



**REPORT BY EXECUTIVE DIRECTOR OF
ECONOMY, NEIGHBOURHOOD AND ENVIRONMENT**

REGULATORY PANEL: 19 JUNE 2014

SUBJECT:	PLANNING APPLICATION REPORT
13/01310/APP	BREAKER HILL PINWHERRY SOUTH AYRSHIRE
DESCRIPTION:	ERECTION OF WINDFARM AND ASSOCIATED WORKS
REPRESENTATIONS:	564 REPRESENTATIONS HAVE BEEN RECEIVED, OF WHICH 363 ARE OBJECTIONS AND 201 ARE IN SUPPORT
RECOMMENDATION:	REFUSAL

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3(c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. Proposal:

- 1.1 The proposed development consists of a wind farm comprising 9 wind turbines, together with one 60metre wind anemometer mast, 6.3km of internal access tracks, 2 borrow pits, and a switchgear house of some 21 x 6 metres. During construction, a temporary construction compound would be required, and each turbine would have an area of hard standing which would remain for the life of the windfarm. The applicant has indicated that connection to the electricity grid will be via underground cables to a suitable substation, the exact location of which has not been established, but likely to be at Pinwherry.
- 1.2 The turbines being proposed are of a three blade design, with a rotor diameter of 53 metres, mounted on towers of 60 metres, giving a maximum height to blade tip of 86.5 metres (taking into consideration the hub of the Nacelle). Entrance to the site would be via the B734 at Almont, near Pinwherry. Each turbine has a generating capacity of 800kW, giving a total combined capacity of 7.2 MW
- 1.3 152 hectares of forestry would be felled to accommodate the wind farm, and to allow a more efficient operation of the turbines. Forestry to the north of the site would not be felled as part of the proposed wind farm.
- 1.4 The applicant indicates that the lifetime of the project will be 25 years, at the end of which it is proposed that the turbines, transformers and the switch gear housing would be removed and the ground returned to its former state. Concrete bases for the turbines would be left in situ, but covered and seeded.
- 1.5 The Supporting documentation for this proposal for Breakerhill windfarm states that it is intended to address the reasons for refusal of previous Breaker Hill windfarm planning application (Ref 09/00979/APP), which included matters relating to landscape and visual impacts.

1.6 Site Description

- 1.6.1 The proposed windfarm would be located 4 km east of Lendalfoot, 2½ km north east of Colmonell, 1.8km north west of Pinwherry and 6 ½ km south of Girvan. The turbines would be situated along a plateau between the peaks of Knockdaw Hill at 260m Above Ordnance Datum (AoD) and Craig Hill at 224m AoD, running east / rising over the highest point of Breaker Hill (237metres AOD).
- 1.6.2 The site extends to 2.89km², much of which (2.3km²) is presently commercial forestry plantation. Most of the application site comprises commercial forestry but it also includes extensive areas of rough grazing land on the slopes of Craighill.
- 1.6.3 Whilst the turbines would not be situated on land recognised as being environmentally sensitive under any European or National designation, it is part of the Scenic Area as defined in the South Ayrshire Local Plan (SALP) and Sensitive Landscape Character Area of the Ayrshire Joint Structure Plan (AJSP). The application site is located to the immediate south of the Aldons Hill SSSI, and the Knockdaw Hill SSSI to the West. These two sites also comprise part of the larger Lendalfoot Hill Complex SAC (Special Area of Conservation).
- 1.6.4 The application is accompanied by an Environmental Statement (ES) that covers a wide range of environmental consideration, particularly with respect to landscape and visual impact, impact on the natural and built environment and cumulative impact.

2. Consultations:

- 2.1 The following section of this report summarises responses. The main points made by the individual consultees are followed by the comments of the Planning Service in ***bold italic text***.
- 2.2 **The River Stinchar Fishery Board** No response at time of writing report
- 2.2.1 ***Comment: N/A***
- 2.3 **The Ayrshire Rivers Trust (ART)** No response at time of writing report.
- 2.3.1 ***Comment: N/A***
- 2.4 **The Civil Aviation Authority** No response at time of writing report.
- 2.4.1 ***Comment: the CAA had no objection to the previous wind farm proposal at Breaker Hill***
- 2.5 **Prestwick Airport** has no safeguarding objections to the proposal.
- 2.5.1 ***Comment: Noted.***
- 2.6 **National Air Traffic Services** has no safeguarding objection to the proposal.
- 2.6.1 ***Comment: Noted***
- 2.7 **Ministry of Defence (MoD)** has no objection subject to conditions. The MoD requests that the turbines are fitted with aviation / infra red lighting.
- 2.7.1 ***Comment: The matters raised could be addressed by planning condition. As infrared aviation lighting would be acceptable to the MoD this would not create visual amenity concerns.***
- 2.8 **The Royal Society for the Protection of Birds** does not object to the proposal subject to conditions attached to any planning permission (that would ensure that the applicant's suggested habitat benefits are delivered).
- 2.8.1 ***Comment: The comments of RSPB are noted. Matters raised could be covered by conditions should the application be approved.***

2.9 **Historic Scotland (HS)** does not object to the proposed development, but does not agree that the impact on Carleton Motte would be negligible.

2.9.1 **Comment: The comments of HS are noted.**

2.10 **The Scottish Wildlife Trust (SWT)** objects to the proposal as the site does not rest within an Area of Search for windfarms as defined in the Development Plan, and that it lies adjacent to the Lendalfoot Hills Complex SAC and the Knockdaw Hill and Aldons Hill SSSI. SWT also advises of the existence of provisional wildlife sites. Concern is expressed that the windfarm development may alter hydrology of the location (thereby affecting habitats) or by contamination. SWT advise that the felling of commercial conifer plantation would be a significant loss of potential red squirrel habitat and that there are risks of bat fatalities but no specific mitigation is proposed. Furthermore, SWT is concerned with regard to the ornithology survey which indicates that the proposed development may have an adverse impact on breeding birds (skylark mentioned specifically). SWT advise that should turbine 1,2 and 4 be removed from the application proposal, that the objection would be lifted, though additional information on bat mortality mitigation should be provided, and a revised red squirrel survey undertaken.

The applicant submitted a rebuttal statement to the above objection and made a request directly to the SWT to remove its objection. SWT subsequently responded to confirm that its objections to the proposed development remains.

2.10.1 **Comment: The comments and objection of the SWT are noted. Further observations on the matters of concern are detailed in the Assessment section of this report.**

2.11 **The West of Scotland Archaeological Service (WoSAS)** has no objection to the proposal subject to a condition requiring an archaeological mitigation strategy. WoSAS notes that impacts on Bargain Hill fort and Knockdaw Hill Cairn would be Major, but that these impacts would not be so significant as to warrant refusal of the application on this ground alone.

2.11.1 **Comment: The matters raised regarding a mitigation strategy could be addressed by planning condition.**

2.12 **South Ayrshire Council's Environmental Health Officer** has no objection to the proposal but recommends a number of conditions to address the control of blasting, dust, groundwater hydrology during construction of the development, and thereafter conditions concerning noise levels of the turbines once operational.

2.12.1 **Comment: The matters raised could be addressed by planning conditions.**

2.13 **Scottish Natural Heritage (SNH)** provided initial comment on the application (pending further consideration of the possible impact of the windfarm on bat species). That response provides advice that the proposed development would be unlikely to have a significant effect on any qualifying interest of the Lendalfoot Hills Complex Special Area of Conservation (SAC). Similar conclusions are given for the Aldons Hill SSSI and the Knockdaw Hill SSSI. SNH also concludes that although there are natural heritage interests of national importance adjacent to the site, they will not be affected by the proposal.

SNH further advise that detailed investigations and best practice working methodologies have been agreed with the prospective developer to mitigate the risks with regard to the potential for the development to impact on surface water and ground water-fed habitats, and that those measure provide adequate safeguard for the SAC and SSSI.

SNH, in its capacity as the Scottish Government's agency on landscape matters does not object to the proposed development in terms of visual or landscape impacts because the proposed development does not raise issues of National Interest. However, an extremely detailed and thorough critique of the proposal is given which centres on a fundamental premise, that **"the nature and scale of the proposal cannot be accommodated in this highly sensitive location without significant adverse landscape and visual effects as follows:**

- *Significant adverse landscape effects on the Coastal Foothills, Stinchar and lower Duisk Valley landscapes*
- *Significant adverse visual effect on key views to and from the Stinchar and Lower Duisk Valley area and Coastal Foothills. This includes settlement; elevated views from popular hill tops; Bargain Hill, Byne Hill, Knockdolian and Pinbain; recreational areas; tourist destinations; key routes; and offshore including the views available from the Ailsa Craig and Firth of Clyde.*
- *Significant adverse effect on the South Ayrshire Scenic Area*
- *Significant adverse cumulative landscape effect on the Coastal Foothills, Stinchar and Lower Duisk Valley landscapes*
- *Significant cumulative visual effect on key views to and from the Stinchar and Lower Duisk Valley area and Coastal Foothills. This includes settlement; elevated views from popular hill tops; Bargain Hill, Byne Hill, Knockdolian and Pinbain; recreational areas; tourist destinations; key routes; and offshore including the views available from the Ailsa Craig and Firth of Clyde.*
- *Significant adverse cumulative effect on the South Ayrshire Scenic Area.*
- *The proposed wind farm is contrary to the guidance set out in paragraph 25.7 of the South Ayrshire Landscape Wind Capacity Study (Carol Anderson Landscape Associates, July 2013 commissioned jointly by SNH and the Council) which recommends:*
 - *Protection of the landmark hills and their settings;*
 - *Protection of the richly diverse valleys of the Stinchar and Lower Duisk Valleys;*
 - *Retaining the integrity of some of the more sensitive Foothill landscapes – including the Coastal Foothills 17e; and*
 - *Ensuring that any further development or larger typologies (>50m) is associated with less sensitive upland landscapes.”*

SNH further state that the reduced turbine height (compared to the 2009 application for a wind farm at Breaker Hill) has not changed the substantial difference in scale of turbines relative to the surrounding landscape, that the scale of the coastal foothills will be diminished and that the introduction of the proposed wind farm would extend wind farm presence to the more intricate coastal foothills of South Ayrshire.

