

## REPORT OF HANDLING

Reference: 2020/0217/TP

Date Registered: 4th May 2020

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 251816/:649264

Applicant/Agent: Applicant:

Agent:

Kieran Shafiq

Summit House

7th Floor

Mitchell Street

144 West George Street

Edinburgh

Glasgow

EH6 7BD

G2 2HG

Proposal: Erection of three wind turbines (to a maximum blade tip of 149.9m) with erection of sub-station/control building and formation of access tracks.

Location: Land Adjacent 630M East Of Shieldhill Farm  
Ayr Road  
Loganswell  
East Renfrewshire

### CONSULTATIONS/COMMENTS:

Scottish Environment Protection Agency (SEPA) No objection.

Eaglesham And Waterfoot Community Council No response at time of writing.

Historic Environment Scotland State the proposal has potential to impact on Dunwan Hill Fort. Otherwise indicate no comments to make on the proposal.

Scottish Government Directorate For The Built Environment No response at time of writing

The Royal Society Of The Protection Of Birds No response at time of writing.

East Ayrshire Council No response at time of writing.

Glasgow Airport No objection subject to conditions.

East Renfrewshire Council Roads Service No objection subject to conditions.

AECOM Ltd (noise consultant) Provided an independent assessment of the applicant's Noise Assessment and reports that the noise impact and cumulative noise impact

of the proposal and existing and consented turbines would be acceptable.

Nature Scot

Recommends the Construction Environment Management Plan (CEMP) includes a Peat Management Plan should the application be approved.

West Of Scotland Archaeology Service

No response at time of writing.

Scottish Water

No objection.

Ministry Of Defence

Recommends the fitting of MOD accredited aviation safety lighting to the turbines.

NERL Safeguarding

Indicates that an agreement has been entered into with the applicant in respect of the design and implementation of an identified and defined radar mitigation scheme. Indicates no objection subject to conditions requiring the implementation of the agreed scheme prior to the erection of any turbine.

Glasgow Prestwick Airport

Objects to the proposal on the grounds of its impact on Glasgow Prestwick Airport's air traffic service.

Health And Safety Executive

State their role in respect of windfarms is to enforce HSE legislation and that this would come into effect once planning permission is granted.

Transport Scotland Trunk Roads Network Management

No objection

**PUBLICITY:**

12.06.2020	Evening Times	Expiry date 26.06.2020
22.05.2020	Evening Times	Expiry date 05.06.2020

**SITE NOTICES:** None.

**SITE HISTORY:**

2010/0241/TP	Erection of 19 x 126 Tip height metre high	Refused 24 April 2012	Appeal dismissed
--------------	--	-----------------------	------------------

	wind turbines and 3 anemometer masts; erection of sub-station and control building; access tracks; and borrow pits		
2014/0820/TP	Erection of 6 x 126.5m (tip height turbines) and anemometer mast; access tracks; sub-station; control building; and borrow pits	Refused 14 March 2018	Appeal dismissed

**REPRESENTATIONS:** Ten representations have been received in respect of the application: five indicating support for the proposal and five objecting. Representations can be summarised as follows:

#### Support

Proposal will help meet climate change targets  
 Fits well with existing projects  
 Allows farm diversification  
 Provides community benefit  
 Provides safe, green energy

#### Objections

Previous application have been refused on the site  
 Danger to wildlife  
 East Renfrewshire already has the highest concentration of wind turbines in Scotland  
 Visual impact  
 Shadow flicker  
 Impact on adjacent fishery from oil spills  
 Private water supply assessment is inadequate  
 Scottish Water response refers to a site in another Council area  
 Cumulative noise impact  
 Strobe effect from aviation safety lighting  
 Removal of peat  
 Decommissioning bond required  
 Unacceptable time taken to determine the application  
 Comments from NatureScot do not necessarily mean no objection  
 Appeal decision PPA-190-2078 re a site at Sorn, East Ayrshire and an inquiry re a site Clash Gour, Morayshire should be considered  
 The applicant should submit an accurate calculation for carbon payback times

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:** See Appendix 1

## **SUPPORTING REPORTS:**

Supporting Statement – The Supporting Statement provides a detailed description of the site and its surroundings. It describes the development, the rationale behind the development and the proposed community benefit. It provides an assessment of the proposal with specific reference to the following topics – the data, methodologies and detailed discussions on each topic are contained with the corresponding appendices to the Statement:

Principle of the development: overarching policies  
Landscape, visual and design  
Biodiversity and natural heritage  
Peat  
Cultural heritage  
Hydrology and flood risk  
Noise  
Transport  
Aviation  
Shadow flicker

The Statement also provides an assessment of national and local policy and guidance.

