



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A Special Meeting of the **Planning Committee** of North Ayrshire Council will be held remotely on **Monday, 29 March 2021** at **14:00** to consider the undernoted business.

Arrangements in Terms of COVID-19

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>. In the event that live-streaming is not possible, a recording of the meeting will instead be available to view at this location.

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 **North Coast and Cumbraes**

Submit reports on the following applications:

2.1 **20/00248/PPM: Site To East Of Fardens Skelmorlie Ayrshire**

Erection of 10 wind turbines with a maximum blade tip height of 149.9m with associated access and infrastructure (copy enclosed).

3 **Urgent Items**

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

Please note: this meeting may be recorded/live-streamed to the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being recorded/live-streamed.

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Planning Committee 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:

NORTH AYRSHIRE COUNCIL

29th March 2021

Planning Committee

Locality	North Coast and Cumbraes
Reference	20/00248/PPM
Application Registered	27th April 2020
Decision Due	27th August 2020
Ward	North Coast And Cumbraes

Recommendation	Refused
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Location	Site To East Of Fardens Skelmorlie Ayrshire
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Applicant	Rigghill Wind Farm Ltd Mr Fraser Campbell
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Proposal	Erection of 10 wind turbines with a maximum blade tip height of 149.9m with associated access and infrastructure
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1. Description

Planning permission is sought for the erection of 10 wind turbines, with a maximum blade tip height of 149.9m, and associated access and infrastructure, at a site known as east of Fardens, Skelmorlie. The site is approx. 1km east of Skelmorlie at its closest point although it lies largely to the south-east of the majority of the settlement of Skelmorlie. The residential property of Fardens sits within the site as does Barr Farm.

The site would be accessed on its western side from Craigmarloch Road. There are residential properties immediately adjacent to this part of the site, including Thirdpart Farm and Meigle House. There are approx. 10 other residential properties within 100m of this part of the site at Meigle and 5 residential properties within 100m of this part of the site to the south along the access road to Barr Farm. The site is also immediately adjacent to the Barr Hill Camp site.

The site is approx. 332hectares in area. The turbines would be sited a minimum of approx. 320m apart. The turbines and associated hardstanding would each have an approx. area of some 0.3ha and the access tracks would be approx. 7.44mm in length. The access tracks would be approx. 5m wide. There would be a substation hard standing approx. 0.33ha in area. There would be borrow pits for construction taken from an area of approx. 0.46ha.

The closest turbine would be some 305m (No. 10) from Fardens, 620m (No. 3) from Barr Farm, 900m (No. 3) from Barr Hill Camp, 900m (No. 3) from Michaelston, 960m (No. 3) from The Dykes, 1.45km (No. 10) from Skelmorlie Mains Caravan Park and 1.5km (No. 10) from the settlement of Skelmorlie. There are other residential properties within 2km of the turbines at Meigle and in Brisbane Glen

The application site is identified in the Local Development Plan ("LDP"), adopted November 2019, as countryside. It is part of the mainland Special Landscape Area and is within the Clyde Muirshiel Regional Park ("the Park"). The site encompasses part of the Skelmorlie Glen Site of Special Scientific Interest ("the SSSI"). It also encompasses part of the Skelmorlie Glen & Fardens Glen Local Nature Conservation Sites ("the LNCS"). The site is immediately adjacent, on its north-eastern boundary, to the Renfrewshire Heights Special Protection Area ("the SPA") which is also a SSSI and is some 500m to the west, at its closest point, of the Outerwards Roman fortlet Scheduled Monument. The access to the site would be along Routenburn Road, which runs through the Knock Castle and Routenburn LNCS for approx. 1.5km.

The application falls within the category of "major" development, in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required and a PAC notice was received 11th November 2019 (ref: 19/00856/PREAPM).

The proposal was screened and scoped in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 on the 17th September 2019 (ref: 19/00608/EIA). It was determined that an Environmental Impact Assessment (EIA) would be required and details of the scope was given. The originally scoped proposal was for 12 turbines and did not include the access area at the western end of the site. However, it is not considered these changes would have made any significant difference to the scoping assessment.

An EIA has been submitted. Following initial consultation responses, further information for the EIA was submitted by the applicants. The EIA includes consideration of the following:

Design Iteration and Site Selection

The EIA states that the site was selected as part of a nationwide search for sites. 120 sites were considered and approx. 20 sites selected for further study of which this was one. The EIA claims that this site is considered to benefit from a number of opportunities as a wind farm site including; good wind resources, lack of peat or geological designations, contained landscape and visual effects, lack of designated cultural heritage and the land being predominantly low-quality agricultural land. The constraints of the site are identified as being principally; ornithological receptors, landscape and visual constraints, cultural heritage outwith the site boundary, ecological constraints, and hydrology.

The design iterations were developed on principles of maximising wind yield, avoiding peat where possible, with minimum buffers between: turbines and watercourses, woodland bat features and known and potential bat roosts, the Renfrewshire Heights SPA, and avoiding inconsistent turbine spacing. The proposed layout is claimed to represent the seventh turbine layout and the third infrastructure layout.

Landscape and Visual Impact

The report assesses the landscape and visual effects of the proposal. It concludes that there would be significant effect within a 4-5km radius. Viewpoints within 12km of the site would be significantly affected by the development. It is not considered there would be any cumulative impact with existing development.

Ornithology

This report assesses the impact on birds by the construction and operation of the development. It states that many species were noted on the site. No raptor including hen harrier was found to be breeding. Several grassland and moorland birds, some of which are of conservation concern were recorded during the breeding season. Mitigation measures, to be overseen by an Ecological Clerk of Works, including timing of works and pre-construction checks and exclusion zones during breeding season are advised. Impacts on protected species, including hen harrier would be low or barely perceptible through both construction and operation.

Ecology and Nature Conservation

This report advises that the site is primarily grassland habitat with the north-eastern locations being shallow moorland blanket bog. The Skelmorlie Glen is a mixture of wet and oak woodland, with other areas of oak woodland extending up the burns. The woodland is classed as Ancient (of seminatural origin). Otter use was found to be extremely limited, partially explained by an unpassable gorge waterfall for migratory fish. Badger use of the Skelmorlie Glen area was established. Bat species were identified using the area with potential roosting features along the route of the main site access.

It is considered that there would be no significant effects on habitats or species. Mitigation measures including implementation of a Construction Environmental Management Plan are proposed.

Noise Assessment

This report assesses potential noise effect from construction, operation, and decommissioning. Noise, vibration, and low frequency noise has been reviewed. It concludes that low frequency noise and infrasound associated with wind turbines are below the level at which adverse health effects occur. It is not possible to predict potential amplitude modulation, but this matter can be controlled by condition should it occur in operation.

In terms of noise and vibration, it concludes that such impacts from construction would meet threshold noise levels with mitigation measures in place. In terms of operation the assessment concludes that noise levels would be exceeded at properties to the west and south-west during the day. However, it is claimed that this matter could be addressed through turbine selection or an operational noise management plan such that any effect could be considered as not significant.

Cultural Heritage

Thirty-one heritage assets are within the site ranging from the Roman to the modern period. It is acknowledged there is potential for hitherto unknown archaeological interest within the site. It is claimed that the development would have a minor effect on the route of a possible Roman road between Laxlie Hill and Blackhouse Manor. The indirect effect on the setting of thirty-seven designated heritage sites has been considered. It is claimed there would be a moderate and significant effect on the setting of Outerwards, Roman fortlet. The locations of the turbines have been selected to try and minimise any effect on the setting including a 1km buffer from the fortlet.

Geology, Peat, Hydrology and Hydrogeology

This report assesses the potential impact on geology, peat, hydrology, and hydrogeology. It states that twenty-four new water crossings would be required, and one existing crossing upgraded. There are some localised pockets of peat to depths of less than 1m. Potential impacts include changes to groundwater flow; removal of, and impact on, peat; pollution impact from silt-laden runoff and chemical contaminated runoff; impact from soil compaction; impact on integrity of banking; direct discharge of untreated foul drainage; impact on fluvial geomorphology; impact on fluvial flood risk on-site and downstream; and impact on surface water drainage. With appropriate mitigation measures it is considered that the residual effects would be negligible or minor.

Socio-economic, Recreation and Tourism

This report states that the site would generate a negligible benefit to the North Ayrshire and Scottish economies in construction and operation. It is claimed that thirty-three jobs locally could be supported during construction and five local jobs supported during operation. It is not considered by the report that there would be any significant effects on tourism and recreation in the area.

Aviation and Radar

There have not been any identified effects on aviation and radar from construction, operation or decommissioning of the proposal.

Shadow Flicker

This report assesses likely 'shadow flicker,' the effect of moving parts passing in front of the sun and casting a flickering shadow through the openings of properties. It concludes that the potential for such flicker would only be within 1.17km from each turbine, 130 degrees either side of north. It concludes that significant shadow flicker would be experienced at Barr Farm and Barr Hill Camp (chalets). However, it states that this impact could be overcome by a Wind Farm Shadow Flicker Protocol which could include selective shutdown of certain turbines under certain conditions. This protocol could be agreed with the Council.

Telecommunication

There have not been any potential effects on existing and planned telecommunications equipment is assessed.

In addition to the EIA, the following documents have been submitted in support of the application:

PAC report

The PAC report notes the publicity measures undertaken and the public events held. The report notes the large attendances. It summarises that the majority of feedback was supportive of renewable energy, although there was opposition to these proposals. Concerns related to noise, the location in the Regional Park, visibility, access, cultural heritage, and infrasound. It was considered positive that the proposal had dropped from 33 turbines to 10 turbines. It is noted that this application has always been for 10 turbines, although the EIA was scoped at 12 turbines, and the Council was not been presented with any pre-application information relating to 33 turbines. The report concludes that the process has allowed the applicants to better understand concerns and they have, where possible, provided further information or engagement to try and address concerns.

Planning Statement

The planning statement describes the proposed development, summarises the planning background, and policy context.

The Town and Country Planning (Scotland) Act 1997 ("the Act") states that when determining planning applications regard shall be had to the provisions of the development plan, so far as material to the application, and to any other material considerations.

The relevant policies of the Local Development Plan adopted November 2019 (LDP) are Strategic Policy 1: The Countryside Objective; Strategic Policy 2: Placemaking; Policy 6: Supporting Sustainable Tourism; Policy 12: Scheduled Monuments; Policy 13: Non-designated Archaeological Sites and Monuments; Policy 15: Landscape and Seascape; Policy 16: Protection of our Designated Sites; Policy 17: Clyde Muirshiel Regional Park; Policy 18: Forestry, Woodland, Trees and Hedgerows; Policy 22: Water Environment Quality; Policy 29: Energy Infrastructure Development; Policy 34 Protecting Peatland and Carbon Rich Soils. The Council has approved a Landscape Wind Capacity Study October 2018.