SNH cautions that the Environmental Statement does not address the issue that Breaker Hill will introduce large scale wind farm development into the western side of the A714 coastal foothill landscape and that Breaker Hill, as part of the range of hills including Bargain (a landmark hill) Craig and Glessal Hill provide the scenic backdrop for the settlements of Pinwherry, Poundland, Sixpence and Little Pinmore and the convergence of the Stinchar and Duisk rivers. SNH concludes that the proposed development would have significant adverse impacts on key sensitivity criteria of this landscape and detract from views gained from other landmark hills.

SNH also advises that the wind farm would have a significant adverse impact on the Intimate Pastoral Valleys through the *“intrusion of turbines on sensitive skylines which contain that valley, detracting from the landmark Bargain Hill, diminishing the scale of the foothills, towering over the valleys, detracting from small historic settlements, their settings and many castles, mansion houses and chapels, and views from the roads and settlements along more open sections”*

SNH is critical of the visualisations presented in the Environmental Statement and is concerned that some viewpoints fail to provide sufficient visual context to the windfarm development. An example is given in viewpoint 8, where the Maclachrieston Wind turbine is visible from that viewpoint but is not represented in the viewpoint image.

SNH does not agree with the findings of the ES in relation to the impact of the windfarm from elevated views including Byne Hill and Knockdolian, and that impacts from these vantage points should be recorded as being Significant and adverse. SNH advises that the turbines will be theoretically visible from the summits of Cairn Hill, Fell Hill, Grey Hill and Pinbain Hill – all part of the popular Girvan Hill walk route, at a distance of 2.5km at its closest, from where the turbines would be a dominant feature. SNH further advises that it is of the opinion that the impacts of the development from Bargain Hill have also been under-estimated and that this should also have been recorded as being significant and adverse.

SNH cautions that the development would be visible from the Firth of Clyde and Ailsa Craig and would be associated with the coastal landscape.

In terms of the cumulative impacts of the proposed windfarm, SNH cautions that Breaker Hill would set an undesirable precedent for yet more wind farms outside the recognised search area and introduce large scale development on the western side of the A714, and bring development nearer to the coast. The introduction of Breaker Hill into the Intimate Pastoral Landscape will lead to:

- Simultaneous and sequential cumulative visual effects experienced from the designated tourist route of the A714 where the large wind farm developments of Arecleoch and Mark Hill are already prominent in the more open and elevated sections of this route, south East of Barrhill.
- Potential cumulative landscape and visual effects on the small scale well settled Stinchar Valley where Mark Hill Wind Farm is prominent in the Poundland area and where Hadyard Hill wind farm form a dominant feature significantly affecting the setting of Barr and impacting on views in this part of the valley
- Cumulative effects on the setting of, and on views from popularly accessed hills including Knockdolian, Beneraird and Byne Hill.

SNH advises that the proposed wind farm could impact on European protected Species (EPS), rare bats (Nyctalus species). The development could kill bats due to damage by blade strike or barotraumas. SNH is of the opinion that the potential risks to these rare bats may be successfully mitigated by regulating the operational regime of the turbines to ensure that they are not turning during the periods when the bats are likely to be active. The bats are likely to be active at the site over the period from May to September inclusive, between sunset and sunrise and only when the wind speed is lower than 6m/s. Provided development is carried out strictly in accordance with the mitigation described above the applicant is unlikely to require a species licence under protected species legislation.

2.13.1 *Comment: Whilst some of the matters raised by SNH could be addressed by planning conditions, there are outstanding issues of concern which I share, notably with respect to landscape and visual impacts of the development, and the adequacy of the Environmental Assessment. Further comments on this matter are detailed in the Assessment section of this report.*

2.14 **JMP on behalf of Transport Scotland** does not object to the proposal subject to conditions regarding the routing of abnormal loads.

2.14.1 *Comment: The matters raised by Transport Scotland could be addressed by legal agreement, planning conditions and advisory notes.*

2.15 **The Scottish Environmental Protection Agency (SEPA)** has provided reference to its “Standing Advice for Windfarms Below 10MW” concerning procedural and site management matters. Specific to the development proposal, SEPA recommends that the Groundwater linkages between the Special Area of Conservation and the windfarm site be maintained, that it considers the overall risk to Ground Water Dependent Terrestrial Ecosystems to be low, but cautions that it is for SNH to comment as to whether a 100 metre buffer between the site and the SSSI / SAC is appropriate to protect the integrity of those Natura 2000 sites.

2.15.1 *Comment: The matters raised by SEPA could be addressed by planning conditions. Further observations on this matter are detailed in the Assessment section of this report.*

2.16 **Joint Radio Company** (regarding radio telecommunications systems) has no objection to the proposal.

2.16.1 *Comment: Noted*

2.17 **South Ayrshire Council’s Building Standards Team Leader** has confirmed that he has no adverse comment to make.

2.17.1 *Comment: Noted.*

2.18 **Scottish Water** has no objection to the proposal, subject to condition regarding drainage.

2.18.1 *Comment: Noted. The matter raised could be addressed by planning conditions*

3. **Submitted Assessment / Reports:**

- 3.1 In assessing and reporting on a planning application the Council is required to provide a summary of the main issues raised by any statement, report or assessment submitted as set out in Regulation 16, Schedule 2, paragraph 4(c) (i) to (iv) of the Development Management Regulations. This relates to Environmental Statements, any Appropriate Assessment under the Conservation (Natural habitats &c.) Regulations 1994, a Design Statement or Design and Access Statement or any report on the impact or potential impact of the development proposal. The matters contained in the documents listed below are considered in the 'assessment' section of this report.
- 3.2 The applicant has submitted an Environmental Statement in support of the planning application. The Environmental Statement contains the applicant's assessment of the proposal in terms of its likely impacts on land use, recreation and tourism, landscape and visual effects, ecology, cultural heritage, hydrology, noise, telecommunications, socio-economic issues and also provides a planning policy context. Visual information in the form of wire-line drawings, photomontages and likely "Zone of Theoretical Visibility" are also provided which seek to demonstrate the way the development would look after completion, together with the range and distances from which the development would be seen, relative to its local context.
- 3.3 Comment on the ES and the additional information provided by the applicant is included in the Consultations Section, and Assessment section of this Report.

4. **S75 Obligations:**

- 4.1 In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development. There are no such obligations in respect of this application.

5. **Scottish Ministers Direction:**

- 5.1 In assessing and reporting on a planning application the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Environmental Impact Assessment), Regulation 31 (Information or restrictions on the grant of planning permission) and Regulation 32 (Directions requiring consideration of a condition) of the Development Management Regulations. There are no such directions in respect of this application.

6. **Representations:**

- 6.1 564 representations have been received. 363 of which object to the proposed development, 201 are in support. All representations can be viewed online at www.south-ayrshire.gov.uk/planning
- 6.2 As with many applications of this scale and nature, there are a number of multiple representations made by the same individual, group or household. This may be a result of matters which have come to light after an initial response was submitted. A joint, extremely comprehensive representation (objecting to the proposal) has been made by Colmonell and Lendalfoot Community Council, and Pinwherry and Pinmore Community Council. As with section 2 of this Report, briefly summarised representations are listed below, followed by the comments of the Planning Service in ***bold italicised text***. As stated above, all representations can be viewed in full online.
- 6.3 Development Plan and other policy documents
- i. The proposed development is contrary to the policies of the Development Plan and not in an "Area of Search".
 - ii. NPF2 stresses the importance of landscape and visual impacts in decision making.
 - iii. The environmental Statement has not considered the Council's Landscape Capacity Assessment, which states turbines should avoid intrusion on smaller well settled valleys, minimise cumulative impacts, and not be sited close to landmark hills.
 - iv. A precedent will be set for more turbines outwith the area of search.
 - v. There should not be separate or extra preference given arising from national targets for renewable energy applied after a conclusion of the assessment in terms of the Development Plan.
 - vi. The windfarm is contrary to the Proposed Local Development Plan.

6.3.1 **Comment: *The application site is a scenic area and is not within an area of search for windfarms. The Development Plan sets out detailed criteria for windfarms outwith the areas of search against which this application has been assessed. Each application is considered on its own merits within this policy context. Consideration of other guidance documents and Planning policy issues are fully addressed in the 'Assessment' section of this report. Comment regarding targets for renewable energy is noted.***

6.4 Landscape/Visual

- i. The existing turbines in the area should not lead to more turbines.
- ii. The view from Sixpence will be dominated by the turbines.
- iii. Breakerhill wind farm would add to proliferation of turbines viewed from Byne Hill.
- iv. The site is within the Scenic Area/ Sensitive Landscape Character Area.
- v. The reduced height from 99m (previous application) to 86.5 metres makes little difference to the likely impact.
- vi. There are too many windfarms in the area already. When is cumulative impact actually taken into account? We have reached the level of acceptable cumulative impact and should now be protected from more turbines.
- vii. The Environmental Statement does not consider if the landscape has reached its capacity to absorb any further wind farm development.
- viii. The turbines are equivalent in height to a 28/29 storey office block on a prominent site.
- ix. The Ayr to Stranraer rail line has turbines in view from north of Maybole to Stranraer.
- x. The site has a sense of remoteness and tranquillity which would be destroyed.
- xi. Even Infrared lighting is not appropriate in the Dark Sky Park.
- xii. Photomontages are misleading as the blades are not moving.
- xiii. The Environmental Statement relies on the screening effects of trees and woodlands, but these are not in the control or ownership of the applicant.

