no objection to the proposal.

If planning permission is granted, the MOD would like to be advised of the following information;

- The date construction starts and ends;
- The maximum height of construction equipment;
- The latitude and longitude of the turbine erected

I trust that the above will be taken into account during the Review consideration. Should you require any additional information, please do not hesitate to contact me.

Yours faithfully

A large black rectangular box redacting the signature of Teena Oulaghan.

Teena Oulaghan
Safeguarding Manager

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 21 June 2019 15:39
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Cc: [REDACTED]
Subject: North Ayrshire Council - 18/01123/PP - Site to North of Standingstone Hill, Kilbirnie (SG27387)

Dear Euan

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully



NATS Safeguarding

E: [REDACTED]
[REDACTED]



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Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 24 June 2019 10:17
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Subject: Fwd: FW: Planning Application: 18/01123/PP

Dear Sir

I wish to supplement my original letter in support of the above Planning Application by Radio City Association to express my surprise and concern that Planners have appeared to virtually ignore the considerable time, work and effort which has gone into the proposed Valefield regeneration that would prospectively be one of the main economic development benefits that would accrue to the town and local people consequential to the Planning Application being granted.

I am the Secretary of Kilbirnie Ladeside Football Club, my committee, our supporters & the local community would benefit from a revenue stream. We need better and more fit for purpose facilities as we endeavour to meet the SFA's criteria when it comes to club licences. We will never achieve this ambition if investment is not forthcoming. Ventures such as RCA's single turbine can help provide us with a suitable platform for long term sustainability.

The facilities at Valefield are fifty years old and in real need of redevelopment. The council which owns the facility is unable to invest and it is up to the community to renew the ageing pavilion and offer hope to the next generation of local footballers, cyclists, racquet sports enthusiasts and those simply looking to keep fit.

The Valefield proposals will not only renew and regenerate the leisure and recreational facilities for local people, particularly the young, but will also celebrate the 233 year link between Scotland's bard, Robert Burns, and the Garnock Valley by creating a visitor centre on the site of the horse fair that led to Burns penning the 'Inventory' and giving our local junior team its 'Blasties' nickname still in use today.

This sporting and cultural linkage would of itself commend the scheme but ambitious plans to link the two in a commercial venture that seeks to create a micro brewery to help sustain the development independently and create a niche market in the junior football and cultural heritage of Ayrshire is a genuinely innovative venture that sets the proposal apart from the norm and is designed to reduce reliance on the public purse -given the Council's inability to even replace the decades old Pavilion.

All of this economic development and the local jobs and training opportunities as well the improved leisure , recreational, sporting and cultural facilities it will bring to the area is dependent of course on the Council Planners support for the absolutely vital wind turbine generator that will help fund these investments.

It is ironic that while the Council struggles to pay the bills of the existing community hall it appears intent on ensuring the community's efforts to do so should be thwarted on the spurious grounds of 'landscape' impact when a cursory glance west from the Valefield sees the horizon littered with turbines while not a penny is invested locally! The supreme irony of course is that the Community turbine will be invisible from the Valefield and every penny it produces will be reinvested locally - more than is invested by all the others put together everywhere else.

I personally support RCA's application for a number of reasons. First and foremost my admiration for a group of people who are striving to help bring much needed finance to organisations within the Garnock Valley & to help them prosper & maintain their existence. Not to mention future groups & individuals that will undoubtedly emerge.

How Planners cannot see the overwhelming economic development benefit to the local community is beyond me and to refuse it Planning permission is perverse in the circumstances.

There is no question that the economic development benefit vastly outweighs any minimal Landscape impact and I trust the Local Review process will demonstrate this beyond question.

Members of the RCA board give of their own time and this projects offers no financial gain to them, their motives are purely driven by seeking what is "best for the local community". A somewhat dying act in the volunteer sector in my personal opinion.

In regards RCA's overall application what is vitally important and I have some knowledge in this sector it would appear RCA have carried out the necessary due diligence in their application throughout the process and meet the parameters set out to grant their application.

Yours sincerely



Secretary

Kilbirnie Ladeside F.C.
Valefield Park

Further Rep 6

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 24 June 2019 15:39
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Subject: support of planning application 18/01123/PP: site. To North of Standingstone Hill, Kilbirnie.

Dear Euan

I am writing in support of planning application 18/01123/PP: site. To North of Standingstone Hill, Kilbirnie.

As a Beith resident I was surprised to see that the application was decided and rejected under delegated powers, I personally think it is absurd that a planning application that potentially has the ability to transform the Garnock Valley can be decided by an officer that is not directly accountable to the public that loses out through the rejection of the application.

As I was reading the decision documents I couldn't believe the amount of errors contained within the decision processes. Firstly it is absurd that some of the grounds for refusal of the application came from an outdated landscape policy, it is also quite frankly embarrassing that after the council's guidance was used to deny the Garnock Valley a chance to economical benefit from the income generated, the said guidance was quickly dropped by NAC who stated that the guidance was outdated on the 20th March.

Reference is made in the decision of refusal about the impact of the development on the wild land area. Perhaps the planning Officer is unaware that the land proposed has been used for agricultural purposes for generations dating back long before my life time. The land next to the site also houses a former reservoir which was deconstructed a few years ago, but this also shows that the area is not immune from development. It is difficult to recognise the site area as wild land. It is also unfair to refuse an application because it is sited within Clyde Muirshiel Regional Park. CMRP covers a large proportion of the Garnock Valley and West Coast and although the applicants site falls within the boundary it is a substantial distance away from any frequently visited areas.

There are also commercial wind turbines within the CMRP run by commercial operators, despite these turbines being seen by residents of Kilbirnie and Beith the community's of both town receive no economic benefit from these commercial operation.

It is disappointing to read the planning officer comparing the applicants application for one turbine to developments that have numerous larger turbines. I'm amazed that the officer finds it appropriate to compare it to larger developments in evidence of grounds for refusal, but at the same time complete fail to acknowledge that the applicant one turbine will in fact produce substantially greater community economic and social benefit that all the surrounding commercial turbines.

Another point that the decision maker has failed to acknowledge is the Scottish governments policy supporting renewable energy and also North Ayrshire Council decision to declare a climate emergency. Surely by rejecting this application for renewable energy the officer is breaching the council's own policy.

In conclusion the landscape impact is little in comparison to the commercial wind farms that already surround the valley. This proposal also differs from the commercial developments that already exist by offering substantial community benefit to the Garnock Valley, the proposal is real show of community empowerment in action. I would urge the local review body to reverse the planning officers decision and grant permission for this development. This development has substantial transformative potential for the Garnock Valley and could go along way to kickstarting serious regeneration potential for Beith and Kilbirnie, regeneration that is long overdue since the decline of industry. This proposal gives the Garnock Valley a chance to regenerate. There is already commercial turbines that can be seen from both Beith and Kilbirnie with the towns receiving no economic benefit. This proposal would be less visible by both towns than the current commercial developments with it only being visible from some parts of the towns, however if granted the economic benefit would be seen by the whole Garnock Valley.

Kind Regards



Sent from my iPad

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Further Rep 7

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 24 June 2019 17:48
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Subject: Planning Application : 18/01123/PP : Site to the North of Standingstone Hill, Kilbirnie - Notice of Review

Dear sir

I would refer to your letter of 7th June re the above, asking if I wished to make further representations in relation to the review.

My original letter drew attention to economic benefits that were liable to accrue to the Garnock Valley consequential to this application being approved and I was disappointed to note that the Planner's response understated these benefits to the local community given that it is a material planning consideration.

It has always been the position of RCA that any detrimental visual or environmental impact has been mitigated and that the net economic impact including the 'community socio-economic benefits such as employment and associated business' are relevant material considerations in the determination of this application yet these appear to have been relegated in importance by Planners in comparison to the minimal landscape *impact* liable to arise from the single turbine's location.

The Scottish Government's Chief Planner in his Guidance to Heads of Planning in Scotland on 11th November 2015 made clear the Scottish Government's clear 'expectation that such considerations are addressed in the determination of applications for renewable energy technologies', yet this advice appears to have been overlooked in this instance in favour of a landscape 'policy' that is no longer fit for purpose and in any event never actually studied the site in question - unlike both the LVIA report and SNH 'Wild Land Assessment' completed for Radio City which demonstrated the absence of any significant effect on landscape or wild land 'qualities' beyond a radius of two kilometres of the site.

In addition, Scottish Government's Chief Planner in the same letter to Heads of Planning refers to the 'National Planning Framework 3 paragraph 3.24 which states 'Local and community ownership and small-scale generation can have a lasting impact on rural Scotland, building businesses and community resilience and providing alternative sources of income. Collectively the potential benefits of community energy projects are nationally significant.'

In this context, the economic development *impacts* of this development are massive as outlined in the socio – economic report accompanying the Appeal. The Radio City Association (RCA) undertook this study to examine the extent of social and economic impacts to be gained from their proposed community owned and operated renewable energy projects in the Garnock Valley and the conclusion was that the proposals 'represent a substantial step forward in terms of community economic empowerment and funds generated from the projects would provide substantial additional funding to local projects and onward re-investment in the local economy'.

Particularly, the Report insists that the proposals demonstrate a new model for collaboration with social enterprise and the voluntary sector to deliver genuine grassroots community led change that will be empowering and transformative.

The seven areas where the RCA proposals will have positive impact are: Economic Development; Poverty and Inclusivity; Health and Sport; Culture and Heritage; Employment; Community Empowerment; Environment.

Unfortunately none of these areas appear to have been looked at in any depth by Planners in this instance undermining the SPP Guidance from the Scottish Government's Chief Planner, including the last one, despite the declaration by the Council of a 'Climate Emergency' in the interim.

I would be grateful therefore if you could include these additional representations in relation to the Review.

Thanking you in anticipation

Yours sincerely

[REDACTED]

[REDACTED]

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Further Rep 8

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 24 June 2019 23:47
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Subject: Planning Application : 18/01123/PP : Site to the North of Standingstone Hill, Kilbirnie - Notice of Review

Dear Sir

I would refer to your letter of 7th June re the above, advising of the opportunity to make further representations in relation to the review. I would like to do so and assist the process.

As many considerations have been emphasised earlier by me and colleagues including local residents and members of the general public, I would again focus my specific representations on my area of particular expertise which is the economic benefits. As an internationally experienced economist with over 35 years practical experience in economic appraisal, monitoring, evaluation and impact assessment at a local, regional and national level I should like to again draw attention to economic benefits that are forecast to be generated to the Garnock Valley directly and indirectly from this application being approved. It has been disappointing to read that the Planner's response understated these benefits to the local community given that it is a material planning consideration. This is key and a matter of significance for the community for generations to come.

The local economy needs the net economic benefits and impacts that will be derived and needs them desperately. This is clear and there is an obligation to recognise this and the material considerations detailed in support of the appeal. The net economic impact including the 'community socio-economic benefits such as employment and associated business' are relevant material considerations in the determination of this application and should be the bedrock for approval - the case is clear and I would submit that the strength of the evidence and the support merits a successful appeal.

The economic development impacts of this development are massive as outlined in the socio-economic report accompanying the appeal. These are summarised in the Executive Summary shown below for completeness. We have shown that the extent of the social and economic impacts from the proposed community owned and operated renewable energy project from Radio City Association to the Garnock Valley and concluded that it will represent a substantial step forward in terms of additional economic funding to the community and real local economic empowerment for locals to determine the re-investment of financial surpluses to fund additional local projects that will not otherwise happen.

Our report shows that the proposals represent a new model for collaboration and social enterprise that will be innovative, transformative and a real boost for the area as well as a powerful demonstrator effect for other communities and partnership projects. This is vital for our communities and our economy. We can become leaders in regeneration and positively impact on key areas such as inclusive economic growth as well as working with CPP partners to deliver integrated outcomes across Economic Development, Tackling Poverty and Inclusivity, Health and Sports, Culture and Heritage, Employment, Community Empowerment, Environment.

I commend our appeal and I should be grateful if you would include these additional representations, including the Report Executive Summary below, in relation to the Review.

Yours sincerely

[REDACTED]



Executive Summary of The Socio-Economic Report

The Radio City Association (RCA) undertook this study to examine the extent of social and economic impacts to be gained from their proposed community owned and operated renewable energy projects in the Garnock Valley. The proposals represent a substantial step forward in terms of community economic empowerment and funds generated from the projects would provide substantial additional funding to local projects and onward re-investment in the local economy. This is an important set of proposals at this time, for Scotland and for the Garnock Valley, as we all seek to find new approaches to deliver the concepts of economic wealth creation and inclusive growth.

Scotland is a wealthy country with a proud history of achievement and innovation. However, it is also a country with persistent challenges including poverty and equality and prolonged austerity. We have a shared vision for a future with our proposals creating more resources, available and applied locally, to tackle the socio-economic challenges and capture new inclusive growth opportunities.

In order to address these challenges and opportunities, there is a need for new ideas and new economic wealth models to be implemented in Scotland and North Ayrshire. North Ayrshire has particular challenges which are magnified within the Garnock Valley towns of Kilbirnie and Beith. The severity of such challenges is deep and has been prolonged. North Ayrshire has the highest avoidable death rate in Scotland; it is the fifth most deprived council area in Scotland. Key social and economic indicators (including poverty, child poverty, educational attainment, digital and other life skills, employment and investment) all show the degree of deprivation and the fragility of any basis for future optimism that things can improve dramatically in the short to medium term. All the main indicators show a worsening relative position and a requirement for new approaches locally.

Over the next decade North Ayrshire's working age population is projected to continue to fall, slowing economic growth and putting pressure on public services. In Kilbirnie the picture is even more serious; between 2012 and 2026 the population of North Ayrshire is projected to decrease by 4% whilst the population of the Garnock Valley is projected to decrease by 9%. Working age residents will decline by more than 13% across North Ayrshire compared with a 16% reduction in the Garnock Valley.

A falling working-age population limits demand in the local economy making it harder to attract business investment and create job opportunities. The lack of economic opportunity, socio-economic background and poor educational prospects all leads to other problems (such as crime and social isolation, lack of access and use of services, lack of access to private transport) that compound the challenges in realising aspirations for inclusive economic growth. Hospital stays for alcohol, drug and smoking related causes are higher than elsewhere as are rates of ill health and mental ill health.

On a variety of economic indicators, North Ayrshire has performed worse than national averages across Scotland and the UK. Performance is lower in terms of average household income; wage growth; house prices (especially Kilbirnie and Beith); business birth rate and survival rates; employment; disabled employment; female participation rates. Economic growth in North Ayrshire averaged 1.1% p.a. between 2006 and 2015 representing the 3rd slowest of all 32 Scottish local authorities. GVA per head in North Ayrshire was £15,294, which is 38% lower compared than the Scottish average of £24,800. North Ayrshire mainland has the lowest GDP per head by region in Scotland. Productivity rate of North Ayrshire is

significantly lower than the national average which in turn are also lower than international comparisons of OECD and EU member states.

North Ayrshire Council continues to tackle socio-economic issues, however there is a need for new approaches locally. The RCA Proposals reach out in partnership by encouraging and working together with the Council. This will demonstrate a new model for collaboration with social enterprise and the voluntary sector to deliver genuine grassroots community led change that will be empowering and transformative.

The seven areas where the RCA proposals will have positive impact are: Economic Development; Poverty and Inclusivity; Health and Sport; Culture and Heritage; Employment; Community Empowerment; Environment.

This report shows how the RCA Proposals will be a game changer for the area and act to resolve issues locally, led by local people. This development can address many of the challenges and socio-economic issues in the local area and promote sustainable and inclusive economic growth. The project benefits and impacts will change lives positively and could literally in some cases save lives.

RCA has set out to resolve the issues with ambitious regeneration proposals in a developed concept known as the “Electric Valley”. This includes the proposed wind turbine as a key economic and social asset for the Garnock Valley Community and a major income generator for the community. This will generate over £6 million for investment in the community as a result of the development which is forecast to create and safeguard 18 jobs directly per annum before taking account of the construction of the turbine itself and multiplier effects as a result of the re-investment and support of the local supply chain as well as various other indirect and induced social and economic benefits that would be created.

The net surpluses will be re-invested fully in local community projects. Based upon the estimated minimum return of circa £6million over 20 years this equates to £300,000 re-investment per year. The funds would be reinvested in local projects across the seven key policy areas noted above including employability, tackling poverty and social exclusion, promoting health and life skills, community capacity building and asset development.

By providing positive direct contributions and assistance in areas such as housing and mental health, the RCA community turbine could also save the public purse almost £2m as well as freeing up public services such as the NHS or justice system to deal with other pressing issues and have positive impacts for individuals who may have been affected, integrating them into society. This professional expert report provides solid examples and evidence of the basis for these forecast impacts.

The proposals themselves are inclusive in their own right. RCA is a membership led organisation that will engage for the full involvement of the Garnock Valley community in developing projects and targeting this re-investment locally. This has started with the development of our initial proposals.

The RCA Proposals will be capable of delivering significant, substantial and long-lasting socio-economic benefits. These benefits and positive impacts will be seen at a project, community and strategic level. Indeed, the approval of this application will provide immediate benefits to many and assist to realise further community focused and controlled projects to release further potential for growth through people, community enterprise and third sector community organisations that would not otherwise happen. It is a new way to create a virtuous cycle for growth and assist to counter the prevailing vicious cycle of prolonged decline and exclusion locally.

We commend these proposals and look forward to working with all partners to deliver the positive changes that will result.

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 25 June 2019 15:53
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Subject: Planning Application : 18/01123/PP : Site to the North of Standingstone Hill, Kilbirnie - Notice of Review

Subject: Planning Application : 18/01123/PP : Site to the North of Standingstone Hill, Kilbirnie - Notice of Review

Dear Sir,

The positive benefits from the proposed development will create meaningful change for the life prospects of many individuals within the communities of the Garnock Valley, as well as providing aspiration for local people, influencing a positive approach to issues surrounding the deep rooted and long lasting effects of industrial decline in the area over previous decades.

If the threat of climate change in the modern world and the complications that will be presented in this new era of the third industrial revolution with all the advances forthcoming in terms of automation, digitalisation, biotechnology, Moore's Law and artificial intelligence - all of which offer what could be overwhelming, significant promise of change but could also pose a significant new set of challenges with diffuse benefits and palpable acute effects – then the approach has to be grassroots and community-led in order to tackle some of these challenges that will be presented and will be the touchstone of value in the coming decades, with promotion of community wealth building to deliver an inclusive economy through focusing on the role of anchor institutions and others in supporting and developing a sustainable local circular economy where they are located.

This calls for a mission led approach to develop a net job exporter situation and tackle the disproportionate impacts on communities and people that will be introduced by coming challenges of the future. These factors and more make the compelling case for imaginative and predictive solutions from governments and institutions as well as local communities. There are limits to that which can be done from the community level up, such as the limits of scaling up, critical mass, connectivity between sectors and clustering. The proposed development is an exceptional approach that will create positive impact, foster local governance and generate a mission led approach to yield true community wealth building and provide inspiration for communities increasing aspirations and reaping the benefits of those auspicious and providential outcomes delivered. Strategic direction, therefore, is required from policy makers and institutions like the local authority in supporting projects such as this.

Yours Sincerely,

[REDACTED]

Dalry.

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Euan Gray (Committee Services Officer / Committee & Member Serv)

From: Anthony Hume (Snr Development Man Off / Planning)
Sent: 24 June 2019 10:02
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Cc: Aileen Craig (Snr Manager / Legal Services)
Subject: FW: Radio City Association Ltd : Community Wind Turbine : Planning Application 18/01123/PP - Erection of 2.5MW wind turbine (Site of Standingstone Hill), Kilbirnie

FYI – For the September LRB

Anthony Hume - Senior Development Management Officer
Planning Services
North Ayrshire Council, Cunninghame House, Irvine KA12 8EE

[REDACTED]
w: www.eplanning.north-ayrshire.gov.uk

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From: Steve Thomson [REDACTED]
Sent: 24 June 2019 09:01
To: Anthony Hume (Snr Development Man Off / Planning) [REDACTED] eplanning
<eplanning@north-ayrshire.gov.uk>
Cc: [REDACTED]@com>
Subject: RE: Radio City Association Ltd : Community Wind Turbine : Planning Application 18/01123/PP - Erection of 2.5MW wind turbine (Site of Standingstone Hill), Kilbirnie

Anthony

We have reviewed the additional information provided Ian Fletcher on behalf of by Radio City Association Ltd – and are satisfied that the proposed 2.5MW wind turbine will have no impact on our primary radar service.

Therefore on behalf of Glasgow Prestwick Airport Ltd we have no objections to this proposed development.

Kind Regards

Steve Thomson



Glasgow Prestwick Airport Ltd.
Aviation House
Prestwick
KA9 2PL

Steve Thomson
Manager Air Traffic Services
Glasgow Prestwick Airport Ltd.

[REDACTED]
[REDACTED]



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From: [REDACTED]

Sent: 13 June 2019 17:22

To: Steve Thomson [REDACTED]

Cc: [REDACTED]

Subject: Radio Citty Association Ltd : Community Wind Turbine : Planning Application 18/01123/PP - Erection of 2.5MW wind turbine (Site of Standingstone Hill), Kilbirnie

Dear Steven

I would refer to Ian Fletcher's e mail to you (attached) on 11th February re the above planning application for our single community owned WTG, which GPA objected to as a result of concerns about potential PSR impacts....

As you will recall, you received from Wind Business Support a full radar impact assessment including a full radar diffraction modelling check which demonstrated a clear no impacts result in this case.

Consequently, I would be grateful if you could advise North Ayrshire Planner (NAC) Anthony Hume at [REDACTED] that GPA has no objections to our proposal as we are currently in the process of making representations to the NAC Local review body on this application.

Thanking you in anticipation

Yours sincerely

Allan Wilson

[REDACTED]

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If you have received this e-mail message in error, please notify us

Euan Gray
North Ayrshire Council
By Email

12th July 2019

Dear Euan

Re: 18/01123/PP: Site to the North of Standingstone Hill, Kilbirnie
Our reference: GLA3690

The above proposed development has been examined from an aerodrome safeguarding perspective and conflicts with safeguarding criteria.

Located approximately 20km from the Aerodrome Reference Point, a turbine of 110m high in this location is predicted to be visible to Glasgow radar and will therefore generate unwanted returns (clutter) on air traffic control display screens.

The proposed development lies beneath a busy section of airspace and would affect all of the airports inbound traffic to runway 05 and most of the outbound traffic from runway 23. Clutter here would add up to 8nm to commercial aircraft routes, reduce the ability of our controllers to detect zone infringements and reduce the safety assurance they can provide aircraft in this area. It would significantly increase controller workload and complexity.