2. Consultations and Representations

Neighbour notification was carried out and the application was advertised both on receipt and after the submission of further information for the EIA. There have been 186 objections received, 39 support comments and 1 neutral representation. The **objections** can be summarised as follows;

1. Policy. The proposal is contrary to North Ayrshire Council Local Development Plan, in particular with regard to the landscape, protecting designated sites and the Windfarm Spatial Framework. It is contrary to Policy 18 which seeks to protect forestry, woodland, trees, and hedgerows. It is contrary to the Landscape Capacity Study. The Scottish Government's Wind Turbine Spatial Framework was amended 14th January 2020 and states areas such a National Parks and National Scenic Areas would not be acceptable for wind farm developments. The proposal is contrary to SNH (NS) guidance. Major wind development should be directed offshore.

Response: An assessment of the proposal against the relevant policies is given below. SNH (now NatureScot) was consulted and the response is summarised below.

2. Turbine type. There are no land-based turbines which individually generate 4.2MW of power. The applicant has provided no specific detail of the actual turbine type. It is not considered that a 4.2MW land turbine exists. Turbines of this power rating should not be erected on land. These should be at least 10km from habitable buildings. There are no 150m high turbines on land in Scotland. The site could accommodate much smaller turbines.

Response: The exact details of the turbine specification could be secured by condition if permission was granted. The Council's Landscape Capacity Study suggests part of this site could potentially be suitable for turbines up to 70m in height.

3. Infrasound and low-frequency noise. The information provided by the applicant has not been prepared by medics and therefore not qualified to comment on the effects on the human body. There are discrepancies in the information where documents relied on are incorrectly referenced. The alleged power rating of 4.2Mw would lead to very low frequency noise which would adversely impact on health. This impact can cause sleep deprivation, severe head pain, tinnitus, and contribute to other diseases and conditions. The testing of high-powered turbines at Hunterston caused these effects. Such frequency noise is not naturally occurring and can penetrate structures so that it is not possible to block it out inside a property.

World Health Organisation guidelines recognise that there are issues with the way noise exposure from turbines is assessed. The effect of such turbines on humans is not known. Other countries have banned such turbines and health experts have acknowledged the harm from infrasound. Nothing can be done to control this effect as it occurs when the turbine turns in the wind even if electricity is not being generated. Environmental Health does not monitor this type of noise and there is no way to mitigate such noise.

Response: Health Protection Scotland has given comments in respect of impact on health which are summarised below.

4. Other noise. Non-low frequency noise would impact on those living close the site. There are many properties within 2km of the site. There would be disturbance from amplitude modulation. This disturbance would affect the village of Skelmorlie. The peaceful nature of the area would be lost. Residents of houses in close proximity would not be able to sleep due to noise and would also suffer daytime impacts. The closest houses would be subject to constant noise nuisance. Noise nuisance would violate Article 8 of the Human Rights Act. Houses may become uninhabitable. The effect of noise may make farming impossible due to impacts on animal welfare from noise.

Response: North Ayrshire Council Environmental Health was consulted, and the comments received are below. There are statutory powers in respect of noise nuisance, but only applies in certain circumstances.

5. Proximity to houses. The closest house, not part of the application, is between 940 and 1125m from three turbines. The visual impact on these properties would be very imposing. The Planning Committee should visit these properties. The turbines would be within 2km of Skelmorlie, approx. 1.5km at the closest point. The proposed 'micro-siting' of 50m could

bring them closer. The scale of the turbines is inappropriate for this setting. The visual impact would be exacerbated by the pylon connection. The closest properties could be in danger from blade or ice thrown from the turbines. They could also be impacted by shadow flicker. There is a Bill to set a minimum distance of 2km between this type of turbine and a house. The proposal would also adversely affect the Skelmorlie Conservation Area.

Response: It is understood the Bill referred to is the Wind Turbines (Minimum Distances from Residential Premises) Bill from 2012 which was not put forward to the House of Lords a second time and as such did not become law. In addition, that Bill appears to have referred to England only. The proximity to residential properties and the settlement is considered below. It is not considered there would be any significant impact on the Skelmorlie Conservation Area.

5. Visual Impact. The proposal would ruin the scenery. This would have impacts on the eastern shore of Bute. The turbines would be visible from the Cowal Peninsula. The turbines would be very prominent to those living on the western side of the Clyde and from beyond the west of south Bute. The proposed colour would make them stand out against the hill side. This would introduce an alien industrial development. Views from local landmarks and walking routes on the mainland would be impacted. The seascape would be impacted ruining the view of seafarers. The lighting required by the MOD would add to the impact.

The North Ayrshire Landscape Wind Capacity Survey states that such development would have an impact on the Firth of Clyde and the Islands. The Survey finds that there is limited scope for very large turbines such as this. There is no scope for turbines over 70m in this area. Inverclyde Council considers its adjacent area to be highly sensitive to turbines over 50m.

Sites which have permission would be subject of future planning applications to increase the height of the turbines. As such it is very important that the right sites are selected, and this is not such a site.

Response: Noted. An assessment of the visual impact is given below. It is agreed that if permission were granted, the site could be considered established as a place for turbines as per Scottish Government advice.

6. Access/Roads. The proposed route is unsuitable for HGVs. The centre of Fairlie and Largs are narrow and unsuitable for such vehicles. Routenburn Road is a popular route for non-motorised travel. The route would impact on the users of the local golf course as it links parts of the course. Reconstructing the road would impact on the users including those requiring it when the A78 is closed. The application fails to significantly recognise the use of the road as a relief road for the A78. Weekend work would have further impact. Use by an HGV would effectively close the road to traffic coming in the opposite direction. Those who live or operate a business on the road would be greatly affected by noise and lack of access.

It is questionable whether it is possible to widen the road to the required standard. Road widening would result in the loss of hedgerow. Widening the road would encourage faster speeds, changing the nature of the road. Who would pay for such works and who would maintain the road? There are services along the verge which cannot be covered by tarmac. Parts of the land required to widen the road are privately owned. The applicant has not discussed this with the landowners.

There is no guarantee that construction traffic would not use routes from the north, despite the submitted documents. The amount of increased traffic will be disruptive and dangerous. Emergency access would be impossible for prolonged periods. A 14-month construction period is unacceptable. There would be safety implications for the road.

There is not enough detail in respect of the junction with Craigmarloch Road or the distances to nearby properties. There is also not enough detail about the relationship with overhead powerlines or how water courses would be crossed. The field for the proposed access has drainage problems that causes water to exit onto the road. The traffic surveys in November do not give a true picture of usage. There are potentially more suitable access routes and the applicants must be considering a more direct route from the A78 not detailed in the application. They should consider using land owned by the owner of the land for the wind farm. The Traffic Assessment is inadequate.

Response: North Ayrshire Council Active Travel and Transportation's comments are below. Further information was sought but not provided by the applicant. It is noted that there may be privately owned roads/land adjacent to the road which the applicant does not have control over.

7. Regional Park. The Clyde Muirshiel Regional Park Consultative Forum objects to the proposal. The proposal would negatively impact on the Clyde Muirshiel Regional Park. All turbines within the North Ayrshire part of the Park are south of the A760, except one single consented, but not built, turbine to the north. This part of the park is a designated scenic area. Part of the park, a short distance to the east, is designated Wild Land. The development would result in turbines being visible through the park.

The proposal is contrary to the aims of the CMRP which are to conserve and enhance the beauty, biodiversity and cultural heritage, and encourage enjoyment of the park and promote and foster environmentally sustainable development for the social and economic well-being of the people and communities of the area. The park provides exercise, recreation, and mental peace for an area of Scotland with poor health, which would be undermined by the proposal.

Figures relating to park usage are misleading. The only recording of visitor numbers is at Visitor Centres and does not reflect true usage of the park. Those visiting other areas are not included. Surveys by the Park Authority indicate visitors most value: scenery, tranquillity, wildlife, and accessibility. The development of a wind farm would undermine those factors and the area is already accessible. Once a wind farm is consented in the regional park it would be subject to repeated expansions as per the wind farms south of the A760.

Response: Noted. An assessment of the proposal in terms of the Park is set out below.

8 Archaeology/Roman fort/historical. There is a Roman fortlet near the site, which is a scheduled monument. It is the southernmost of a defensive chain linked to the Antonine Wall. This would have been a watchtower over the Clyde. Siting turbines in this location would impact on the importance of the site as you would not be able to appreciate the function and setting of the fortlet. There are other historic features linked to the Roman period and later in the site and nearby which would be affected. The access route runs through the former Knock Castle Estate and would affect that Grade A listed building and other nearby listed buildings.

Response: HES was consulted and object on the grounds of the impact on the fortlet. The response is summarised below. An assessment of the proposal in respect of LDP policies relating to the historic environment is given below.

9. SSSI/SPA/Wildlife. The site is a SSSI which would be negatively impacted. The site is adjacent to an SPA. Loss of verges would result in habitat loss for species which live on the edge of improved farmland. Reports relating to wildlife have not been published. The development would impact on ground nesting birds and raptors, including hen harriers and ospreys. There are several species of endangered bird. Curlews and black grouse live on the site.

Skelmorlie Glen is an Ancient Woodland of Semi-Natural Origin as designated on the Ancient Woodland Inventory. The Woodland Trust objects to the loss and damage that would be caused to the Ancient Woodland. Scottish Planning Policy states ancient semi-natural woodland is an irreplaceable resource and should be protected from adverse impacts resulting from the development. Trees would be removed and damaged with increased risk of pollution and disturbance to wildlife.

Response: An assessment of potential effects on these issues is set out below. Reports submitted with information relating to protected species are not made public in the interest of the specific species.

10. Pollution/water. The bases for turbines cannot be removed and these, and the quarry for the aggregate risks water and ground pollution. There are watercourses within and adjacent to the site which could be polluted as could private water supplies. Silting of watercourses would affect salmonids and similar fish species. The survey of watercourses is considered to be incomplete as some are missed. The carbon footprint of carrying out this development including construction traffic, connecting to the grid and maintenance would be huge. The turbines are made of materials which waste natural resources. A bond should be secured to ensure removal at the end of lifespan to ensure the works are carried out and the operator does not avoid responsibility.

The information supplied in relation to private water supplies is inaccurate. The source of a private water supply for the closest houses, not part of the application, is depicted to be 50m south of its actual position. It is actually within 70m of the access track between Turbine 1 and Turbine 2. This has the potential to disrupt and contaminate the water supply.

Response: SEPA has objected as set out below. Further information has been provided by the applicant but SEPA has not provided any further response.

11. Tourism. The development would adversely affect tourism. Visitors would be put off the area and the areas on the west side of the Clyde which are highly dependent on tourism. Views from Mount Stuart House would be spoiled as would those from the Wemyss Bay/Rothesay ferry route. The view from the Clyde is increasingly important as cruise ships call at Greenock. There are marina developments in North Ayrshire and Inverclyde which could be impacted if the visual appearance from the sea is compromised. 2020 has been designated the 'Year of Coasts and Waters.' The applicants' claim that the main source of tourism in the area is fishing is wrong. The local holiday parks would be impacted. They have not considered the holiday and caravan parks on the north side of the Kelly Burn. The

Core Paths would be affected, particularly NC10 (Largs to Meigle) which would be closed during construction.