It concludes that, following a detailed assessment of the proposal and the likely effects it will have on environmental receptors, the development is in compliance with the relevant national and local policies for energy and renewable and low carbon energy development.

## **ASSESSMENT:**

This is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations as the generating capacity of the proposed turbines does not exceed 20 megawatts. The proposal has been screened under the terms of the Environmental Impact Regulations 2017 on 5 August 2019. The Screening Opinion (under reference PREAPP/2019/0139) concluded that the development did not constitute an EIA development and an Environmental Impact Assessment has not therefore been submitted with this application. The application can therefore be determined under delegated powers.

The application site comprises an irregular-shaped area of land on the north side of Moor Road, Eaglesham between Ballageich Hill and Drumboy Hill. It lies within the Countryside around Towns, as defined within the adopted East Renfrewshire Local Development Plan 2 (LDP2). It lies partly within an area identified for renewable energy projects within LDP2 and partly within the Shieldhill Bog Local Biodiversity Site. The site comprises mainly rough grassland and is described as "plateau moorland" in the updated Landscape Character Assessment 2016.

Planning permission is sought for the erection of three wind turbines with a maximum blade tip height of 149.9 metres, a typical hub height of 81.9 metres and a total maximum generating capacity of 15 MW; the erection of a sub-station/control building ; and for the formation of access tracks. The proposal includes the formation of a vehicular access from the B764 Moor Road with the access tracks leading through the site to each turbine. The precise turbine type has yet to be finalised by the applicant, although the applicant has indicated they will be grey in colour and have a semi matt appearance. They will be of a standard rotor design with three blades each measuring 69 metres in length revolving around the hub. The three turbine foundations measure 25 metres by 25 metres. Three crane hard standings are also proposed to be formed each measuring 45 metres by 25 metres, with one adjacent to each turbine location. The proposed sub-station measures 15 metres by 7 metres. The proposed control building is a single storey

structure measuring 14 metres by 9 metres by 5 metres high. It is proposed to be erected on a pre-cast base and located at a low elevation, east of the internal access track and centrally within the site.

It has been indicated that the operational life of the windfarm would be 25 years. The applicant has indicated that at the end of this period a decision would be made as to whether to refurbish, remove or replace the turbines. If refurbishment or replacement were to be chosen, relevant planning permissions would be sought. If the site is to be decommissioned the method and proposals for decommissioning works would be agreed in advance of the works beginning.

The site falls within the ownership of four separate farm units: Shieldhill Farm; East Moorhouse Farm; Bonnyton Moor Farm; and South Moorhouse Farm. The closest residential properties to the turbines are: Shieldhill farmhouse (which has a land ownership interest in the development) at approximately 420 metres to the west of the southern-most turbine; Highfield at approximately 1200 metres to the west of the north-western-most turbine; Bennan farmhouse at approximately 1700 metres to the north of the north-western-most turbine; and Greenfield at approximately 2000 metres to the east of the eastern-most turbine.

The agent has stated that permission is sought for a period of 30 years. With advancing technologies turbines have a slightly longer expected period of operation. Thereafter, the agent has indicated that the turbines would be decommissioned. It should be noted, however, that the operator of the turbines could also seek to refurbish or replace the turbines in the future.

The Scottish Government has emphasised the importance of communities benefitting from renewable energy generation, including through community benefit funds as outlined the Scottish Energy Strategy. The applicant has indicated that the development will contribute to a community benefit fund, in accordance with Scottish Government guidance on community benefit, throughout the 30 year life of the development. The applicant has also indicated that additional community benefit is being explored through shared ownership. It is noted, however that this is not a material consideration in the planning process.