6.4.1 **Comment: *For reasons set out elsewhere in this report, it is considered that the proposed development would have an unacceptable adverse effect on the landscape, particularly so with regard to cumulative impacts. The use of infrared lighting does not affect the qualifying interest of the Dark Sky park. Comments regarding the Environmental Statement are noted. Further comments are included in the Assessment section of this Report.***

6.5 Economic development

- i. The statement that jobs would be created is misleading.
 - ii. The turbines are not farm diversification.
 - iii. It will deter tourists and tourism development.
 - iv. People will not invest in tourism development if the landscape is dominated by turbines.
 - v. Loss of tourism will lead to loss of employment.
 - vi. It will spoil the Stinchar valley walks.
 - vii. The Environmental Statement uses generic material rather than assessing the impacts of the actual tourism resource of the area.
 - viii. The "YouGov" survey of June 2013 suggests tourists are less likely to visit areas with turbines, and less likely to return.
 - ix. The community benefit trust fund will not compensate for the loss of environmental quality.
- 6.5.1 **Comment: *the Planning Service recognises the importance of tourism within South Ayrshire's Economy. The work of local communities in promoting and developing tourism within the locality is also recognised by the Planning Service. It is possible that impacts of the development on the local tourism and recreational resource and on the potential the locality may have, has been underestimated in the supporting documentation. Reference to the "YouGov" survey is noted. Further comments are included in the Assessment section of this Report. The establishment of a trust fund is not a material planning consideration in the assessment of this application.***

6.6 Residential Amenity

- i. There is evidence that noise/vibration from turbines is harmful to humans, livestock and other forms of life. There are health and safety issues arising from turbine fires and blade failures.
- ii. There will be noise and shadow flicker nuisance.
- iii. Poundland would be surrounded by turbines.
- iv. It's too close to houses. There are 41 properties within the 2km buffer.
- v. ETSU-R-97 is not appropriate for the assessment of noise impacts.
- vi. Residential Amenity (visual impact) assessments are inaccurate (e.g. Res VP21 Jubilee Lodge).

6.6.1 ***Comment: The applicant's EA acknowledges that the turbines would be a locally dominant feature in the landscape. The possible visual and landscape impacts on residential amenity are considered in the Assessment section of this report. The Planning Service has significant concerns regarding the acceptability of the likely visual dominance of the turbines experienced within local communities and scattered residential properties in the vicinity of the site.***

The possible implications for residential amenity arising from noise levels and shadow flicker are contained in the Assessment Section of this report, but are not considered to be unacceptable (subject to conditions). The use of ETSU-R-97 remains within Government guidance for the assessment of noise impacts.

6.7 Procedural

- i. The Government's National Renewable Energy Plan violates the Aarhus Convention as information has not been made public. There should be a moratorium on determining applications.
- ii. Without a licence to connect to the Grid, the planning application is unlawful so the application should not be determined.
- iii. Inadequate public consultation took place. Procedures should be changed for windfarms.

6.7.1 ***Comment: Comment regarding the validity of national policies and lawfulness of the planning application are noted, but South Ayrshire Council does not agree that the application cannot be determined based on the information before it.***

The correct procedures with respect to neighbour notification, advertising and public consultation for the proposal were followed. Comments requesting changes to the notification and consultation process are noted but are not material in the assessment of this planning application.

6.8 Natural Heritage

- i. Red squirrels in the area have been underestimated in the ES. They are abundant. Photographic evidence proves this.
- ii. The number of birds have been under-recorded.
- iii. Hen harrier, peregrine and goshawk have been recorded within the site and migrating waterfowl overfly the site. Ornithology risks in the ES have been underestimated, and mitigation measures inadequate, especially with regard to cumulative impacts.
- iv. Bats will be killed.
- v. The site is between Natura 2000 sites and will damage the adjacent Special Area of Conservation and SSSI.
- vi. Craig Hill has an especially good range of habitats of high biodiversity, similar to those of the adjacent Knockdaw Hill SSSI.
- vii. Runoff could damage river environment and sport fishing.
- viii. Development of the windfarm is contrary to the UNESCO Biosphere's sustainable development principles. The development would be in the biosphere buffer zone.
- ix. The site contains deep peat so carbon offset is lower.

- x. No details of forest replanting are given but this is a requirement of Scottish Government Policy.
- xi. The phrase “mitigation” is often quoted but unclear and does not properly address the loss of habitats or wildlife. Para 7.7.109 states impacts on red squirrels considered adverse and significant before mitigation. Para 7.8.65 states impact will remain the same after mitigation.

6.8.1 ***Comment: The proposed site is within the transition area of the biosphere rather than its core or buffer. Matters concerning the possible impacts of the development on protected species and on Natura 2000 sites are contained within the Assessment section of this report. Notwithstanding, Scottish Natural Heritage is content that the proposed development would not have an unacceptable impact on priority species, the SAC or SSSI (subject to conditions and mitigation).***

Comment on the proposals to fell the forest (rather than a phased, longer term felling) to accommodate the turbines is noted. The applicant is proposing to replant forestry areas outwith the area of influence of turbines/wind resources as an integral element of the proposal and long term management of the site, details of which could be addressed by planning conditions.

6.9 Built Heritage

- i. There will be adverse impacts on Bargain Hill Fort, the Glaik Stane and Knockdaw Hill Cairn. Turbines will be oppressive.

6.9.1 ***Comment: It's is noted that the turbines may be visible from various heritage resources, but it is not considered that the impact on those individual resources is unacceptable. Notwithstanding this, it is noted that the cumulative impact of heritage resources being affected by wind energy development may be a matter of concern. Further comments are included in the Assessment section of this Report.***

6.10 Infrastructure

- ii. Construction traffic will be dangerous for walkers and cyclists.
- iii. Roads infrastructure will be damaged by construction traffic.
- iv. There will be more wirelines in the area where grid connection is made.
- v. Restoration of the sites will not remove all concrete and tracks.

6.10.1 ***Comment: The Council's Roads and Transportation Service and Transport Scotland (Trunk Roads) do not object to the proposal subject to the imposition of conditions. It is acknowledged that wirelines are likely consequential of a windfarm development but consideration of this matter would be undertaken via a different application / assessment procedure. Full restoration plans have not been proposed at this point in time, however, it is acknowledged that it is likely that elements of Infrastructure would remain on site following decommissioning of the windfarm. Further comments are included in the Assessment section of this Report.***

6.11 General wind energy comments

- i. Wind turbines are not efficient.
- ii. Wind turbines are not a solution for energy needs.
- iii. Wind energy is expensive and increases fuel costs.
- iv. Everyone will pay for higher electricity prices but local residents' lives will be blighted.
- v. CO2 emission savings are questionable.

6.11.1 ***Comment: The above comments are noted but are not material planning considerations in the assessment of this planning application. Comments regarding CO2 saving are noted.***

6.12 Miscellaneous

- i. It will lower property prices.
- ii. An approved wind farm will lead to proposals to extend it in time.
- iii. There are no verifiable scheme specific environmental benefits for the proposal.
- iv. This proposal is being justified on basis that it's smaller than the previous application but it should just be assessed on its merits.
- v. The area has already done enough for renewable energy contribution.
- vi. The land is susceptible to land slip so unsuitable for turbine.

6.12.1 ***Comment: the above comments are noted but are not material planning considerations in the assessment of this planning application.***

6.13 Support

- i. Wind energy is needed to help tackle climate change, reducing greenhouse gas immissions.
- ii. Old power stations need replacing.
- iii. Breaker hill would provide electric to power 3897 homes.
- iv. It will add to the Scottish and local economy.
- v. 47 years worth of employment (equivalent full time) employment will be created.
- vi. The location is appropriate.
- vii. Wind energy will lead to cheaper fuel in the future.

6.13.1 ***Comment: support for proposal is noted. Further Comment is included in the Assessment section of this Report.***

7. Assessment:

7.1 The material considerations in the assessment of this planning application are the development plan, other local, regional and national statutory and non statutory policy considerations (including government guidance), consultations received, representations received and the impact of the proposed development on the locality.

7.2 It should be noted that the ES refers to a proposed Community Benefits Fund and applicant's pledges of financial contributions towards community projects. While the potential benefits of such arrangements are acknowledged, they are not material to the consideration or determination of this planning application.

7.3 Development Plan

7.3.1 Section 25 of the Town and Country Planning (Scotland) Act, 1997 requires that the determination of planning applications shall be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises of the approved Ayrshire Joint Structure Plan: Growing a Sustainable Ayrshire (AJSP) and the adopted South Ayrshire Local Plan (SALP). The following section of this report will concentrate on the relevant policies of the Development Plan, highlighting the main issues for consideration and grouping them into broad themes that will be examined in more detail in the 'Impact on locality' section below.

7.3.2 The application site lies within the Rural Diversification Area as defined in the South Ayrshire Local Plan (SALP) where development is required to be justified through the operation of policy STRAT4. I am satisfied that the proposal is in general conformity with that policy by reason of it requiring a rural location due to its inappropriateness within a settlement and by reason of noise generation and possible incidence of shadow flicker.

7.3.3 The Ayrshire Joint Structure Plan identifies three general localities where early landscape capacity assessments indicated that carefully designed and sited windfarm development could be accommodated. The proposed development at Breaker Hill does not lie within one of these areas ("Areas of Search"). Notwithstanding this fact, both the Ayrshire Joint Structure Plan (AJSP) and the South Ayrshire Local Plan (SALP) are generally supportive of renewable energy development though the operation of policy ECON6 and ECON7 of the AJSP and policy SERV3 of SALP respectively. However, this general support is not unequivocal and proposals are required to be proven to be acceptable in terms of a range of considerations including impacts on natural and built heritage resources, the landscape, and on communities.