Response: North Ayrshire Council Environmental Health has concerns on the potential impact on caravans/chalets. An assessment of the impact on tourism is set out below.

12. Economic. This proposal would be of no benefit to consumers' energy bills. The proposal would impact on the value of nearby houses. Given the infrastructure costs, it is not clear how this proposal is viable. Wind turbines are unreliable, due to the nature of wind, and need to be backed up by other forms of energy generation. Onshore wind is only viable due to government grants. There would be no local jobs created with contractors from elsewhere used.

The applicant stated at public meetings that there would be community benefit by way financial payments. There were not any details as to how this would be administered. Such benefit needs to be a fair reflection of the scale and size of the development.

Response: The viability of the development would be a matter for any developer. If granted, permission could be conditioned to require restoration, and associated bonds, should the develop commence and subsequently cease operation.

Financial benefits are not material considerations in relation to this planning application. The Supreme Court confirmed 20th November 2019 (Wright v Resilient Energy Severndale Ltd and Forest of Dean District Council) that, in relation to a wind turbine application, the promise of community funding was an immaterial consideration as it was unconnected to the use of the land in question.

13. Omissions from EIA: No mention is made of the possibility of fire in a nacelle, which happened in Ardrossan. Such a fire could be difficult to put out given the proposed height, location, and potential to affect peat. There are no documents to support the claim that it would not generate greenhouse gas emissions, save fossil fuel use, and generate money for the community.

Response: It is considered that the information submitted is sufficient for the determination of the planning application.

14. Public consultation. Despite attending the public consultation some objectors were not contacted directly about this application. The applicant did not give the details of the power ratings at the public events. Points raised with the applicant at those meetings have not been addressed. Information given at the events is no longer correct. The applicant has given no notification of the changes which have been made to the scope of the development. 10 x 4.2MW turbines are materially different to the scheme presented at the public meetings. A public event should have been held in Rothesay. The applicant refers to the site as Rigghill Windfarm, but the application is for site to East of Fardens.

Response: The public consultation events prior to submission were held by the applicant as part of their required consultation. Once the application has been submitted, the Council notify neighbouring properties in accordance with the statutory regulations. The application was also advertised in the local press. The public events were a matter for the developer although it is noted different versions of the proposal appear to have been presented at events. The applicants have presented this as amendments through preliminary

discussions which is not uncommon before a planning application is submitted. The Council has given the site address 'East of Fardens' as it most accurately reflects the site in the context of the nearest addressed property.

15. Submission of application. Why are the Council allowing this application which is contrary to the planning policies? This should not be determined when there is a need for isolation. The public are not able to properly view or discuss the application. This should be continued to allow wider consultation. The Council should heed the advice of the Chief Planner and continue the application.

Response: The assessment of the proposal can only be made fully through an application. The application was submitted prior to the initial Covid-19 emergency. The application can be determined in line with Scottish Government advice.

The **support** comments can be summarised as follows;

1. Renewable energy. Believe that renewable energy outweighs the visual or other impacts. Onshore wind contributes to the Scottish Government's aim to generate 50% of energy from renewable sources by 2030. Renewable energy should be encouraged wherever possible. The development would pay back any carbon costs of development in 1.4 years. This development is most pressing due to the impending decommissioning of Hunterston B. Any impacts on the environment could be mitigated by condition. The historic interest of the area is of no great importance.

Response: Proposals for the production of renewable energy require to be assessed against the LDP and all other material considerations. Planning permissions can be granted conditionally, if considered appropriate and the conditions meet several tests. It is not agreed that the historic assets of the area are of no great importance.

2. Community money/financial benefits. It is understood there would be funds available for the local community to spend. If there is a chance that communities could receive money from the wind farm, this would help the local area. The Council would receive money in business rates. The turbines would allow the farms to diversify and continue to operate.

Response: Financial benefits are not material considerations in relation to this planning application. The Supreme Court confirmed 20th November 2019 (Wright v Resilient Energy Severndale Ltd and Forest of Dean District Council) that, in relation to a wind turbine application, the promise of community funding was an immaterial consideration as it was unconnected to the use of the land in question. The Supreme Court held that it was in effect an attempt to buy planning permission. The promise of a financial contribution which does not relate to the character of the use of the land would never be material in planning terms. It is noted the landowners would benefit from the development and this may assist in the operation of any farms. However, there is no requirement for any profits to be used towards existing farms.

3. Access to countryside. Wind farms development usually encourages people to walk in the countryside as they can walk the route of the access tracks. People would be able to enjoy views across the Clyde from within the site. Improvements to Routenburn Road would be welcomed. Access can support better health. Improved roads would allow better protection from vermin. A 14-month project build would only lead to short lived inconvenience

Response: The potential for access along the tracks is noted. The works required to access the site are considered below.

4. Distance from houses. The 2km separation from settlements is government guidance, not a rule. There are no rules regarding 10km separation. Happy to live 2-3km from such a development.

Response: The government guidance has been incorporated into the Council's LDP which states areas within 2km of settlements would be given significant protection from windfarm development.

5. No health impacts. There is no conclusive evidence that wind farms have an effect on health. There are turbines sited above Skelmorlie already which do not impact on people's health.

Response: Wind turbines can cause noise disturbance which causes nuisance. The closest permitted turbines to Skelmorlie are two 34.4m high turbine some 0.75km to the north-east. Environmental Health was consulted and provides advice from Health Protection Scotland which is set out below.

6. Low visual impact. The details provided by the applicants demonstrate a low visual impact. The height of turbines is difficult to ascertain. These turbines are designed for onshore use. Any impact is outweighed by the benefits. The visibility of the turbines would not put people off visiting the area. The land would be restored after 30 years.

Response: Whilst any permission could be conditioned to require restoration of the site. Should permission be granted, the principle of turbines of this height would be established. Applications to retain turbines beyond any time limit, or replacement turbines of the same visual impact could be made. Subject to there being no material changes in circumstances, such applications would likely be supported. Scottish Government advice states areas identified as suitable for wind farms should be suitable in perpetuity.

7. Job creation. The proposal would provide employment opportunities for the area during the construction, operation, and decommissioning. The land has little use value other than for agriculture. Local firms would receive 5% price advantage when tendering for jobs.

Response: It is noted the construction phase of development would bring jobs to the area. Any promises made by the applicants in terms of tendering is immaterial to this application.

The **neutral** representation can be summarised as follows:

1. Has the Planning Committee fully considered the health issues, given the elderly profile of residents and has the impact of such a large-scale project been considered in terms of impact on an area with high dependency on tourism?

Response: The Planning Committee would consider the proposal against the LDP and any other material considerations.

Consultations

NAC Environmental Health - Serious reservations in particular; the effect on Skelmorlie Mains Caravan Park and Barr Hill Camp where noise in excess of 9dB and 11dB, respectively, above background at night is predicted. The protection limits are based on built properties and not caravans/cabins. These locations would have no protection under that statutory noise regime. Occupiers of properties at these locations could be adversely affected with the potential for sleep disturbance.

It is also considered the night-time noise levels could affect the occupiers of properties in Caskie Drive and Golf Course Road within Skelmorlie with potential for sleep disturbance. Condition for the operation of any turbines are suggested and information from the Health Protection Scotland (HPS) in respect of noise and infrasound is provided.

The HPS information relates to World Health Organisation (WHO) guidelines from 2018. The guidelines recommend that noise levels produced by window turbines should be below 45dB in order to reduce adverse health risks. The WHO conditionally recommend that policymakers implement suitable measures to reduce noise exposure, but no recommendation is made as to what this intervention should be. It is considered that the guidelines do not contradict HPS previous advice relating to turbines given to the Council in 2017.

The 2017 advice was that there is sufficient evidence to link wind turbine noise, including infrasound, to causing annoyance; limited evidence suggesting that a link with sleep disturbance might possibly exist; some evidence that wind turbine noise might have a link with stress but on balance this was inconsistent and therefore inadequate as a basis to describe the link as causal; no evidence for causing hearing loss at typical operating levels; the evidence is considered inadequate to allow any conclusions to be drawn on whether there was or not a causal link with exposure to wind turbine noise for all other impacts considered - fatigue, tinnitus, vertigo, nausea, dizziness, cardiovascular disease, diabetes and others.

Response: Noted.

SEPA - Object to the application. Initially SEPA considered there was a lack of information on Private Water Supplies at/or in the vicinity of the site, insufficient details on the potential ecological impacts, lack of detail on the peat reuse in the Peat Management plan.

Following submission of further information, SEPA advises the objection remains in respect of a lack of information on the use of peat for 'drain blocking.' SEPA considers other issues can be governed by condition and would further object to any permission granted without the recommended conditions

Response: Further information has been provided by the applicants in respect of peat and Private Water Supplies. However, a further response has not been received from SEPA at present. In the absence of further information, the objection from SEPA is considered to remain extant.

Historic Environment Scotland (HES) - Object to the application because of its impact on the setting of the scheduled monument known as Outerwards Roman Fortlet. This is considered to raise issues in the national interest.

It is considered that the EIA underestimates the level of impact on the fortlet. The EIA acknowledges that a key sightline from the fortlet, down Skelmorlie Valley to Arran, Bute and Cumbrae, would be interrupted. The methodology states that this would be a 'high' magnitude impact, but the EIA presents the impact as 'medium.' The claim that after decommissioning impacts would be 'neutral' should not be relied on. Para. 170 of Scottish Government's SPP makes clear that areas identified for wind farms should be suitable for use in perpetuity.

The approach taken to consider a series of individual sightlines with emphasis on the land masses on the other side of the Firth of Clyde, rather than the Firth itself is too narrow an approach. It is not agreed that existing modern interventions in the views, such as the ferries, reduce the effect of the turbines. The ferry routes and settlements suggest the importance of the Clyde as a routeway. The importance of the route is likely a key reason for the position of the fort. The distance of 1km to the nearest turbine is considered to reduce the remoteness and forbidding nature of the fortlet and surrounding landscape. No consideration has been given to the current sense that the fortlet is separate and distance from civilian settlement by introducing development between it and the coast.

It is not considered the impact could be mitigated by design and any turbines in this location would likely fundamentally change the vista and have significant adverse effects on the setting of the monument. The additional information submitted has been considered. However, this does not change the above assessment and it is noted the additional information does not alter the original application.

Response: Noted. Should the Council wish to grant against the objection of HES, the Scottish Ministers would have to be notified.