We, therefore, object to the proposal. You should note that where a Planning Authority proposes to grant permission against the advice of Glasgow Airport, it shall notify Glasgow Airport, the Civil Aviation Authority and the Scottish Ministers as per Circular 2/2003: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003.

Please note that the proposed development may benefit from an approved mitigation technology (Terma). This could allow our objection to be removed, but is subject to:

- formal agreement between Glasgow Airport and the applicant;
- specific technical and operational evaluation by Glasgow Airport.

We would be happy to discuss this with the applicant.

Yours sincerely



Kirsteen MacDonald

Safeguarding Manager
Glasgow Airport



Further Rep 12

Euan Gray (Committee Services Officer / Committee & Member Serv)

From: eplanning
Sent: 12 July 2019 09:12
To: Euan Gray (Committee Services Officer / Committee & Member Serv)
Cc: Anthony Hume (Snr Development Man Off / Planning)
Subject: FW: Application No 18/01123/PP

FYI

Lisa Dempster
Planning Technician

Corporate Services
North Ayrshire Council, Cunninghame House, Irvine KA12 8EE
Tel: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

View planning applications online at:
<http://www.eplanning.north-ayrshire.gov.uk/OnlinePlanning/>

-----Original Message-----

From: [REDACTED]
Sent: 11 July 2019 20:03
To: eplanning <eplanning@north-ayrshire.gov.uk>
Subject: Application No 18/01123/PP

[REDACTED]

Thank you for your letter concerning the application planning Ref 18/01123/PP to be considered by the Review Body.

Further to our original objection we concur with all the points made in the letter for the attention of A Hume and Euan Gray lodged by Mr [REDACTED] Chairman of Save Your Regional Park Campaign. (SYRP) We are both founder members of SYRP and [REDACTED] is the Vice Chairwoman. She is also a member of Clyde Muirshiel Regional Park Authority Consultative Forum.

Yours sincerely

[REDACTED]

* Please help reduce waste. Don't print this email unless absolutely necessary. **

Further Rep 13
Save Your Regional Park campaign

Tel. [REDACTED]

E.mail. [REDACTED]

"A true conservationist is a man who knows that the world is not given by his fathers, but borrowed from his children"

John J Audubon 1785-1851

North Ayrshire Council
Planning Dept
Irvine
North Ayrshire

10th July 2019

By e.mail to eplanning@north-ayrshire.gov.uk
and euangray@north-ayrshire.gov.uk

Attention Mr A Hume / Euan Gray

Dear Mr Hume and Mr Gray,

Re: Application No 18/01123/PP - Erection of 2.5 MW wind turbine with 110m blade tip and 65m to hub and associated infrastructure North of Standingstone Hill, Kilbirnie

Further to receipt of Euan Gray's letter of 5th July concerning the applicant's Wild Land Assessment, we would ask the Review Body to note our additional comments and attachment.

It is extraordinary how a consultancy, when being paid by a developer can concoct 13 pages of verbiage to argue that black is white. The issue of Wild Land is a very simple and straight forward issue summed up perfectly on page 1 of the assessment under the heading **'The Proposed Development'** in the last paragraph of 1.1.

"By its nature, the Proposed Development would result in effects which it would not be feasible to fully mitigate". That exactly sums up the situation of this development in WILD LAND and North Ayrshire Planners were absolutely correct in refusing the application. The rest of the document is mostly a 'red herring' trying desperately to justify the unjustifiable right up to the last paragraph of item 5 **Conclusions** on page 12 where they admit that ***"in summary, the assessment findings conclude that there would be localised significant effect on the qualities of 'sense of naturalness' and 'few human elements'***. Then they try to justify the development because ***"....the effects on these qualities would not be significant across the WLA as a whole."*** There is nothing in the WLA qualification 'rules' to suggest that it is acceptable to have a detrimental effect on **part** of a WLA.

Wild Land **IS** Wild Land and this particular WLA is unique in that it is the only WLA in the Central Belt and extra remarkable being the smallest of the WLAs. It is also a mere 30 Kms from our largest city, Glasgow and is the most accessible of all the WLAs. Being the smallest WLA makes it all the more important that it is protected from wind powered generators and being turned into a landscape description of **'moorland with wind turbines'** instead of a WLA. The consultant has demonstrated with Figures 1 – 3 that the development would be visible from a wide area within and outwith the WLA and Clyde Muirshiel Regional Park.

The John Muir Trust which has done so much to promote the preservation of the wilder parts of Scotland say as follows:-

"In June 2014 there was a historic breakthrough when the Scottish Government recognised wild land as a national asset in its Scottish planning policy and adopted the Wild Land Areas map. The map identifies 42 Wild Land Areas, covering nearly 20% of Scotland.

*Wild Land Areas are considered by the government's natural heritage advisor Scottish Natural Heritage to represent the most extensive areas of high wildness. SNH's advice to government at the time of publication of the map stated that **"the concepts of wildness and safeguarding of wild land enjoy strong support from the public and many stakeholders in Scotland. Areas of wild land are widely acknowledged as important assets, providing a number of significant ecosystem services that support a range of social and economic benefits and outcomes."***

The Wild Land Areas are identified as nationally important in Scottish Planning Policy, but are not a statutory designation. Under planning policy Scotland's Wild Land Areas have a degree of protection from wind farms. Whilst we would prefer to see the absolute protection of wild land from any inappropriate, large scale development, the map has helped to bring about some encouraging planning decisions in favour of wild land. Nonetheless, the principles of the planning policy and map continue to be tested as developers put forward proposals we believe are inappropriate for wild land. Find out more about our latest campaign to Keep it Wild!"

There are a number of inaccuracies in the Developer's Wild Land Assessment report:-

Baseline Conditions

Para 2 – The Halkhill Hydro Scheme (comprising Greeto ND Gogo Waters) are **not** in the WLA contrary to the report.

3 Zone of Theoretical Visibility Analysis

Para 1 – The report states the distance from Kilbirnie but fails to state

- that the proposed position of the turbine is 1.5 Kms **inside the WLA**
- that the proposed position of the turbine is only 1.5 Kms from the Special Protection Area (SPA)
- That the South western area of the WLA forms part of the North Ayrshire Council designated Special Landscape Character Area (SCLA) and of course the whole WLA is within the important Clyde Muirshiel Regional Park.
- The emphasis on the Pundeavon dam is 'clutching at straws' and not even worth mentioning.

For the benefit of the Review Body we attach a copy of SNH's assessment of WLA - 04 carried out in 2013 and ask the Review Board to support the decision of Planning to reject this highly inappropriate Industrial application in the WLA and Clyde Muirshiel Regional Park.

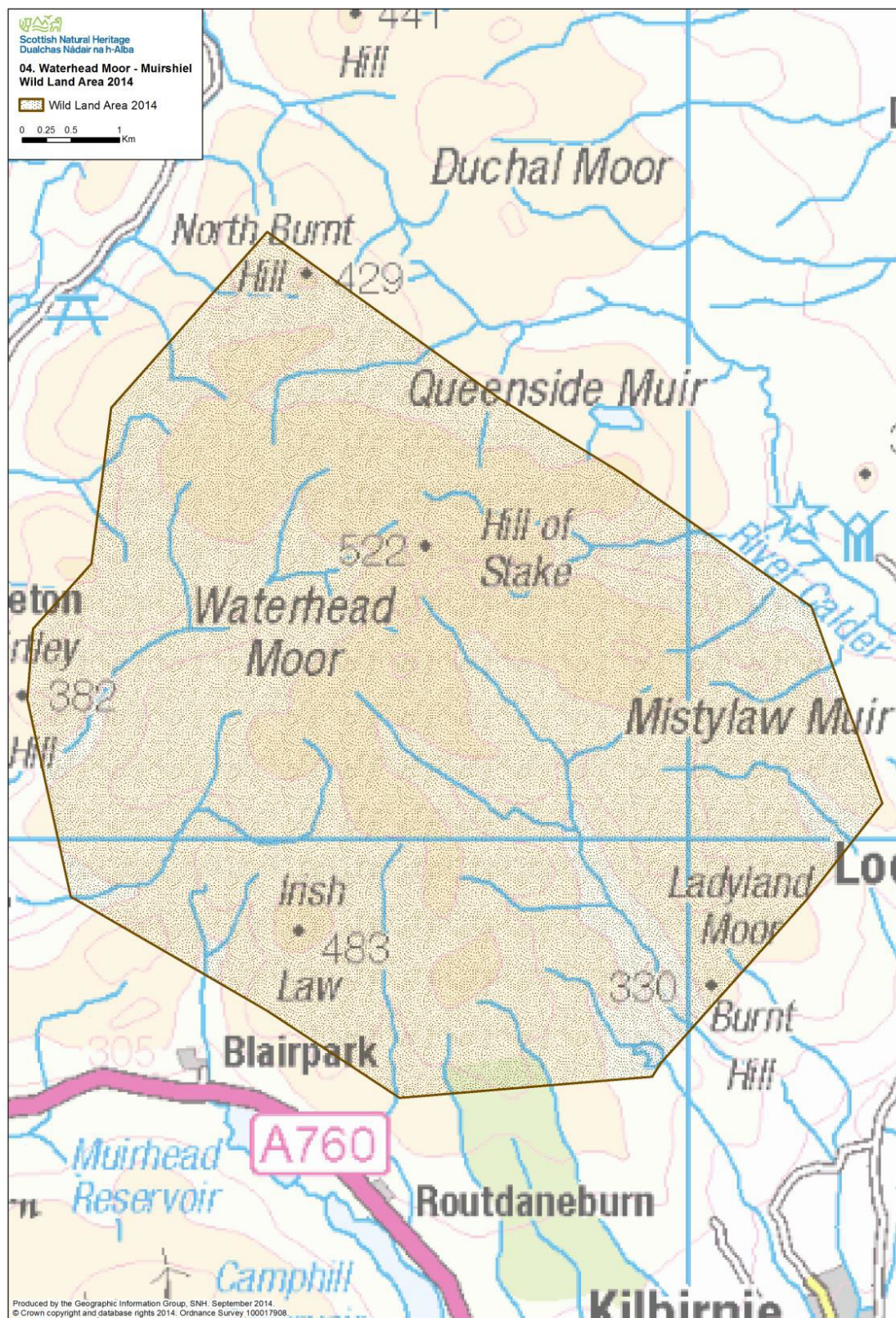
Yours sincerely

[Redacted Signature]

Chairman

Save Your Regional Park campaign

Description of Wild Land Area –2017 1 04 Waterhead Moor - Muirshiel Wild Land



Context

Waterhead Moor - Muirshiel is one of only three WLAs to the south of the Highland Boundary Fault, all of which are relatively isolated and small in extent (at 50 km² this is the smallest of all mainland WLAs). It consists of open, rolling plateau moorland which forms the high moorland core of the Clyde Muirshiel Regional Park, dissected by steep-sided glens and punctuated by several small but steep peaks. Lying less than 30 km from the centre of Glasgow it is the most accessible of all the WLAs and offers a wide range of recreational activities, attracting many visitors. Facilities include Muirshiel visitor centre, which lies nearby to the east and Greenock Cut visitor centre, further to the north. The disused barytes mine at Muirshiel is accessed by the heritage trail from the visitor centre and an off road driver training area is based in the same area.ⁱ

The WLA lies partly within North Ayrshire and partly in Renfrewshire. The south western area forms part of a Special Landscape Character Area (SLCA)ⁱⁱ and much of the area is included within the Renfrewshire Heights Special Protection Area.

From within the WLA, its *extent* is generally obvious from the views of roads, settlements, forest plantations and infrastructure which surround and lie outwith it. Some narrow glens and lower-lying parts of the interior are more enclosed with fewer views, where the *extent* is less evident and the wild land qualities stronger.

From outside the WLA, the rolling plateau is widely visible from the settled lowlands that surround it, forming a simple backdrop that contrasts strongly with the urbanised landscape. Misty Law is a distinctive landmark in wider views of the uplands from the east and the cluster of hills around Irish Law feature on the skyline in views from the west.

Steep, often wooded slopes limit views from the west, from nearby settlements such as Largs and from the minor road that follows the Noddsdale Water, but the uplands within the centre of this WLA are widely visible from the Firth of Clyde and from the diverse, small scale landscape of the Garnock valley.

Key attributes and qualities of the wild land area

• A wild land area with a surprisingly strong sense of naturalness

Much of the plateau is covered in wet moorland, consisting of a diverse mix of rough grassland, heather moorland and blanket mire, providing a strong *sense of naturalness*. Small lochans occur on areas of flatter ground and several steeply incised glens, such as those of Raith Burn and Greeto Water, dissect the plateau.



Within these glens, rock outcrops, natural burns, waterfalls, broadleaved trees and luxuriant vegetation add to the *sense of naturalness*, unaffected by *contemporary land uses*. The plateau is also punctuated by well-defined, steep sided summits such as Misty Law, which provide a greater *sense of physical challenge*. Grassland tends to be more prominent on these drier slopes and the hills are often fringed by rocky crags and scree, adding to the *sense of naturalness*.

Sheep grazing is evident and some of the lower-lying parts are also drained by parallel lines of ditches. There is no forestry within the WLA, although some forest plantations to the north east and south east and smaller conifer blocks amongst



improved fields to the south of Muirshiel are visible from within. These signs of *contemporary land use* are not widespread and have a relatively localised effect upon the otherwise strong *sense of naturalness*.

- **Few human elements within the WLA, in contrast to the surrounding landscape**

The WLA is notable for the relative absence of *human artefacts and contemporary land use*, in sharp contrast to the lowland areas that surround it.

The moorland is generally unenclosed, but a few post and wire fences cross the area, the most noticeable of these follows the county boundary. There are few obvious footpaths, but stone cairns mark the more prominent hills. Small timber posts and other markers dot the lower areas and some ATV tracks are evident, appearing to randomly cross the moorland. Together with signs of land drainage, these unobtrusive and isolated *human artefacts* have a limited effect on the overall *sense of remoteness and sanctuary*. A constructed track, which provides access to Misty Law (510 m) from the south east, has a more noticeable effect on these wild land qualities.



Although there are few *human artefacts* within the WLA, various types of built development including wind farms outwith the WLA are visible from most of the area. From tops such as the Hill of Stake, human elements are visible in all directions, except to the south west towards Arran.

To the north, several power lines are prominent in views towards Ben Lomond and the Arrochar Alps. Mining infrastructure, river engineering and tracks along the River Calder, Muirshiel visitor centre buildings and designated car parks have a localised but noticeable effect on the wild land qualities of the north western part of the WLA, especially near the former barytes mine track, where there are areas of hard standing, abandoned pipes, concrete abutments, palisade fencing and ground disturbance.



Longer distance views towards the tower blocks of Glasgow, Helensburgh and other settlements along the Clyde valley also have a marked effect on the *sense of remoteness and sanctuary*, due to the extent of the view occupied by built development and the way in which buildings to the north tend to reflect sunlight, so making them more noticeable. From southern parts of the WLA the dispersed settlement pattern of the Ayrshire lowlands is evident beyond several reservoirs, with the cranes at Hunterston ore terminal and shipping on the Firth beyond, visible to the south west.



At night, lighting within settlements is visible in most directions. The sound of traffic on the surrounding roads can be heard and the proximity of Glasgow airport results in regular overhead air traffic. These human elements have a noticeable effect on the *sense of remoteness and sanctuary* but encroach more where there is combined visibility of for example, nearby tracks and fences,

power lines, forest plantations, wind turbines and settlements, or where they appear to encircle the WLA.

☐ An area where wild land qualities are restricted in extent, but which can be widely appreciated from the surrounding areas

From much of the interior, with the exception of the narrow incised glens, the relatively small *extent* of this WLA is evident from the surrounding human elements outwith the WLA, visible in all directions. There are also parts of the WLA where extensive views of rolling and deeply dissected moorland are possible, especially from the margins towards the interior, but these tend to be in the context of wider views containing settlements, infrastructure and forest plantations, which reduce the *sense of remoteness and sanctuary*.



The restricted *extent* of the WLA and the predominantly gentle rolling moorland topography reduces the *sense of risk*, although burn crossings, bog holes and drainage ditches filled with vegetation provide a degree of *physical challenge*.

Although the rolling moorland is not generally *arresting*, from the hill tops there are some extensive and inspiring panoramas over the Firth of Clyde to the islands of Cumbrae, Bute and Arran and of Ben Lomond and the Arrochar Alps.

The smooth moorland hills form a comparatively *rugged* backdrop to the surrounding settled and urbanised lowlands, and large numbers of people are consequently able to experience this wild land quality as they move around the surrounding area.

Whereas the sharp contrast between the WLA and its surroundings adds value to the area as a recreational resource, the proximity to the settled landscape, ease of access and relatively small *extent* of the area combine to limit the *sense of remoteness* and the potential for *solitude*.



Endnotes

i <http://www.clydemuishiel.co.uk> accessed February 2014

ii Designated by North Ayrshire Council

Site assessment carried out November 2013



Scottish Natural Heritage
Dualchas Nàdair na h-Alba
nature.scot

Mr Euan Gray
North Ayrshire Council
Committee Services
Cunninghame House
IRVINE
KA12 8EE

Date: 26 July 2019
Our Ref: CNS/REN/ST/SH
Your Ref: 18/01123/PP

Dear Sirs

**Planning Application: 18/01123/PP: Site to the North of Standingstone Hill, Kilbirnie
Notice of Review**

Thank you for the opportunity to comment on the additional Wild Land Assessment for this proposal submitted by the applicants.

We work in support of the government's vision for an energy sector that delivers secure, affordable and clean energy for Scotland. We provide advice in the spirit of the government's Onshore Wind Energy Strategy that says "developments can and must strike the right balance between utilising Scotland's significant renewable energy resources whilst protecting our finest scenic landscapes and natural heritage".

This response provides advice on the impacts on the Wild Land Area.

Summary

This letter only provides advice in relation to the impacts on the Waterhead Moor – Muirshiel Wild Land Area (WLA). Our advice in respect of the potential impacts on the Renfrewshire Heights Special Protection Area (SPA) was provided in our letter of 8 February 2019.

This proposed development raises natural heritage issues of national interest due to the significant adverse impacts on the Wild Land Waterhead Moor – Muirshiel Wild Land Area (4). We therefore object to the proposal.

There will be significant effects on the wild land quality described as: "*Few human elements within wild land area in contrast to the surrounding landscape*". These effects relate to the prominence of the proposal within an open rolling plateau, the extent of area affected and the relative absence of human artefacts as well as the impact on the sense of remoteness and sanctuary.

Background/

Background

In February we noted the original planning proposal was not supported by an assessment of the potential impacts on the Waterhead Moor – Muirshiel Wild Land Area. In response SNH submitted a holding objection, reserving our final position until this work had been undertaken.

We note that subsequently, the application was refused planning consent, but is now the subject of this current review.

As a Wild Land Assessment has now been submitted by the applicant, we are now in a position to provide our comments on impacts on the WLA.

Appraisal of Impacts

The Waterhead Moor – Muirshiel WLA has three key qualities:-

- Quality 1: A wild land area with a surprisingly strong sense of naturalness.
- Quality 2: Few human elements within wild land area in contrast to the surrounding landscape.
- Quality 3: An area where land qualities are restricted in extent, but which can be widely appreciated from the surrounding areas.

We broadly agree with the applicant's assessment in relation to Qualities 1 and 3, however, we do not agree with the conclusions in respect of Quality 2. Our appraisal of the impacts on quality 2. is set out below.

Impact on Quality 2. *Few human elements within the WLA, in contrast to the surrounding landscape*

Other than the above ground permanent features of the Pundeavon hydro scheme which will have localised effects on the attributes which underpin this quality, other signs of human artefacts and contemporary land uses are minimal allowing the contrast between the WLA and the surrounding landscape to be well expressed.

The susceptibility of this quality to the proposal is considered to be high (which is greater than the applicant's Wild Land Assessment identifies), as the vertical nature of the proposal will result in effects being widespread across the WLA which is both small in its extent and does not benefit from large scale landscape undulations that would screen the proposal.

The effects of this proposal would extend across a large part of this small WLA, as illustrated by the various Zone of Theoretical Visibility (ZTV) diagrams provided within the Wild Land Assessment. We do not agree with the statement; "*views of the Proposed Development would be restricted to localised parts of the WLA.*" The turbine is proposed to be located within the WLA, and due to its height (110m), pale colour and moving nature its effects will extend across and well into the interior of this WLA. From these interior locations this quality is strongly expressed. There is a relative absence of human artefacts and those which are there (such as stock fencing) are low lying and unobtrusive, resulting in very limited obtrusive human elements being evident.

In/


In addition, the turbine will reduce the sense of remoteness and the sense of sanctuary as it will appear as an isolated human artefact bringing development into areas where currently it is minimal.

The magnitude of effect identified by the wild land assessment for this quality has been understated and would be greater than moderate/minor. Effects on the absence of human elements, remoteness and sanctuary, which are the key contributing attribute and resulting response underpinning this quality are considered to be major/moderate. The effects on this quality are therefore considered to be significant.

As a result of the prominence of the proposal and the extent of area affected, effects on quality 2 of the Waterhead Moor – Muirshiel WLA 4 will be significant. We consider that the impacts as a result of this turbine are of national interest and warrant an SNH objection as the proposal fails Scottish Planning Policy (paragraph 215) which stresses the need to avoid such impacts on nationally important wild land areas.

Should you wish to discuss this letter in further detail, please do not hesitate to contact Graeme Walker at the above address.

Yours faithfully


Area Manager
Strathclyde and Ayrshire



Radio City Association

Comments on Further Representations from Interested Parties

Planning Reference: 18/01123/PP

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Page 10
- **RCA Response to Representations 1 and 13 ("Save Your Regional Park")**
Pages 11-12
- **RCA Response to Representations 5, 6, 7, 8 and 9 (Supporting Comments)**
Page 13-14



RCA Response to Representations 2 and 14 (Scottish Natural Heritage)

In Response to **Representations 2 and 14** by **Scottish Natural Heritage (SNH)**, RCA notes that SNH have no objection regarding ecology or ornithology as stated within previous SNH representations.

The TGP response to RCA included as a supplementary annexe below in response to the SNH representation rebuts in a very detailed manner the SNH claimed conclusions in relation to WLA Quality 2. In the view of RCA, the assessment process clearly relies on professional judgement and as TGP outline, 'differences of opinion are not uncommon'. In RCA's view, however, the TGP conclusions were **based on an actual field survey – as were the LVIA proposals before them** – and that report is 'augmented by a desktop study to develop a holistic understanding of the proposals and the surrounding context'.