- 7.3.4 It should be noted that the headings contained within AJSP policy ECON7 and ECON6 run through the undernoted themes, indeed the headings relate easily to those included as criteria for consideration in policy ECON7 of the Structure Plan.
- 7.3.5 **Landscape** The proposal is located within the Scenic Area as defined in SALP, and the Sensitive Landscape Character Area of the AJSP. The Structure Plan, through policy ENV2 requires that in such locations, the protection and enhancement of the landscape shall be given full consideration in the determination of planning applications. It provides more general guidance through the operation of policy ENV1, which seeks to maintain and enhance distinctive local landscape characteristics, particularly with regard to matters such as the setting of buildings, the special qualities of the coast, historic landscapes and skylines, hill features and prominent views. Policy STRAT1 of the AJSP reflects this concern for new development within one of its guiding principles for sustainable development.
- 7.3.6 As stated above, the site lies within the Scenic Area as defined in the SALP. Policy ENV8 states that the acceptability of proposals within such areas will be considered in terms of the significance of impacts on the environment (particularly with respect to landscape and visual impacts), balanced against the extent of economic benefit or a specific justified requirement for a rural location. Further guidance is included within policy STRAT5 of SALP, which seeks to ensure that development is appropriate in terms of layout, siting, setting, scale, massing and design in relation to its surroundings and that it is not visually intrusive.
- 7.3.7 Full consideration of the landscape and visual impacts of the proposed development is included in the 'Impact on locality' section of this Report. Notwithstanding this, it is considered that the proposal does not conform to the Developments Plan's aim of protecting landscape quality.
- 7.3.8 **Cumulative impact** Policy ECON7 of the AJSP requires a full assessment of the proposal on its own merits, but is also concerned to ensure that consideration is given as to whether the proposed development would contribute to adverse impacts associated with other developments, particularly other wind farms / wind turbines. The reason for this requirement is in recognition that the relative scale of commercial wind turbines may result in impacts that reach further than the local area and in such circumstances, the possible impact of the proposal should therefore be considered along with the impacts of other turbines elsewhere (erected, consented but not erected, or even only at application stage).
- 7.3.9 The submitted ES includes a detailed assessment of all wind farm schemes built, under construction and under consideration within 30km of the application site. More detailed assessment was undertaken of those within 30km which included Hadyard Hill, Arecleoch and Mark Hill wind farms (all constructed and operational) and a further assessment termed "Scenario 2" which includes Assel Valley and Tralorg (neither of which had been determined at the time of the assessment) and Straid windfarm, which remains undetermined at the time of writing this report. The Environmental Statement acknowledges that there would be significant consequences in landscape and visual terms arising from the development of Assel Valley, and Tralorg (and Straid) in conjunction with the proposals at Breaker Hill. The granting of consent for those two wind farms has a significant bearing on the assessment of the new Breakerhill planning application. The planning application for Straid windfarm (ref 12/00090/APPM) remains undetermined. More detailed consideration of this matter is included in the "Impact on Locality" section of this report.
- 7.3.10 **Natural Heritage** Policy STRAT1 of the AJSP states that the conservation and enhancement of the natural environment should be regarded as an integral element of sustainable development and highlights the aim of ensuring that proposals should not lead to unacceptable damage to priority species and habitats.
- 7.3.11 In terms of natural heritage, it is noted that the site lies between two parts of the Lendalfoot Hills Complex SSSI, the Aldons Hill SSSI and Knockdaw Hill SSSI. Structure Plan policy ENV7 states that the Council will recognise international and national natural heritage designations and the statutory protection afforded to them through the Habitats Directive. Policy ENV1 of the SALP states that there will be a strong presumption in favour of protecting all existing and proposed Special Areas of Conservation unless there are imperative reasons of over-riding public interest and there is no alternative solution and in so far as SSSI are affected, unless any adverse effects are outweighed by social or economic benefits of national importance.
- 7.3.12 The Local Biodiversity Action Plan is also relevant in this regard, a fact demonstrated through the operation of policy ENV7 of AJSP. Policy ENV2 of SALP seeks to safeguard the integrity of sites of local natural heritage value, and sites containing species protected by The Habitats Directive, Wildlife and Countryside Act or the Badgers Act. Policy STRAT5 of SALP is also relevant in this regard.

- 7.3.13 Scottish Natural Heritage has advised that the proposal would not have an unacceptable impact on the qualifying interests of adjacent SAC and SSSI, but has raised concerns over potential impact on bat species. Discussions have taken place with the applicant in order to ascertain if mitigation would be possible. An agreement has been reached whereby turbines would not operate at times / seasons and wind speeds when bats may be present. SNH is satisfied that such mitigation will safeguard the interests of those European Protected Species.
- 7.3.14 **Built Heritage** It is noted that a number of listed buildings, Scheduled Ancient Monuments, and a designed garden / landscape associated are in proximity to the proposed development site. As with the consideration of natural heritage, policy STRAT1 of the Structure Plan provides a foundation indicating that the safeguarding of built heritage and cultural heritage resources is an integral element in the promotion of sustainable development. Further specific policy context is provided in the Structure Plan through policy ENV6 which states that development proposals considered to have adverse effects on listed buildings, or on historic gardens and designed landscapes shall not conform to the Structure Plan. Policies STRAT5 and BE2 of the SALP encompass similar principles. Policy ENV10 of SALP specifically relates to the protection of historic gardens and designed landscapes, and policy BE6 of that Plan seeks to protect Scheduled Ancient Monuments and archaeological sites. Historic Scotland and WoSAS have concluded that the proposal raises issues of concern but that those concerns individually are not of such a magnitude to warrant a refusal of the application.
- 7.3.15 **Infrastructure** The proposed development would require the transportation of construction materials via an entrance to the site to the east of Almont on the B734, between Poundland and Pinwherry. Policy TRANS1 of AJSP seeks to ensure that all appropriate measures are promoted to minimise any negative impacts of road traffic. Policy IMP1 of the SALP seeks to ensure that planning applications for development make provision where appropriate, for any consequential infrastructure requirements arising directly from the development. In this respect, whilst there are no objections from either the Trunks Roads Authority, or the Ayrshire Roads Alliance, there may be requirements to improve sections of the public road to accommodate large loads and to remove, on a temporary basis, some street furniture within the village of Colmonell. Through agreement, the developer would be responsible for the costs associated with such work.
- 7.3.16 Policy STRAT1 of AJSP generally seeks to ensure that new investment should maximise the use of existing service infrastructure. Policy STRAT5 of SALP also expects that development should contribute to an efficient use of existing infrastructure. It is noted that whilst the proposed development would include the use of underground cabling within the site boundary, details of the transmission of electricity from the site is less clear. The EA indicates that the transmission lines would be underground within the site and that the nearby substation at Pinwherry may be the connection point into the National Grid.
- 7.3.17 Access tracks required for the construction of the wind farm would utilise existing forestry tracks where possible, but these would require to be upgraded, and more tracks constructed so as to accommodate construction and maintenance traffic. It is noted that the main access route would cut across the side of Glessal Hill. The applicant has provided details of cut and fill required to construct the access track.
- 7.3.18 In some circumstances, and locations, wind turbines may have adverse impacts on communications networks by reason of signal interference. Policy ECON7 of the AJSP requires consideration of this matter in the assessment of turbine proposals and STRAT1 requires developers to mitigate such effects and ensure that any costs are not borne locally. There have not been any adverse comments made by consultees with respect to local communications operators.
- 7.3.19 Based on the information provided, consultation responses indicate that the proposed development would not raise any specific matters of concern regarding infrastructure, subject to suitable conditions.
- 7.3.20 **Communities** The consideration of possible impacts on communities arising from the development of windfarms is required through the operation of policy ECON7 of the AJSP. Policy STRAT5 of SALP also seeks to ensure that the amenity of nearby dwellings, schools, institutions workplaces or communities is safeguarded. Possible adverse impacts arising from wind farm / turbines include the incidence of noise nuisance, and shadow flicker. Policy ENV11 of the AJSP states that the Council would not be supportive of proposals which would expose large numbers of people to unacceptable levels of air, noise or light pollution.

- 7.3.21 Specific observations on the above matters are contained in the “Impact on Locality” section of this report. While I am satisfied that there are no unacceptable direct impacts on towns or villages arising more generally from the proposed development, I do have concern regarding the proximity of the turbines and consequential impacts on the landscape and visual amenity within and between the communities of Pinwherry, Poundland, Colmonell and Pinmore, and the scattered dwellings in their vicinity. The Environmental Statement acknowledges that there may be significant visual impacts arising at some dwellings.
- 7.3.22 **Tourism / Recreational Interests** Policy ECON7 of AJSP requires that the positive and adverse affects of windfarms on tourism and recreational resources be considered. Both policy ECON12 and policy ECON 13 of AJSP seek to promote and safeguard the Ayrshire tourism resource. Policies TOUR1 and TOUR3 of the SALP also recognise the importance of tourism and recreation as an integral element of the local economy. The applicant has suggested that the area is not of significant importance as a tourism and recreational resource. Observations on this matter are contained in the “Impact on Locality” section of this report. On balance, it is considered that the applicant may have underestimated the value of the local tourism / leisure economy and that the proposed development may potentially undermine the efforts to support and promote that tourist resource, contrary to the provisions of the Development Plan.
- 7.3.23 **Economic development** The AJSP recognises that the development of windfarms may result in local economic benefit in the form of the regeneration of rural communities through for example, the sourcing of local materials, services and labour. The applicant has provided an estimate of expenditure likely to be generated by the construction of the wind farm and its ongoing maintenance, and applied those figures to research undertaken by BiGGAR economics. In doing so, the applicant is estimating that the development and construction phase may equate to 5 full time job equivalents from within South Ayrshire, and that ongoing maintenance may equate to one full time job equivalent from within South Ayrshire for the duration of the windfarm. Still within the context of economic development, Policy ECON14 of SALP states that small scale renewable energy proposals may help to sustain the rural economy. Comment with regard to the economic importance of the tourism and leisure resource of the locality (which is examined above), is also relevant in terms of the overall potential economic impact of the proposed windfarm.
- 7.3.24 The applicant has indicated that there may be community and economic benefit in the form of form of a local trust fund that would receive funding through profits generated by the windfarm. This matter however is not a material planning consideration in the assessment of the application.
- 7.3.25 **Aviation and Defence Interests.** There are no matters of concern for Glasgow Prestwick Airport, NATS/NERL or the MoD. It is however noted that the MoD would require the turbines and mast to be lit with infrared lighting in the interests of aviation safety.
- 7.3.26 **Conclusion of Development Plan assessment** The Ayrshire Joint Structure Plan is underpinned by policy STRAT1, which seeks to ensure that the guiding principles of sustainable development be applied to the consideration of planning applications. Whilst the proposals at Breaker Hill are ostensibly designed to harness a sustainable/renewable energy resource, there are a number of factors against which this benefit must be considered. The South Ayrshire Local Plan contains a similar approach in its Planning Vision for South Ayrshire. This is translated into core objectives, one of which is “to conserve and enhance valued resources of the natural and built environments and to maximise the environmental quality of towns and the countryside areas.
- 7.3.27 When considered on balance, there are a number of positive aspects associated with the development of renewable energy resources, but it is concluded that the proposal for Breaker Hill is contrary to the principles of the Development Plan in terms of (primarily) landscape and visual impacts, and impacts on communities.
- 7.3.28 The Council approved the South Ayrshire Proposed Local Development Plan (LDP) on the 25 April 2013 for submission to the Scottish Ministers. Accordingly, the Proposed LDP is a material planning consideration in the determination of all planning applications. However, the weight to be attached to the Plan, as a material consideration needs to be commensurate with the status of the Plan. The Plan is currently undergoing examination which is not yet concluded. While a number of the policies and proposals within the proposed LDP are materially different from the current development plan, those policies and proposals are the subject of outstanding representations to the LDP, which will form part of the examination of the Plan. The Council, therefore, in determining planning applications prior to the outcome of the examination of the LDP, cannot attach greater weight to those aspects of the LDP that differ from the current development plan. The remainder of the LDP policies are substantially the same as current development plan policies, therefore do not alter the determination of development proposals against the current development plan.