NatureScot (NS) - Advise that the proposal would have significant effects on the wild land quality of "Few human elements within the wild land area in contrast to the surrounding landscape" of the Waterhead Moor - Muirshiel Wild Land Area. The turbines would appear as a prominent human artefact on the sensitive coastal margins of this open rolling plateau, diluting the contrast to the surrounding landscape. Whilst the extent of visibility is relatively limited the effect is significant.

The permitted, but not yet built, turbine at Standingstone Hill (ref: 18/01123/PP) would have a significant effect on this quality of the Wild Land Area. This proposal would give rise to a significant cumulative effect.

It is recommended that the visibility of turbines from the interior be removed.

If permission is granted any permission should be subject to a condition requiring submission of a Construction Environmental Management Plan (CEMP) to mitigate any risk to protected species or the Skelmorlie Glen SSSI.

An Appropriate Assessment of the impact on the SPA should be carried out

Response: Noted. An assessment of the visual impact of the development including in terms of the Wild Land Area is given below.

Scottish Wildlife Trust (SWT) - Object to the proposal. Recognises that onshore wind farms are amongst the most established renewable technologies and supports their development but not in this location. This is because the site is within the Clyde Muirshiel Regional Park and would result in environmental damage and not support the Park as an ecologically important visitor destination. The site is also part of the LNCS and the SSSI, which is one of the best examples of semi-natural woodland in North Ayrshire and is listed as an Ancient Woodland. Any incremental loss of such a habitat diminishes natural heritage as it is not possible to recreate it. This is also contrary to Policy 16 of the Council's LDP.

The site is adjacent to the Renfrewshire Heights SPA, designated primarily for breeding Hen Harriers. The presence of this development might diminish the chance of breeding harriers returning by reducing the hunting area available for them. The proposed height of the turbines is problematic. The large swept path volume and rotor tip velocity and infrasound endangers birds and bats. There are several species of bat. It is noted the EIA claims only the Common and Soprano Pipistrelles might be significantly affected. However, SWT suggest risks to high flying *Nyctalus* species have been underestimated. Rotor tip velocity of 250km/h to 390km/h is an unacceptable risk in an area where bats are feeding and commuting.

It is noted there are 2 active badger sets. Proposals to mitigate through 50m buffer zones and avoiding working at night do not go far enough. The effect of the operation of turbines on badgers living within 1km is known to cause stress in the animals. Whilst there have been limited studies, it is considered that a 50m buffer zone is inadequate and it not possible to create sufficient buffer zones within the site.

Response: Noted. An assessment of the impact on the SPA is appended to this report. If permission is granted, further assessments of the site for protected species could be required by condition particularly given the time between current reports and any likely start date. Buffer zones could be covered in any CEMP, as requested by SNH. It is noted they have no objection in terms of protected species.

Transport Scotland - No objections subject to agreeing abnormal load route with them, additional signage/temporary control measures as necessary and submission of Construction Traffic Management Plan to Council for approval in conjunction with Transport Scotland prior to commencement.

Response: Noted. Conditions addressing these issues could be added to any permission if granted.

NAC Active Travel & Transportation (Roads) - Seek deferral of application due to insufficient information. A larger scale plan showing detailed route from the A78 should be provided. This plan should include where the public road would be widened, existing and propose passing places and visibility splays at junctions. The assessment of general construction traffic, as opposed to abnormal loads, requires further information. The existing geometry at certain junctions needs to be assessed for two-way HGV movements.

Response: The further information was sought from the applicants. However, they did not provide it. The applicants consider that these matters could be dealt with by condition should permission be granted.

NATS Safeguarding - Does not conflict with safeguarding criteria

Response: Noted.

Glasgow Prestwick Airport - Satisfied that all turbines would be shielded from the airport's primary radars

Response: Noted.

Glasgow Airport - The proposal does not conflict with the safeguarding criteria and as such do not object.

Response: Noted

Ministry of Defence - No objection subject to development being fitted with MOD accredited flashing omni-directional red lighting or infrared lighting.

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

Inverclyde Council - Consideration should be given to mitigating the visual impact on the Kelly reservoir which is a popular area for walkers in Inverclyde. Careful consideration should also be given to views from the Clyde and beyond. Communities in Inverclyde should share in any benefits if approved.

Response: Noted. Consideration of the visual impact of the development is given. Any financial benefits are not material considerations in relation to this planning application.

Argyll & Bute Council - Given the scale and location of the proposal and its prominence from key settlements and the ferry, it is considered that they proposal would have an adverse impact on the panorama of the Firth of Clyde when viewed from the west banks of the estuary and the ferry route. At present no existing wind farm development on the mainland is visibly prominent from South Cowal or the Isle of Bute. The introduction of such a development would result in significant effects from: The Bute and Cowal Area of Panoramic Quality, the Rothesay to Wemyss Bay ferry route, Rothesay, Inellan and Mount Stewart. In terms of Mount Stewart, the proposal would be visible from the coastline where open views across the Firth are appreciated by visitors.

Response: Noted.

Skelmorlie Community Council (SCC) - The proposal does not accord with the LDP particularly on landscape, protection of designated sites and energy infrastructure development. The proposed turbines, with 4.2MW power ratings, are not onshore turbines. Concerns regarding the Infrastructure and Low Frequency Noise information. Do not consider that this way of assessing potential impacts from low frequency noise on health is suitable. It is noted that throughout the public consultation period the developer omitted to mention the power rating. If permission was granted, a condition requiring decommissioning is required. This should include a substantial bond to ensure decommissioning and must be secured before construction commences.

SCC has concerns with the methodology used to assess noise impacts. SCC commissioned consultants who submitted a report on SCC's behalf. The report considers that the application noise report is not fit for purpose and highlights other objections to the

proposal. It is considered that the nearest properties outwith the landowner's control have not been properly assessed and the monitoring close to Skelmorlie is not considered credible. The report raises issues in agreement with those raised by other Community Councils and statutory consultees such as NS. It highlights other appeal decisions where the applicants have been refused planning permission.

In summary the SCC objects on the basis of noise impact; landscape and visual impact including impact on the Wild Land Area; poor site selection; community consultation and site access.

Response: Noted.

Although not consulted, other Community Councils have objected, and their comments are summarised as follows;

Largs Community Council (LCC) - The LCC believes that wind power is one of the foremost renewable technologies for tackling climate change. However, such developments should not be approved irrespective of consequences to quality of lives in local communities, effects on recreation and tourism. Larger, more powerful turbines should be installed as far away as possible from habitation and ideally offshore.

These are Very Large Turbines, as defined by NAC's Landscape Wind Energy Capacity Study 2018. The study finds there is no scope for turbines over 50m to be accommodated due to the landscape sensitivity. None of the existing turbines in the area are this large or this powerful. The proposal breaches the guidelines by being less than 2km from settlements. There are also various residences in this buffer zone. Existing turbines should not be taken as a precedent. The proposal is contrary to Policies 17 and 29 of the LDP.

The area is scenic and only recently been removed of redundant pylons. The eastern boundary of the site is near to the route of Coig, North Ayrshire's tourism route. The site is also near to Outerwards Roman Fortlet. There is no guarantee that there would not be adverse health effects from low frequency emissions.

The required modifications to Routenburn Road would significantly alter the scenic location and tourist route. This is over and above the disruption to the local residents during the modification and construction works. This would impact particularly on the Largs end junction of the road. The application should not be determined until it is possible to do so under normal circumstances.

Fairlie Community Council (FCC) - The FCC believes its community was impacted by the two large (up to 198.5m to tip and rated up to 7.2MW, erected temporarily for testing of off-shore installations) turbines at Hunterston. Those turbines impacted on Fairlie by way of health impacts and the regulations for noise did not mitigate the impacts. Therefore, this application should be refused as it would cause similar impacts on local communities. These turbines would cause infrasound which would have health effects. It is not considered that the information provided by the applicants properly addresses these concerns. The government is reviewing this issue and no decision should be made whilst this is ongoing. This type of turbine should not be permitted on land. Permitting a development which could impact on health in this way could be incompatible with the Human Rights Act.

The FCC considers that the PAC process of this application did not deal with the issues raised and therefore did not meet the requirement to have an effective and honest Pre-Application Consultation. Despite repeated questions to the applicants, requested information has not been provided. The findings outlined in the PAC report are not agreed with. The PAC process in no way mitigates a lack of third party right of appeal.

The site is the least appropriate area within the Clyde Muirshiel Regional Park. It is an area with designated wild land, it is close to the SPA and SSSI. The beauty of the Skelmorlie Glen and the LNCS would be damaged. Views from Brisbane Glen Road, the sea and Argyll & Bute would be diminished. The rural character of Routenburn Road and Craigmorlich Road would be ruined, and the construction traffic would compromise safety, local amenity, and wildlife.

West Kilbride Community Council (WKCC) - The application is contradictory to the LDP which does not support renewable energy where they have unacceptable adverse environmental impacts. This transgresses the Windfarm Spatial Framework. The proposal contravenes the SSSI and SPA and is within 2km of Skelmorlie. The site is adjacent to the country park. The proposal would be visible across the whole area, being detrimental to the landscape renowned for tourism views, particularly from the River Clyde. The proposal would impact on the Roman fortlet adjacent to the site and the Roman road within the site. The construction would damage the historic environment. Test holes have already been dug and it is not clear if this was done with archaeological impact. The proposed delivery route would result in excess of an additional 12,000 vehicle movements. The size of parts to be delivered would lead to impacts on the road network. To reduce some impacts, the parts should be delivered via Hunterston. There are no details of grid connections. There is no detailed map in the Peat Management Plan.

The proposed turbines, with 4.2MW power ratings, would create excessive infrasound with detrimental health effects. The manufacturer of these turbines does not recommend these being installed on land due to this. The Town and Country Planning Act requires an assessment of health effects to be made. Section 41A of the Act states the development should be classed as "noise-sensitive development."

Cumbrae Community Council (CCC) - The proposal is contrary to the LDP policies and the Council's Landscape Wind Capacity Study. This is particularly in respect to the effect on the special landscape, designated sites, the Regional Park, and energy infrastructure development. The proposal would have detrimental impacts on local communities, landscape and there is little evidence of any net economic benefit for the local area.

Response: All the Community Council's responses are noted and relate to issues addressed elsewhere in this report.

The applicants were asked to provide further information in light of some of the consultation responses. They responded as follows:

- o They consider there would be localised significant effect in the north-west corner of the WLA but think this would be localised only. They do not think it would be reasonable to explore ways to remove that visibility as they do not consider their proposal would erode the WLA qualities or have cumulative impact;

- o The applicants have been engaged with SEPA regarding the objection. They anticipate SEPA would withdraw the objection in due course. They have clarified the matter of Private Water Supplies;
- o The applicants recognise that there would likely be a significant effect on the Roman fortlet. However, they do not consider it is of such level to affect the integrity of the scheduled monument;
- o The applicants considers they have provided sufficient information in respect of access and likely road upgrades. They request that conditions are imposed on any permission in accordance with Circular 12/98 (It is assumed that Circular 4/98 was the intended reference in respect of conditions);
- o Community Councils have been engaged with the applicants in pre-application discussions. The CC's concerns are recognised. However, they consider Hunterston Port is not currently suitable for the delivery of the parts. Adequate transport management can be achieved utilising suspensive planning conditions;
- o None of the impacts on areas in Argyll & Bute are considered to be unacceptable; and
- o The proposal is considered to accord with current Scottish Government policy and the Council's desire to tackle climate change.