The same cannot be said of either the Carol Anderson Landscape Study nor indeed of the SNH response as, to RCA's knowledge, the Carol Anderson Study did not actually scope the proposed site of the RCA Wind Turbine but relied on its simple inclusion within the 104 square miles of the Clyde Muirshiel Regional Park to justify their 2009 'conclusion' that a single turbine – in RCA's case a community owned single turbine – would be inappropriate in this location. Likewise, their supplementary 'study' never actually considered the local landscape but again concluded that the entire area within the boundaries of the CMRP in area 19 was not suitable for such development without physically studying the area or the alleged 'impact' in question.

Fast forward ten years and history repeats itself with SNH now claiming that because the site is within the boundaries of a 'Wild Land Area' that a single turbine would have an adverse impact on WLA Quality 2 – **without actually visiting the site to make a judgement on the issue by direct reference to local topography and the current multitude of 'man made' features already very visible in the vicinity and within the WLA more generally – all approved by SNH in the interim period since the WLA was created.**

As described and illustrated within the Wild Land Assessment, these **man-made features extend well into the interior of the WLA, consisting of more than 4.5km of above ground track, associated drainage ditches, cuts and embankments all of which 'exert visual effects and physical changes to the landscape of the WLA** within the River Garnock Valley'.

SNH claim that it is due to the 'vertical' nature of the proposed WTG but whilst it is not a vertical feature, the road's length ensures it is a very notable visual component of the landscape along the length of the valley. No individual, in RCA's opinion, who has ever visited the site in person could conclude otherwise. Neither is there any recognition of the other human influences within the WLA.

These comprise:

- 1) The remnants of the existing Pundeavon Reservoir, which remains a wholly incongruous earthwork feature on the southern edge of the WLA (as illustrated in TGP's Survey Point 2) contained within a recently erected boundary fence with associated public signage.
- 2) The existing Greeto Hydro Scheme, likewise, incorporating significant above ground tracks on the western edge of the WLA
- 3) The Halkhill and Blair Park Forest, currently under construction, comprising large, expansive areas of commercial, non-native, coniferous species, with associated drainage measures. (see attached photographic evidence of the impact of same).

It is self-evident that the combined presence of these features conflicts substantially with the characteristics that underpin WLA Quality 2, yet they, either individually or collectively, do not appear to have been given any degree of weight in SNH's judgement and this de-values their judgement in RCA's opinion.

The findings of TGP on the other hand were supported by descriptive narrative (in accordance with SNH guidelines) and illustrations (plans and photo survey) to ensure full transparency.

As is described in the original assessment, the **community turbine would be located at what is a 'relatively low-lying position relative to the surrounding landform within the WLA'**. What this means is that the turbine would be located at approximately 328m AOD, with the surrounding valley landform rising to 389m AOD to the east, and 447m AOD to the west. Consequently, the **'rising topography either side of the River Garnock Valley would provide a good degree of visual containment in these directions'**. This analysis is well illustrated in the ZTV, which shows theoretical extent of visibility extends approximately 1.5km to the west, and approximately 4.4km to the north.

As TGP therefore make clear, **these are 'localised' impacts and cannot be described as 'significant'**. As TGP state and indeed RCA accept, whether an effect is localised or not, 'is open to a degree of professional opinion'. What is not in dispute, however, is that the findings described within the Wild Land Assessment were made with reference to the ZTV and further ZTV analysis indicates **'there would be no views and no effect across more than 76% of the WLA.'** Consequently if SNH are to be consistent therefore as TGP maintain, 'if a spread of visual effects to a theoretical maximum distance of 4.4km and notably much less in other directions) is not local, then **this undermines SNH's assertion that the 4.5km long above-ground track associated with the Pundeavon Hydro scheme will have 'localised effects' as they argue in their communication to Planners.** SNH cannot use one definition of 'localised effects' in relation to the hydro scheme then adopt another definition in relation to the WTG's visual impact as defined by the ZTV.



Equally, SNH cannot agree with the Forestry Commission to approve the planting of the Halkhill and Blairpark Forest now underway yet continue to object to RCA's **single community owned turbine**.

The combined effects of the former real intrusion of human activities into the WLA i.e. **approximately 750,000 trees massively exceed the inconsequential by comparison intrusion of a single turbine.**



This planting has started, and **pictures show a significant intrusion of this 'human activity' that will impact on the WLA to much larger extent and for much longer than RCA's community turbine.**

It is genuinely incomprehensible to RCA how SNH can argue about the adverse landscape character of a single turbine in community ownership compared to nearly '3/4 million trees', the majority of which are non-native tree species such as Sitka Spruce which grow up to 100m tall.





Radio City Turbine

TGP Memo 2019/08/12

Re: SNH Response (dated 2019/07/26) to Radio City Community Turbine Wild Land Assessment

TGP welcome the agreement from SNH with our findings in relation to Qualities 1 and 3 of the Waterhead Moor – Muirshiel WLA.

With regards to the discrepancy in conclusions in relation to WLA Quality 2; the assessment process relies on professional judgement, hence differences of opinion are not uncommon. The TGP conclusions were based on field survey, augmented by desktop study to develop a holistic understanding of the proposals and the surrounding context. The findings were supported by descriptive narrative (in accordance with SNH guidelines) and illustrations (plans and photo-survey) to ensure full transparency.

In relation to SNH's comments (quotations in italics), the following points are raised;

1. *"Other than the above ground permanent features of the Pundeavon hydro scheme which will have localised effects on the attributes which underpin this quality, other signs of human artefacts and contemporary land uses are minimal"*

- As described and illustrated within the Wild Land Assessment, this man-made feature extends into the interior of the WLA, comprising >4.5km of above ground track, associated drainage ditches, cuts and embankments, which exert visual effects and physical changes to the landscape of the WLA within the River Garnock valley. Whilst it is not a vertical feature, its length ensures it is a notable visual component of the landscape along the length of the valley.
- There is no recognition of the other human influences within the WLA. These comprise: (i) the remnants of the existing Pundeavon Reservoir, which remains an incongruous earthwork feature on the southern edge of the WLA (as illustrated in Survey Point 2), (ii) the existing Halkhill Hydro Scheme incorporating above ground tracks on the western edge of the WLA, and (iii) the Halkhill and Blair Park woodland proposal, which is currently under construction, comprising expansive areas of commercial, non-native, coniferous species, with associated drainage measures.
- The combined presence of these features conflicts with the characteristics that underpin WLA Quality 2, yet do not appear to have been given any degree of weight in SNH's judgement.

2. *"The susceptibility of this quality to the proposal is considered to be high (which is greater than the applicant's Wild Land Assessment identifies)"*

- The Wild Land Assessment describes varying sensitivity in relation to Quality 2, with reference to how intact it now is. It is described as being Medium within the locality of the River Garnock Valley, due to the influence of the Pundeavon hydro scheme track. Across the wider WLA, sensitivity is acknowledged as being High.

3. *"The vertical nature of the proposal will result in effects being widespread across the WLA"*

- The proposed turbine is indeed a vertical feature. However, its footprint (the extent of which correlates directly to the degree of lasting physical changes to the WLA) is very limited. As such any effects would be easily reversible in the future. In contrast, the Pundeavon Hydro scheme is not vertical. However, as noted above, the associated

track extends >4.5km into the WLA, resulting in direct physical changes that are far more pronounced than those that would be attributed to the base of the turbine. The influence of the track is augmented by track-side embankments and infill, which represent permanent changes to the physical landform within the WLA (see additional photographs at the foot of this memo). The steep nature of these embankments have the potential to result in lasting scars on the landscape. Due to the extensive length of the track, its visual influence encompasses a similar geographic area of the WLA as the proposed turbine.

4. *"The WLA... does not benefit from large scale landscape undulations that would screen the proposal."*

- As described in the assessment, the turbine would be located at a relatively low-lying position relative to the surrounding landform within the WLA. The turbine would be located at approximately 328m AOD, with the surrounding valley landform rising to 389m AOD to the east, and 447m AOD to the west. The rising topography either side of the River Garnock valley would provide a good degree of visual containment in these directions. This is illustrated in the ZTV, which shows theoretical extent of visibility extends approximately 1.5km to the west and west, and approximately 4.4km to the north.

5. *"We do not agree with the statement; 'views of the Proposed Development would be restricted to localised parts of the WLA.' "*

- Whether an effect is localised or not, is open to a degree of professional opinion. The findings described within the Wild Land Assessment were made with reference to the ZTV (the extents of which are summarised above). Further ZTV analysis shows that there would be no views and no effect across >76% of the WLA.
- In terms of consistency, if a spread of visual effects to a theoretical maximum distance of 4.4km (and notably less in other directions) is not local, then this undermines SNH's assertion that the 4.5km long above-ground track associated with the Pundeavon Hydro scheme will have 'localised effects' (see Point 1 above).

6. *"From these interior locations this quality is strongly expressed... the turbine will reduce the sense of remoteness and the sense of sanctuary as it will appear as an isolated human artefact"*

- With reference to the photo survey within the assessment, views of the turbine from interior parts of the WLA typically include existing wind energy development within the same field of view. As such it would not be an isolated human artefact. From the interior of the WLA, potential views of the turbine would be limited to localised summits, where it would account for a narrow angle of view against a settled lowland context.

7. *"The magnitude of effect identified by the wild land assessment for this quality has been understated and would be greater than moderate/minor."*

- The Wild Land Assessment clearly states that local effects (comprising those within the Garnock valley) would be of Substantial/Moderate magnitude. The effects across the wider WLA are described as being Moderate/minor. This recognises the fact that expansive areas of the WLA fall completely outwith the ZTV (>76%) where there would be no view and no effect. This is a fully justifiable conclusion, supported by ZTV analysis.

Additional supporting photographs

The following photographs were all taken during field survey on 04 June 2019. These show evidence of the level of 'human elements' within the WLA (within the Garnock valley) in contradiction of WLA Quality 2.

Built features associated with the Pundeavon Hydro track include road bridge with exposed concrete formation. There is also evidence of fill being used to accommodate track levels, as well as exposed, above-ground sections of pipework.



Steep-sided embankments (some >3m in height) are located along the Pundeavon Hydro track. The angle of cut and degree of overhang does not lend itself to natural regeneration. The scale of these features mean that they are visible from wider parts of the Garnock valley and surrounding hillsides.







RCA Response to Representations 3, 4, 10 and 11 (Aviation Stakeholders)

- Radio City Association notes there is **no objection raised** within **Representation 3** received from the **Ministry of Defence (Defence Infrastructure Organisation)** stating that the development would not be prohibitive regarding the interest of the UK's national security.
- Radio City Association notes there is **no objection raised** within **Representation 4** made by **National Air Traffic Services (NATS)** stating that the application has been technically reviewed and there are no safeguarding issues regarding Air Traffic Control.
- Radio City Association notes there is **no objection raised** within **Representation 10** on behalf of **Glasgow Prestwick Airport (GPA)** subsequent to a radar diffraction study provided by RCA.
- Radio City Association notes **Representation 11** from **Glasgow International Airport (GIA)** and confirm that RCA have contacted the relevant GIA official regarding the "Terma" radar impact mitigation and that the development should not be prohibitive due to PSR mitigation techniques and any issues can be overcome in agreement with GIA. RCA are scheduled to meet with GIA to agree the relevant mitigation measures necessary to remove images of the RCA Community Turbine from GIA radar imaging systems.

RCA Response to Representations 1 and 13 ("Save Your Regional Park")

In response to **Representations 1 and 13** Radio City Association notes The 'Save Your Regional Park Campaign' response(s) who appear to be based in Lochwinnoch, attended the public presentation made by Radio City Association to Kilbirnie & Glengarnock Community Council but received no encouragement from local residents of either town, either present at the meeting or living in the community, the vast majority of whom back **Radio City Association's plans to reinvest the revenues from the wind turbine back into new community owned infrastructure, address the considerable socio-economic challenges of the Garnock Valley and address real and increasing health and well-being inequalities in the area.**

As evidenced by the **public support of local residents both to Planners and in their continued representation to Radio City Association Directors** at all the public and community meetings we attend on a regular basis, **the SYRP speaks for a dwindling group of out of town and 'out of touch' protestors and whose argument ignores the recently announced 'climate emergency' declared by both the Scottish and UK Governments as well as the North Ayrshire Council Leadership.** The SYRP talk of threats to the CMRP and the Aarhus Convention when the **greatest threat of all to our natural environment is climate change, the solution to which is to increase the transition to low carbon sources of energy generation not prevent communities like our own from leading the way through our 'Electric Valley' Initiative.**

Radio City Association won't of itself, change the world with our single turbine but our direction of travel if adopted by other communities would undoubtedly have a marked **beneficial effect on cutting carbon emissions, combatting climate change and promoting sustainable development at a local level, coalescing as it does with the stated aims and objectives of both Governments and the Council.** Our proposal far from breaching the provisions of the Aarhus Convention demonstrates a practical means by which communities like our own can contribute to its objectives.

The SYRP refer to the fact that circa 44 Wind Turbines have already been 'approved' in or around the CMRP yet continue to ignore **the economic development benefits that will accrue directly to our community returning more in direct community investment from our single turbine than ALL the other commercially operated turbines in the CMRP area.** Instead they refer to 'impact on surroundings' when our local community - unlike Lochwinnoch from where our turbine will be largely invisible – lives on a day to day basis with 33 turbines visible most days and the **ONLY** issue of continuing concern locally is that virtually **NO community benefit is returned to Kilbirnie, Beith or Glengarnock from those turbines** while other communities where the turbines are not visible receive the lion's share of whatever minimal benefits are distributed.

The real impact on the ‘surroundings’ of people in these affected communities comes not from our proposed turbine but from endemic poverty, deprivation and lack of opportunity for so many of our fellow community residents as identified by the SIMD statistics for the Valley.

SYRP refer to these turbines as the equivalent of an ‘industrial estate’ or ‘huge power station’ and talk of enough is enough’ but **fail to differentiate between our single community owned and operated turbine and ALL the others.** While millions of pounds is exported monthly from these turbines in North Ayrshire to shareholders across the globe, **only RCA propose to reinvest 100% of ALL the revenues so generated back into our hard pressed communities to combat poverty in our midst, create jobs and training opportunities for those currently denied them and improve the life prospects of so many of those in our local communities** who find solace in alcohol or drugs abuse despite the damage to their individual health and well-being and the concern of their wider family and friends.

As 89 local people and a number of additional respondents to the subsequent consultation as well as hundreds of petitioners have pointed out in support of this application, Radio City Association alone among renewable energy developers locally intend to address these issues in our community and do what we can to assist all the local and national government agencies and third sector organisations struggling to cope with demands for their services in these fields.

Unfortunately, these local people, as commented upon by other respondents, appear to understand much better than Planners have to date, the overwhelming economic development benefits that are going to arise with this project and as Scottish Government advice makes clear should be the overriding material consideration by the Local review Body in coming to its decision to help transform for the better the next twenty five years of community development in the Garnock valley by approving the **Radio City Association community wind turbine and paving the way for the future investment of £6 - £7.5m in addressing the considerable socio-economic challenges and health inequalities of this area.**



RCA Response to Representations 5, 6, 7,8 and 9 (Supporting Comments)

The Radio City Association notes that the representations made in support of the proposal highlight the net positive economic and social impact the development will create in the Garnock Valley tackling local issues and creating greater resilience and community capacity in future, also recognising that this should be considered a material consideration in accord with Scottish Planning Guidance.

RCA will be re-investing ALL the remaining revenues in community owned and operated projects within the “Electric Valley” that will create a massive legacy benefit for the Garnock Valley. This re-investment strategy has been with a strategic overview aimed at creating a targeted focus on seven key areas to tackle local issues based upon detailed analysis of the RCA’s socio-economic report reinforced by policy framework review as well as the founding objectives set out within the Constitution the RCA.



As well as the strategic re-investment, RCA proposes the creation of a community benefit fund that communities and individuals can bid into independently. The RCA has developed the following funds within the Community Benefit component of the revenues from the renewable energy, with the focus of providing long lasting benefit to individuals and community organisations within the Garnock Valley as well as fostering community spirit, promoting wellbeing and enabling community development in accordance with the charitable objectives of the RCA Constitution.

Radio City Association (RCA) Education and Training Bursaries Fund

The Fund is open for applications from any adults (aged 16+) of the community of the Garnock Valley who wish to develop their skills and who are undertaking courses delivered by accredited organisations and recognised training providers. This includes prospective and current students at colleges or universities, apprentices, and any adults wanting to undertake further training/ skills development.

Bursaries are for a maximum of £500.00 per applicant per financial year for those aged 16+ – but no more than £1,500.00 in any 5-year period.

Radio City Association (RCA) Supporting Children and Young People Fund

This Fund is open to support children from birth to the time that they, as young people, exit secondary education. Note that this Fund is for individuals to enable them to access activities or obtain equipment that will support their development. Awards are for a maximum of £500.00 per applicant per financial year – but no more than £1,500.00 in any 5-year period.

Radio City Association (RCA) Wellbeing Fund

This Fund is open to support individuals (aged 16+) living in the Garnock Valley to participate (including to perform) in a range of arts, cultural and natural heritage, leisure and recreational, and scientific events, non-certificated/informal lifelong learning courses and activities. Awards are for a maximum of £500.00 per applicant per financial year – but no more than £1,500.00 in any 5-year period.

Radio City Association (RCA) Small Grant Fund for Organisations

This fund is open to community organisations (voluntary bodies, etc.) that want to apply for funding up to £500.00 for a project which meets one of RCA's wide-ranging charitable objects and which will benefit the community of the Garnock Valley

The RCA Proposals will be capable of delivering significant, substantial and long-lasting socio-economic benefits. These benefits and positive impacts will be seen at a project, community and strategic level. Indeed, the approval of this application will provide immediate benefits to many and assist to realise further community focused and controlled projects to release further potential for growth through people, community enterprise and third sector community organisations that would not otherwise happen. It is a new way to create a virtuous cycle for growth and assist to counter the prevailing vicious cycle of prolonged decline and exclusion locally. We commend these proposals and look forward to working with all partners including North Ayrshire Council to deliver the positive changes that will result.

NORTH AYRSHIRE COUNCIL

4 September 2019

Local Review Body

Title:	Notice of Review: 19/00135/PP – Westbourne Caravan Park, West Bay Road, Millport, Isle of Cumbrae KA28 0HA
Purpose:	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.
Recommendation:	That the Local Review Body considers the Notice of Review.

1. Executive Summary

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 19/00135/PP – extension to existing caravan park to provide a further 18 stances together with alterations to the existing internal driveway, provision of bin stores and visitor car parking at Westbourne Caravan Park, West Bay Road, Millport, Isle of Cumbrae.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report:-

- Appendix 1 - Notice of Review documentation;
- Appendix 2 - Report of Handling;
- Appendix 3 - Location Plan;
- Appendix 4 - Planning Decision Notice;
- Appendix 5 - Further representations from interested parties; and
- Appendix 6 - Applicants response to further representations.

3. Proposals

- 3.1 The Local Review Body is invited to consider the Notice of Review.

4. Implications/Socio-economic Duty

Financial

4.1 None.

Human Resources

4.2 None.

Legal

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 None.

Community Benefits

4.7 None.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations and their response is set out in Appendix 6 to the report.

Craig Hatton
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

Background Papers

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Cunninghame House Friars Croft Irvine KA12 8EE Tel: 01294 324 319 Fax: 01294 324 372 Email: eplanning@north-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100168749-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Robertson Design Practice"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Peter Kenneth"/>	Building Name:	<input type="text" value="REDACTED"/>
Last Name: *	<input type="text" value="Robertson"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="REDACTED"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="REDACTED"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="REDACTED"/>
		Postcode: *	<input type="text" value="REDACTED"/>
Email Address: *	<input type="text" value="REDACTED"/>		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

First Name: *

Building Number:

Last Name: *

Address 1
(Street): *

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Extension Number:

Country: *

Mobile Number:

Postcode: *

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

North Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

WESTBOURNE CARAVAN PARK

Address 2:

WEST BAY ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

MILLPORT

Post Code:

KA28 0HA

Please identify/describe the location of the site or sites

Northing

654450

Easting

215159

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Extension to existing caravan park to provide a further 18 stances together with alterations to the existing internal driveway, provision of bin stores and visitor parking.

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Appeal document attached.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☒ Yes ☐ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Further economic and social justification together with precedent information.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal report together with supporting letters and emails.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

N/19/00135/PP

What date was the application submitted to the planning authority? *

21/02/2019

What date was the decision issued by the planning authority? *

02/04/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site inspection will better inform the review body of the proposals and their impact on the landscape and adjacent dwellings.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Peter Kenneth Robertson

Declaration Date: 11/06/2019

ROBERTSON DESIGN PRACTICE

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

**APPEAL AGAINST REFUSAL OF PLANNING APPLICATION 19/00135/PP
EXTENSION TO EXISTING CARAVAN PARK TO PROVIDE A FURTHER 18 STANCES TOGETHER
WITH ALTERATIONS TO THE INTERNAL DRIVEWAY, POSITION OF BIN STORES AND VISITOR
PARKING,
WESTBOURNE CARAVAN PARK, WEST BAY ROAD, MILLPORT, ISLE OF CUMBRAE KA28 0HA.**

INTRODUCTION.

This appeal is against the decision by North Ayrshire Council to refuse consent to extend the existing caravan park at Westbourne, Millport, Isle of Cumbrae.

HISTORY.

The current owners, Mr. and Mrs. Parry-Mellor purchased Westbourne Caravan Park in November 2003 and have operated it successfully since then. At the time of their acquisition the caravan park consisted of 31 holiday caravans although the original caravan park also encompassed the adjacent lodges, 8 in total, which were sold off prior to them taking possession of the business.

The owners then spent some time improving the existing site, upgrading the caravan stock and generally bringing the site up to a standard with which they were happy. Having completed the upgrading the owners considered the opportunity to extend the park and, after discussions with the planning officers at North Ayrshire Council, an application was submitted for an extension to the park, in the adjacent field, to increase the numbers by 40 which was approved in 2016.

This extension was intended to take 5 years to complete and be fully operational however, such was its popularity, the demand and uptake of units meant that the works had to be accelerated and the development was almost complete within 3 years with the last of the caravans expected to be sold by the end of the current year.

Given the demand, the owners again approached the planning officer at North Ayrshire Council, with whom they had previous dialogue, and who had dealt with the previous application. They discussed a further extension within the remaining portion of the field and received a positive response, although they were advised to leave a small area between the existing houses in West Bay and the first caravans in the new development.