7.4 Other Policy considerations (including Government Guidance)

- 7.4.1 **National Planning Framework** National Planning Framework 2 (NPF2) provides an overarching framework of planning policy. In terms of renewable energy, NPF2 states that the Government is committed to establishing Scotland as a leading location for the development of renewable energy technologies. The aim of this is to develop Scotland's renewable energy potential whilst safeguarding the environment and communities. Within such a context, landscape and visual impacts are important elements in development proposal and decision making process.
- 7.4.2 **Scottish Planning Policy** Scottish Planning Policy is generally supportive of renewable energy development (targets for energy generated from such sources has now been raised to 100% of equivalent Scottish consumption). It suggests criteria for the consideration of windfarm proposals which are similar to those of the Ayrshire Joint Structure Plan and its addendum (see below), and highlights that the potential cumulative impact arising from other wind farms and turbines should also be considered.
- 7.4.3 The SPP encourages planning authorities to support a diverse range of renewable energy technologies and guide development to appropriate locations. Relevant factors in this regard depend on the scale of proposals and their relationship with the surrounding area, but factors are stated as being likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity, communities and any consequential cumulative impacts that may arise. In this regard, the SPP advocates that the design and location of any windfarm should reflect the scale and character of the landscape, with the location of turbines carefully considered to ensure that the landscape and visual impacts are minimised.
- 7.4.4 As a consolidated policy document, the SPP contains guidance on the range of matters identified above, but has an underlying objective of promoting sustainable economic growth which protects and enhances the quality of the natural and built environment as an asset for that growth. Specific guidance in the SPP relating to landscape and natural heritage resources recognises that the quality of the landscape underpins significant industries such as the food, drink and tourism industries and as such, the sustainable use and enjoyment of the natural environment is identified as one of the Government's intended national outcomes. Scottish Government further states that as different landscapes have different capacity to accommodate development, and that new development should be informed by local landscape character. This matter is specifically considered in relation to the Addendum to the Ayrshire Joint Structure Plan and the South Ayrshire Landscape Wind Capacity Study, below.
- 7.4.5 **Circular 10/1999 and PAN1/2011 "Planning and Noise"** Circular 10/1999 and Planning Advice Note PAN 1/2011 relate to noise generation and these further refer to ETSU-R-97 "The Assessment and Rating of Noise from Wind Farms". These documents indicate that noise generation levels should be kept within certain acceptable limits.
- 7.4.6 **Specific Advice Sheet "Onshore Wind Turbines"** Specific Advice Sheet "Onshore Wind Turbines" updates guidance originally contained in Scottish Government Planning Advice Note 45, suggesting that Development Plans should include spatial strategies which identify areas within which wind farm developments of less than 20MW installed capacity may be accommodated. Further advice on matters for consideration is similar to the criteria contained within AJSP policy ECON7.
- 7.4.7 **Addendum to AJSP (Location of Windfarms within Ayrshire)** The Addendum to the Ayrshire Joint structure Plan technical Report TR03/2006 "Guidance on the Location of Windfarms within Ayrshire" was approved by the three Ayrshire Councils in 2009 as consistent guidance that would be used in the assessment of wind farm applications. The purpose of the document is primarily to support the implementation of the wind farm policies ECON6 and ECON7 of the AJSP.
- 7.4.8 Also in accordance with the principles of the Specific Advice Sheet, further guidance within the Addendum relates to the work of Scottish Natural Heritage, which published the Ayrshire Landscape Character Assessment in 1998. That study considers the capacity of the landscape to accommodate windfarm development, and in so doing, classifies the land at Breaker Hill as falling within the "Foothills" landscape type. The guidance in the Addendum indicates that Breaker Hill is likely to be highly sensitive to wind farm development of the scale being proposed.

- 7.4.9 **South Ayrshire Landscape Wind Capacity Study:** Scottish Natural Heritage, in conjunction with South Ayrshire Council and East Ayrshire Council commissioned an update of the 1998 Ayrshire Landscape Assessment. That assessment has been completed on behalf of SNH and it now provides up to date guidance on matters of landscape capacity and guidance for the consideration of proposals for turbines and wind energy development proposals. This guidance document, "South Ayrshire Landscape Wind Capacity Study" (WCS) represents the most up to date, independent guidance available on the matter for South Ayrshire.
- 7.4.10 The WCS recognises that the existing wind farm development in the locality of Breakerhill has resulted in a new landscape character type being formed. The land within which the Hadyard Hill windfarm is located was formerly classed as being "foothills" but is now classified as being "Foothills with forest and wind farm" in recognition of the fundamental change arising from the development of Hadyard Hill wind farm. The WCS was completed prior to the determination of the appeals for Assel Valley and Tralorg wind farms. It may be reasonable to assume that the landscape between the Hadyard Hill wind farm and Girvan / the A714 from Girvan to Pinmore would also be classified as a "foothills with windfarm landscape" on completion of those developments.
- 7.4.11 The revised guidance contained in the WCS supports the established "Areas of Search" strategy contained in the Development Plan, recognises the continued relevance of the Scenic Area / Sensitive Landscape Character Area, acknowledges that the landscape has now, in part been "desensitised" to further large scale wind farm developments, but advises that care must be taken to ensure that the Area of Search strategy is not undermined by the development of wind energy development which is inappropriately sited. Further observations with regard to the new guidance document are contained in the "Impact on the Locality" section of this report.
- 7.5. **Conclusion of matters relating to relevant (non Development Plan) policy matters:** As with comments regarding the assessment of the proposal against the policies of the Development Plan, a full assessment on matters relating to the landscape and visual impacts of the proposal, impacts on natural and built heritage resources, communities, and tourist and recreational interests are in the 'Impact on Locality' section of this report. Notwithstanding this, it is evident that there are significant issues relating to the ability of the landscape at Breaker Hill to accommodate a proposal of this type and scale without resulting in unacceptable detriment to that landscape. In this regard it is concluded that the proposal is not in accordance with NPF2, Scottish Planning Policy, nor with the guiding principles of Scottish Government's Specific Advice Sheet, the Addendum to the Ayrshire Joint Structure Plan or the guidance within the WCS.
- 7.6 Consultations received
- 7.6.1 The issues raised in consultation responses are contained in Section 2 of this report. Many of the issues could be satisfactorily addressed through legal agreement, planning conditions, advisory notes and other legislation and these are noted accordingly. There are however outstanding issues of concern in terms of landscape and visual impacts (including cumulative impacts), together with concerns over matter of built heritage and tourism and recreational resources. These elements are also considered to bring the application proposal into conflict with the development plan and government policy.
- 7.7 Representations received
- 7.7.1 The representations received (which include letters of support and letters of objection) are contained in Section 6 of this report. As with comments from consultees, it is considered that although many issues could be satisfactorily addressed by mitigation measures and appropriate conditions, there are outstanding matters of concern.

7.8 Impact on the locality

7.8.1 **Landscape and visual impacts – (including cumulative impacts)**

Context: The application site is located on top of Breaker Hill, which is one of a range of hills at the head of the Stinchar Valley, Duisk Valley and Assel Valley, where the Duisk and Stinchar Rivers converge. The area is designated as a Scenic Area in the South Ayrshire Local Plan (SALP) and as a Sensitive Landscape Character Area in the Ayrshire Joint Structure Plan (AJSP). The Hill is readily identifiable by its present land use coverage of commercial forestry, contrasting with adjacent hilltops which are primarily upland / moorlands. Bargain Hill, located adjacent to/ the east of Breaker Hill is identified as a “Landmark Hill” in the landscape Wind Capacity Study.

7.9 Visual Impact

7.9.1 Paragraph 6.3.46 lists considerations in the assessment of a magnitude of visual impacts. Those considerations include the proportion of view occupied by the development, the angle of view from the main activity of the receptor and the distance of the viewpoint from the development. I am not of the opinion that these considerations have been applied consistently in the assessment. I am also of the opinion that the relative sensitivity of visual receptors has also been underestimated on a number of occasions.

7.9.2 I am of the opinion that a significant impact should have been recorded for following viewpoints:

- the National Byway cycling route (viewpoint 8) should be afforded a high sensitivity (because it's listed in the Addendum to the Ayrshire Joint Structure Plan as being a Regionally significant tourist resource);
- there should have been a recognition that the remote character of the view from Byne Hill raises its relative sensitivity (viewpoint 9);
- the remote character of the view from Knockdolian also raises its sensitivity (viewpoint 10);
- the sensitivity of views / magnitude of change from viewpoint 11 fails to recognise the importance of landmark hills; and,
- a medium magnitude of change should be applied to the view from Beneraird (viewpoint 13).