3. Analysis

Strategic Policy 1 of the LDP states that the Council wants to direct the right development to the right place. The Countryside Objective of Strategic Policy 1 states that in principle developments with a demonstrable specific locational need including developments for renewable energy will be supported.

The applicants state that 120 potential sites were considered. This site was then selected from a short list of approximately 20 sites. No details of the other sites have been given. Notwithstanding, whilst the specifics of the site will be assessed below it is considered that if a wind turbine development of this scale is to be built on land then it must be placed in a countryside location. As such the development is considered to be supported in principle by The Countryside Objective of Strategic Policy 1. However, the specific details of the site and the suitability of this specific location required to be assessed against the other policies of the LDP.

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

Policy 29: Energy Infrastructure Development states that support will be given to energy infrastructure developments where they contribute positively to North Ayrshire's transition to a low carbon economy and have no unacceptable adverse environmental impacts. The relevant factors to be considered, including cumulatively, are as follows: visual impact, amenity, noise and shadow flicker impacts on communities and individual dwellings; water quality; landscape; natural heritage; carbon rich soils including peat; impact on the historic

environment; establishing the use of the site for energy infrastructure; providing a net economic impact; scale of contribution to renewable energy targets; public access; impact on tourism and recreation; aviation and defence interests; telecommunications and broadcasting; road traffic and trunk roads; effects on the water environment; and decommissioning. Proposals should include redundancy plans which will demonstrate how apparatus will be removed as reasonably soon as the scheme ceases operation.

Proposals for wind turbine development should accord with the Spatial Framework and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire.

Visual/Siting/Landscape

Policy 15: Landscape and Seascape of the LDP states that support will be given to development that protects and/or enhances the landscape/seascape character of the area. Support will only be given to development in Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting. Support will only be given to development within Wild Land where any significant effects on the qualities of these areas can be substantially overcome.

With regards the Spatial Framework, this gives significant protection from wind farm development to specific areas within North Ayrshire. This includes areas within 2km of settlements. Approx. 165.9ha of the application site is within 2km of Skelmorlie which is approx. 50% of the application site area. Turbines No. 10 (1.5km), No. 7 (1.77km), No. 3 (1.83km) and No. 9 (1.94km) would all be within 2km of the settlement at the nearest point. There is therefore a presumption of significant protection from wind farm development in the application location.

The current Landscape Capacity Study (LCS) for Wind Farm Development for North Ayrshire is dated October 2018. This Study revised and updated 2009 and 2013 studies. The application site is identified in the LCS as part of the Clyde Muirshiel uplands, specifically the Loch Thom Area which also incorporates most of the uplands of Inverclyde and western parts of Renfrewshire. The area is characterised as Rugged Moorland. The character of the area comprises a broad basin surrounded and contained by low, rounded hills generally below 300m in height. The application sits in the south-western corner of this area, immediately adjacent to the Brisbane Glen landscape character area to the south-east and the North Ayrshire Raised Beach Coast landscape character to the west. This area is part of the Special Landscape Area.

The LCS sets out the typologies of wind development which have been assessed. These are: Very Large (over 130m high); Large (70-130m high); Medium (50-70m high); Small-medium (30-50m high); and Small 15-30m high.

The LCS finds that there is very limited scope for Very Large turbines due to the restricted extent of remaining less sensitive upland areas. Additional wind farm development sited on the mainland Clyde Muirshiel uplands would be likely to have increased landscape and visual impact on adjacent coasts and valleys, on the Firth of Clyde and its islands and on the more rugged and wilder parts of the uplands.

The LCS states that larger scale (over 70m high) wind farm development would dominate the horizontal and vertical scale of this landscape. Large scale wind farm development would affect the containment provided by the relatively low hills. Smaller developments would have less effect in this respect. However, all types of turbine would add to the visual complexity and larger types in particular would significantly affect the simplicity and openness of the landscape.

The area has a perceptual quality of being secluded and peaceful despite proximity to urban areas. This area is a relatively well visited part of the Regional Park and provides an experience of an upland landscape close to urban centres. All development typologies would diminish the more naturalistic qualities of the landscape with larger scale development likely to have more significant effects.

There are striking views to the west over the Islands and Firth of Clyde from minor roads, footpaths and popularly walked summits in this area. All development typologies would create close views within the area and some intrusion may occur outwith the area. Larger and medium scale development would be highly visible and adversely affect the containment provided by the hills. All types of development would exacerbate the clutter of infrastructure which is already a detractive component of the landscape. The LCS concludes that development in the area would affect the characteristic open expansiveness of the landscape and further diminish the sense of naturalness which is especially valuable because of the proximity to urban centres. The area is considered to be highly sensitive to wind farm development.

It is noted the LCS considers the area highly sensitive to development, particularly medium or large scale. It is also noted that this proposal is for 149.9m turbines which are in the Very Large typology and more than double the lower range of 'large' turbines. The findings of the LCS are generally confirmed in the Landscape and Visual Impact Assessment submitted by the applicants. This states there would be significant effects within 4-5km and from viewpoints within 12km.

The whole of Skelmorlie is within 5km of the site (indeed the settlement is 1.5km from the nearest turbine). Given the topography of the settlement the visibility of the development, particularly the blade tips, would vary although it is likely to be limited. However, some of the development would be visible particularly from within parts of Upper Skelmorlie (the eastern side).

The proposal would be highly visible from the coast to the south of Skelmorlie. This is also with the Special Landscape Area. It is noted that all 10 turbines would be visible west of Skelmorlie Castle/Meikle with the southernmost turbines particularly prominent. This area is identified in the LCS as North Ayrshire Raised Beach Coast. The LCS states that this landscape is highly sensitive to intrusion from larger turbines sited in the adjacent upland character types to the east and care should be taken to avoid larger turbines appearing 'over the skyline' from low level views along the coast.

The turbines would be partially visible from within Brisbane Glen. The submitted assessment suggests five could in part be visible with the hubs and blades of three turbines visible above the northside of the glen. The LCS identifies this area as Intimate Pastoral Valley- Brisbane Glen. The LCS states that issues from inter-visibility with larger turbines in the nearby upland areas could arise.

The Waterhead Moor Wild Land Area (WLA) is to the south-east of Brisbane Glen. NS has concerns that the impact of view of the turbines from this area would impact on its qualities. NS considers that the permission for a turbine at Standingstone Hill (ref: 18/01123/PP, granted on appeal by the Local Review Body) and this development would lead to potential cumulative impact.

NS concerns are noted. The Standingstone Hill development is for one turbine 110m in height. This is at the very southern end of the WLA some 3.7km north of Kilbirnie and some 9.5km south-east of this application site. Whilst these proposed turbines would be visible on the north-west fringes of the WLA it is not considered that they would have a significant effect on the WLA.

The impact on views within 5km includes those from the Firth of Clyde. The development would be highly visible to users of the Clyde including the Wemyss Bay to Rothesay ferry. The turbines would be highly visible when looking towards the Special Landscape Area. All 10 turbines would be visible from the Clyde. 5km is approx. half the distance between the nearest proposed turbine and the Isle of Bute. Argyll & Bute Council advises that it considers the proposal would have an adverse impact on the panorama of the Firth of Clyde when viewed from the west banks of the estuary and the ferry route.

Inverclyde Council has expressed concern regarding views from the Kelly Reservoir, approx. 1.5km from the nearest turbine, which Inverclyde identify as a popular recreation area. The hubs and blades of all the turbines would be visible from this location.

It is considered that the proposal would have an adverse visual impact on the application site and the wider area. The visual impact would adversely affect the rugged moorland of the immediate area and its qualities as a perceived place of openness and naturalness in proximity to settlements. There would be an adverse visual impact on the coast of North Ayrshire south of Skelmorlie and the Firth of Clyde. Argyll & Bute's concerns on the impact of the western side of the Clyde are noted and it is considered there would be adverse visual impacts from those locations. The development would impact on the character, qualities and setting of the Special Landscape Area, both within itself and in views towards it. Although the applicants considered the main impact would be within 4-5km of the development, these locations are approx. 7.5km to 10km distant and it is noted there would be impacts on views of the site up to 12km distant.

The development is therefore considered to be contrary to Policy 29 in terms visual and landscape impact. The proposal would not protect or enhance the local landscape and seascape, would affect the Special Landscape Area and it is therefore contrary to Policy 15. The proposal would be contrary to Strategic Policy 2 in terms of adverse visual impact.

Shadow Flicker Impacts on Communities and Individual Dwellings

In terms of shadow flicker, the effect of moving parts passing in front of the sun and casting a flickering shadow through the openings of properties, the applicants have provided an assessment that such an effect would be within 1.17km from each turbine, 130 degrees either side of north. Therefore, there should be no such effects on dwellings within Skelmorlie.

In terms of individual dwellings, the dwelling at Fardens would be rendered uninhabitable by the development. This property is within the control of the applicants. Barr Farm house

would experience significant shadow flicker, namely approx. 96 and a half hours per year. This property is also understood to be within the control of the applicants being owned by the application site landowner. The other properties to likely experience significant shadow flicker are those at Barr Hill Camp. These comprise approx. 65 chalet type structures. The Camp would experience approx. 47 and a half hours of shadow flicker per year. The assessment also highlights that properties at Michaelston, The Dykes and Mayfield Cottage would experience approx. 33 hours of shadow flicker a year.

The applicants suggest that shadow flicker could be overcome by a protocol which could require selective shut down at appropriate times. As the properties outwith the applicants' control would be affected by Turbines 1, 2 and 3, it appears that such a protocol, required as a condition on any permission could overcome any adverse impact. As such, subject to a condition, the development could accord with Policy 29 in terms of shadow flicker.

Noise Impacts on Communities and Individual Dwellings

As above the dwelling at Fardens would be uninhabitable following development. The applicants have submitted a noise assessment which finds that, other than for properties in the control of the landowner, during construction the chalets at Barr Hill Camp would be affected by noise. During operation of the turbines, Barr Hill Camp and dwellings at Mayfield Cottage and The Dykes, Barrfarm Road would be affected by noise. The dwelling at Michaelston is not referenced. However, as it is adjacent to The Dykes, and closer to the proposed site, it is considered that this property would also be affected. The properties would be affected when there is a wind speed between 6m/s and 9m/s.