The site forms part of a larger site that was the subject of planning application 2014/0820/TP which proposed the erection of 6 turbines, an anemometer mast and associated access tracks and buildings. This application was refused on 14 March 2018. A subsequent appeal to Scottish Ministers was dismissed on 25 October 2018.

## **Policy context**

### **Scottish Planning Policy (SPP)**

Scottish Planning Policy (2014) (SPP) introduces a presumption in favour of development that contributes to sustainable development and indicates that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place but not to allow development at any cost.

Scottish Government Policy on Delivering Heat and Energy is contained in Scottish Planning Policy (SPP). The SPP sets out guidance for the consideration of applications for a range of renewable energy proposals, including wind farms, and encourages the use of the development plans to support and encourage renewable technologies in appropriate locations. Further advice has been issued by the Scottish Government on the range of matters to be considered in determining applications for energy infrastructure developments. These matters include net economic impact; contribution to renewable energy generation targets; effect on greenhouse gas emissions; cumulative impacts; impacts on communities and individual dwellings; landscape and visual impacts; impacts on natural heritage; impacts on carbon rich soil; public access; impact on

historic environment; impacts on tourism and recreation; impacts on aviation; road traffic impacts; impacts on telecommunications; effects on hydrology, the water environment and flood risk; the need for decommissioning conditions and site restoration; opportunities for energy storage; and the need for a planning obligation relating to site restoration.

#### Scottish Government Onshore Wind Policy Statement December 2017

The Statement indicates that the Scottish Government's energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland's future in helping to substantively decarbonise electricity supplies, heat and transport systems, thereby boosting the economy, and meeting local and national demand. The Scottish Government expects onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland with Scotland continuing to need more onshore wind development and capacity, in locations across landscapes where it can be accommodated.

#### Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP 2017)

The site lies within an area identified with potential for windfarm development in the Onshore Wind Spatial Framework as set out in chapter 7 of the Glasgow and the Clyde Valley Strategic Development Plan 2017. Policy 10 of the GCVSDP 2017 states that: "In order to support onshore windfarms, Local Development Plans should finalise the details of the spatial framework for onshore wind for their areas in accordance with SPP, confirming which scale of development it relates to and the separation distances around settlements. Local Development Plans should also set out the considerations which will apply to proposals for wind energy development, including landscape capacity and impacts on communities and natural heritage. Proposals should accord with the spatial framework set out in Diagram 6 and finalised in Local Development Plans."

#### Adopted East Renfrewshire Local Development Plan 2 (LPD2)

The application requires to be assessed with regard to Policies D1, D3, D7, D22 E2 and E4 of the adopted LDP2.

Policy D1 relates to all development and states that development should not result in a significant loss of character or amenity to the surrounding area and that safe and functional vehicular access is provided.

Policy D3 relates to development in the countryside around towns (CAT). It states that development in the CAT will be strictly controlled and limited to that which is required and appropriate to the rural location. Proposals will require to demonstrate that they are appropriate in terms of scale, size, design, layout and materials to their rural location and compatible with adjoining and neighbouring land uses. It goes on to state that development in the CAT will be supported in principle where it is for agriculture; forestry; equestrian; countryside recreation and active travel; outdoor leisure and tourism; economic and farm diversification; and renewable energy.

Policy D7 states that the Council will protect and enhance the natural environmental features set out in Schedule 5, which includes Local Biodiversity Sites.

Policy D22 relates to airport safeguarding and states that proposals which interfere with visual and electronic navigational aids and/or increase bird hazard risks will be resisted unless accompanied by specific and agreed mitigation measures.

Policy E2 states that proposals for renewable energy generation, including wind farm developments will be supported in principle. It also states that proposals will be required to

demonstrate that they do not result in unacceptable significant adverse effects giving due regard to relevant environmental, community and cumulative impact considerations. Policy E2 is supported by the Spatial Framework for Wind Energy Development as set out in LDP2. The Spatial Framework identifies areas where wind farm development will be appropriate in the form of Group 2 areas and Group 3 areas within East Renfrewshire. Group 2 areas are areas of significant protection where wind farms may be appropriate in some circumstances and Group 3 areas are areas that have potential for wind farm development subject to detailed consideration against identified policy criteria. There are no Group 1 areas in East Renfrewshire (areas where wind farms will not be acceptable). The northern-most and eastern-most turbines lie within the Group 3 area and the southern-most turbine lies within the Group 2 area.