7.9.3 The result of my observations would mean that an additional 4 viewpoints (listed in table 6.8 of the ES) would be classified as having significant adverse visual impacts. I note that this significance applies particularly to viewpoints recognised as being of importance for the enjoyment of informal recreation and tourism.

7.10 Landscape impacts

7.10.1 In considering landscape impacts, It is worth noting that landscape character is a composite of physical and cultural elements. “*Aspects...combine to create a common ‘sense of place’ and identity which can be used to categorise the landscape into definable, homogenous units known as landscape character areas*”. I would agree with this description, and I am of the view that it is a particularly important quotation (paragraph 6.3.28 of the ES) to consider in the assessment of this planning application, given the recent DPEA decisions for Assel Valley and Tralorg wind farms and the likely consequential increase in the influence of wind energy development within the locality. Thus it is important to consider the existing “sense of place” and whether that sense of place would be altered / altered to an unacceptable degree by the proposals for Breaker Hill.

7.10.2 The landscape type is defined as being “Foothills” in the Ayrshire Landscape Character Assessment prepared on behalf of Scottish Natural Heritage, and is adjacent to the “Intimate Pastoral Valleys” of the Stinchar and Duisk rivers. Breaker Hill is an element of the ridgeline of hills which occupy the west and north of the immediate landscape setting. The Addendum to the Ayrshire Joint Structure Plan suggests that in the “Foothills”, the aim should be to retain the transitional character, which contrasts with neighbouring lowlands, valleys and higher uplands. The Addendum indicates that the landscape type is likely to be highly sensitive to the impacts of development such as the Breaker Hill wind farm. Similarly, the intent of landscape guidance contained in the Addendum for Intimate Pastoral Valley areas, is to conserve the small scale nature of the landscape and its contrast with surrounding uplands. As with the “Foothills”, the Intimate Pastoral Valley landscape types are also identified as being highly sensitive to wind farm development of the scale proposed for Breaker Hill.

7.10.3 The recently completed South Ayrshire landscape Wind Capacity Study (commissioned by SNH and South Ayrshire Council) has re-confirmed the above guidance, and has highlighted the importance of Bargain Hill (adjacent to Breaker Hill) as a “landmark hill”. My own observations on the landscape and visual impacts of the proposal are detailed below, but they echo those of SNH, which is the Agency of Scottish Government responsible for advice on landscape matters. The consultation response from SNH is unequivocal in its assertion that although the impacts of the proposal would not result in issues of National interest, the landscape cannot accommodate the development without significant adverse and visual effects on that landscape, that the proposal is not in keeping with strategic wind farm pattern (the area of search) and that the proposed development would adversely affect the qualities of the Scenic Area which the development plan seeks to protect.

7.11 Foothills LCA

7.11.1 Para 6.7.16 of the ES acknowledges that the host area will become a foothills with windfarm landscape character area. Para 6.7.17 however suggests that the retained plantation forestry, and the landform of Knockdaw and Aldons Hill, Craig Glessal and Bargain Hill will contain the landscape impacts. Para 6.7.22 of the ES refers to a medium sensitivity of the landscape to wind energy developments, and that as wind farms are not “uncommon within the host LCA” Breaker Hill, would only result in a minor alteration to landscape characteristics.

7.11.2 As with the assessment of visual impacts, I am of the opinion that the ES has underestimated the significance of landscape impacts. The Addendum to the Ayrshire Structure Plan allocates a high (not medium) sensitivity to this area of foothills and viewpoints 10 and 13 of the ES do not support an assertion that the proposed windfarm would be contained by local landscape features.

7.11.3 The above observation is more relevant when considered in terms of the ES assertion that impact should be assessed against the entire LCA. To elaborate, with the development of Hadyard having changed the character of that part of the foothills to that of “Foothills with Windfarm”, it is reasonable to conclude that the applicant should be assessing impacts relative to the remaining Foothills landscape character area to the south of Hadyard Hill. The LCA is consequently a much smaller area and the impact of Breaker Hill therefore proportionally much more pronounced. I am of the opinion that the proposal would therefore result in a major impact on that landscape character area. This influence is of course even more pronounced when considering the cumulative impacts of the consented Assel Valley and Tralorg windfarms (see comments on cumulative impacts, below)

7.12 Intimate Pastoral Valley LCA

7.12.1 Para 6.7.27, of the ES advises that the landscape assessment “focuses on visibility from the main valley floor”. However, as indicated above, the ES previously asserted that the consideration should be taken with regard to the LCA as a whole. I am of the opinion that this is an inconsistent approach which, by focussing on views from the valley floor, has also resulted in an underestimation of landscape impacts.

7.13 Plateau Moorlands

7.13.1 As with the Foothills and IPV LCA, I am again of the opinion that the impact of the proposed development has been underestimated, but minded to agree with the ES outcome of assessment that the impact of the Breaker Hill wind farm would not be significant.

7.14 Sensitive Landscape Character Area / Scenic Area

7.14.1 The ES suggests that the revised design (from the 2009 planning application) has sought to reduce the area within the SLCA where significant landscape effects would be evident. However, I am of the opinion that the introduction of Breaker Hill into the baseline position regarding consented windfarms and turbines would fragment this sensitive landscape designation to an unacceptable degree (by reason of an extensive area becoming a Foothills with windfarm landscape character type).

7.15 Cumulative Impacts

- 7.15.1 The Scottish Executive's statement "Securing a Renewable Future – Scotland's Renewable Energy (2003)" advocated caution such that cumulative impacts of wind energy development may present an eventual limit to the extent of onshore wind development, and pointed to a need for increased significance to be attached to the consideration of cumulative impact. I am of the opinion that this statement remains valid and pertinent for the consideration of the Breaker Hill wind farm proposal.
- 7.15.2 The Environmental Statement contains 2 scenarios for the consideration of the cumulative impact of windfarms). "Scenario1" contained within the ES (which included Mark Hill, Arecleoch and Hadyard Hill) has already been superseded by the Scottish Government DPEA Reporters' decisions to sustain the appeals and grant consent for the Assel Valley windfarm and Tralorg wind farm. "Scenario 2" within the ES includes those wind farms (together with Hadyard Hill, Arecleoch, Markhill, Kilgallioch and individual turbines at MacLachrieston and Dowhill), and also considers Straid windfarm in its assessment of impacts. It also includes reference to the refused Corwar windfarm (the appeal for which was dismissed by DPEA Reporter). In considering the cumulative landscape impacts, Paragraph 6.8.58 of the ES again refers to the landscape character area as being of Medium sensitivity. This statement is incorrect. Appendix 3 of the Addendum to the Ayrshire joint Structure Plan Addendum has attributed a high sensitivity rating to the landscape within which the Breakerhill wind farm is proposed to be developed.
- 7.15.3 In addition to the windfarms included in Scenario 2 of the Environmental Statement, it should be noted that a Proposal of Application notice has been submitted for a proposed windfarm at Millenderdale, less than 1km to the north of the Breaker Hill application site. Scenario 2 does not include reference to that proposal. This is reasonable given the status of that site within the planning process, but it is further clear evidence of a high level of developer interest in the foothills to the west of the A714/ B734.
- 7.15.4 The following paragraphs assume scenario 2 is now the established baseline position, with allowances for the uncertainties of the undetermined Straid windfarm proposal, and the exclusion of Corwar since the appeal against its refusal was dismissed by the DPEA.

7.16 Visual impact

- 7.16.1 6 viewpoints are considered in the ES, the outcome of that assessment being summarised in its table 6.10. I am of the opinion that the underestimation of impacts for the wind farm in isolation (as detailed earlier in this report), have been compounded in terms of the cumulative assessment. My observations are as follows:
- (i) Viewpoint 9: (Byne Hill). The ES states "moderate impact" as the magnitude of change is estimated as "Very Small" – but this does not seem to relate to an assessment of the proximity of Breaker Hill (contrary to paragraph 6.3.46 of the ES). The view is referred to as "quite busy" and "quite populated with turbines". I would suggest that those terms are reflective of an extensive and cluttered windfarm landscape, and that the proximity of Breaker Hill in this view makes its impact significant. The relative height (AOD) of turbine 7 is also readily apparent and incongruous in this view.
 - (ii) Viewpoint 10: The ES recognises that the situation for Scenario 2 is significant. Breaker hill is described as being "one of the larger windfarms in closer proximity to the viewer. In other assessments the ES refers to an assertion for other windfarms that the close proximity of turbines "would naturally draw the eye" (para 6.8.33) but no such reference is made in this particular context relative to Breaker Hill. The impact is clearly significant and should have been recognised as such in the ES.
 - (iii) Viewpoint 11: Breaker Hill would be situated between the cluster of windfarms (Hadyard, Assel, Tralorg, and Arecleoch – beginning to fill a gap where the eye is not "drawn" to the existing wind farm cluster as suggested by the ES, but to the landmark hill of Knockdolian. The proposed Breaker hill wind farm obscures this key visual focal point. Significant individual and significant cumulative visual impacts are therefore apparent
 - (iv) Viewpoint 13: An assessment of this viewpoint requires an assessment of the landscape context. Whilst I would agree that the introduction of a further windfarm into the view falls within a "small" increase in horizontal extent of wind farm influence, it is evident from figure 6.26a that Breakerhill (and Straid) spread the influence of wind energy development onto a distinctly separate part of the foothills, separated from Hadyard Hill windfarm, Assel valley wind farm and Tralorg wind farm by dip in the landform to the north (the A714 corridor route) and the Stinchar Valley. With this in mind, I am

of the opinion that the cumulative visual impact of Breaker Hill (ie the spread of influence) should be classed as being significant and should have been recognised as such in the ES.

- (v) In light of the above, I am of the opinion that in 4 of the 6 Viewpoints, the cumulative visual impact should be regarded as being significant, rather than from the single viewpoint as suggested in table 6.10. These assessments echo the comments of SNH.