NAC Environmental Health (EH) has serious reservations in particular: the effect on Skelmorlie Mains Caravan Park and Barr Hill Camp. At these locations noise in excess of 9dB and 11dB, respectively, above background at night is predicted. EH advises that these properties would have no protection under that statutory noise regime. Occupiers of properties at these locations could be adversely affected with the potential for sleep disturbance. EH also considers that the night-time noise levels could affect the occupiers of properties in Caskie Drive and Golf Course Road within Skelmorlie with potential for sleep disturbance. The applicants' assessment is that any impact on these properties would be negligible.

EH's concerns are noted especially the lack of statutory protection afforded to caravan/chalet developments and the likely impact on Skelmorlie Mains Caravan Park and Barr Hill Camp. The impact on tourism is discussed below. The impact of noise from the construction could potentially be mitigated through condition restricting construction times. Conditions requiring turbines to be turned off during specific turbine speeds could also be potentially be attached to any permission, if granted, as could conditions requiring control should amplitude modulation occur.

Concern of low frequency and infrasound has been raised. The advice provided by Health Protection Scotland is noted and it is considered that there is no evidence of health risks from such sound frequency. On balance, it is considered that as such, subject to suitable conditions, the development could accord with Policy 29 and Strategic Policy 2 in terms of noise.

Impact on the Historic Environment

Policy 12: Scheduled Monuments of the LDP states that where there is potential for a development to have an adverse effect on a scheduled monument, or the integrity of its setting, permission should only be granted where there are exceptional circumstances.

Policy 13: Non-designated Archaeological Sites and Monuments of the LDP states support will only be given to development where it respects the integrity of our archaeological landscape. Archaeological sites should be preserved in situ where possible. Development which does not do this will only be supported where there is an overwhelming social, economic, or environmental reason.

The application site is some 500m to the west, at its closest point, of the Outerwards Roman fortlet Scheduled Monument. There have also been representations made as to the archaeological interest of the area more widely, both connected to the Roman period and other eras.

The applicants have submitted a cultural heritage assessment, which claims there would be a minor and not significant impact on the possible route of a Roman Road. The assessment also states that there would be a potential moderated and significant effect on the Outerwards Scheduled Monument. The proposed layout has been designed to minimise impacts on the setting with 1km buffer to ensure the turbines do not dominate its setting. Interpretation and further survey could be carried out particularly in relation to the potential for Roman features within the application site.

HES objects to the application because of its impact on the setting of the scheduled monument known as Outerwards Roman Fortlet. HES considers this raises issues in the national interest. HES considers that the applicants underestimate the level of impact on the fortlet. The fortlet needs to be considered in terms of the Firth of Clyde rather than the land on the other side. The Clyde is an important routeway and a likely key reason for the position of the fort. Turbines only 1km distant would reduce the remoteness and forbidding nature of the fortlet. The fortlet is separate and distant from civilian settlement. This would be diminished by introducing development between it and the coast. HES does not consider that the impact could be mitigated by design and any turbines in this location would likely fundamentally change the vista and have significant adverse effects on the setting of the monument.

HES's objection is noted and agreed. The Scheduled Monument's listing from 1986 states that it is important as one of the few fortlets in Scotland, part of the Antonine wall complex which overlooks the Clyde estuary and its approaches. It is considered that whilst development within the application site could be subject to a condition requiring archaeological investigation, there is no mitigation for the impact on the Scheduled Monument. The siting of the turbines would adversely affect the integrity of its setting and it is not considered that the proposal respects the integrity of the archaeological landscape. As such the proposal is considered to be contrary to Policy 29 in terms of impact on the historic environment. It is also considered that the proposal is contrary to Policies 12 and 13 of the LDP unless there are exceptional circumstances to the contrary. Other material factors are considered below.

It is noted that planning permission was granted on appeal (Ref: PPA-880-2022) for 8 turbines to 110m at blade tip at Land North and East of Corlic Hill, Greenock, Inverclyde 17th May 2016. Whilst no two application sites are the same, this proposal was adjacent to the Lurg Moor Roman fortlet, another in the same chain as Outerwards. In that appeal the

Scottish Government's Reporter found Lurg Moor would not be affected as the turbines were behind the fortlet i.e. they were not between Lurg Moor and the Clyde. In this proposal the turbines would be between the fortlet and the Clyde, the primary outlook and likely main reason for construction of the fort.

Natural Heritage

Policy 16: Protection of our Designated Sites of the LDP states that support will be given to development which would not have an unacceptable adverse effect on our valuable natural environment. Development affecting SSSIs will not be permitted unless it can be demonstrated that the overall objectives and integrity of the designation would not be compromised, or any adverse effects are clearly outweighed by social, environmental, or economic benefits. Development adversely affecting LNCSSs will generally not be granted unless it can be demonstrated that the overall objectives and integrity of the designation would not be compromised, or any adverse effects are clearly outweighed by social, environmental, or economic benefits.

Policy 18: Forestry, Woodland, Trees and Hedgerows of the LDP states that development will only be supported when it would not result in the loss or deterioration of an ancient or long-established woodland unless there are overriding public benefits from the development that outweigh the loss of the woodland habitat. Where the loss of trees, hedgerows or woodlands of merit is unavoidable and compensatory planting is required, replacement trees should be of a similar scale and massing to the loss.

The application site is within the Clyde Muirshiel Regional Park. The site encompasses part of the Skelmorlie Glen Site of Special Scientific Interest (the SSSI). It also encompasses part of the Skelmorlie Glen & Fardens Glen Local Nature Conservation Sites (the LNCS). The site is immediately adjacent, on its north-eastern boundary, to the Renfrewshire Heights Special Protection Area (the SPA) which is also a SSSI.

The applicants have submitted assessments relating to Ornithology and Ecology and Nature Conservation. The assessments do not consider there would be any significant impacts. The site is primarily grassland habitat with the north-eastern locations being shallow moorland blanket bog. The Skelmorlie Glen is a mixture of wet and oak woodland, with other areas of oak woodland extending up the burns. The woodland is classed as Ancient (of seminatural origin). Badgers were found to use the Skelmorlie Glen area and bat species were identified using the area with potential roosting features along the route of the main site access. Mitigation measures, to be overseen by an Ecological Clerk of Works, including implementation of a Construction Environmental Management Plan (CEMP), timing of works and pre-construction checks and exclusion zones during breeding season are advised. Impacts on protected species, including hen harriers would be low or barely perceptible through both construction and operation

The Scottish Wildlife Trust (SWT) objects to the proposal. SWT does not consider that the development would support the Park as an ecologically important visitor destination. The site is adjacent to the Renfrewshire Heights SPA, designated primarily for breeding Hen Harriers. The presence of this development might diminish the chance of breeding harriers returning by reducing the hunting area available for them. SWT considers that the development poses a hazard to birds and bats. There are several species of bat. Proposals to mitigate impact on badgers through 50m buffer zones and avoiding working at night do not go far enough.

NatureScot (NS) advise that if permission is granted any permission should be subject to a condition requiring submission of a CEMP to mitigate any risk to protected species or the Skelmorlie Glen SSSI.

The impact on the SPA requires to be assessed. An Appropriate Assessment (AA), as required by Habitat Regulations, has been carried out and is appended to this report. The AA concludes that the development, with identified mitigation, would not have a significant impact on the qualifying interests of the SPA i.e. breeding hen harriers

Given the findings of the AA and NS's comments, it is considered that the matters raised in respect of species could be mitigated through a CEMP and control on the construction of the turbines. This could be done through conditions if permission is granted. Regardless of any planning permission it is an offence to disturb protected species without the necessary consent. Given NS's comments it is not considered that the development would have an effect on the SPA.

The Skelmorlie Glen SSSI was first designated in 1957. It comprises an upland mixed ash woodland of some 36.67ha in area, approx. 1.7km in length west to east up the Glen. The LNCS comprises 3 areas: (i) some 10ha, approx. 1km in length west to east, beyond the eastern boundary of the SSSI. This part of the LNCS essentially comprises the woodland in the upper reaches of the Glen; (ii) an area of woodland around the Meigle Burn, some 3.3ha in area; and (iii) a woodland stretching south-east from Skelmorlie towards the SSSI and being some 11ha in area.

There have been objections to the loss of woodland, including from the Woodland Trust and SWT.

The development area encompasses approx. 12.8ha of the SSSI and almost all of area (i) and a small portion of area (ii) of the LNCS. There are no works proposed for the area covered by the SSSI. The main access road to the site would cut through the Meigle Burn woodland, area (ii) of the LNCS, and cross the Skelmorlie Burn, approx. 850m west of the SSSI, through area (i) of the LNCS.

Given that there is no direct development within the SSSI, and construction could be controlled through a CEMP to mitigate any risks to the SSSI, it is not considered the proposal would affect its integrity. Two roads with associated bridges would be built through the LNCS. The areas affected would comprise a very minor part of the larger LNCS. Details of the required bridges and associated tree works could be controlled by condition, should permission be granted. Any loss of trees or habitat within the LNCS are not considered to compromise its overall objectives or integrity. Loss of any trees could also require compensatory planting. Assessment of the potential impact on the Knock Castle and Routenburn LNCS is set out below.

Given the above, it is considered that subject to suitable conditions, the proposal could accord with Policy 29 in terms of natural heritage and Policies 16 and 18, in so far as it relates to any effect on the Skelmorlie Glen LNCS woodland.

Road Traffic and Trunk Roads

In the information submitted by the applicants, they intend to access the site from the south, along the A78 through Largs and then along Routenburn Road/Craigmarloch Road. A new access road would be created north of the junction with Barrfarm Road. The new access would run east, north of Thirdpart Farm and Barr Hill Camp.

In terms of impact on the trunk road, Transport Scotland has no objection. Transport Scotland requires the abnormal load route, additional signage/temporary control measures as necessary and submission of Construction Traffic Management Plan to be agreed and this could be done by condition if permission was granted.

NAC Active Travel & Transportation (Roads) sought further information from the applicants. Roads requested a larger scale plan showing the detailed route from the A78. This plan was to include where the public road would be widened, existing and proposed passing places and visibility splays. Roads asked for further assessment of existing geometry at certain junctions in terms of two-way HGV movements. The applicants responded that this could be governed by condition.

The proposed route to the site from the A78 is a largely single-track narrow road with mature hedgerows and/or trees for the whole of its length. Approximately 1.5km of road is within the Knock Castle and Routenburn LNCS. There are steep and winding sections of road and it crosses the Routen Burn, the Blackhouse Burn and Templeston Glen. There are approx. 20 dwellings which take access directly off the road, not including the properties and golf club which use the portion of the road within the settlement of Largs. The Stable Block and North Lodge of Knock Estate are listed buildings immediately adjacent to the road. The land adjacent to the road is within multiple ownership.

Whilst the implementation of some works relating to the road network could be governed by condition, it is not considered appropriate for all the information to be determined by suspensive condition following a grant of permission. The lack of information relating to visibility splays and geometry for two-way HGV movements has meant that the full road safety implications of the development cannot be assessed. It is not known if it is possible to create adequate safe passing places along Routenburn Road. If it were not possible then another means of access would have to be found. Lack of confirmation of a suitable access means if permission was granted it could transpire that there was no way to access the site.