On the strength of this advice the owners entered into a contract to purchase the remaining section of field and instructed the preparation and submission of a planning application to reflect the conclusions of the earlier discussions.

This planning application was prepared and consisted of a further 34 caravans with increased space between each and set in such a way as to reduce the impact on the adjacent houses. A small area was left undeveloped adjacent to the houses and a new vehicle entrance proposed off the main road to serve the new section of the caravan park.

The application was submitted in November 2018 and during this period, the officer with whom the client had had discussions, Mr. R. Middleton, left the authority and the application was allocated to another officer unfamiliar with the site and to a great extent, the economy of the island.

It became apparent during the course of this application's consideration that the planning officer was unlikely to recommend approval. There followed some discussion but no agreement could be reached which would allow the planning officer to reverse his opinion and the application was refused.

The reasons for refusal were;

1. the proposed scheme would lead to coalescence with the town of Millport.
2. there was no economic justification for the development.
3. that the development would lead to the loss of agricultural land.

Subsequent to this refusal there were further discussions with the planning officer who confirmed that a smaller extension to the caravan park could be acceptable if a significant gap was left between the existing housing and the proposed caravans. Sketch layouts were prepared and presented for consideration but the planning officer eventually indicated that even the reduction of over 50% of the previous proposal was unlikely to receive support from the planning authority. In his opinion, there was little point in submitting a revised application as the number of additional caravans which he could consider acceptable was likely to be so few as to be un-acceptable to the client.

The client commissioned an economic study of a reduced scheme and on the strength of this and the earlier discussions instructed that a revised application be submitted.

In addition, subsequent to the first refusal, the client received considerable support from local business's which also encouraged him to submit this application. It is fair to say that there was considerable surprise amongst residents and business's that the original application was refused.

The reduced scheme consisted of a significantly reduced area, 18 caravan stances rather than 34 and retained a large, undeveloped area between the extended site and the housing at West Bay. This area was then available for the client to landscape, if deemed necessary, to improve the setting of both the adjacent housing and extension to the caravan park. This revised scheme also removed the necessity to create an additional vehicle access into the site, utilising the current access and extending the internal driveways.

The revised application was submitted on 21 February 2019 accompanied by the economic study and a justification for the development. A significant number of letters of support were received by NAC including support from Community groups and a large number of business owners and individuals on the island.

During the course of the application a number of objections were submitted, primarily from adjacent, local residents.

This revised application was again refused but this time on lesser grounds, namely;

1. The proposed development would be contrary to Policies TOU 1, ENV 7 and criteria (a), (b), and (c) of the General Policy of the Local Development Plan in that it would result in visual coalescence between the settlement of Millport and the caravan parks in the form of ribbon development along West Bay Road. The combined scale of the existing caravan parks with the proposed development would have a significant negative impact on both the designated Special Landscape Area, and the wider special landscape character and appearance of Great Cumbrae.

JUSTIFICATION FOR PROPOSALS.

The current proposal is to extend the existing caravan park at Westbourne into the adjacent field to the south west of the park. This field has been used for rough grazing for a number of years and is poor quality agricultural land with poor quality soil and bad drainage. The development would consist of 18 static pitches together with visitor parking. The client felt the proximity of the playing fields and play area at West Bay negated the need to provide the same facilities on the extended site and also felt that this could introduce a noisy and obtrusive element to the development to the detriment of the current and proposed residents.

The nearest property to the extended site is the first/last house in West Bay Road and would be 130 metres from the nearest caravan.

The design takes cognisance of the views from this house and the caravan stances have been set to ensure that these views are protected.

The client is anxious to respect the existing ground profiles and the arrangement of the caravan stances responds to the existing contours whilst allowing more space between each and maximising their views. This layout is more spacious than the previously approved extension and seeks to reduce its visual impact.

Given the orientation of the nearest house, as noted above, there would be little visual impact on this dwelling and visual impact assessment should be viewed from the standpoint of the road/footpath and cycle users.

The site can only be viewed in two directions, from the south west, when approached from West Bay Road, and the north east, when approached from the top end of the island. The view from the north east is totally obscured by the existing Westbourne House and caravan park leaving only the view from south west being relevant.

The existing contours, which will be retained and enhanced by additional earth mounding and planting, obscure the view of the existing caravan park as you approach the site immediately adjacent to the first/last house. In addition the proposed caravan layout sets the first pitches further back from the road/footpath thus reducing their initial impact. As one progresses along the face of the proposed caravan park the pitches become gradually closer until they merge with the existing layout creating a seamless transition between existing and proposed caravans.

GROUND'S FOR APPEAL.

Taking each of the grounds for refusal in turn;

TOU 1: TOURIST ACCOMMODATION AND FACILITIES

Policy TOU 1 states that development in the Countryside accords with the LDP subject to certain criteria. It should be noted that this policy has a presumption in favour of tourist accommodation, recognising its value to the local economy and job creation.

Criteria (a), the development is an existing building suitable for conversion, is not applicable.

Criteria (b), development can demonstrate a site specific locational need.

The site is located immediately adjacent to the applicant's current caravan site which has existed and increased in size since the 1960's. The development would have direct access from within the current caravan park and share existing amenities in terms of drainage, power supplies and maintenance. Whilst the suggestion is that there are other sites which could be suitable this would, in turn, lead to sporadic development on the island which would be more detrimental to the character of the island. Sporadic developments would also require significant alterations and improvements to the existing infrastructure.

Criteria (c), there is a social and/or economic benefit to the area.

An economic study of the extension to the caravan park was submitted which more than adequately sets out the economic benefits to the island. Not only would additional owners lead to increased spending on the island but there was support for the equivalent of an additional 3 full time jobs or 5 of a part time nature.

The previously approved extension has already provided employment. As an example a local gas engineer whose contract with Scottish Gas was reduced to a 3 day week has been able, after re-registering for LPG, to fill the other 2 days with gas fitting and maintenance at the site and, in addition, provide emergency cover on the island where previously this service had to be provided by gas engineers from the mainland.

It should be noted that tourism and tourism related business are the only significant private employers on the island and the very fragile economy of the island depends entirely on tourism. In this regard any reasonable potential development which can increase tourism should be supported and at times this economic benefit should outweigh other, lesser important criteria.

Criteria (d), it is of a scale and character which is not detrimental to the amenity and landscape of the area.

The revised scheme is much reduced from the previous application and retains a large undeveloped area between the caravan park and the nearest housing. The scale is much reduced and even the cumulative capacity of the existing and proposed numbers would be significantly less than the capacity of the main caravan park on the island.

The character of the proposed scheme is an improvement on the previously approved and constructed extension in that the space between caravans is increased and, by utilising the existing contours, the setting of both the caravans and adjacent housing have been more considered.

Whilst the reasons for refusal state that this would be a standard caravan park it has been noted that the proposed layout is less dense and more responsive to the existing landscape than before. The previous extension was approved despite being more dense and being a more significant

increase in numbers (100%) over the original park. This current proposal seeks to increase the numbers by 20% and, as stated, in a less dense arrangement than before.

Comment has been made on the detrimental impact on marine tourism which would result if the increased caravan park were approved. This is based on the presumption that the sailing community would be put off sailing in this channel by the sight of the increased caravan numbers. This, I would contend, is both groundless and far-fetched as there are far more unsightly developments within the Firth of Clyde which have a greater visual impact than the proposed caravan park extension. Indeed, it should be noted, there are members of the sailing community who are caravan owners on this site and, in one case, it was when they viewed the site from their yacht that they decided to purchase a caravan at Westbourne.

There is a significant foreshore and agricultural area with mature hedgerows between the river and the site which foreshortens and obscures the views and reduces the impact of the caravan park when viewed from the shore or within the Firth of Clyde itself. The other caravan park on the island sits on the crest of the hills adjacent to the golf course and is much more visible from the water and further afield.

ENV7

Special Landscape Areas

This policy seeks to safeguard or enhance the character or appearance of the landscape within Identified Special Landscape Areas unless it meets certain criteria and in the case of this application the most relevant criteria is

(b) is a recreation, leisure or tourism proposal which will bring a level of social and economic benefit to the area which outweighs the need to protect the area from development.

In respect of the application site, it may well be the case that the site is within the Special Landscape Area of Great Cumbrae Island, however I would contend that this designation has been placed as a blanket over the island without consideration of the character of all of the areas so covered.

This site, as noted earlier, is a low quality, poorly drained, agricultural field which provides only rough grazing for cattle. There is no record of endangered species of flora and fauna nor invertebrates or any other significant wild life. Were this site situated anywhere else I would contend it would not be considered a site of Special Landscape.

It has been proven, and accepted, that the proposals will bring an economic benefit to the island and there is clear social benefit in a) meeting the growing demand for this type of holiday accommodation b) bringing further visitors to the island making use of the leisure facilities available to their benefit and long term sustainability.

There is a contention that the development of this site is in essence a "ribbon development" forming coalescence with Millport but it should be noted that the development of the housing in West Bay was, in itself, a ribbon development from the more defined town and this ribbon development continued into the 1950/60s until the last house was constructed.

Further reference to the impact of ribbon development will be addressed in the precedent which is discussed later and direct comparisons can be drawn between the two applications and the differing conclusions drawn.

There is a suggestion that consent to this proposal would make it difficult to resist pressure on the remaining land, I would contend that the planning authority have the ability to resist such pressure and my client is clear that they have no intention of seeking a further consent at a later date if this appeal were upheld.

CONTEXT PHOTOS



View of site from boundary with first/last house on West Bay Road, development area not visible due to existing contours.



View of site from further along West Bay Road with existing caravan park in distance.



View of existing caravan park with caravan stances sitting on existing contours.



View from proposed site boundary back to first/last house on West Bay Road showing extent of green buffer area being retained.



View of site from foreshore with visibility reduced due to existing contours and hedgerows.



View into edge of existing site and view of proposed site from other side of West Bay Road. Landscaped mound to be moved to new boundary and new screen planting to be cultivated.

PRECEDENT.

In further support of this appeal I would refer to a similar development for the extension of a caravan park with North Ayrshire Council.

The site in question is Seaview Caravan Park, Seamill where an application, reference number 18/00315/PP, was submitted in April 2018 and approved in June 2018

This caravan park applied unsuccessfully on several earlier occasions to extend their site and increase their numbers, this most recent application to increase the numbers by 120%.

This application was dealt with by the planning officer who previously dealt with Westbourne Caravan Park, Mr. R. Middleton.

The same criteria for consideration were used in relation to this application and almost all of the same issues were encountered. The application was approved having taken account of all relevant matters in relation to Policy TOU1, ENV8 and ENV9.

In particular the issue of coalescence was considered in respect of this site, which, combined with the approved housing developments on the southern edge of Seamill and the ongoing development of the Waterside Inn, have resulted in a significant reduction in the space between the town of Seamill and the extended caravan park.

In addition, whilst this site is not part of a Special Landscape Area, I would contend that it is equally, if not more significant, in that it is on the undeveloped foreshore immediately adjacent to the beach, highly visible from both a main coastal road, the A78(T), and the Firth of Clyde. It was considered that the scale and character of the development would not be detrimental to the amenity and landscape of the area despite the fact that it increased the numbers of caravans by 120%. There was no suggestion that this, more than doubling of the size of the caravan park, would impact on marine or any other form of tourism in the area despite being in a far more prominent landscape position.

Whilst, as noted above, this site is not in a Special Landscape Area, it is in an equally sensitive area being part of the Ardrossan-Seamill Shore Local Nature Conservation Site which is considered an important habitat for both vegetation and birdlife and is important to ecological interests. In this regard the officer felt that the development had the potential to improve the quality of the site and that the proximity to the road combined with the limited quality of the habitat meant that there was not a significant detrimental effect on the Local Nature Conservation Site.

I would contend that a similar approach should be taken in respect of the site now under appeal in that it is again of poor quality and does little to provide either habitats or an attractive landscape setting and the proposed development, by condition, could address both issues.

In further considering this application, the planning officer made particular reference to LDP2 which, having limited influence, does propose to support tourism where they promote economic activity, particularly where they develop coastal tourism. Additional referencing North Ayrshire Councils Tourism Action Plan 2018-2022 which focusses on capitalising on the North Ayrshire coastline and states that tourism has the potential to make massive difference to local economic revival. This plan outlines 4 key actions, one of which is 'Driving Growth'.

It was concluded that the economic benefit of this application outweighed the other factors and I would contend that the positive economic impact on Millport would be more significant than that to the local area of Seamill and the adjacent towns where there are far more business and work opportunities than in Millport and the Isle of Cumbrae where tourism is virtually the only 'industry'.

CONCLUSION.

The above appeal has firstly responded to the limited reasons for refusal, providing justification and support for this appeal and, by referencing a recently approved and similar development, has illustrated a more thoughtful consideration of the significant factors which must be considered and which resulted in approval.

The very fragile nature of the economy of Millport is far more significant than almost anywhere else in North Ayrshire, the island relying solely on tourism, and the council should fully support any sensible and reasonable development which further bolsters this activity.

My client has been the single largest investor in tourism on the island and this current proposal will further increase this investment to the benefit of not only his business but to the wider business community on the island whilst also providing employment.

I would ask that this appeal be upheld.

Firth View Caravan Park, Isle of Cumbrae

Proposed Park Extension - Economic Impact Analysis

Prepared by
Talk Associates
February 2019

Firth View Caravan Park, Isle of Cumbrae

Proposed Extension – Economic Impact Analysis

1. Introduction

- 1.1 Firth View Caravan Park is located on the island of Great Cumbrae, just to the south-west of the island's main settlement, Millport. The Caravan Park is part of a family-owned company which also operates the nearby Westbourne House Caravan Park and self-catering properties.
- 1.2 Firth View Caravan Park at present offers 40 pitches for caravan holiday homes. 34 of these are currently occupied and it is anticipated that the remaining six will be occupied during 2019. No touring caravans/motorhomes/tents are permitted. All of the caravan holiday homes are privately owned, with the vans being sold by the Park operators. The Park is open for ten months of the year (1 March to 6 January i.e. 312 days per annum).
- 1.3 As part of its ongoing development, Firth View is currently keen to expand its operations, and is planning to submit a planning application to North Ayrshire Council which sets out proposals to extend the park, creating a further 18 pitches for accommodation units, each of which would sleep up to six people.
- 1.4 One of the factors which will be taken into account when assessing the planning application is the degree of local economic benefit which would be created by the extension. Tourism consultancy firm Talk Associates was therefore commissioned in February 2019 to carry out this independent economic impact analysis of the proposed Park extension. Talk Associates specialises in the caravan sector, having carried out similar analyses across the country including Angus, Dumfries and Galloway, Dundee, Fife, Perthshire, West Sussex and indeed other parts of Ayrshire.

Our Approach

- 1.5 We have approached this work as follows:
 - We begin with a brief overview of the caravan sector in Scottish tourism, highlighting its special importance to Ayrshire.
 - We then provide a general definition of 'economic benefit' with particular reference to what this means in the context of Firth View Caravan Park.
 - We then describe the robust methodology we have used for quantifying the economic impact which would result from an extension to the Park.
 - We then proceed to calculate the most important element in economic impact – the direct expenditure which would be created by the Park's extension. In doing so, we draw on highly-relevant data sourced from several studies undertaken in different parts of Britain.
 - We then go on to calculate the **total** economic impact for Cumbrae/North Ayrshire which would be created by the Park's extension.

2. Caravan Tourism in Scotland and North Ayrshire

2.1 The value of caravan holidays to Scottish tourism has been greatly under-acknowledged in the past; caravanning has arguably been viewed as something of a Cinderella sector by many, and yet it is hugely important to the national tourism economy – and particularly so to Ayrshire.

2.2 However, there are encouraging signs that this perception is changing. Most notably, the Tourism Development Framework for Scotland, published in 2013 to support the National Tourism Strategy, stated:

“Holiday parks are important largely for the domestic tourism market in terms of the volume of rural tourism bed spaces they provide and the economic benefits that flow from this scale of tourism activity.”

2.3 In late 2014, the Scottish Caravan and Camping Forum published an extensive report *“Economic Impact of the Holiday Park Sector in Scotland”* - the most comprehensive independent study of the sector ever undertaken. Data was collected from holiday park operators across Scotland (including several in Ayrshire) and from a survey of 7,034 people who had taken a caravan holiday in 2014. This large sample size makes the findings very robust. The research found that:

- In the year to October 2014, visitors to Scotland’s holiday parks spent just over £700 million, supporting almost 13,000 FTE jobs in Scotland and contributing £356.3 million of Gross Value Added to the Scottish economy.
- **Caravan tourism is disproportionately important to Ayrshire and Arran.** The area has 14% of all the caravan pitches in Scotland and 20% of all the “owner-occupied” caravan pitches in Scotland (there are, by some distance, more owned caravan holiday homes in Ayrshire and Arran than in any other part of Scotland).
- In the twelve months to October 2014, visitors to holiday parks in Ayrshire and Arran spent an estimated £98.6 million and supported 1,826 full-time equivalent jobs. These figures mean that Ayrshire and Arran is the third-most-important area of Scotland in terms of caravan tourism (the others being Highlands and Dumfries and Galloway).
- Almost three-quarters of this £98.6 million (£72.5 million) was spent by caravan holiday home private owners – the exact market sector in which Firth View operates.
- The stereotypical view of caravanners being low-spending visitors is both inaccurate and outmoded: in 2014, visitors who owned their holiday home spent, on average, £89.68 per day locally (this includes both on-site and off-site expenditure).

2.4 In the four years since the above report was published, the caravan holiday home market has continued to flourish across Scotland, but from anecdotal reports, it would seem that this is especially so on the Clyde Coast. Holiday parks in the area, including Firth View itself, report high levels of interest from prospective new caravan owners. Factors such as the weaker pound and ‘Brexit’ are encouraging more stay-at-home holidays, and caravan tourism is proving to be something of a boom sector for the Ayrshire economy.

3. Economic Impact Assessment

- 3.1 In this, the main section of our report, we calculate the additional economic benefits which an extended Firth View Caravan Park would bring to the North Ayrshire economy.
- 3.2 The caravan owners who use the Park at present are virtually all Scottish (mostly living in west central Scotland) and use their caravans often. During spring and autumn, their visits tend to be at weekends (Friday night to Sunday afternoon), with longer stays being more common in summer and around Easter. There are increasing numbers of visits in the cooler months, helped by the modern generation of caravan holiday homes which come with central heating, insulation and double glazing as standard. Anecdotal evidence from around Scotland suggests that all over the country, caravan holiday home owners are seeking to maximise their investment by using their vans more frequently than once might have been the case. If this is indeed so, it will be good news for the local economy.
- 3.3 For the purposes of this report, we have assumed that the profile of owners purchasing caravans in any future Park extension will be the same as for the rest of the Park currently.

Definition of "Economic Benefit"

- 3.4 It is important at the outset to define what is meant by "economic benefit". In this report - as is customary of studies of this type - economic benefit is taken to refer to positive impacts within the local economy arising as a result of expenditure on goods and services by those coming to stay at Firth View. Such expenditure would also have a positive effect on employment locally.
- 3.5 Economists normally identify three specific types of economic impact, as set out in the table shown overleaf.
- 3.6 The normal method of calculating economic impact, totalling up the three types of impact described in the table, is Multiplier Analysis. The injection of visitor spending into the local economy will stimulate an increase in the level of economic activity that, in turn, will generate further income and employment locally; in other words, the initial direct impact is multiplied through the economy by the further transactions it generates.
- 3.7 Theoretical economists have defined several different types of economic multiplier; however, the type considered in this report is by far the most commonly used and widely understood, the so-called 'Keynesian' model. This is based on identifying streams of income and employment which are generated in 'rounds'; these streams diminish at each successive round because of leakages to the wider economy.

Type of Economic Impact	What it means (in the context of Firth View Caravan Park)	What affects it (in the context of Firth View Caravan Park)
Direct	The value of purchases from businesses on Cumbrae (or elsewhere in North Ayrshire) made by Firth View's customers (for example, spending on meals, drinks, shopping and activities).	How many customers are attracted. Length of stay by customers. Average per capita spend by customers. Where Firth View's customers spend their money – is it at locally, nationally or overseas-owned businesses?
Supply Linkage (also known as Indirect Impact)	The knock-on effects when the business (and other local businesses used by Firth View customers) then purchase further goods from local suppliers. For example, a restaurant in Millport buying meat from the local butcher.	Whether Firth View and other businesses buy everything they need from local suppliers or the extent to which they use suppliers from further afield.
Income (also known as Induced Impact)	Those supplying goods and services to Firth View's customers then spend part of their extra income within the local economy, generating further impacts. For example, the Millport restaurant owner buys a new car from a dealer in Ardrossan.	How much extra personal income is earned. Whether local business owners and their employees spend their extra income locally or further afield.

Quantifying The Economic Impact

3.8 Clearly, when attempting to quantify the economic impact of a business such as Firth View Caravan Park, the most important measure will be direct expenditure - how much money do Firth View's visitors currently spend, both on-site and in the local economy? That question is addressed in paragraphs 3.19 to 3.22 below.

3.9 Having estimated the direct expenditure, establishing the size of the multiplier coefficient which will apply is then critical to the process of estimating the economic benefits which might flow to the local area. But first, account must be taken of additionality.