7.17 Landscape

7.17.1 **Foothills**

In considering the Cumulative landscape impacts of Scenario 2, para 6.8.65 of the ES acknowledges that with Assel Valley and Tralorg, turbines form one of the key characteristics of the northern part of the Foothills LCA. Notwithstanding, para 6.8.66 of the ES suggests that Breaker Hill would not be the “trigger point for tipping large parts of the LCA into a different sub type”. I do not agree with this statement. The ES recognises that the magnitude of change (with Straid) would be of Major significance but does not offer comment on the impact of Breaker Hill without Straid. The planning application for Straid windfarm remains undetermined but I am of the opinion that Breaker Hill would expand the unacceptable influence of wind farm development into a new section of the foothills and the magnitude of this intrusion is unacceptable. SNH, in its consultation response is also of this opinion.

7.17.2 **Intimate Pastoral Valley**

The ES acknowledges that there would be significant impacts from some parts of the Intimate Pastoral Valley LCA, particularly the upper Stinchar valley. The Maclachrieston turbine forms an already apparent influence of wind energy development in the Intimate Pastoral Valley, as do the turbines of Arecleoch, Hadyard Hill and Mark Hill. The earlier assessment of visual impacts of the Breaker Hill windfarm in isolation for parts of the Duisk Valley have also already been assessed in the ES as being significant and adverse. Again SNH agrees that the impact would be significant and adverse – indeed reference is made to turbines “towering over the valleys”.

7.17.3 **Plateau Moorlands**

Para 6.8.83 of the ES advises that the Breaker Hill turbines would not constitute an unfamiliar element in views from the Plateau Moorlands “as existing wind turbines are already a familiar and readily recognisable feature in the landscape due to the operational Hadyard Hill, Mark Hill and Arecleoch windfarms”. In considering the impacts arising from Breaker Hill in combination with Assel Valley and Tralorg, the ES states (para 6.8.89) “due to the lack of orientation for key views, viewing distance and scale of views from this area; and that the development would typically be seen as a single coherent wind farm within a different LCA, the significance of cumulative landscape effects is moderate (not significant). I am not of this same opinion. It is readily evident that the addition of Breaker Hill brings the influence of wind energy development into a new part of the foothills, such that its influence begins to encircle the Plateau Moorlands and confuse boundaries with / and over the Intimate Pastoral Valley and Foothills. I am of the opinion that the magnitude of change is therefore of significance.

7.17.4 **Sequential Impacts and Cumulative Sequential Impacts**

In considering the journey from Newton Stewart, the ES is apparently dismissive of the influence of Mark Hill and Arecleoch windfarms, and the consented Kilgallioch windfarm in journeys on the A714 from Newton Stewart, but they are listed as being influential, (as are Hadyard Hill and the consented Assel Valley and Tralorg windfarms) in a southbound journey. This is apparently inconsistent. Notwithstanding, it is evident that the existing and consented windfarms leave a “gap” in the journey where the influence of wind energy development is not experienced. The gap would potentially be filled by Breaker Hill, located at a key viewpoint of the confluence of the Duisk and Stinchar Valley at the head of the Intimate Pastoral Valley landscape. The result of the Breaker Hill development would be the introduction of wind energy development at this pivotal location and into a new segment of South Carrick, all to the detriment of the otherwise small scale and enclosed character experienced on the route through the Duisk Valley and its Intimate Pastoral Valley Landscape.

- 7.17.5 When travelling on the B734 between Ballantrae and Girvan, in conjunction with Hadyard Hill, Assel Valley, and Tralorg windfarms, the Maclachrieston Turbine and views of both Arecleoch and Mark Hill windfams, the ES recognises that the visibility of winfarms along this route would “notably increase”. However, the ES affords only a Moderate effect arising from the introduction of the Breaker Hill development. I am not minded to agree (and consider that a significant effect should be recorded) as the effect of Breaker Hill is to extend the influence of wind energy development to the west of the A714 corridor and north of Poundland where such influence would not otherwise be present. SNH raises similar concerns in its consultation response.

- 7.17.6 For the Stinchar Valley walks, the ES makes reference to viewpoint 4 being the “worst case Scenario”. This is not possible to qualify as additional photomontage visualisations have not been provided, yet figure 6.30c suggests clear views (rather than glimpsed / partial views) of the windfarm may be experienced (for example, a wireframe from Dangart in appendix 6.3 suggests that the windfarm would be clearly visible from that location) The ES does however predict a Major sequential effect on the eastern section of the examined route.
- 7.17.7 The Stranraer to Girvan Railway line has not been included in a sequential assessment, but the ZTV diagrams (6.22a – 6.22s) suggest that cumulative, succession and sequential impacts on that rail journey would be significant. Furthermore, Breaker Hill windfarm would introduce the influence of wind energy development into a new part of South West Scotland, where otherwise westerly views are clear of large scale Turbines (from Ballochmorrie (north of Barrhill) to Girvan).
- 7.17.8 In commenting specifically on the range of possible cumulative impacts, the applicant’s Environmental Statement for the previous Breaker Hill planning application (09/0979/APP) stated “ *the effect of the Breaker Hill Wind Farm in conjunction with the operational Hadyard Hill, consented Marks Hill and Arecleoch Wind Farms would be to reinforce wind energy development as a common feature in the context of the immediate setting. Operational and consented wind energy development collectively helping to reinforce the already prominent aesthetic and perceptual characteristic of the landscape that the proposed development brings*”. The Environmental Statement in support of this planning application does not repeat this statement, yet the recent approval at appeal for the Assel valley and Tralorg Windfarms will considerably increase the presence of turbines to the north/east of the foothills landscape character type area. I am of the opinion that adding Breakerhill into the landscape would exceed the capacity of the Foothills Landscape Character Area such that the previously referred to “prominent aesthetic” would become an unacceptable “dominant aesthetic”.
- 7.17.9 The ES concludes that the proposal would not result in significant effects on the character of the study area as a whole, nor on the majority of the designated landscapes and landscape Character Areas. My own view on this matter is at variance with this assertion. The ES states that the applicant has redesigned the proposal from application 09/00979/APP to specifically address the concerns raised by SNH and SAC over landscape and visual impacts. However, since 2009, the baseline position with regard to wind energy development in the locality has changed markedly with the recent granting of consent for Assel Valley and Tralorg. The ES acknowledges that the cumulative “Scenario 2” situation is “a busy cumulative picture” (para 6.10.19), and para. 6.10.23 also acknowledges that if all of the windfarms were to go ahead that much of the Foothills landscape character area would become a foothills with windfarm landscape character area. Of those windfarms, only Straid (and Breaker Hill) remain undetermined. The ES suggests that Breaker Hill would not be the tipping point. I am of the opinion that the development of Breaker Hill as proposed would move the influence of Foothills with windfarm landscape into a new part of the Foothills, west of the A714, and that there would also be consequential unacceptable indirect impacts on both the Intimate Pastoral valley Landscape and Plateau Moorland Landscape Character Type.
- 7.17.10 In drawing together the above comments, I am of the opinion that the proposed development would have an unacceptable impact on the landscape. These impacts would be more severe in cumulative terms in connection with wind farms and turbines already consented or erected in the locality. These conclusions are incorporated into the recommended reasons for refusal of the application in the Recommendation section of this report.

7.17.11 **Ecology, Biodiversity and Nature Conservation**

The Environmental Statement contains information on the likely impacts of the development on the nature conservation interests of the site. SNH have considered the information within that Environmental Statement, and in light of local knowledge and details within the ES have generally concluded that there would not be an unacceptable impact on European Protected Species (a list which includes red squirrel). Notwithstanding this general conclusion however, SNH have expressed concern over the possible impact of the proposed development on bat species. The information provided in the EA identified the presence of bats but SNH is of the opinion that this data is inconclusive in terms of the importance of the site for, and number of those bat species present. Part of this concern has arisen because some bat species fly at higher altitude than other species and beyond the height of some of the survey methodology used.

- 7.17.12 In considering the potential impact of the development on bat species, SNH are of the view that impacts may be unacceptable. Further research and surveys would be required to ascertain the extent of impact. However, SNH has reached an agreement with the applicant whereby the operation of the turbines would be stopped during seasons and times where the bats may be present, and in wind conditions conducive for bat flight. The applicant has indicated that they would be willing to accept such a restriction although this would have implications for operational efficiency.
- 7.17.13 The RSPB has indicated that subject to suitable condition and mitigation (details of which could be included in a Habitats Management Plan) that there are no objections to the proposals in terms of ornithological impacts.
- 7.17.14 In drawing together the above comments, and taking advice from SNH, I am of the opinion that subject to conditions and mitigation, the proposed development would not have an unacceptable impact on the qualifying interests of Natura 2000 sites (SAC and SSSI), European Protected Species or on ornithological interests. Potential impacts on bat species can be mitigated by ensuring turbines do not operate at certain times / weather conditions.
- 7.17.15 In reaching the above conclusion I am mindful that South Ayrshire Council must give consideration to the rise of any likely significant effects upon any European (Natura 2000) sites as a result of the proposed Breaker Hill wind farm (i.e. a "Habitats Regulations Appraisal" under the terms of the Habitats Directive and the Habitats Regulations). The Council has consequently screened the proposed development for likely significant effects upon European sites and has determined, in consultation with SNH (as the appropriate nature conservation body), that the proposed development will have no likely significant effects upon any European site (either alone or in combination with other plans or projects), as such, an appropriate assessment of the implications for any European site in view of that sites conservation objectives is not required.
- 7.17.16 **Economic Development**
 In terms of general economic benefit which may accrue, the ES uses a multiplier based on anticipated international, Scottish and local spend for construction and long term maintenance, (i.e. the direct employment opportunities and the jobs that could be supported by the consequential (indirect) spending power of those in employment etc. (the ES also provides information on non domestic rates and a local community fund). The Moffat research presented in the ES however suggests that 3.5% of tourism jobs may be lost as a consequence of wind energy development in a locality (para 13.5.4). Visit Scotland research referred to in paragraph 13.5.7 also highlights research which indicates that 17% of respondents may be dissuaded to visit an area because of the presence of a windfarm.
- 7.17.17 The ES further states (para 13.3.13) that 13.2% of South Ayrshire's workforce is employed in tourism related industries compared to 8% of Scotland, that of the South Ayrshire workforce, 5.1% is in the employment subsector of accommodation (compared to 2.2% of Scotland) that 62% of visitors to South Ayrshire are day visitors and that 33% of those are domestic tourists. It is therefore readily apparent that tourism is an important part of the local economy, and that the domestic market is important for tourism in South Ayrshire. According to the Visit Scotland research quoted in the ES, the presence of wind farms is a disincentive for some domestic tourists. Given these quoted statistics and assertions, I have concerns that there has been an underestimation of the relative value afforded to the local economy within the ES and that there has been an underestimation of the impact of the development on the local tourist resource, which is primarily focussed on the quality of the immediate landscape and its setting. I note that a recent "YouGov" opinion poll referred to by the local Community Councils suggests that the percentage of visitors dissuaded from visiting / returning to an area by the presence of turbines is higher than that found in the Visit Scotland research.
- 7.17.18 In drawing together the above comments, I am of the opinion that the ES estimated creation of temporary construction jobs and the permanent (full time job equivalent) job thereafter would not outweigh the potential detrimental impact on local tourist resource which is primarily focussed on the quality of the landscape. These conclusions are incorporated into the recommended reasons for refusal of the application in the Recommendation section of this report.