In addition to road safety implications, the lack of information means it is not possible to assess the impact of tree/hedgerow/verge removal along the road network. The loss of such features could have a significant visual impact and be contrary to Policy 18 and Policy 16 of the Knock Castle and Routenburn LNCS.

Given the lack of information in respect of access from the trunk road to the site, it is considered prudent to take a precautionary approach and as such this part of the proposal is considered contrary to Strategic Policy 2, in terms of road traffic, and Policy 16 and Policy 18, unless there are overriding public benefits from the development that outweigh the potential harm to the LNCS and loss of trees and hedgerows.

Impact on Tourism, Recreation and Public Access

Policy 6: Supporting Sustainable Tourism states that in principle support will be given to the creation and enhancement of tourism and related activities.

Policy 17: Clyde Muirshiel Regional Park of the LDP states that proposals within the Park should take account of the wider objectives to provide visitors the opportunity for quality recreation, ensure the Park is an increasingly popular and productive venue for formal and informal learning, and ensure the Park is an attractive and ecologically important visitor destination.

As set out in the assessment of noise impacts, EH is concerned about the impact on caravan/chalet developments particularly at Skelmorlie Mains Caravan Park and Barr Hill Camp. Whilst on balance, subject to suitable conditions, the development could accord with LDP policies in terms of noise, tourist facilities of this type have no statutory protection from noise nuisance. The development could mean that it becomes no longer possible to stay in the caravans/chalets. The turbines would also be highly visible from those locations. This could lead to the loss of such facilities and essentially sterilise the area in terms of expanding and enhancing this type of tourism offer.

It is considered that the proposal would provide tracks which could allow easier access to the Park. However, the representations that people may be put off visiting the areas by the turbines are also noted. The visual impact on this part of the Park is assessed above. Also, as above, there is not enough information in relation to Routenburn Road/Craigmarloch Road being a suitable and safe access. This is a popular walking route within the Park which may be unusable for recreation during construction. There may be scope to provide a learning experience from the turbine development, although no specific facilities are proposed. Notwithstanding, this could also be achieved at the Corlic Hill development at the northern end of the Park. The impact on the Outerwards Scheduled Monument is set out above and it is considered that the development would adversely affect the potential learning experience of that feature. As above it is considered any significant adverse impact on ecology could be mitigated by appropriate conditions. On balance it is considered that the proposal would adversely impact the Park, particularly as an attractive visitor destination with potential for informal learning.

Given the above, it is considered that the proposal would not enhance, and potentially harm, tourism facilities. The proposal does not accord with the objectives of the Park as an attractive visitor destination with potential for informal learning. The proposal is therefore considered to be contrary to Policy 29, in terms of impact on tourism and recreation, Policy 6 and Policy 17 of the LDP.

Carbon Rich Soils including Peat/Effects on the Water Environment/Water Quality

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

Policy 34: Protecting Peatland and Carbon Rich Soils states that we will take a precautionary approach to development affecting peat or carbon rich soils.

SEPA has objected to the application. This objection was particularly in relation to a lack of information on the use of peat for 'drain blocking.'

The applicants have submitted further information in respect of peat and Private Water Supplies (PWS). However, SEPA has not responded to further consultation and the

objection remains. It is also noted there has been objections in relation to the veracity of the PWS information.

Given that the LDP requires a precautionary principle to be taken, it is considered that the proposal is contrary to Policy 29 in terms of potential impact on peat, the water environment and water quality, Policy 34 and Policy 22, unless it deliver significant economic benefits, of the LDP.

Aviation and Defence Interests and Telecommunications and Broadcasting

NATS Safeguarding, Glasgow Prestwick Airport, Glasgow Airport and the Ministry of Defence were all consulted and offer no objections. The MOD ask for the development to be fitted with MOD accredited flashing omni-directional red lighting or infrared lighting, which could be secured by condition if the proposal was granted.

The applicants have submitted a report relating to telecommunications. The assessment relates to current guidance and consultation with various stakeholders. No objections were received.

Given the above it is considered the application could accord with Policy 29 in terms of aviation, defence, telecommunications, and broadcasting.

Scale of Contribution to Renewable Energy Targets

The exact type of turbine has not been specified. However, from the information submitted it is considered that turbines of the permitted height would generate 4.2MW. A condition could be added to any permission for the turbine type to be confirmed. However, there appears potential for a potential generation of 42MW, although the intermittent nature of any generation is noted given the requirements of wind and the likely need to turn turbines off when certain noise or shadow flicker levels are generated. Notwithstanding, the potential energy generation is noted, and the proposal is considered to accord with Policy 29 in terms of contribution to renewable energy.

Providing a Net Economic Impact

The applicants consider that the development would have a Gross Added Value (GVA) of £2.3million and 33 jobs in North Ayrshire during construction. This would equate to £15.8million and 242 jobs in Scotland. During operation the GVA is considered to be £0.3million and 5 jobs in North Ayrshire and £0.6million and 8 jobs in Scotland. The information submitted with the EIA states there would be no significant adverse economic effect and whilst there would be some beneficial impacts these would also not be significant.

The information submitted by the applicants is noted. It is noted that during construction in particular there is potential for GVA. It should be noted that whilst the works are located in North Ayrshire, there is no guarantee that any works carried out would create jobs in the area or be carried out by local companies. The location of any contractors/jobs created during construction is not something which can be controlled by the planning process. The potential for impact on the tourism and recreation use of the area has been discussed previously. It is also noted that comments have been received that farming may not be possible in the area if there were impacts on animal welfare or the residences of farmers.

Given that the applicants consider any benefits would not be significant, and the potential harm to other economic sectors, it is considered that whilst there could be a net economic impact it would likely be negligible.

Establishing the Use of the Site for Energy Infrastructure/Decommissioning.

Scottish Government Planning Policy makes clear that areas identified for wind farms should be suitable for use in perpetuity. Therefore, if permission is granted it should be expected that turbines could be located on site longer than any specific lifetime of this proposal.

The information submitted with the application envisions an operational lifespan of 30 years. Decommissioning is expected to take 12 months and would be carried out in accordance with a Decommissioning Plan to be agreed. It is considered that this could be governed by condition, including financial securities if required, if permission is granted.

Whilst the proposal, subject to conditions, could accord with Policy 29, in terms of decommissioning, the site is considered to be contrary to several other parts of that policy and other policies of the LDP. Half of the proposed site is within 2km of Skelmorlie and the proposed turbines are approx. 115% higher than the maximum potential suitable turbine height identified in the LCS. The proposal is therefore considered contrary to Policy 29 in terms of establishing the site for energy infrastructure.

Conclusion

In terms of the various relevant factors of Policy 29, the proposal is considered to be contrary in terms of: visual and landscape impact; impact on the historic environment; impact on the road network including trees and hedgerows; impact on tourism and recreation; potential impact on peat, the water environment and water quality; and establishing the site for energy infrastructure. The proposal is also contrary to the Spatial Framework and given the size of the turbines the requirement to have consideration of the LCS. Subject to suitable conditions, the proposal could accord with the following factors of Policy 29: shadow flicker; noise; telecommunications, aviation; decommissioning; contribution to renewable energy and natural heritage. The proposal in terms of economic impact is considered to be neutral given the likely negligible benefit.

On balance the proposal is considered to be contrary to Policy 29 of the LDP.

The proposal would not protect or enhance the local landscape and seascape, would affect the Special Landscape Area and, although it would not have a significant effect on the WLA, it is contrary to Policy 15 of the LDP in terms of visual impact.

The proposal would adversely affect the integrity of the Outerwards Scheduled Monument's setting and it is not considered that the proposal respects the integrity of the archaeological landscape. HES objects to the proposal. It is not considered there are exceptional circumstances to the contrary. As such the proposal is contrary to Policies 12 and 13 of the LDP.

Given the lack of information in respect of access from the trunk road to the site and taking a precautionary approach, the proposal would give rise to potential safety impacts on the road network. It would potentially lead to the loss of trees and hedgerows, potentially

impacting on the Knock Castle and Routenburn LNCS. It is not considered that any overriding public benefits have been demonstrated. Although the works within the application site could, subject to conditions accord with Policy 16 and Policy 18, it is considered that given this potential impact the proposal is contrary to Policy 16 and Policy 18.

Whilst, subject to suitable conditions, the proposal could accord with Strategic Policy 2 in terms of shadow flicker and noise, it is considered that the visual impact and potential impact on road safety mean the proposal is also contrary to Strategic Policy 2.

The proposal would not enhance, and potentially harm, tourism facilities. The proposal does not accord with the objectives of the Clyde Muirshiel Regional Park as an attractive visitor destination with potential for informal learning. The proposal is therefore contrary to Policy 6 and Policy 17 of the LDP.

Given that the LDP requires a precautionary principle to be taken, it is not considered there is sufficient information to conclude that there would not be an adverse impact on peat, the water environment and water quality. SEPA objects to the application. There are no significant economic benefits which override this assessment. The proposal is therefore contrary to Policy 22 and Policy 34 of the LDP.

There are no other material considerations to the contrary and it is recommended the application be refused for the following reasons:

The visual impact of the development would adversely affect the visual amenity of the area. It would neither protect nor enhance the local landscape and seascape and it would have a negative effect on the Special Landscape Area. The proposal is therefore contrary to Policy 15, Policy 29, and Strategic Policy 2 of the LDP. Half of the site is within 2km of the settlement of Skelmorlie, where the Spatial Framework gives significant protection against wind turbine development. The other half of the site is potentially suitable for turbines up to 70m in height, as identified in the current Landscape Capacity Study. Therefore, establishing the site as suitable for renewable energy development of this scale is also contrary to Policy 29 of the LDP.

The development would affect the integrity of the setting of Outerwards Scheduled Monument. The proposal does not respect the integrity of the archaeological landscape. There are no exceptional circumstances which override this assessment. The proposal is therefore contrary to Policy 12 and Policy 13 of the LDP.

There is insufficient information relating to required works to the local road network. Therefore, the development gives rise to potential road safety concerns. The proposal is therefore contrary to Strategic Policy 2 of the LDP.

There is insufficient information relating to required works to the local road network. Therefore, the development gives rise to the potential unacceptable loss of trees and hedgerows, including within the Knock Castle and Routenburn LNCS. This loss could have an adverse impact on the integrity of the Knock Castle and Routenburn LNCS and there are no social, environmental, or economic benefits of local importance which outweigh this. The proposal is therefore contrary to Policy 16 and Policy 18 of the LDP.

The operation of the development would not enhance, and potentially harm, tourism facilities. The proposal does not accord with the objectives of the Clyde Muirshiel Regional Park as an attractive visitor destination with potential for informal learning. The proposal is therefore contrary to Policy 6 and Policy 17 of the LDP.