Policy E4 states that proposals will be required to minimise adverse impacts on soil, avoiding the unnecessary disturbance of peat and other carbon-rich soils; and minimise the amount of land that is affected.

## **Consideration**

### **Supporting Statement and Determining Issues**

Whilst this application does not require to be accompanied by an Environmental Impact Assessment, the applicant has submitted a comprehensive Supporting Statement that includes the matters that they consider are the most relevant to this development. The main subjects/topics considered in the Supporting Statement are as follows: principle of the development and overarching policies; landscape, visual and design; biodiversity and natural heritage; peat; cultural heritage; hydrology and flood risk; noise; transport; aviation; and shadow flicker. It is considered that the principal determining issues with regard to this proposal reflect those set out in the Supporting Statement and are considered below:

#### **Principle of development**

As noted above, the turbines lie within the area identified with potential for windfarm development in the Onshore Wind Spatial Framework as set out in chapter 7 of the Glasgow and the Clyde Valley Strategic Development Plan 2017. They also lie within the area identified for renewable energy generation within the adopted LDP2 and within areas 2 and 3 of the Spatial Framework for Wind Energy Development as set out in LDP2. Subject to compliance with additional criteria, including acceptable visual impact, it is accepted that windfarm development would be acceptable in principle at this location. The proposal therefore raises no significant conflict with the terms of the Glasgow and Clyde Valley Strategic Development Plan

#### **Landscape, Visual and Design**

The applicant has provided zones of theoretical visibility to illustrate the theoretical visibility between the existing windfarms in the area and the proposed development. It is accepted that given the plateau moorland topography, the theoretical zone of visibility illustrates extensive visibility of the development within a 5km radius of the site within the central, western and southern areas of the study area. Fragmented or partial visibility in the north and north-east of the study area reflects a change in topography with small hills and a gentle fall in gradient towards Eaglesham.

The proposed windfarm will introduce large scale man-made structures into an elevated part of the existing landscape. It is considered that the submitted photomontages and wireframes are accurate representations in order to predict the impact the development will have from a variety of viewpoints. Wind turbines can by their very nature be intrusive in the landscape as their locations are dictated by good wind exposure and there is very little mitigation possible because of the size and appearance of these structures. The proposed siting of the turbines will introduce

new vertical man-made structures into this part of the landscape and an important consideration is whether the landscape has the capacity to accommodate the turbines without adverse impacts. The introduction of the turbines into the existing local landscape will also result in new vertical structures at a reasonably visible site. The rotor blades will introduce movement into the landscape, increasing the development's visibility over distance and increasing perception of it. It is acknowledged that the proposed turbines would be seen generally in the context of the adjacent Whitelee Windfarm from certain viewpoints. When viewed from very long distances, such as from the north and east, the proposed turbines would be seen against or assimilated into views of the Whitelee Windfarm. In this context the visual effect is not considered to be significant. The visual impacts from very long distances are therefore considered to be relatively localised and contained for a development of this nature.

The following provides an assessment of the visual impact of the turbines from closer views from the adjacent local thoroughfares:

Southbound on the M77 towards and parallel with the site - the tips of the existing Whitelee blades are visible in the middle distance to the left. The tips of the blades of the proposed turbines would also be visible to the left of the direction of travel, however they would be largely screened by the existing topography and the motorway embankments. The visual impact of the proposed turbines from southbound on the M77 is not therefore considered to be significant.

Northbound on the M77 towards and parallel with the site - Driving north, through East Ayrshire, approaching the A719 overbridge, the existing Whitelee Windfarm is visible as a large, albeit contained, group of turbines ahead and off to the right. At this point, for a distance of 2.5 km, the proposed turbines would be prominent and consistently visible features directly ahead. They would be seen within the context of the existing Whitelee turbines, although closer and larger, and would have the effect of visually extending the existing grouping of the Whitelee turbines laterally across the landscape towards the west. This would result in what was a relatively contained grouping of existing turbines to the right, becoming more expansive and extending across in front of drivers heading north. This is considered to be a significant visual impact. It would have a significant detrimental impact on the landscape character of the area given the prominence of the proposed turbines and their cumulative impact when considered in association with the existing Whitelee turbines.