7.17.19 Historic Environment

Historic Scotland and WoSAS have raised some concerns but are satisfied that the impacts of the proposal on individual built and cultural heritage resources would not be of such significance to warrant a refusal of the application. I am minded to agree with this assessment. Notwithstanding this conclusion, it is becoming apparent that similar impacts on a number of heritage resources in the locality (arising from the proposed development of Assel Valley and Tralorg windfarms, as well as arising from Mark Hill, Arecleoch and the consented Kilgallioch) may have a cumulative impact on the perception of the historic environment offered as part of the Carrick tourism and recreation resource is compromised.

7.17.20 Communities

Whilst villages and towns are formally defined as settlements in the Development Plan, according to their size and the range of services and facilities within them, the term “community” has a much wider general definition. The Addendum to the Ayrshire Joint Structure Plan provides guidance that turbines should generally be sited further than 2km from towns and villages because of the potentially dominant visual impact of turbines (although reduced distances may be acceptable, depending on an assessment of the specific circumstances and the scale of turbines proposed). Whilst this guidance refers specifically to towns and villages, I am of the opinion that smaller hamlets and clusters of houses should also be considered within the same context when assessing the landscape and visual impacts of wind farm developments (though clearly the number of residents affected will not be of the same magnitude). The communities at Pinmore, Pinwherry and Poundland are not defined as settlements in the Development Plan, but these communities are arguably likely to experience the most significant impacts that would arise from the proposed development, particularly so with respect to potential visual impacts, and noise related matters.

7.17.21 The ES indicates that properties at Poundland will experience views of the windfarm from a distance of less than 2km, that clear views of turbines will be visible from Pinwherry, approximately 2km distance, and that whilst properties within Pinmore may not be directly affected, there are a number of scattered dwellings and farm houses close by which may also experience direct views of turbines (details of properties are listed in the ES). As previously noted, the ES acknowledges that within close proximity to the development where visible, the turbines would be a dominant feature in the landscape. I am of the opinion that the visual and landscape impacts on the residential amenity of those communities and scattered dwellings (and when travelling between those communities) would be significant. I note that Hadyard Hill wind turbines are already clearly visible from within Pinmore, that the turbines of Mark Hill are visible from Poundland, and that the turbines of Arecleoch are visible from higher roads in the immediate locality. The turbines at Breaker Hill would introduce a significant intrusion of wind energy development to Pinwherry. The ZTV diagrams indicate that Assel valley and Tralorg may also exert a significant cumulative presence on local communities.

7.17.22 In drawing together the above comments, I am of the opinion that the proposed development would have an unacceptable impact on local communities. These impacts would be particularly acute when considered in terms of the cumulative impacts on the three small communities of Pinmore, Pinwherry and Poundland and the scattering of outlying dwellings. I am of the opinion that these cumulative impacts are unacceptable. These conclusions are incorporated into the recommended reasons for refusal of the planning application.

7.17.23 Noise

It is noted that a number of representations to the proposal relate specifically to concerns over possible noise impacts. It is further noted that there are suggestions that the methodology used in predicting noise generation, and in considering whether the assessment of the predicted noise levels are acceptable, is inadequate. The Council's Environmental Health Service has been consulted on the planning application and is satisfied that the application is acceptable in terms of noise impacts (using the recommended ETSU methodology) subject to various detailed planning conditions. I therefore consider that with regard to noise, the proposal does not conflict with the Development Plan.

7.17.24 Shadow Flicker

There are no residential properties within the recognised 10x rotor diameter distance. Government Guidance suggests that there would not therefore be an unacceptable incidence of shadow flicker.

7.17.25 Water Environment

While SEPA does not object to the proposed development, it qualifies its interest to the impacts of the development and defers to Scottish Natural Heritage with regard to potential impacts on drainage and hydrology within the adjacent Natura 2000 sites. SNH, in its consultation response has confirmed that the approach to the hydrology of the water dependent habitats, the control of surface drainage and the adoption of the proposed working methods will mitigate against any potential impacts of the SAC. Given these consultation responses, I am satisfied that there would not be an unacceptable impact on the water environment or Ground water dependent terrestrial ecosystems.

7.17.26 Aviation

There are no objections to the proposed development with regard to aviation safety or MoD/ defence issues (subject to the use of infrared aviation safety lighting).

7.17.27 Broadcasting Installations, Telecommunications, Radio and TV interference

There have been no adverse comments from consultees specifically asked for technical advice on this matter.

7.17.28 Residential Amenity

The issue of potential noise and shadow flicker is considered above. During construction, there would likely be some disruption but this would be of a temporary nature and not considered to be unacceptable on that basis. Of particular concern however is the scale and proximity of turbines to local communities and scattered dwellings in so far as they would be adversely affected by visual impact of the turbines. I have noted the ES contains an assessment against a number of properties, but am not minded to agree with the assessments as presented. This matter is considered in detail above (in the assessment of impacts on communities). I am therefore of the opinion that the proposed development would have an unacceptable impact on residential amenity.

7.17.29 Grid Capacity

The proposed development would be connected to the National Grid (suggested at the Pinwherry Sub station). An application for connection to the grid would be considered at a separate time under different legislative procedures should planning permission for the wind farm be approved.

8. Conclusion:

- 8.1 Given the above assessment of the proposals, and having balanced the applicant's right against the general interest, it is recommended that the application for planning permission for the erection of a wind farm and associated works, be refused for the reasons noted below.

9. Recommendation:

- 9.1 It is recommended that the application is refused for the following reasons:

(1) Wind Farms

That the proposed development is contrary to policies ECON6 and ECON7 of the Ayrshire Joint Structure Plan and the AJSP Addendum on Windfarms in that the site is located outwith the Areas of Search for windfarms in the development plan and the development proposal has adverse effects on tourism and leisure interests, residential amenity, sensitive landscape character areas (including cumulative impacts) and to an extent that cannot be satisfactorily overcome or mitigated. There are no over-riding reasons to depart from development plan policy.

(2) Landscape

That the proposed development would be contrary to policies STRAT1, ECON6, ECON7 F & G, ENV1, ENV2 & ENV4 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE1, ENV8, ENV10 & SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice in that it would have a direct and significant impact on the sensitive landscape and scenic qualities of the area and the potential adverse effects cannot be satisfactorily addressed. Specifically the application proposes a windfarm development breaking the skyline within a landscape character type which is not considered as a suitable search area for windfarms on landscape character grounds. The location of the site is at an important convergence of the Assel, Duisk and Stinchar Valleys and forms part of a range of hills which contribute to the setting of those valleys and which provide a clear ridge and separation between the coast, the plateau moorlands and forested foothills beyond.

(3) Cumulative impact

That the proposed development would be contrary to policies ECON6, ECON7 D & ENV4 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policy SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice in that the proposed development, in combination with other windfarms, would have a cumulative and significant adverse effect on landscape character and visual amenity. There are no over-riding reasons to depart from development plan policy or government policy and guidance.

(4) Tourism

That the application proposal is contrary policies ECON6, ECON7 E(3) and ECON12 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policy SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice in that, on the information available, it is considered to be likely to have an adverse impact on the tourism resource in the locality of the application site which includes its high scenic value. There are no over-riding reasons to depart from development plan policy or government policy and guidance.

(5) Communities and Residential Amenity

That the application proposal is contrary to policies ECON6, ECON7 E (4) & G of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms and policy STRAT5 and BE1 of the adopted South Ayrshire Local Plan by reason of the potential detrimental impact on residential amenity of communities and dwellings within the locality due to the scale, visual dominance and proximity of the wind turbines. The applicant has not demonstrated that the impact will be acceptable. There are no over-riding reasons to depart from development plan policy.

List of Determined Plans:

Drawing - LOCATION PLAN

Other – Environmental Statement Volume 1 Non technical Summary

Other – Environmental Statement Volume 2 Main text

Other – Environmental Statement Volume 3 Figures

Other – Environmental Statement Volume 4 Appendices

Background Papers:

1. Application form and plans
2. Environmental Statement (November 2013)
3. Consultation Responses
4. Representations
5. National Planning Framework 2
6. Scottish Planning Policy (SPP)
7. Scottish Historic Environment Policy (SHEP)
8. Managing Change in the Historic Environment - Setting (Historic Scotland)
9. Planning Advice Note 1/2011 'Planning and Noise'
10. Approved Ayrshire Joint Structure Plan

11. The Addendum to the Ayrshire Joint structure Plan technical Report TR03/2006 "Guidance on the Location of Windfarms within Ayrshire" approved by the three Ayrshire Council's in 2009
12. Adopted South Ayrshire Local Plan.
13. South Ayrshire Proposed Local Development Plan
14. Land Use Consultants 1998 'Ayrshire Landscape Assessment' Scottish Natural Heritage Review No111
15. South Ayrshire Landscape Wind Capacity Study July 2013
16. Report to Regulatory Panel of 27th October 2011 "Erection of Windfarm and associated works at Breaker Hill". Planning reference 09/00979/APP

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