Additionality

3.10 "Additionality" refers to the net added value to the local economy which would result from Firth View Caravan Park's extension. It must be considered whether there would be a likelihood of additional economic benefits accruing to the area if the business did **not** expand. In our view, in the foreseeable future, there is no realistic prospect of generating any meaningful economic returns from other types of activity on the land being proposed for the park extension (it is currently rough grazing land). **The additionality factor for Firth View is therefore assessed to be 100%.**

3.11 Given that the additionality factor is assessed to be 100%, it is relatively simple to calculate Firth View's net additional impact, using the formula below:

$$AI = [GI \times (1 - D) \times (1 - L) \times M]$$

Where AI = net additional impact

GI = gross economic impact

D = displacement

L = leakage

M = multiplier

Source: Adapted from English Partnerships Additionality Guide, A Standard Approach to Assessing the Additional Impacts of Projects, Method Statement, Second Edition, London, 2005

Displacement

- 3.12 'Displacement' is an assessment of the extent to which an extension of the Holiday Park would cause spending to be shifted from one part of the North Ayrshire economy to another. The only two possible types of displacement would be if (a) caravan holiday homes in the Park extension were purchased by owners currently using another Cumbrae/North Ayrshire caravan park; or (b) caravan holiday homes in the new extension were purchased by North Ayrshire residents (because such owners would not be bringing in any new money to the local economy).
- 3.13 In respect of (a), Firth View's proprietors are of the view – based upon their recent experience - that all of the caravans in the extended Park would be purchased by completely new customers, who do not currently own caravans on other parks on Cumbrae or on the mainland; however, even if customers **did** move from another park to Firth View, the demand for sites in Ayrshire holiday parks is very healthy, and this would almost certainly mean that their vacated space in their original park would be filled, thus negating any displacement factor. We have therefore estimated this future displacement factor as being a minimal **5%**.
- 3.14 In respect of (b), we understand that none of the caravans on the existing Firth View Park is owned by North Ayrshire residents. It would therefore seem reasonable to assume that the same ratio would apply for the Park extension, and so we have estimated the displacement factor as being **0%**. **The total future displacement factor is therefore (a) + (b) = 5%.**

Establishing the size of the Multiplier and Leakages

- 3.15 Various factors affect the size of the multiplier: the most important is the definition of "the local economy". The more narrowly the local economy is defined, the higher will be the leakages from it and the lower the multiplier. So in this case, if "the local economy" was to be defined as the immediate area (i.e. the Isle of Cumbrae) the multiplier will be lower than if "the local economy" is defined as meaning the whole of North Ayrshire. Clearly, most of Firth View's customers' expenditure will be on Cumbrae itself, but given that all of them travel on the ferry to and from Largs, it seems appropriate in these circumstances to extend the definition of "the local economy" to take in all of North Ayrshire.
- 3.16 So, how big will the multiplier coefficient be for Firth View? The most accurate answer would be obtained through primary data collection which would try to establish the level of economic leakage from the area by monitoring the spending patterns of individuals and businesses locally. Unfortunately, that

information is not available to us, and therefore the best way of estimating the multiplier will be to look at those used in similar studies elsewhere in the UK.

- 3.17 The seminal work on tourism multipliers in the UK was carried out forty years ago in Tayside Region and established a coefficient of 1.34 – that is, for every £1 spent by a visitor, an additional £0.34 of indirect and induced expenditure is generated. A review of UK tourism multiplier studies undertaken for the RSPB in 1995 found a range of multipliers between 1.24 and 1.45, pointing further to the likely accuracy of the 1.34 figure.
- 3.18 In Scotland, the multipliers that are now almost always used by bodies such as Scottish Enterprise and local authorities are those originally produced by the Scottish Tourism Multiplier Study 1993 (STMS), and it is these which we will use in this report. These multipliers differ depending on the characteristics of the local economy in question. In the case of Firth View Caravan Park, there are two STMS multipliers which would apply:
- (a) money spent on site (i.e. on fees paid direct to the site owners) would be classed as being “spending in a rural area”, and **both an indirect multiplier of 1.10 and an induced multiplier of 1.15 would apply.**
 - (b) money spent by guests on Cumbrae (or elsewhere in North Ayrshire, including ferry fares) would be classed as being “off-site spending in a rural area” and **a combined multiplier of 1.32 would apply.**
- 3.19 To illustrate how these figures will be used below:
- (a) Every £10 spent on site by Firth View customers will be multiplied by 0.95 to take account of displacement, then multiplied by 1.10 and multiplied again by 1.15. This amount would then be multiplied by 1.00 to take account of additionality, giving a total output generated locally of £12.02.
 - (b) Every £10 spent off site by Firth View customers – for example, on eating out, shopping or golf green fees – will be multiplied by 0.95 to take account of displacement, then multiplied by 1.32. This amount would then be multiplied by 1.00 to take account of additionality, giving a total output generated locally of £12.54.
- 3.20 In terms of employment generation, the most-often cited relevant research was carried out (in England and Wales) by the Countryside Agency in 2000. It specifically looked at the economic impacts of recreation and tourism and indicated that one full-time equivalent job (FTE) was created for every £34,000 of visitor expenditure (£56,780 at 2019 prices). The RSPB review of multipliers mentioned above found there to be a lower figure of £25,000 per job (£47,750 at 2019 prices). Another ratio also often used is one derived in 1996 for Scottish Enterprise, which cited £33,500 per job (£62,310 at 2019 prices) Given this fairly wide disparity, **a “middle ground” figure of £55,613 expenditure per FTE is therefore used in this report.**

Calculating Direct Expenditure

3.21 In this section, we calculate the direct expenditure which would be injected into the local economy by the owners of accommodation units in the proposed holiday park extension. In making these calculations, we have worked from the following assumptions:

(a) The extension would be comprised of 18 pitches to house accommodation units each sleeping up to six people.

(b) All of the units would be available for occupancy throughout the Park's opening period (312 days per annum).

(c) Occupancy rates - though precise occupancy rates are not captured, the Park's owners advise that weekend and school holiday occupancy rates are high, whereas weekday occupancy rates at other times of the year are markedly lower. For the purposes of this report, we have assumed that each unit will be occupied for an average of 99 days per year (9 weeks of full occupancy, mainly during school holiday periods, and 18 x 2-day weekends/short breaks at other time of year).

(d) Expenditure – for on-site expenditure, we have assumed that all owners on the extended park will pay the same annual pitch fee which applies to the current park i.e. £2,400. There is no other net on-site expenditure (gas consumption is re-charged to caravan owners at cost). For off-site expenditure, we have used data from the study referenced in Para 2.3 above which indicated average daily off-site spend per caravan holiday home was £44.98 (£49.93 at 2019 prices).

3.22 Putting all of these figures together, the following emerges:

Each unit on the Park extension would be occupied for an average 99 days annually, with each unit spending £2,400 on annual pitch fees, and £49.93 per day off-site. Each new unit would therefore generate £2,400 of on-site and £4,943 of off-site direct expenditure per year. Collectively, the 18 proposed new units would therefore generate £43,200 of on-site and £88,974 of off-site direct expenditure per year.

Calculating Total Economic Impact

3.23 To calculate the total annual economic impact of the proposed Park extension, we take the direct expenditure figures shown above and multiply them by the coefficients described in Paras 3.19 and 3.20 above.

3.24 The results are as follows:

- On-site expenditure is $£43,200 \times 0.95 \times 1.10 \times 1.15 \times 1.00 = \textbf{£51,915}$
- Off-site expenditure is $£88,974 \times 0.95 \times 1.32 \times 1.00 = \textbf{£111,573}$
- **Grand total economic impact in the local area annually = £163,488**
- **Grand total full-time equivalent jobs created and permanently sustained in the local area = 3**

- 3.25 It should be noted that the **actual** number of jobs created and sustained by the park extension would be more than this, given that most jobs in the tourism and hospitality sector are part-time and to some degree seasonal. **It is likely that the number of actual jobs created and sustained locally would be around 5.**
- 3.26 There would be further economic benefits generated during the construction phase, and also a significant one-off boost due to the profit generated by the sales of 18 units on the newly-extended park. The total value of these elements, as estimated by the proprietors, would be £435,000. Using the multipliers described in Para 3.18(a) (NB there would be no displacement effect for this type of expenditure), demonstrates an actual gross benefit of £550,275 – **equivalent to 10 FTE jobs being created temporarily during the construction and sales period.**
- 3.27 Furthermore, there would be an ongoing benefit to the local authority in terms of increased business rates levied on an extended Firth View Caravan Park. These additional benefits have not been quantified at this stage.
- 3.28 All of the above figures are scalable, should the completed Park extension have more or fewer than 18 accommodation units – each new unit would generate an annual local economic impact of £9,082 (0.16 FTE jobs).

4. Concluding Remarks

- 4.1 We have carried out this evaluation and assessment in an independent and detached manner. Our findings as outlined in the previous sections are presented as objectively as possible and not in a manner intended to sway judgement one way or another.
- 4.2 We believe that the methodology we have used to calculate economic benefit is robust, and that the statistical data we have drawn upon is the best and most up-to-date of its kind available.
- 4.3 Although we have been commissioned to undertake this study by the owners of Firth View Caravan Park, we have been placed under no pressure whatsoever by them, or any other party, to artificially inflate, alter or suppress any of our findings. Accordingly, we are confident that our findings are entirely impartial and capable of standing up to close statistical scrutiny.
- 4.4 Finally, we acknowledge with thanks the authors of the various research studies quoted herein.

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"Tourism and Leisure Knowledge"

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New folder

Fwd: Proposed extension to Firth View Caravan Park

① You replied on Mon 18/02/2019 15:21

SP

Mon 18/02/2019 15:16

You ↵

Hi Ken

This is the Gold Club.

It's our final letter.

Regards Stuart

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 18 February 2019 at 15:12:31 GMT
To: [REDACTED]
Subject: Proposed extension to Firth View Caravan Park

Dear Stuart,

I am writing on behalf of Mr Captain and his Committee to advise you that Millport Golf Club are most disappointed to be made aware of the planning refusal for the proposed expansion of Firth View Caravan.

Like so many other businesses on the Island we are very reliant on the Holiday Home Owners, Caravan owners and holiday makers for our business and our viability.

We work very hard at keeping the offering of Millport Golf Club available to local residents, holiday home owners and visitors alike and cannot over emphasize how important such developments as Firth View Park help reinforce our survival, To give you an idea in 2018 we had some 200 social members join us from the local caravan sites - important business indeed. We had over 1200 holiday makers/ visitors play the course in 2018 and our full membership consists of 80% second home / caravan owners. To be able to continue to provide a consistent and improved offering we need to increase this membership and clearly Firth View Caravan Park would help us greatly.

In the past month I am aware of two local golf clubs closing, diminishing even further this type of recreational tourism with the Ayrshire areas. The closures mainly due to lack of members.

High quality accommodation is just what Millport needs for all its businesses to survive and flourish - this unwillingness to allow more visitors to our Island seems outwith any economic sense.

I sincerely hope you are successful in an appeal process.

Please let me know if we can be of any assistance.

Yours sincerely,

[REDACTED]
[REDACTED]

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Fraser's letter of support

WH

Westbourne House <[REDACTED]>
m>
Sun 17/02/2019 16:26
You

From: [REDACTED]
Date: 17 February 2019 at 15:43:18 GMT
To: [REDACTED]
Subject: Letter of support

[REDACTED]

[REDACTED]

To whom it may concern;

I am writing this letter in support of the proposed extension of the Firth View Caravan Park on Cumbrae. I know the Westbourne caravan park well, over many years and many owners. The current owners have run a well organised and much respected business in the years since they first purchased Westbourne. I welcomed the first extension, Firth View, and believe it has been a great success adding to their business and also bringing benefits to the other businesses on the island. Personally in regards to our own business we welcome a great number of Westbourne and Firth Views customers throughout the year and enjoy the business that the site brings. With extended opening hours throughout the year and more modern and comfortable accommodation, what is a relatively short season for the town has been extended bringing economic benefits to the island whilst also providing a vast improvement in the quality and mix of accommodation available on the Cumbrae.

Yours faithfully,

[REDACTED]

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Mon 11/02/2019 14:53

You

The Newtons

Sent from my iPhone

Begin forwarded message:

From:

Date: 11 Februarv 2019 at 14:51:27 GMT

To:

Subject: Fwd: More beds in Millport.

Sent from my iPhone

Begin forwarded message:

From:

Date: 11 Februarv 2019 at 07:47:18 GMT-5

To:

Subject: More beds in Millport.

To whom it may concern.

I write as a landlord in Millport and know first hand the shortage of good holiday accommodation in the town.

More caravans more beds more tourists brings much needed customers into the shops cafes pubs etc on the Island.

I do hope the the extension to the Firth view Caravan site goes ahead and the sooner the better.

Yours sincerely

Sent from my iPhone

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Kind regards,

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To whom it may concern

SP

Mon 11/02/2019 11:29

You

Hi Ken

This letter is from at the beauty salon.

Regards Stuart

To whom it may concern

I wish to confirm that I would welcome and support the proposed extension to Westbourne Caravan Park. These owners and visitors will almost certainly spend in the local shops, businesses and amenities. This will bring much needed income to our island's fragile economy, especially in the winter months now Firth View has a ten month licence.

Sent from my iPhone

Upgrade to Office 365 with premium Outlook features

⋮

[REDACTED]

To Whom It May Concern,

I would like to raise my concern not only as a business owner, but as local resident of 29 years on the Island, regarding a recent decision to reject planning permission to expand a local caravan park, Westbourne Caravan Park.

To my understanding one of the reasons for your decision was that it would not be beneficial to the businesses on the Island?

As previously mention I have been a local business owner for many years now and have witnessed (not to mention been directly effected by) a steady decline of the tourist trade year on year and I truly believe the lack of suitable accommodation is one of key contributing factors to this unwanted trend.

I have no doubt, that majority of business on the Island share my view as many have commented over the years, the decrease in local business still trading is further evidence still of the negative impact, which needs to be addressed and any support from our local council would be welcomed by all.

With this in mind, I am astonished to hear and cannot see any justification why this was one of the factors to reject the Westbourne Caravan Parks application.

The proposed plan by the Westbourne Caravan Park to increase its available accommodation capacity could only bring positive change to the Island and its tourist trade and find it hard to believe that this would not be beneficial to both residents and business alike.

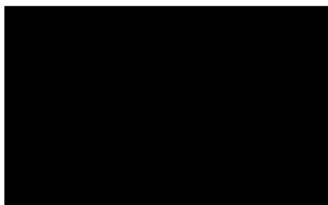
Thank you for your time and I hope that my concern can be addressed.

If you would like to discuss my concern further I would be more than happy to and can be contacted on the number above.

Kind Regards

[REDACTED]

Isle of Cumbrae Tourist Association



Mr Stuart Parry Mellor



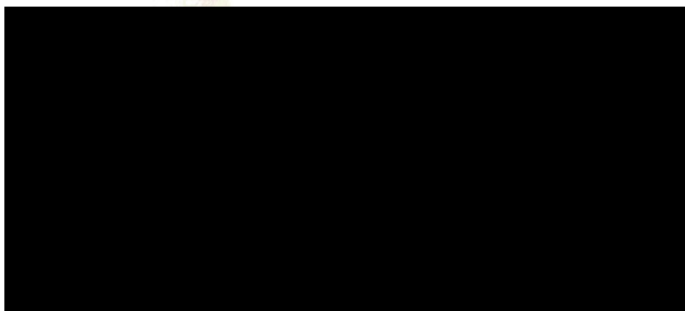
13th February, 2019.

Dear Mr Parry Mellor,

It has been brought to the Committee's attention that Planning Permission for the proposed extension to your site has been refused by North Ayrshire Council. We at the Tourist Association are extremely disappointed by the council's decision. Our association strive to increase the facilities on the island to encourage tourism and boost our struggling economy.

The Tourist Association feels that the decision to restrict the number of high quality caravans on your site is short sighted and detrimental to the island. We would wholeheartedly support your application and if we can be of any assistance please do not hesitate to contact us.

Yours sincerely



The Millport Gallery



Mr Stuart Mellor



17th February, 2019


Dear Mr Stuart Mellor,

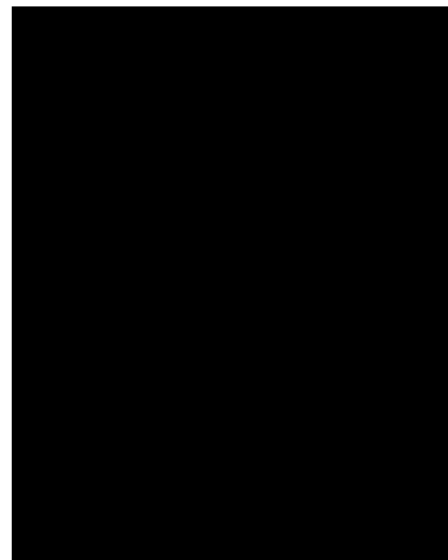
As a local business in Millport and an active committee member on both the Isle of Cumbrae Tourist Association and the Millport Golf Club Committee, I was shocked to learn that planning permission for the proposed extension to your site has been refused by North Ayrshire Council. We at the Tourist Association and the Golf Club are extremely disappointed by the council's decision at a time that NAC are pushing for more tourists and golfers to our island and are about to spend lots of money on our flood defence, and possibly a new Marina, yet you are rejected at the early drawing stages when you attempt to offer high quality accommodation and more beds on the island to encourage tourism and boost our struggling economy.

I just feel that the decision to restrict the number of high quality chalets and caravans on your site is short sighted and detrimental to encourage any new owners to the island, I'm also gobsmacked because as one drives from the Fintry end, Phase One of your holiday park looks stunning and freshly landscaped then the ground between the last caravans and the old bungalows looks unappealing and tired to the eye. And I have visual proof of this as I sell new droned aerial photographs of this view in my Gallery. I would happily let you have one to show to the Planners. I just wonder if the bungalow owners run up against this problem with the planning and owners of the Classic Victorian Sandstone Villas in Westbay Road when they wanted to build.

I would wholeheartedly support your application to enhance that corner strip of land and bring more people and money to our island, if I can be of any assistance please do not hesitate to contact me.

Yours sincerely





7 February 2019

To whom it may concern,

I was disappointed to see that the planning application for the extension to Firth View Caravan Park had been refused. The economy of the Isle of Cumbrae has been identified as “fragile” relying on tourism. Extending the caravan park would bring more, much needed, visitors to the island boosting sales for the local businesses. Sadly over the time that I have been a resident on the island, I have seen shops and café’s close and their buildings been converted into residential properties due to lack of sustainable business.

Having read the objections to the application, it would appear that a very small number of residents in the immediate vicinity to the proposed development have grouped together to raise objections, whilst not taking in to account the benefits of having additional visitors to island would have for the greater good of the local economy and businesses alike. The Firth View Caravan Park is kept immaculately clean and tidy. The caravan owners take pride in their caravan and site and keep it that way. These are the type of people that we want visiting the Island, more so than the day trippers that have no vested interest in keeping the island clean and tidy. Whilst it is true that the caravan owners do bring the majority of supplies with them from the mainland, they have little choice, we have no supermarket on the island. Recent applications from the Co-op which would have brought some much needed competition to the island and possibly a greater product range had its application blocked for an alcohol license, making it a non-viable option. However, daily fresh goods such as bread, milk, fresh baked rolls and pies are available on the island and would be attractive to the residents. Local tradesmen would also benefit from the caravan park, as I have done myself. The pubs and restaurants rely on visitors to the island as do the residents that are employed by them. Without the demand are we to see more business premises being turned into residential property and the town slowly die? I hope not. I hope that the decision to deny planning permission will be reconsidered and the greater good of the community taken into account.



Yours Sincerely





Wednesday 30th January 2019

To whom it may concern

I am writing in regards to the planning application submitted by Mr Stuart Mellor at 
 for a caravan park in a field that is an eyesore at the moment being refused.

As a local businessman selling window blinds to houses and caravans, I fail to understand how increasing a caravan park could not benefit most, if not all businesses on the Isle of Cumbrae and Largs town for that matter.

The increase in revenue to all businesses would help greatly on a small island where shops struggle. It may even help secure jobs and might even encourage other types of businesses to open, creating more job opportunities.

The fact that the caravan park is planned for basically a small field that is of no use to anyone else, which would enhance the area without spoiling any views at the end of Millport town, in nobody's way, not benefitting the island, beggars belief.

I sincerely hope someone sees sense soon.

Yours faithfully



REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	19/00135/PP
Proposal:	Extension to existing caravan park to provide a further 18 stances together with alterations to the existing internal driveway, provision of bin stores and visitor car parking
Location:	Westbourne Caravan Park, West Bay Road, Millport, Isle Of Cumbrae KA28 0HA
LDP Allocation:	Countryside/Rural Community
LDP Policies:	TOU1 / ENV7 / General Policy /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 21.02.2019 Neighbour Notification expired on 14.03.2019
Advert:	Regulation 20 (1) Advert Published on:- 06.03.2019 Expired on:- 27.03.2019
Previous Applications:	None

Appeal History Of Site:

Relevant Development Plan Policies

TOU1

POLICY TOU 1: TOURIST ACCOMMODATION AND FACILITIES

Proposals to create or extend tourist facilities, hotels, boarding houses, bed and breakfast facilities and guesthouses, within Class 7, and managed units (see glossary) shall generally accord with the LDP where the proposed site is within a settlement boundary.
Proposals for such development in the Countryside shall accord with the LDP provided:

- (a) the development is an existing building suitable for conversion; OR
- (b) development can demonstrate a site specific locational need; AND

(c) there is a social and/or economic benefit to the area; AND

(d) it is of a scale and character which is not detrimental to the amenity and landscape of the area.

Where the proposal is for an individual tourism accommodation unit and the unit is not clearly allied to a tourist facility, the proposal is unlikely to be supported. The proposal must be compatible with the underlying land use and appropriate in design and scale to surrounding uses.

Restrictions to retain tourism use are likely to be required where this has formed the justification for development in the countryside - this may be secured via legal agreement if appropriate. Proposals for staff accommodation will only be acceptable where an operational need for staff to be located on site has been demonstrated (and is not merely for convenience) and this will be secured via legal agreement (see Policy ENV 2 for further details).

ENV7

POLICY ENV 7: SPECIAL LANDSCAPE AREAS

Within the identified Special Landscape Area, which includes the National Scenic Area in

North and Central Arran and Clyde Muirshiel Regional Park, as defined on the LDP Map,

the Council shall pay special attention to the desirability of safeguarding or enhancing the

character or appearance of the landscape in the determination of proposals.

Development

should be sited so as to avoid adverse impacts upon wild land. There is a presumption

against development in these areas unless it can be demonstrated that the proposal:

(a) meets the needs of agriculture or forestry; OR

(b) is a recreation, leisure or tourism proposal which will bring a level of social and economic benefit to the area which outweighs the need to protect the area from development; OR

(c) is a renewable energy generation development; AND

(d) is appropriate in design and scale to its surroundings; AND

(e) has no unacceptable direct, indirect or cumulative impacts on the landscape character

and/or the natural and built heritage resource; AND

(f) has no unacceptable impacts on the visual amenity of the area; AND

(g) has taken cognisance of the Council's Rural Design Guidance, where applicable.

In addition to the above criteria, proposals for development which would affect the National

Scenic Area, as identified on the LDP Map, shall not accord with the LDP unless:

(h) the objectives of designation and the overall integrity of the National Scenic Area will

not be compromised; OR

(i) any significant adverse impacts on the qualities for which the National Scenic Area has

19/00135/PP

been designated are clearly outweighed by social or economic benefits of national importance.

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,
19/00135/PP

will be sought through planning conditions or, where this is not feasible, planning or other legal agreements where the tests in Circular 3/2012 are met. Other potential adverse

impacts of any development proposal will normally be addressed by planning condition(s)

but may also require a contribution secured by agreement.