There is insufficient information relating to impacts on peat, the water environment and water quality. As such it is not possible to determine that there would be no unacceptable adverse impact on the peat, the water environment and water quality. The proposal is therefore contrary to Policy 22 and Policy 34 of the LDP.

4. Full Recommendation

Refused

Reason for Refusal

Reason

1. The visual impact of the development would adversely affect the visual amenity of the area. It would neither protect nor enhance the local landscape and seascape and it would have a negative effect on the Special Landscape Area. The proposal is therefore contrary to Policy 15, Policy 29, and Strategic Policy 2 of the LDP. Half of the site is within 2km of the settlement of Skelmorlie, where the Spatial Framework gives significant protection against wind turbine development. The other half of the site is potentially suitable for turbines up to 70m in height, as identified in the current Landscape Capacity Study. Therefore, establishing the site as suitable for renewable energy development of this scale is also contrary to Policy 29 of the LDP.
2. The development would affect the integrity of the setting of Outerwards Scheduled Monument. The proposal does not respect the integrity of the archaeological landscape. There are no exceptional circumstances which override this assessment. The proposal is therefore contrary to Policy 12 and Policy 13 of the LDP.
3. There is insufficient information relating to required works to the local road network. Therefore, the development gives rise to potential road safety concerns. The proposal is therefore contrary to Strategic Policy 2 of the LDP.
4. There is insufficient information relating to required works to the local road network. Therefore, the development gives rise to the potential unacceptable loss of trees and hedgerows, including within the Knock Castle and Routenburn LNCS. This loss could have an adverse impact on the integrity of the Knock Castle and Routenburn LNCS and there are no social, environmental, or economic benefits of local importance which outweigh this. The proposal is therefore contrary to Policy 16 and Policy 18 of the LDP.
5. The operation of the development would not enhance, and potentially harm, tourism facilities. The proposal does not accord with the objectives of the Clyde Muirshiel Regional Park as an attractive visitor destination with potential for informal learning. The proposal is therefore contrary to Policy 6 and Policy 17 of the LDP.
6. There is insufficient information relating to impacts on peat, the water environment and water quality. As such it is not possible to determine that there would be no

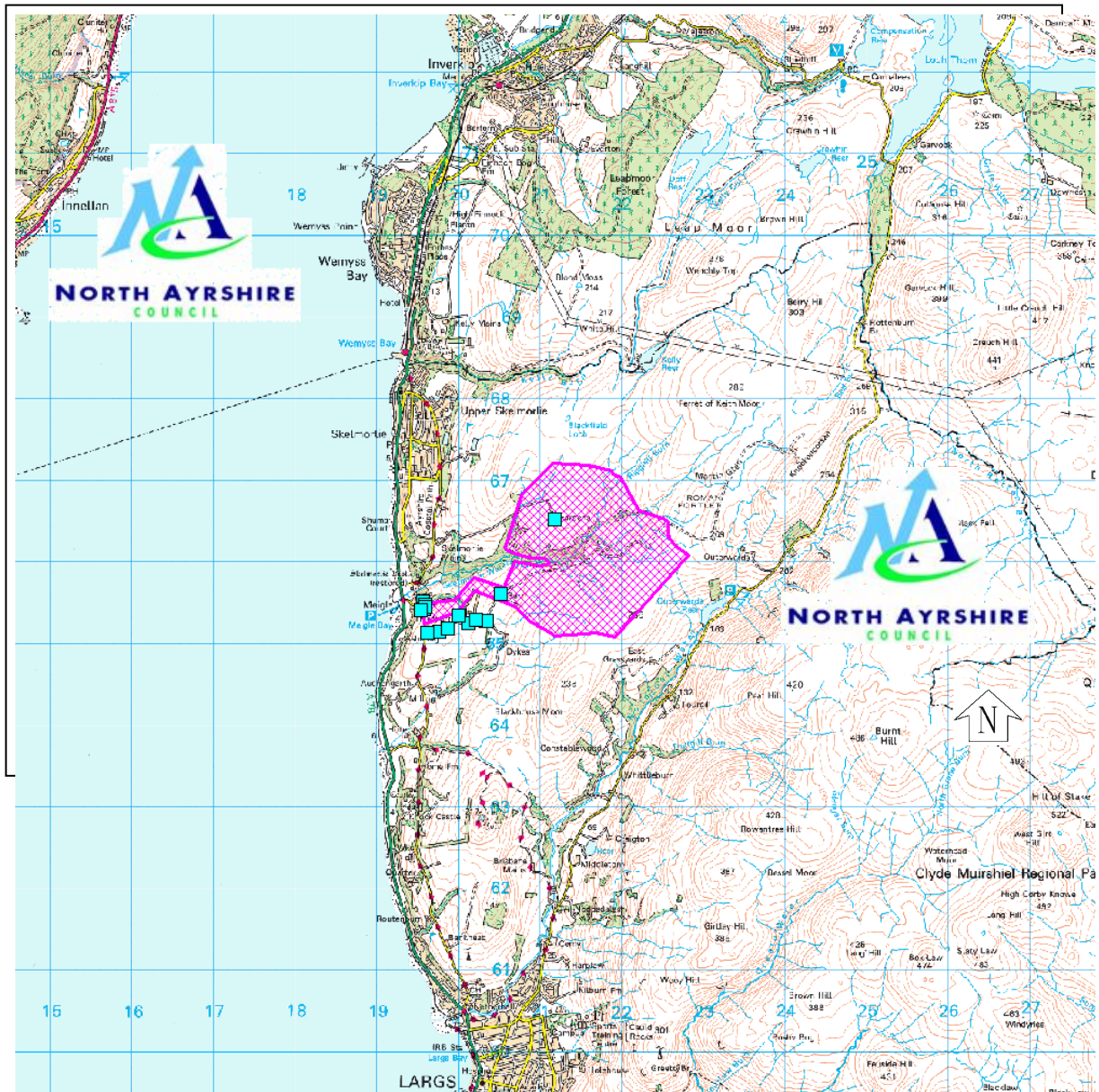
unacceptable adverse impact on the peat, the water environment and water quality. The proposal is therefore contrary to Policy 22 and Policy 34 of the LDP.

Russell McCutcheon
Executive Director (Place)

For further information please contact Mr Iain Davies on 01294 324320

Appendix 1 – Location Plan

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HABITATS REGULATIONS 'APPROPRIATE ASSESSMENT'

HABITAT DIRECTIVE 92-43-EEC

THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED

Renfrewshire Heights Special Protection Area

Purpose of the designation

The Habitats Directive aims to conserve biodiversity by maintaining or restoring species to favourable conservation status. The Renfrewshire Heights Special Protection Area (SPA) was last designated 17th December 2007. It covers approximately 8943ha of upland moorland. It has a qualifying interest by regularly supporting a breeding population of hen harrier (*Circus cyaneus*). An average of 10 breeding females, or 2% of the Great Britain population, were annually supported between 1998 and 2004.

The purpose of the designation is to avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained:

Population of the species as a viable component of the site;

Distribution of the species within site;

Distribution and extent of habitats supporting the species;

Structure, function and supporting processes of habitats supporting the species;

No significant disturbance of the species.

Consequences of the designation

In circumstances where European Protected Species could be subject to significant effects as a consequence of development proposals, the competent authority, in considering whether development should be consented, is required to undertake an 'appropriate assessment' to inform its decision-making process, on the basis that where unacceptable effects are identified, or in cases of 'reasonable scientific doubt', then permission ought not to be granted.

An 'appropriate assessment' is required to be undertaken in cases where any plan or project which:

- (a) Either alone or in combination with other plans or projects would be likely to have a significant effect on a European site designated for nature conservation; and
- (b) Is not directly connected with the management of the site.

It is considered by NatureScot (NS) that the development proposed by means of planning application (ref: 20/00248/PPM) could affect the qualifying interests of Renfrewshire Heights SPA. The proposed site lies adjacent to part of the western boundary of the SPA. As a

consequence, North Ayrshire Council has conducted an 'appropriate assessment', as per the Conservation (Habitats and C.) Regulations 1994 (as amended), having regard to the anticipated effects of development and the conservation objectives for the site's qualifying interests. This assessment is detailed below.

Characteristics of the development

The proposal is for the erection of 10 wind turbines, with associated infrastructure. The turbines would have a maximum blade tip height of 149.9m.

The development would be within the foraging range of any hen harriers breeding within the SPA. The development could therefore have potential to disturb the qualifying bird species of the SPA and/or pose a collision risk.

Assessment

The assessment considers the impact of the proposals on the birds identified as the qualifying interest and has regard to the applicant's submitted information in support of the planning application, and to consultation advice provided by NS.

NS has raised concerns about the submitted proposal on the basis that the location of the proposed development, could in the view of NS affect the qualifying interests of the SPA. However, NS does not consider that the proposal would adversely affect the integrity of the site.

The site is adjacent to the SPA. However, given the nature of the development it is not considered it will have any direct impact within the boundaries of the SPA. As such the proposal is not considered to have any impact on the distribution of hen harriers within site, the distribution and extent of habitats supporting the species and the structure, function and supporting processes of habitats supporting the hen harriers.

The proposal could impact on the qualifying interest of the birds which would forage within the area. There is potential for the development to cause disturbance during construction and the presence and operation of the turbines could cause collisions.

The application site is approx. 3.7% of the size of the SPA. Modelling of the proposal suggests that over a 30-year operation the risk of collision for hen harriers is 0.02. NS acknowledge this risk to be small and that there is a precautionary approach taken to calculating bird collisions at wind farms.

NS advise that the hen harriers are susceptible to disturbance at distances of up to 500m to 750m during breeding season. The application site is immediately adjacent to the SPA and the nearest turbine would be some 75m distant, although this could be closer with potential micro siting. Part of the proposed access track and a temporary hardstanding would be approx. 30m distant from the SPA as would the substation compound. NS also advised that there is no record of hen harrier breeding within 750m of the site. As noted above the SPA is some 8943ha in area.

Given the small modelled risk of disturbance, relatively limited area of the development in the wider potential foraging area and the potential mitigation set out below, it is not considered there would be any impact, including cumulatively, on population of the species as a viable component of the SPA and no significant disturbance of the species.

Recommended mitigation to be secured by planning condition, should permission be granted.

- a) Pre-construction surveys for breeding birds including hen harriers within the application site;
- b) No works to be carried out within 750m of the boundary of the SPA within the hen harrier breeding season.

Conclusion

The potential impacts of the development in relation to the conservation objectives cited in the SPA designation have been considered in the light of the above and it has been concluded that with identified mitigation measures in place the impacts arising from the operation of the development as proposed, in combination with the operation of other developments nearby will not, with identified mitigation in place, have a significant impact upon qualifying interests, and accordingly there is no reason to withhold permission on European nature conservation grounds.