This will emerge from assessment of the impact of development proposals upon:

- Education;
- Healthcare facilities;
- Transportation and Access;
- Infrastructure;
- Strategic landscaping; and,
- Play facilities.

Further to analysis of infrastructure, indicative requirements for housing land allocations

are set out within the Action Programme. Developer contributions will be further established by Supplementary Guidance (timing, costs etc.).

In addition to the above, Mixed Use Employment Areas are identified within the LDP. These sites are allocated for a mix of uses, subject to an element of employment space

creation or improvement being provided. This will be informed by a business plan and

masterplan. In these specific cases, contributions to the above (and affordable housing

requirements as set out in Section 5) will also be required.

h) 'Natura 2000' Sites

Any development likely to have an adverse effect on the integrity of a 'Natura 2000' site

will only be approved if it can be demonstrated, by means of an 'appropriate assessment',

that the integrity of the 'Natura 2000' site will not be significantly adversely affected.

i) Waste Management

Applications for development which constitutes "national" or "major" development under

the terms of the Planning Etc. (Scotland) Act 2006 will require the preparation of a Site

Waste Management Plan (SWMP), which will be secured by a condition of the planning consent.

Description

This application seeks planning permission for an extension to an existing caravan park at Westbourne, West Bay Road, Millport, to create a further 18 caravan stances. The existing caravan park comprises of two elements; Westbourne Caravan Park, the original facility based around Westbourne House, and Firth View Caravan Park, an extension to Westbourne Caravan Park which was granted planning permission in 2016 (ref. 15/00699/PP). The site is to the southeast of the Firth View Caravan Park on the landward side of West Bay Road and relates to agricultural land which covers an area of approximately 0.56 ha. The site occupies part of the field which currently separates the caravan park from the edge of the settlement of Millport.

The proposed extension would join onto the southeast side of the existing park and would require the relocation of the existing screening mound. This would be re-formed on the southern and western boundaries of the proposed extended site. The mound would be planted with Hawthorn and Escalonia. Access to the extended site would be taken from the existing internal road within the caravan park and would extend the existing loop road layout. Likewise, the existing site layout comprising of three rows of caravans would also be replicated in the new extension. The site would also contain a bin store and ten visitor parking spaces.

The application site is within an area of countryside as identified within the adopted Local Development Plan (LDP). Policy TOU 1 of the LDP relates to Tourist Accommodation and Facilities, which states that proposals to create or extend tourist facilities, hotels, boarding houses, bed and breakfast facilities and guesthouses, within Class 7, and managed units shall generally accord with the LDP where the proposed site is within a settlement boundary. Proposals for such development in the countryside shall accord with the LDP provided:

- (a) the development is an existing building suitable for conversion; or
- (b) development can demonstrate a site specific locational need; and
- (c) there is a social and/or economic benefit to the area; and
- (d) it is of a scale and character which is not detrimental to the amenity and landscape of the area.

Proposals shall be compatible with the underlying land use and appropriate in design and scale to surrounding uses.

The application site is located within a Special Landscape Area (SLA), therefore the proposal requires to be assessed against Policy ENV 7 of the LDP that relates to Special Landscape Areas. The proposal also requires to be assessed against the General Policy of the LDP.

In January 2019 an application for an extension to the caravan park comprising of 34 new stances was refused (18/00984/PP). This application related to a larger site than the current application and would have occupied the entire field which currently separates the caravans from the edge of the settlement of Millport. That application was refused as it would have resulted in coalescence between the settlement of Millport and the caravan parks in the form of ribbon development along West Bay Road. No economic or social justification was provided demonstrating the need for

an additional static caravan park or for the need for it to be located on this specific site. The combined scale of the existing caravan parks combined with the extension would have been excessive and would have had a negative impact on the special landscape character and on the appearance of Great Cumbrae.

Following this refusal, the applicant sought pre-application advice in relation to a smaller expansion of the caravan park comprising of 18 stances (19/00046/PREAPP). The applicant was advised that the reduced scheme would still be unlikely to comply with the relevant policies as it would have similar issues that the larger scheme would have had in terms of coalescence, ribbon development, excessive combined scale and impact on the special landscape area.

Consultations and Representations

The application was published in a local newspaper for publicity purposes. Nineteen letters of objection have been received, with the points raised summarised below:

1. The proposed development would result in coalescence of Millport and the caravan park and would be ribbon development along West Bay Road.

Response: Agreed - this matter is addressed in full in the Analysis section of this report.

2. The proposal would lead to the loss of open space and farmland within a Special Landscape Area. There is a concern that if this application is permitted, there would soon be another planning application for a further expansion into the rest of the field resulting in a similar number of stances to what was previously refused.

Response: It is agreed that this will lead to a loss of open space - this matter is addressed in full in the Analysis section of this report. Further loss of open space between the site and Millport could be difficult to resist if the space was eroded to an unsustainable size.

3. Caravan residents do not pay Council tax but use council services.

Response: This matter is not a material planning consideration.

4. The scale and appearance of the development would be out of character and would be detrimental to the appearance of the area.

Response: Agreed - this matter is addressed in full in the Analysis section of this report.

5. The additional residents would put pressure on the ferries which already struggle at certain times with the volume of traffic.

Response: It is not considered that the proposal would have a significant impact on the capacity of the ferries during peak hours.

6. No site specific locational need has been demonstrated and there are plenty of other available sites on the island which would have a lesser impact.

Response: It is agreed that no site specific location need has been demonstrated - this matter is addressed in full in the Analysis section of this report.

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7. The proposed development would have a negative impact on tourism to the island.

Response: One of the reasons for the popularity of Great Cumbrae as a tourist destination is because of its natural beauty and relatively rural and wild landscape in relation to its proximity to Glasgow. The proposed development would have a negative effect on the natural appearance of the island because it would erode the separation between town and countryside.

8. The proposed development would affect the privacy of its neighbours. The location of the bin store would harm the amenity of existing caravans.

Response: There are no immediate neighbours to the site other than other caravan stances at Firthview where a lesser degree of privacy would be expected than would be for a dwellinghouse. It is not considered that the bin store is located too close to the surrounding caravans. Planning conditions could be used to ensure a suitably designed bin store which would not be detrimental to the amenity of surrounding caravans.

9. No facilities have been provided (public toilets, playparks, shops, street lighting). There is a lack of detail in the application with regards to drainage, sewerage treatment, lighting, etc. Insufficient screening is proposed. Archaeological works should be carried out prior to the development of the site.

Response: It is agreed that for a caravan park of the size proposed there is a lack of facilities, although its proximity to Millport could mean fewer facilities would be required. Some of these issues could be addressed including details of landscaping/screening via condition if the proposal were otherwise acceptable. The West of Scotland Archaeology Service raised no objections subject to conditions.

10. The proposal would negatively affect the property market in Millport and would have no economic benefit.

Response: The impact on the local property market is not a material planning consideration. The potential economic benefit is considered in the Analysis section.

11. Views from existing caravans would be compromised.

Response: Loss of view is not a material planning consideration.

12. The proposal would lead to road safety issues.

Response: No new access is proposed and there would be no significant road safety issues associated with the proposed development.

13. One objector objects to not receiving neighbour notification.

Response: The standard neighbour notification process was undertaken, and additionally objectors to the previous application were notified.

The applicant has provided ten letters of support in support of the application. The points raised in the letters of support are summarised below:

1. The park extension would have an economic benefit because the residents would spend money in the local area and support local businesses.

Response: The applicant has provided an Economic Impact Analysis which suggests that the proposed extension would have an economic benefit to the local area, however, the economic benefit would not outweigh the other considerations with regards to coalescence, ribbon development, excessive combined scale and impact on the special landscape area. It is also considered that the effect that the proposed development would have on the natural beauty of Great Cumbrae may discourage tourism (particularly day tourists/cyclists) which may have a negative economic impact on the island.

2. There is a shortage of holiday accommodation in Millport; the proposed extension would improve the quality and mix of accommodation available on Cumbrae.

Response: Any shortage of holiday accommodation has not been demonstrated. There are extensive existing facilities for static caravans on Cumbrae (72 on site and 170 at Millport Holiday Park). The proposed caravan park extension would not significantly improve upon the quality or mix of the accommodation available on Great Cumbrae.

3. The existing caravan park looks appealing and well landscaped and the extension would enhance the appearance of the area.

Response: It is not considered that the proposed extension to the caravan park would enhance the appearance of the area because of the issues of coalescence, ribbon development, excessive combined scale and impact on the special landscape area, and it is not considered that these impacts could be mitigated through landscaping.

4. The park extension would be located on a small field which is not of any use.

Response: While the field may not be in active agricultural use it functions as a buffer between the settlement of Millport and the caravan park. It also contributes to the appearance of the special landscape area due to its open and semi-natural character.

Consultations:

West of Scotland Archaeology Service: No objections subject to conditions.

Cumbrae Community Council: The application should be determined against the relevant policies of the LDP as explained in the report of the previous application (18/00984/PP).

Analysis

The application site is located within an area of countryside that is also a Special Landscape Area of Great Cumbrae Island as identified in the adopted LDP. The main determining issues are whether the proposal complies with Policies TOU 1, ENV 7 and the relevant criteria of the General Policy of the LDP.

Holiday static caravans meet the LDP glossary definition of 'managed units' and therefore the principle of such development in the countryside requires to be
19/00135/PP

considered under Policy TOU 1 of the LDP, which relates to Tourist Accommodation and Facilities. This policy has a presumption in favour of tourist accommodation, recognising its value to the local economy and job creation.

Criterion (a) of Policy TOU 1 is not applicable as it relates to the conversion of existing buildings, however criteria (b), (c) and (d) of the policy are applicable. With regard to criteria (b) (site specific locational need), the Westbourne Caravan Park has operated for many years. It has recently been expanded significantly, with the extension being named Firth View Caravan Park. This proposal would see another significant expansion. The applicant has not provided any information to demonstrate a site specific locational need. Given the extensive existing facilities for static caravans on Cumbrae (72 on site and 170 at Millport Holiday Park), and the availability of other sites, it is not considered that there is any site specific locational need for the proposed development. The proposal would not therefore accord with criterion (b).

Criterion (c) states that new tourist accommodation in the countryside must have a social and/or economic benefit to the area. The applicant has provided an Economic Impact Analysis which suggests that up to five part time or seasonal jobs could be created in the local area because of the proposed expansion. In addition, the extension would create a short term economic boost during construction and would benefit the local authority in terms of increased business rates levied on the park. No information has been provided to demonstrate a social benefit to the area. The applicant has demonstrated that the proposed park extension would have an economic benefit, albeit limited, to the island and so the proposal complies with criterion (c).

Criterion (d) states that development should be of a scale and character which is not detrimental to the amenity and landscape of the area. In terms of scale, the proposal is for an additional 18 caravan stances and it would occupy a site area of 0.56ha. The field which currently separates the caravan park from the edge of Millport measures 1.2ha and so the extension would occupy just under half of this field. The previous extension (Firth View) was a site of 0.89ha for 40 caravans while the original park (Westbourne) was on a site of approximately 1.3ha for 32 caravans and 8 chalets. The previous extension therefore roughly doubled the size and capacity of the original park and the proposed extension would result in another significant expansion within a short period of time. In terms of the character of the development, it would be a standard caravan park of a similar style to the existing. Therefore, in terms of landscape and amenity impacts, the combination of the original park and two extensions would be of unacceptable scale in the context of a small island. The proposal would therefore be contrary to criterion (d).

In conclusion, criterion (a) of policy TOU 1 does not apply to the proposal, and it is contrary to criteria (b) and (d). Although the policy does comply with criterion (c), the economic benefit would not outweigh the other considerations with regards to the lack of a site specific locational need and the negative impact of the scale of the development on the amenity and landscape of the area and so the proposal is contrary to policy TOU 1.

Policy ENV 7 displays a presumption against development in Special Landscape areas unless it can be demonstrated that the proposal:

(a) Meets the needs of agriculture or forestry; or

- (b) Is a recreation, leisure or tourism proposal which will bring a level of social and economic benefit to the area which outweighs the need to protect the area from development; or
- (c) Is a renewable energy generation development.

The proposal is a tourism proposal and therefore criteria (b) applies. While the proposal would have an economic benefit, it is not considered that this would outweigh the need to protect the area from development; furthermore, it is not expected that there would be any social benefit. The proposed development site is on the southwest coast of the island, just beyond the edge of Millport in an area of particular natural beauty. The agricultural land currently acts as a green 'buffer' between the edge of Millport and the existing caravan parks. The edge of the settlement of Millport is currently clearly defined, and the application site lies outwith in a countryside allocation.

While the size of the proposed park extension has been reduced from the previous refused application to retain an area of open space between Millport and the caravan park, it is not considered that the size of the area of field left undeveloped would be large enough to act as an effective buffer. The area of field left undeveloped would be read as a gap site rather than an area of open countryside and it could be difficult to protect it against further development. Development of this site would lead to a visual coalescence of Millport and the existing caravan parks and would remove what is currently a well-defined boundary between town and countryside on Great Cumbrae. For the above reasons the proposal would be contrary to policy ENV 7.

In terms of the General Policy, criterion (a) refers to siting, design and external appearance. The siting would be inappropriate because of the aforementioned issue of visual coalescence between Millport and the existing caravan park. The resultant scale of the combined caravan parks would be excessive within the small island context of Great Cumbrae. The external appearance would be significantly detrimental when leaving Millport along West Bay Road with an undesirable form of ribbon development along West Bay Road, which would detract from the appearance of the area, specifically the visitor experience of cycling or walking around the island. The scale of the combined park would also be particularly noticeable when viewed from the Firth of Clyde as the site is highly visible to boats entering the straights between Great Cumbrae and Bute. The applicant has proposed a planted mound to the south and west as screening, however, the degree to which such mitigation would potentially impact on landscape character would not resolve the main issue of coalescence. The proposal is therefore contrary to criterion (a).

In regard to criterion (b), there would be no issues of overlooking or overshadowing of neighbours as there are no nearby dwellinghouses. In terms of the wider amenity impacts, i.e. the effects of ribbon development and visual impact on the Special Landscape Area, the proposal would not accord with criterion (b).

In regard to criterion (c), and as discussed above, the proposed development would be on the edge of the settlement and would through its scale, siting and design disrupt the clearly defined separation between town and countryside which currently exists. It would not be possible to mitigate this effect through planting or any other method. The proposal is therefore contrary to criterion (c).

The proposed park extension would take its access from the existing internal loop road of Firth View Caravan Park. This is an improvement on the refused scheme which proposed a separate access for the extension. The proposal is considered to accord with criterion (d).

The proposed development would be contrary to Policies TOU 1, ENV 7 and criteria (a), (b), and (c) of the General Policy of the Local Development Plan. Therefore, it is recommended that planning permission is refused.


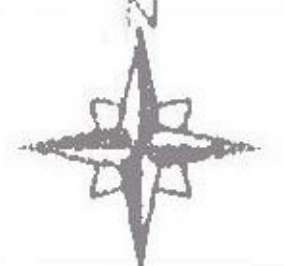
Decision

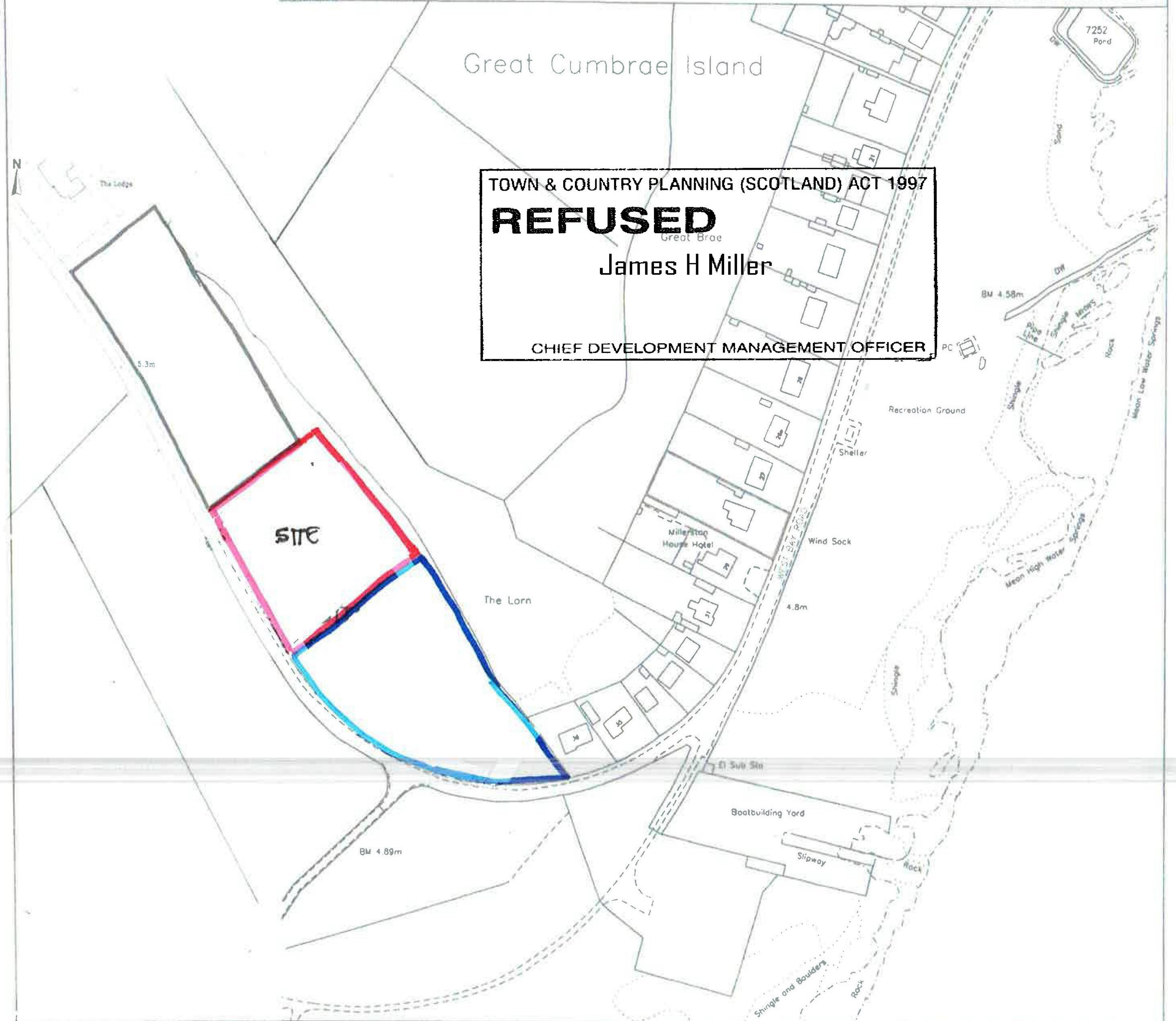
Refused

Case Officer - Mr John Mack

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Block Plan / Site Plan	001	
Location Plan	003	
Block Plan / Site Plan	002	

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	9995 13/7/2010	BUT1507
	ORDNANCE SURVEY NATIONAL GRID REFERENCE	140m
NS1554	Survey Scale	
1/2500		
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robertson design practice,
 st. vincent's lodge, middlepenny road, langbank.
 tel. 01475 540554 e-mail robertsondesign@hotmail.com

client: Westbourne Caravan Park, Millport

project: Extension to caravan park.

title: Location plan.

job no. 1829 drg. no. 003 scale: 1:2500 drawn: PKR date: 01/11/18



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/19/00135/PP

(Original Application No. N/100154285-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013

To : Mr Stuart Parry-Mellor
c/o Robertson Design Practice Fao Peter K Robertson
St Vincents Lodge
Middlepenny Road
Langbank
PA14 6XB

With reference to your application received on 21 February 2019 for planning permission under the above mentioned Acts and Orders for :-

Extension to existing caravan park to provide a further 18 stances together with alterations to the existing internal driveway, provision of bin stores and visitor car parking

at Westbourne Caravan Park
West Bay Road
Millport
Isle Of Cumbrae
KA28 0HA

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposed development would be contrary to Policies TOU 1, ENV 7 and criteria (a), (b), and (c) of the General Policy of the Local Development Plan in that it would result in visual coalescence between the settlement of Millport and the caravan parks in the form of ribbon development along West Bay Road. The combined scale of the existing caravan parks with the proposed development would have a significant negative impact on both the designated Special Landscape Area, and the wider special landscape character and appearance of Great Cumbrae.

Dated this : 2 April 2019

.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

KAREN YEOMANS : Executive Director (Economy & Communities)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Euan Gray (Committee Services Officer / C'tee & Member Services)

From: [REDACTED]
Sent: 18 June 2019 17:20
To: Euan Gray (Committee Services Officer / C'tee & Member Services)
Subject: Planning Application:19/00135/PP Caravan Park

Dear Sir

I received the Notice of Review for the above planning application and would like the following comments, in addition to those I have already registered with the Planning Department, to be noted:

- The Applicant, by requesting a Review of the planning decision, is calling into question the professional judgement of the planning staff. The Planning staff have a job to do and if their judgement and recommendations are overturned it makes a mockery of their decisions and qualifications. Their decisions are based on statutory / legal requirements / factual information and objector comments.
- There is over provision of caravans (for sale or rent/hire) already in Millport. There are still some caravans for sale on the original plot suggesting there's little or no appetite for purchase of these remaining caravans. Having more caravans would only exacerbate the issue of over provision.
- Previous comment from another objector, whom I believe is an owner of one of these caravans, stated the applicant has misled them as to his intentions of increasing the numbers of caravans on the site. The applicant has still to honour some of the existing conditions of the first phase of the planning approval. The applicant is "having a laugh" at the Council's expense. In addition to the extra work this Notice of Review is generating the applicant is mocking the planning process and the professional staff recommendations. My Council Tax monies should be spent on far better things than paying Council staff to re do their work especially when the occupants of the caravans pay no Council Tax!
- Finally the grounds for refusal as noted in the Refusal of Planning Decision letter dated 2 April 2019 remains:
i.e. the proposed development would be contrary to Policies TOU 1, ENV 7 and criteria (a), (b), and (c) of the General Policy of the Local Development Plan in that it would result in visual coalescence between the settlement of Millport and the caravan parks in the form of ribbon development along West Bay Road. The combined scale of the existing caravan parks with the proposed development would have a significant negative impact on both the designated Special Landscape Area, and the wider special landscape character and appearance of Great Cumbrae.

Regards
[REDACTED]

Sent from [Mail](#) for Windows 10

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18 June 2019

Euan Gray
Committee Services Officer
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

Dear Mr Gray,

Planning Application: 19/00135/PP: Westbourne Caravan Park

Further to your letter of 12th June advising of the submission of a Notice of Review I have the following comments that I wish to be considered.

In line with previous decisions taken by the Council, I trust that a further sensible decision to refuse permission for 18 more caravans will be upheld.

This strip of rural landscape has already been desecrated by the unsightly rows of existing caravans, which are almost on the pavement. The road is used by young cyclists and walkers who enjoy the scenery without the worry of even more cars streaming out of an extended caravan site. To allow a continuation to the site would be disastrous to the character of the green area.

The application still does not address the negative impact on the Special Landscape Area and the appearance of Great Cumbrae. The prime objective of the application, in my view, is to generate profits for the owner and not to create something of benefit for the community.

The applicant's continual refusal to accept Council's decision is causing undue stress and upset for the nearby residents. There now has to be acknowledgement that the site is not suitable, nor wanted, for an extended caravan park.

Yours sincerely,



BUSINESS

24 JUN 2019

SUPPORT

FAD

MR. JOHN MACK.

PLANNING DEPT.

NORTH Ayrshire Council

CUNNINGHAME HOUSE

IRVINE KA12 8EE

21-6-2019.

Dear Sir,

Once again my husband and I wish to object to the planning application No. N/19/00135/PP. at Westbourne caravan park, West bay Road, Millport Isle of Arran KA 28 0HA.

As stated in all other correspondence to your department regarding the above application, it has been brought to our notice this applicant has since encouraged to further set up a camping area in extremely close proximity to our dwelling house, and to which the fire services have been called to deal with regarding the setting up of wild fire areas.

Once again for environmental reasons, inadequate infrastructure of this proposal, disregard for this green belt area, also the beauty and preservation of nature, we would ask that you further to - accept our objection regarding the above, for all who wish to visit or live in and on this beautiful island for the present and future,

Yours faithfully

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

24 June 2019

Dear Sir / Madam

My objections to planning application N/19/00135/PP Extension to Firth View Caravan site were submitted in my letter to you dated 6 March 2019. In response to the appeal made by the applicant, I would now like to add the following points:

1. It is my understanding that Local Authorities are obliged by law to decide planning applications in accordance with the development plan for the area. Coming to a reasoned judgement on these matters lies at the heart of the planning authority's discretionary power to approve, refuse or modify applications under the law and within a framework of national policy guidance. This process was duly followed and the application to refuse planning permission to extend Firth View caravan site was refused on the grounds of, *'The proposed development would be contrary to policies TOU1, ENV 7 and criteria a, b and c of the General Policy of the Local Development Plan in that it would result in visual coalescence between the settlement of Millport and the caravan parks in the form of ribbon development along West Bay Road. The combined scale of the existing caravan parks with the proposed development would have a significant negative impact on both the designated Special Landscape Area, and the wider special landscape character and appearance of Great Cumbrae.'*

Although within the right to appeal there is an opportunity to submit additional evidence in support of an application, it appears that the supporting evidence submitted in this appeal is identical to the evidence and letters of support submitted with the original application which was refused. The size and character of the proposed extension remains the same and therefore the reasons for refusal stated above remain. I would therefore deem this appeal a waste of the LRB's time, and the decision to refuse permission made under delegated powers, should be upheld.

2. I also note that the reason for an appeal states *'Further economic and social justification with precedent information.'*

In re- reading the Economic Impact Analysis prepared by Talk Associates (used as evidence with original application and not additional evidence) I would like to highlight the fact that this report is, with very small amendments, identical to the Economic Report submitted in support of an extension to Seaview Caravan site in Seamill in February 2018! Given that this report is published by a company whose sole reason for existence is to promote and support the caravan industry, and uses data published by the Scottish Caravan and Camping Forum, I would question its impartiality!

I notice that the applicant is claiming that the planning officer who made this decision was unfamiliar with the site and to a great extent, the economy of the island yet he puts great faith in a report written by a company based in Fife!

Regarding the reference to precedence information my non-expert view is that Policy over-rides Precedence! It appears that the first rule in town planning is – there is no precedence! Each planning application must be considered on its own merits, facts and circumstances. This has been done and has been found to contravene the LDP and therefore planning permission refused.

The applicant claims that *‘.....the site is within the Special Landscape Area of Great Cumbrae, I would contend that this designation has been placed as a blanket over the island without consideration of the character of all the areas so covered.’* This challenge shows an ignorant selfish disregard for a policy put in place to protect places of natural beauty. The site of this proposal is on the outer road around the perimeter of the island which is one of the main attractions of the island and enjoyed by residents and hundreds of thousands of visitors and the reason that it was assessed as being within a special landscape area!

If, as the applicant would like us to believe, that there is precedence in planning, then the whole of road round the island is in danger of being developed which would be the ruination of Cumbrae – or is this exception only to be made for this applicant?

The applicant states that his revised scheme is of a scale and character which is not detrimental to the amenity and landscape of the area and that *‘the cumulative capacity of the existing and proposed numbers would be significantly less than the capacity of the main caravan park on the island.’*

The main caravan site is in Golf Road and is not visible from the main road round the island. As you will see from the aerial photograph below, copied from the Firth View FB profile page, the cumulative effect of the existing developments around Westbourne is vast. Although the proposed site is less dense than the original Firth View Site it has greater length and, together with Westbourne caravan site and the chalets, has become a major out-of-town development. To extend it even further is most certainly detrimental to the amenity and landscape of the area, to the island and the town of Millport itself.



4. In the appeal statement it is stated that *'Given the demand, the owners again approached the planning officer at North Ayrshire Council, with whom they had previous dialogue, and who had dealt with the previous application. They discussed a further extension within the remaining portion of the field and received a positive response, although they were advised to leave a small area between the existing houses in West Bay and the first caravans of the new development.*

On the strength of this advice the owners entered into a contract to purchase the remaining section of the field and instructed the preparation and submission of a planning application to reflect the conclusions of the earlier discussions.'

Although this application was submitted in November 2018, and the current application under review submitted in February 2019, it was stated in both planning application forms that the owner of the land was Mr McIntyre, Breakough Farm and the sale was not completed until after the refusal of the February application. It can only therefore be assumed that the sale was completed in the applicant's belief that being the landowner would give greater weight in his forcing through this appeal.

5. It is claimed that this extension would bring economic benefit to the island but in considering economic impacts the potential negative impact should also be taken into account such as flats not selling within the defined town, pressure and additional cost of local services and resources. If the countryside of Millport is to be filled with ever larger caravan parks this will have a negative impact not only on a special landscape area but on the sale of flats / houses within the town which in turn will lead to a downward spiral and potential dereliction of buildings within a conservation area as can be seen in other town centres. This in turn could affect the number of tourists visiting and have a longer-term detrimental effect on the island's economy.

The person with most financial gain from this development is the applicant, and a few retail businesses gaining as a result of an ever-increasing number of caravans on Cumbrae, will not lead to improvements in the town for the resident community.

6. Finally it is stated in the Report of Handling that if this development goes ahead then *'the area of field left undeveloped would be read as a gap site rather than an area of open countryside and it could be difficult to protect it against further development.'*

In response to the above statement, written by a qualified planner, the applicant states that *'the planning authority have the ability to resist such pressure and that there is no intention of seeking a further consent at a later date if this appeal were to be upheld.'*

Given that the applicant stated to near-by residents, when the initial application for Firth View was made in 2016, that he had no intention of ever increasing the proposed site I have difficulty in believing his claim. We are reasonable people and understood the reasons for this first extension and, given his assurances to us, and later I believe to some purchasers of caravans, we did not object to this application. It is to our regret that we did not do so at the time as we took him at his word which was obviously not the truth.

I sincerely hope that the above information enables the Local Review Body to uphold the earlier decision by North Ayrshire's Planning Department of refusing planning permission and that this appeal is also refused.

Regards

[REDACTED]



North Ayrshire Council
Democratic Services
Committee Services
Cunninghame House
Irvine
KA12 8EE

25 June 2019

Dear Sir

Notice of Review

Planning Application 19/00135/PP: Westbourne Caravan Park, Isle of Cumbrae

I refer to the Notice of Review submitted in respect of the above application and would submit the following comments:

1. I would refer you to my letter of objection (copy attached) and the many other lodged objections by letter and comment submitted by the community in respect of the original application which I would request be re-submitted in respect of the current Review. (It should be noted that no new letters of support have been provided by the applicant and that those included with the Supporting Report are those submitted at the time of the original application).
2. This is the third attempt by the applicant to gain planning consent to develop agricultural land at this location. On each occasion that an application was to be made the applicant entered into discussions with the Planning Authority and each time it was confirmed to the applicant that the application was likely to be refused on valid planning grounds. Despite this, and the resulting two failed applications, the applicant continues to pursue the development of this land whilst disregarding the planning policies and the Local Development Plan etc. which have been put in place by the statutory powers to protect sites that are of great importance for the wider benefit of the community rather than the business interests/profit motive of the individual.
3. It appears nothing has changed and no relevant fresh evidence has been submitted in the Supporting Report since the above application was considered and refused for the reasons stated and detailed in the Report of Handling – namely that the proposal did not/does not meet the planning policy or the criteria as stipulated in the statutory Local Development Plan and that any limited economic gain would not outweigh the negative effects of the proposed development.
4. There are certain inaccuracies and misleading statements in the information provided by the applicant in respect of the original application/s and the Supporting Report papers.
5. There are flaws in the Economic Impact Assessment submitted which is basically the same as that submitted for the Seaview caravan site at Seamill.
6. The applicant has claimed precedent as the mainstay of the appeal citing the Seaview Caravan Site extension for this purpose but there are major and fundamental differences between these two cases which will be explained below.

Comments on the applicant's Supporting Report

The applicant states that during his ownership of Westbourne Caravan Site between 2003 and 2016 it comprised 31 static caravans situated around Westbourne House within the walled, landscaped gardens of the house which served to effectively screen the caravans from the road, the shore and when viewed from the sea. Since then planning consent has been granted for the new 40 caravan Firth View Caravan Site subject to suitable landscaping being carried out as determined by the Planning Authority.

This extension comprised a **130% increase in the number of caravans (not 100% as stated in the Supporting Report)** – and an even greater percentage increase in the agricultural land area being taken to be developed as

a caravan site. It is regretted that the landscape and screening works promised for this site by the owner and the Planning Authority to lessen its impact on the important Special Landscape Area within which it sits were never implemented.

The latest application, if consented, would represent an increase of 190% in the number of caravans at this locus over a period of just 3 years – and an even greater area of agricultural land being subject to development. It would also effectively further erode the buffer between the caravan site and the town of Millport and any remaining ground would inevitably be subject of future applications for development (whether by the current owner or a future owner) as per the earlier refused application lodged by the applicant in 2018 to develop the whole site (with an additional 34 caravans) up to the town boundary.

It is to be noted that when this 2018 (Ref 18/00984/PP) application by the applicant to develop the whole site up to the town boundary with a further 34 caravans was refused by the Planning Authority much of the justification within the Report of Handling was the same as for the current refusal for the additional 18 caravan extension. This refusal to grant consent was not appealed by the applicant as presumably it was accepted that the economic gain from the development (which would have been calculated as being almost double the current claimed economic gain) would not outweigh the negative impacts of the development. The economic gain claimed now is presumably approx. half the former amount (due to the reduction in the number of caravans) and yet the scale of the negative impacts of the proposed development in terms of the LDP and associated policy documents remain.

The applicant states that a contract to purchase the ground was entered into in 2018 however it was not until after both Planning Application Ref. 18/00984/PP and Planning Application Ref. 19/00135/PP had been refused that the applicant completed the purchase of the land, including the land up to the town boundary, presumably with the intention of using this ownership to put greater pressure on the Council to grant the current appeal and for future development of the remainder of the site to maximise the profit from this existing agricultural land. (Both of the above applications state that the site was not owned by the applicant.)

The applicant refers to discussions with the Planning Authority. Whilst pre-application discussions can be entered into they do not in any way guarantee the outcome of a formal planning application. No evidence has been provided to support the outcomes of these discussions which are stated as having been held in the Supporting Report.

I certainly do not support the contention that the Planning Authority did not have the necessary skills or knowledge to determine this application in the best interests of the community and in accordance with the planning regulations etc.

A level of support from some of the local businesses based on the potential for the additional turnover they will generate from 18 caravans was expressed at the time the application was submitted however an even greater number of objections to the development were received from the community based on planning policy in place and the requirements of the statutory LDP and associated documents at the same time. It appears that the only community group that wrote in support of the proposal was the Isle of Cumbrae Tourist Association.

The development site and the caravans are, and will be, clearly visible from Bute, from the sea, the road & pavement, the footpath on Portachur Point and the walk along the shoreline and will have as a result have a major negative impact on the landscape and scenic views. These features are, and have been over many years, the reason for many hundreds of thousands of visitors coming to Cumbrae to enjoy the unspoilt countryside and the walking and cycling opportunities it presents. The same features have also served to attract people to come to the island to and to buy houses and become residents of the island over the years.

The existing contours do not obscure the existing site – quite the opposite as explained later. (Photos attached)

The local economy certainly does not solely rely on tourism – far from it. The main basis of the economy depends on the year round resident community and nothing should be done which will deter people from moving to the island, living permanently on the island and investing in flats and houses. A growing resident population would also lead to an increase in revenue for the Council (for the provision of essential local services etc.) through an

increase in Council Tax payments. Owners of second homes and primary homes all now already pay full Council Tax.

The Economic Impact Assessment

This Assessment is based on figures produced in a report published by the SCCF which consists of the British Holiday & Home Parks Association (BH&HPA), The Caravan Club, The Camping & Caravanning Club, the National Caravan Council Ltd (NCC), Thistle Holiday Parks and VisitScotland. Its purpose is to provide a collective voice for the whole of the holiday park sector in Scotland. and cannot therefore be deemed totally independent.

The Assessment contains a lot of statements which are identified as anecdotal.

The estimate of the number of days of occupancy of every caravan at 99 days (12 full weeks) per year is very optimistic and the source of this assumption is not clear.

The estimate of the job creation is very high for 18 caravans in use for 99 days per year in the island setting and particularly when evidenced by the minimal impact on job creation on the island of the existing 40 caravan extension.

The estimated daily spend presented is also high. It is recognised that there will be expenditure on the mainland and on ferry fares etc. however this brings little or no direct benefit to the island and it is the island that will be impacted upon by the development, not the mainland. Therefore special account should be taken of the island situation in calculating the daily spend and job creation estimates and impacts.

The daily spend figures in the SCCF Report that were used are as follows however they are overstated in many cases for the Cumbrae situation and should be adjusted. Based on a quick analysis of the figures in the report the following adjustments could be readily made which represents a large reduction in the estimated economic benefit presented.

Table 4.4: Visitor spend per day

<u>Area of expenditure</u>	<u>Owners</u>
<i>Accommodation costs (includes pitch fees and loan repayment)</i>	£23.78
Transport to destination (including petrol)	£9.83
Eating out/drinking out in the area	£12.32
other shopping (e.g. gifts, clothes, souvenirs etc)	£10.82 – v. high daily rate - take @ £5
<i>Eating in/drinking in holiday accommodation</i>	£10.27
Visitor attractions (e.g. heritage sites, gardens, museums)	£4.11 – v. few charges in Millport
<i>Eating in/drinking on the Park</i>	£7.04 – none exists
Outdoor recreation off-site (e.g. cycling, golf, tennis)	£3.07
<i>Outdoor recreation on-site (e.g. cycling, golf, tennis)</i>	£1.60 – none exists
Entertainment in the area	£2.96
<i>Entertainment on the park</i>	£2.00 – none exists
Other	£1.87
<i>Total – on site</i>	£44.70 – Revised estimate £34.05
<i>Total – off site</i>	£44.98 – Revised estimate £35.05
<i>Total – both on and off site</i>	£89.68 – Revised total £79.10

Another factor which impacts negatively on the economic impact of the development is that no contribution to Council Tax is made by the owners of caravans and there is therefore no corresponding contribution to the upkeep of the island's infrastructure or services. This is not a criticism of the caravan owners but it is a fact resulting from current policy. Factors such as these must be taken into account when considering any economic impact on the island of further caravan site developments.

Further, the Westbourne Caravan Site, as far as can be ascertained, does not pay any rates to NAC. This is also the case for most of the shops and businesses on the island (the hotel/pubs being the main exception in that

they do pay rates) and therefore once again the additional negative pressures and costs on the island's infrastructure/provision of services brought about by increasing the numbers of people staying in owned caravans should be reflected in the economic assessment. Again this is not a criticism of the owners of these businesses but it is a relevant fact that should be taken into account.

It is recognised in the application that the caravans will remain empty for 2/3rds of each year and surely everything should be done to encourage greater numbers of full-time residents in houses and flats which will bring a much greater gain to the island.

It is perhaps slightly arrogant of the applicant to suggest that North Ayrshire Council should put his interest in developing this further area of agricultural land ahead of "lesser important criteria" - such as the statutory LDP and associated policy documents etc. - in determining this application.

The applicant refers to the reduced scale of the proposal and refers to the cumulative capacity being less than that of the Kirkton Caravan site. The relevance of this comment is difficult to work out as there are no proposals to extend Kirkton known of at present. By the same token **the Westbourne Site has already increased by 130% in numbers/size in the last 3 years and it is proposed that the capacity be increased by 190% (i.e. 3 times the original size of development) within the same 3 year period.** This represents over development and development of inappropriate scale and location particularly for a small island such as Cumbrae.

As the issue of cumulative impact has been raised it is worth pointing out to the Local Review Body that Cumbrae already has more static caravans on the island than Arran and Bute put together and it appears more than any other island on the west coast of Scotland.

Whilst it is difficult to obtain accurate figures it appears that the table below shows, for comparison purposes, the relative size/population/no. of static caravans on other islands:

Location	Land Area (km ²)	Population	Static Caravans in Parks
Cumbrae	11	1400	Approx. 265
Bute	122	6500	< 100
Arran	432	4600	Approx. 150
Skye	1656	10000	< 100 ?
Islay	619	3228	< 100 ?
Mull	875	2990	< 100 ?

Cumbrae for its size and population already has a totally disproportionate number of caravans and if occupancy is taken at 4 per caravan this represents an almost doubling of the population of the island during potentially 10 months of the year living in temporary, moveable holiday caravans.

The applicant recognises the shortcomings of the existing extension to the Westbourne caravan site and claims the subject of the appeal would address some of the failings. However by "utilising the existing contours", which serves to raise the caravans well above road level, it serves to increase the caravans dominance of the landscape and to exaggerate their location through highlighting them against the raised beach cliff/tree lined backdrop. It is also apparent that yet again the proposal is to place the caravans very close to the pavement which destroys the countryside experience for walkers and cyclists as well as drivers.

The applicant cites Seaview Caravan Site extension as a precedent – the ruling there was that the caravans **must be set back 18 metres from the road** – and that is on a flat level site that was formerly a football pitch situated at the edge of a very busy main road - rather than a prominent green agricultural land on a sloping hillside at a key scenic location.

The applicant refers to the prominence of the caravan site as viewed from the sea (and presumably also the road and shore walks etc) being obscured by the fields and mature hedgerows. This is not the case. The hedges are low and sporadic and when walking along the shore path the caravans are in full view and totally dominate the

view of the area (photos attached) particularly as they are sited at increasingly higher levels on the hillside. There is no effective screening of the existing or the proposed development from the road or from the shore.



View of existing caravan site from the mid channel between Bute and Cumbrae.



View of existing caravan site extension from shore at Portachur Point

It would again appear arrogant for the applicant to suggest that North Ayrshire Council and its associated partner organisations put no thought or professional acumen into designating areas on Cumbrae as an SLA. The reasons for this designation are well thought out and explained in various planning and planning related documents – it is a formal designation that cannot be ignored or pushed to the side because it does not suit one person. It is ironic that Cumbrae's success as a tourist destination, and equally importantly as a desirable place to live, over the last 100 years and more has heavily depended on the very features of the island that this designation is so important in protecting and maintaining and which could so easily be destroyed if this development, which quotes increasing tourism as its only rationale, goes ahead.

The issues concerning coalescence and ribbon development have been well covered in the Report of Handling.

The relevance of referring to permanent detached dwelling houses being developed in West Bay within the town boundary and equating it to the development of a site for temporary moveable structures (i.e. caravans) outwith the town boundary is not clear. Caravans by definition are *"... any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted"* which is clearly very different from a permanent dwelling house built within the defined urban area as is recognised in the relevant legislation for each type of development.

There is reference in the Supporting Report to *"bringing further visitors to the island making use of the leisure facilities available to their benefit and long term sustainability"* – this fully reinforces the reasons why this development **should not** be allowed to proceed – the natural assets and beauty of the island are, and have been for generations, the major leisure facility that has attracted residents and visitors to the island. Any continuing diminution of this will have a severely negative effect the future of the island.

The Supporting Report states *"There is a suggestion that consent to this proposal would make it difficult to resist pressure on the remaining land, I would contend that the planning authority have the ability to resist such pressure and my client is clear that they have no intention of seeking a further consent at a later date if this appeal is upheld."* It is interesting to note that the client made the same statement when he lodged the application for the first 40 caravan extension to the Westbourne Caravan Site. The Council, as the statutory planning authority is I am sure more than capable of resisting such applications, and indeed multiple applications, and this could be readily confirmed by resisting the pressure being put on it to approve this application.

Precedent

It appears that there is confusion in the minds of the consultants and the applicant about whether or not precedent should be applied.

The applicant promotes the Seaview case as a precedent for why the decision on this site should be made in his favour. It is interesting to note that the same consultants were employed in each case and that the following statement was made in justification of the Seaview appeal:

"In terms of the 'setting of precedent' it is unreasonable for the Council to cite 'precedence' as a reason for refusal. The proposal, this or any other on any site should be judged on its own planning merits in the light of the development plan and other material considerations."

Therefore it appears that the applicant claims that precedent **can** be used to promote the overturning of a refusal decision but **not** to justify a refusal decision being made in the first place

In response to claims by the applicant that precedent had been set by other developments being granted consent in the vicinity of the Seaview site it was stated by in the planners report to the Committee that:

"Planning permission has been approved for development in the immediate locality but there is no precedent in Planning with each planning application considered on its own merits."

It was also emphasised in the Seaview case that the much larger housing developments and further development of the Waterside Hotel would serve to diminish the impact of the caravan site extension on the area. No such additional large-scale developments exist at the Westbourne location to detract from the over development of

the caravan site. The Council stated in its report that the Seaview Caravan Site was modest in size – when compared to other developments in the immediate area. No such “other developments” exist at this location on Cumbrae to detract from the large-scale caravan site proposal.

Seaview was deemed a modest development by the Council when taken in the context of the adjacent large-scale developments of housing/hotel/conference centre/car parking etc.

The existing capacity of Seaview prior to the extension application was 23 caravans. The extension site, which is situated on an unused and abandoned football pitch on flat and undistinguished shoreline adjacent to a very busy main road, was for only 29 caravans. This represented an increase to a total of only 52 caravans.

Dealing on a like for like basis (which one has to if considering whether precedent can be applied) Westbourne Caravan Site started with 31 caravans and extended by 40 caravans within the last 2 years. Therefore an increase to a total of 71 caravans has already taken place – far more than the site total for Seaview – and that is before the current application is taken into account.

If the **current appeal in respect of a further additional 18 caravans is granted** at Westbourne the increase will be from an original 31 caravans to a total of 89 caravans within 2 – 3 years (190% increase in numbers) - way beyond what was approved on appeal at Seaview and without any of the other mitigating circumstances of adjacent large scale developments to detract from the scale of the caravan site or which would serve to lessen its dominance of the landscape – which in itself is much more scenic and of far greater landscape importance on Cumbrae than the flat shore side on the edge of a busy main road at Seaview.

Despite the major differences between the two cases as detailed above, which serve to negate any claims for consideration of precedent in this case, on the basis of the statements made by the Westbourne consultant when advising the Seaview applicant, and on the basis of the Planning statement on precedent provided to the NAC Committee when considering the Seaview case (both of which are quoted above) it would appear that the arguments presented for consideration of precedent are not competent.

Conclusion

To dismiss the only income generation and economic activity taking place in Millport as coming from tourism alone is totally misleading. Due to the vastly improved ferry services many people working at various locations on the mainland now choose to live in Millport and travel on a daily basis. Largs and other North Ayrshire towns are within easy reach and Glasgow can be reached in slightly over one hour door to door. These residents bring their income to the island and boost the economic activity and, unlike many tourism related jobs which are often part time, seasonable and minimum wage based, many of these jobs are at higher paid levels.

More needs to be done to attract residents of all ages to live in Millport but building large scale caravan sites for occasional visitors (estimated at a maximum of 99 days per year by the applicant) in the most prominent areas of natural beauty which are the island’s main attraction will not serve to increase the economy of the island and will deter full time residents from moving to the island.

There is no site-specific justification for developing this site.

At the time the application was made it was not owned by the applicant.

It was previously pointed out in the letters of objection and the Report of Handling that there are other sites on the island which would be more suitable for this type of development and which may well assist other struggling businesses on the island.

It would be foolish to take the best that the island has to offer for the many for the sake of the gain of very few.

Yours faithfully



Planning application 19/00/135/PP – extension of caravan site's extension.

Dear Sir.

I should like you to note my continuing objection to the above planning application. My comments made to the original application stand, and I feel the Planning Officer has handled the previous two applications from the developer in a correct manner which appears to fully comply with the planning regulations currently applicable to this area.

I note the applicants' economic assessment. This is copied from one issued by a caravan site owners association and is mostly incorrect here. The full original document shows that the guestimated daily spend, quoted by the developer, includes spend on on-site facilities such as restaurants, bars and play areas. There are none in this case. It also includes spend by touring caravans and motorhomes – including fuel. There are no sites proposed for this type of caravaner and even if there were there is no petrol station on the island and the ferry profits go to an offshore based company, they don't even come to Britain let alone Cumbrae. For the last 2 weekends every single layby on the west side of the island has had a motorhome, a touring caravan, or a tent parked in it.

The assessment mentions a "fragile island economy". Many of the business's are dependent upon tourism but a lot of them make sufficient money in summer to enable them to totally close for the majority of the year. Many of them also have great difficulty finding staff in summer; everyone on the island that wants a job has one (or two, or three). Every winter we are treated, on a Wednesday morning, to the site of a coach full of tourists chugging around the island. They only stay for one and a half hours as there is no-one open to sell them a cup of coffee – apart from a machine in a local newsagent.

It is only some business's that are dependant on tourists, the majority of the community are not – and they have to contend with all the summer difficulties in parking and travelling to and from the mainland. They also keep the winter shops in business.

For further details please see my original letter of objection.

Since RET we regularly have 2-3 hours wait for the ferry, both to and from the island. This makes many visitors choose not to come and if they do there is nowhere to park.

There are currently 248 static caravan stances on the island, 1 for every 4.8 members of the population. This is more stances, and far more per head, than any other island in the West of Scotland. Firth View is also the most poorly shielded site in the Clyde. Each of the 3 main sites has vacancies.

I have difficulty making the jump between a caravan site at Seamill – the only caravan site at Seamill, with fewer than 25 stances expanding and a 70 strong site on an already heavily subscribed island expanding – no matter how you try and lose it in percentages.

I also have difficulty in relating how anecdotal "evidence" about what will and will not be allowed from over a decade ago (as far back as the 1960's) relates to the planning regulations and intentions today.

It is claimed that the land involved is "poorly drained, poor quality grazing land". If the developer had taken the trouble to dig the assessment trenches required by WoSAS in his first extension, he would be aware that it is highly fertile maerl mixed with rich topsoil. It is well drained. The road adjacent to it has been susceptible to flooding since the Scottish Water new sewage pipe was put in, but the land simply is well drained. As the developer has now purchased the land it will almost certainly be poorly maintained, but it is of high quality.

The views as photographed are interesting and obviously taken by a very short person. The totally unshielded site is visible from Arran. Pointing out there are worse areas does not make it right.

The only holiday accommodation that is in short supply on the island is hotel accommodation – and the Westbourne used to be a hotel. On the vast majority of weekends/weeks there is vacant self catering accommodation available on the island (ranging from caravans to flats, to houses).

I would hope that the Review Board will pay cognisance to the diligence of their well-trained, qualified, Planning Officer and uphold his decision.

Yours sincerely,

██████████

TO
Chief Planning Officer
Irvine

From



Re Further Appeal for Provisional Planning Permission for Extension of Caravan Site at Westbourne Caravan Park Millport.

Dear Sir ,

During the four day Easter break the Isle of Cumbrae welcomed 28,000 visitors. Why? Most probably to enjoy the peace , scenic beauty and idyllic coastline views coupled with the joys of walking and cycling for all age groups. Certainly not to look at an extended caravan site which is determined to dominate completely the lovely and scenic south west exposure of our island.

I have read and studied the current application for a further 18 units and have been amazed at the assumptions and inaccuracies that have been made.

The photographs give a completely distorted view of the area with the use of wide angled lenses and selection of photographic positions which indicate the caravans will hardly be noticeable.

To get a fair picture of the proposed site one has only to walk past the boundary of west bay road and approach and pass it to appreciate just how much the beauty of the area will be affected.

Determination for their appeal to succeed is demonstrated by the length and depth of their financial probing and conclusions.

As the late George Bernard Shaw wrote, "There are lies, damned lies and statistics " , and this seems to apply to the so called benefits which the island would enjoy if this application were successful.

Approximately 20 years or so ago when the houses in Cardiff Street had deteriorated into a very poor condition, the insides were renovated whilst the external aspects were carefully restored to preserve the character of the building. Possibly this was more expensive than demolishing and replacing with modern buildings but how wise it was of the planners to retain the Victorian style and charm of the town. I am sure that lovers of tis island will unite and with one voice give a decisive refusal to this project to increase an already unwanted and ugly caravan site at a much admired side of the island.

In conclusion, if the application succeeds this will be to the great financial advantage of one particular party , if it fails, it will be to the advantage of the residents , visitors and environmental beauty of the Isle of Cumbrae.

Yours Faithfully





Dear Sir,

Planning Application: 19/00135/PP: Westbourne Caravan Park, West Bay Road, Millport, Isle of Cumbrae – Notice of Review

With reference to the above, I wish to register my continued objections to the above extension as stated in my letter of 20th March 2019. I feel that the planning department set out a measured and well-argued case for refusal of the original application for the reduced extension and hope that the committee will uphold the planning officer's original decision.

I would like to further comment on just some of the grounds for appeal:

- The adjacent field to the south west of the park is in fact highly fertile soil being on the raised beach which in this area is composed of broken maerl (calcified red algae which used to grow abundantly around the Tan Spit). Drainage of the field is good but the drains taking the water under the road to the seaward side were smashed when the new sewage pipe was laid and with subsequent resurfacing of the road.
- Rough grazing may to some be considered untidy but it can also provide useful habitat for wildlife. No in-depth survey of the biodiversity in this area has been undertaken but not far to the north of the proposed site, plans to site the sewage work there had to be abandoned as this was an area where the 'Cumbrae mouse', a distinct sub-species, had been recorded.
- 'The revised scheme....retains a large undeveloped area between the caravan park and the nearest housing'. This is not the case and there is genuine concern that should permission be given for this caravan extension that pressure would then be placed to allowed the development of this small area which will no longer be able to be classified as usable agricultural land. Assurances to the contrary from the Westbourne owners tend to have a somewhat hollow ring to them given that they gave assurances that the first development would be the ONLY one.
- It is true that there are many unsightly developments in the Clyde Sea Area. The North Ayrshire coast has been intensively developed; the views on the east side of Cumbrae tend to be of urbanisation and industrialisation on a large scale. This makes it all the more important in terms of the island to preserve the natural beauty on the west side of the island. The Firth View Caravan Park is highly visible from the Main Channel and from Bute, perhaps even further. The reason that this point was made in previous objections was because this may deter yachts, pleasure craft from coming to land on Cumbrae.
- I would argue that the designation of Special Landscape Area is not a blanket cover over the whole island (the point made above is relevant to this). Everyone travelling on the west side of the island appreciates the vistas presented to them of Little Cumbrae, Bute, and Arran. The views from the southwest corner are particularly stunning.
- In terms of the economic impact assessment presented, I would argue that it is both biased and highly optimistic.

- I would argue that the development at Seamill does not provide a strong enough precedent to overturn the application on Cumbrae as the two sites are not even vaguely similar in size or location. Both have views over the Clyde Sea Area towards Arran but there the comparison ends.

I still do not believe that a strong enough case has been made for the need for extra caravan provision at this site. Cumbrae is a small island but already we have a much higher number of caravans than on either of the other two main Clyde islands. They now dominate the south west corner of the island.

I sincerely hope that, on consideration, you uphold the decision of your officer.

Yours faithfully,



From: [REDACTED]
Sent: 28 June 2019 20:17
To: Euan Gray (Committee Services Officer / C'tee & Member Services) <euangray@north-ayrshire.gov.uk>
Subject: Planning application 19/00135/PP: westbourne caravan park, millport

Further to my previous objections, regarding the above planning application I would like to strongly object to any further extension to this site. In addition to the previously stated reasons,

I am also sorely disappointed in the conduct of the site owner who as good as named all the local residents who objected to this extension on social media site Face Book. This has made us feel quite threatened, when we were only exercising our right of free speech and protecting the environment immediate to our house and young children. Some of the older residents of west bay are really upset about being 'named and shamed' for speaking their mind. Unfortunately with our geography the site owners alluding to 'those bungalows and big houses on west bay' who objected means that everyone local knows exactly who objected. I attach screenshots of Face book conversations between the site owner.

I hope you make the right decision not just for the residents of West Bay, but for Millport, the Isle of Cumbrae and all the tens of thousands of visitors who come to experience our lovely green island.

Best regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



What a terrible decision and one supported by people who are meant to be doing all they can to improve our island. They should hang their head in shame.

5 d Like Reply



Ridiculous decision, the island needs as many tourists as it can get. Won't affect parking as you have a parking space at your van.

6 d Like Reply



I love to ask NAC to publish the names of the people who objected.

5 d Like Reply



[View 9 previous replies](#)

just...

Nimbys



6 d Like Reply

indeed!

Just nonsense



Write a comment...





Ridiculous decision! There seems to be a certain group who control the island. Shame on them! Will they be happy if it becomes a bird sanctuary?

5 d Like Reply



Ridiculous decision! There seems to be a certain group who control the island. Shame on them! Will they be happy if it becomes a bird sanctuary?

5 d Like Reply

That's a terrible decision. After such a successful first phase, on what is a lovely, well run site, it's disappointing to see it hasn't got the go ahead. Good luck with the appeal!

5 d Like Reply



I would have thought cumbrae needed much more accommodation to attract tourist, seems like a big fuss over what in reality is a quiet site round the side of the island in an area that remains quiet and peaceful as it is and a few more caravans won't affect that. Ridiculous decision

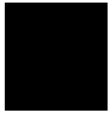


Write a comment...





Replies



I love to ask NAC to publish the names of the people who objected.

5 d Like Reply



You should ask



5 d Like Reply



well they publish details of objections to other projects like building control so why not this??

5 d Like Reply



we have all the addresses. One in Largs one up Golf Road. Mostly just the bungalows around the corner from us. Including a couple of houses.

5 d Like Reply



Thought as much Classic nimbyism.

5 d Like Reply



Write a reply...





Replies

Like Reply

Thought as much [REDACTED] Classic
nimbyism.

5 d Like Reply



There were 29,000 visitors over the
four day Bank Holiday. Are 18 new
Caravans really going to have an
impact on the ferry queue ? This was
one of their main worries 😂

5 d Like Reply



[REDACTED] CCC's lack of support
is staggering. It speaks volumes that
they towed the line of sitting on the
fence.

5 d Like Reply



You can see all the letters of
objection and support on the NAC
website, however confidential details
such as names and addresses have
been blackened out. One in particular
made me laugh about how the
businesses who were supporting the
venture had vested interests, and
how most of these businesses didn't



Write a reply...





Replies

You can see all the letters of objection and support on the NAC website, however confidential details such as names and addresses have been blackened out. One in particular made me laugh about how the businesses who were supporting the venture had vested interests, and how most of these businesses didn't pay any business rates. Well excuse me, if I'm entitled to apply for business rates relief sho... See more

5 d Like Reply



They have upset a lot of our Caravan owners with their mean and nasty comments to planning about littering and noise. They are tourism snobs, as long as it has a hull, sail and anchor !!!

5 d Like Reply



one in Largs??? 🤣🤣🤣

5 d Like Reply

just to add, I may not live on the island anymore but



Write a reply...





Replies

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5 d Like Reply



They have upset a lot of our Caravan owners with their mean and nasty comments to planning about littering and noise. They are tourism snobs, as long as it has a hull, sail and anchor !!!

5 d Like Reply



one in Largs??? 😂😂😂

5 d Like Reply

just to add, I may not live on the island anymore but still have the island in my heart. As a holiday maker/tourist I am happy to write letters to support this if it goes to appeal.

5 d Like Reply



Write a reply...



[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

**APPEAL AGAINST REFUSAL OF PLANNING APPLICATION 19/00135/PP
 EXTENSION TO EXISTING CARAVAN PARK TO PROVIDE A FURTHER 18 STANCES TOGETHER
 WITH ALTERATIONS TO THE INTERNAL DRIVEWAY, POSITION OF BIN STORES AND VISITOR
 PARKING,
 WESTBOURNE CARAVAN PARK, WEST BAY ROAD, MILLPORT, ISLE OF CUMBRAE KA28 0HA.**

SUPPLIMENTARY INFORMATION IN RESPONSE TO COMMENTS.

As a result of the appeal a number of comments/further representations have been submitted on behalf of interested parties.

This report is in response to these comments.

It is noted that a number of the letters are of a similar nature and content and it is not intended that this response will deal with each letter and point individually but respond to the main, salient and factual issues.

It is probable that the great majority of the letters are from residents adjacent to the application site and have therefore a particular desire to see the application refused. Given the population of Millport, the actual number of letters of opposition are a tiny proportion of the residents and a similar number of letters of support have been received.

Turning to the main points raised;

1. Overprovision and still unsold.

The contention is that there is an overprovision of caravans on the island and that my client, having not sold all on the site, does not require further expansion.

Turning first to overprovision, objectors have provided statistics of caravan numbers in comparison with population figures across various islands on the west coast. I do not intend to contest these figures but would provide explanation of the breakdown.

None of the other islands noted has the accessibility that the Isle of Cumbrae has which makes it an attractive island on which to locate a caravan. None of the other islands has such a frequent and short ferry service or is as accessible from the main population centres in Scotland and beyond.

It might be of more relevance to consider the number of caravans across adjacent local authorities, Argyll and Bute and South Ayrshire Councils, and compare these with North Ayrshire and in both cases I would contend that the ratio of caravans to head of population will exceed that of North Ayrshire, the numbers are a result of simple supply and demand.

In respect of the contention that not all caravans are sold and therefore no need for more I would confirm that as of the date of this response my client has only 3 spaces left on the entire site and has expressions of interest on these with prospective owners visiting over the course of the coming weeks which may result in the site being completely occupied.

When my client obtained consent for the previous expansion they did not anticipate that it would be as popular as it is and had considered that it would take a minimum of 5 years to reach full occupancy, it has taken 3 years. On the basis of this demand, and to provide for future interest, my client is seeking consent to extend the site and is willing to limit this to the area under this appeal.

It is interesting to note that when the original application to extend the site was submitted there was support from the residents of West Bay on the basis that they thought that the expansion of the caravan park would help prevent consent for the proposed holiday village that was being promoted for the land immediately opposite them.

Additionally, prior to the development of housing plots at Golf Road, the then owners of this site were approached by a number of residents on the island seeking building plots along this stretch of West Bay, obviously they would have been happy to see this area developed to suit their own aspirations.

In addition, the suggestion that additional caravans will impact the sale of property on the island is neither accurate nor a material consideration.

There are continuously a number of flats/properties for sale on the island and many are cheaper than a new caravan. From information provided by caravan purchasers the reason why they choose a caravan rather than “bricks and mortar” are that many of the flats are of poor quality, in a poor state of repair, have high maintenance costs, have communal gardens which require to be maintained and share significant maintenance costs for common repairs, to name but a few of the issues. Indeed a lot of flats in Millport have been handed down through families and are left unoccupied for very long periods, almost abandoned, leading to the situation that the properties become semi-derelict impacting on the other flats within the building. By purchasing a caravan the owners get the benefit of a modern, well equipped caravan on a site which is well maintained on their behalf as part of their purchase agreement. I would expect that everyone on the site would confirm their pleasure with the provisions, setting and maintenance of the site where landscaping is well maintained, there are no unsightly toilet blocks, gas bottles or bins.

Another suggestion is that additional caravans will increase pressure on the ferries and that there are regular 2/3 hour waiting times for ferries to and from Cumbrae. As someone who travels to and from the island on a weekly basis I would say that lengthy queues are infrequent and coincide with the main tourist events on the island, the Country Music Festival, September Weekend and possibly some holiday weekends when the weather is good, otherwise it is unlikely that one has to wait on a second ferry.

Finally, in this respect, comment has been made that caravan owners pay no council tax. This is something which is not relevant and it should be noted that neither do flats which are used for holiday lets, Airbnb etc, which comprise a large number of flats on the island.

2. Precedence.

In the appeal submission the site at Seamill was illustrated as a precedent. Much has been made that the sites are not comparable nor should precedence be used in support of any application/appeal.

This application was used to highlight the variance in handling of the applications which both had similar characteristics and issues. The different planning officers who handled each application took differing views as to the application of the various Local Plan conditions in reaching their conclusions, one recommending approval after previous refusals and the other refusal.

Whilst the objectors use statistics when it suits their arguments they are also selective in their use. For the record the increase in size of Seaview equates to an increase of 225% with the cumulative increase at Westbourne being a lower proportion.

It is entirely reasonable to use precedence as a means of supporting an appeal when that precedent has been set by the same local authority.

3. Economic analysis.

It is accepted that in the report there are sums of money which are allocated for expenditure on the caravan site which in this case would not happen as some of the facilities are not provided on site. The lack of these facilities has already been explained in that it encourages caravan owners to make use of the facilities in Millport to the benefit of the local economy. Rather than remove these sums entirely from the financial equation it would be more appropriate to re-allocate these expenses to the same provisions being part of the local business in Millport, thus further adding to their income.

The business owners on the island are best placed to comment on the benefit they gain from the caravan park and a significant number of them have written in support.

The fact that local residents work on the mainland and spend some of their earnings on the island is not a direct comparison with the creation of jobs and expenditure on the island. Indeed it is disingenuous of the objectors to suggest that they greatly benefit the local economy when the vast majority of island residents do their main shopping either in the supermarkets in Largs, Greenock or further afield near their place of work.

Having myself been a regular visitor to Millport since the 1950s and a part time resident on the island for the past 15 years I have witnessed the number of shops and businesses that have ceased to trade over the years. Even at the time of this appeal there are a number of businesses which are for sale or closed down on the island. The tourist trade is the livelihood of many of the local businesses and as such developments, which increase tourism, can only help keep them trading.

A repeated comment is that an extension to the caravan park would adversely impact on marine (yachting) tourism either travelling between Cumbrae and Bute or landing in Millport.

Firstly yachts-people coming ashore at Millport do so on foot and are extremely unlikely to venture beyond the local shops, pubs etc. and therefore an extension to the caravan park would have no impact on them and their enjoyment of the island.

Secondly, it beggars belief, the suggestion that an extension to the caravan park would make the sailing community boycott the channel between the islands. I would suggest that the large number of mobile homes and rough camping that takes place along the full west side of the island at every layby and flat area of shore has a more detrimental impact on the island's appearance and leads to more litter and deterioration of the shoreline than well laid out, landscaped caravan site extension.

4. Special Landscape Area of Greater Cumbrae.

It is accepted that the field is part of the Special Landscape Area of Greater Cumbrae but it is first of all a field, formerly owned by Messrs McIntyre who farm on the island.

Again, in this context, it has been suggested that it is valuable agricultural land of good quality. If this were the case I am sure that the previous owners would have cultivated the land to maximise its value to the farm. At no time in living memory, that I am aware of, has this land been cultivated providing only rough grazing for cattle unlike the fields opposite, on the shore side, which are annually cultivated. It would be unlike the farming community not to make the most of their land if it was suitable. Indeed had the land been cultivated, as would be accepted, there then would be no habitat for any of the suggested wildlife including the 'Cumbrae mouse'.

There has also been a comment made that the applicant has allowed the field to be used for wild camping leading to fires. For the record the applicant has never given permission for use of the field for camping and indeed it was the applicant who notified both the Police and Fire Services in respect of the fires, a fact that can be corroborated by any of these authorities.

5. Additional Support and/or Objection.

The objectors note that there are no new letters in support of the application and this is accepted, however there are equally no new letters of objection. At the same time there have been a number of comments noted on 'social media' and these have all been supportive.

Whilst only one Community Group has provided written support for this application none have objected and no one on the island, beyond the immediate residents in West Bay, as far as I am aware, has submitted an objection.