Southbound on A77 - From a point beyond the Red House, the tips of the existing Whitelee turbines are visible in the middle distance to the left. As the road veers south, the proposed turbines would be prominent features ahead and to the left. At a point, they will be viewed against the backdrop of the Whitelee turbines but larger (more fully exposed) and closer

Moor Road, in the direction of Eaglesham (north-east bound) - Again, the Whitelee windfarm is visible as an expansive yet distinct group of turbines off to the right. Given their size and proximity, the turbines at Whitelee are prominent and highly visible. The proposed turbines would lie off to the left, however, they would be screened by an existing conifer plantation on the left hand side until a point at Soame Bridge. At Soame Bridge (which marks the Council boundary with East Ayrshire) views of the turbines would open to the left, although at that point, drivers and users of the road would be parallel with and passing the site. There would be no significant long views of the turbines in this direction and their visual impact would be limited.

Moor Road, in the direction of Kingswell (south-west bound) - The existing turbines at Whitelee form an expansive yet distinct grouping of turbines off to the left. Again, given their size and proximity, they are prominent and highly visible. The existing windfarm at Harelaw is also visible to the right in the middle distance. From the high point of the road, the Clyde estuary and the Argyle Highlands are visible directly ahead with the peaks of Arran ahead to the right and Ailsa Craig ahead to the left. This aspect and appointment provides the area with a high level of visual amenity. The proposed turbines would be prominent features in the near distance to the left. As



such, they would have the effect of visually extending the existing grouping at Whitelee laterally across the open vista towards the north and towards the other existing grouping at Harelaw. Furthermore, they would be large, vertical man-made structures in an otherwise open landscape and would therefore be unduly prominent. Their visual impact in this instance is therefore considered to be significant and as a result would have a detrimental impact on visual amenity.

North on Highfield Road - The tips of the existing blades at Whitelee are only partly visible in this direction. There are open views across the Clyde Valley and the lowlands towards the Highland Boundary Fault with the peaks of Ben Lomond, Ben Ledi and Ben More visible in the far distance. Again, this particular aspect and appointment provides a high level of visual amenity. There are only a few man-made structures in the near distance of any significance in the form of modest farm buildings and scattered dwellings. The proposed turbines, whilst large features, would be a small and contained grouping off to the right. As such, they would not unduly impact on the visual amenity of landscape character of the area from this particular aspect.

In light of the fore-going, the proposed turbines are considered to be unduly prominent structures to the detriment of visual amenity, particularly when viewed from the M77 northbound and the B764 Moor Road, south-west bound. This would be contrary to Policies D1 and E2 of the adopted East Renfrewshire Local Development Plan 2.

### Biodiversity and Natural Heritage

There are no statutory designated nature conservation sites within the site boundary. The statutory sites within 10km of the site are: Brother and Little Loch SSSI - 2 km to the north-west; and Cart and Kittoch Valleys SSSI - 10km to the north-east. The Biodiversity and Natural Heritage Appraisal Report, submitted in support of the application, concludes that it is highly unlikely that the development will have any impact on the designated habitat features of the SSSIs due to the lack of hydrological connectivity between them. This is accepted as a reasonable conclusion.

As noted above, the site partly lies within the Shieldhill Bog Local Biodiversity Site. The Biodiversity and Natural Heritage Appraisal Report notes that the development will result in the temporary loss of approx. 2.4% of the total habitat within the site. The Report details various mitigation measures to ensure that there are no substantial negative impacts on habitats. Subject to the implementation of the mitigation measures set out in the Biodiversity and Natural Heritage Appraisal Report, it is considered that the development would not have any significant adverse impact on local biodiversity.

The proposal is therefore not considered to raise any significant impact in terms of Policy D7 of the adopted LDP2.

### Peat

The applicant has submitted a peat probing summary report with the application. It indicates that the peat depth within the site ranges from 0.0 metres to 5.4 metres. It states that the site layout has been designed to locate the infrastructure out with the areas of deep peat where possible. Turbines 1 and 3 are located in areas of 0.0m to 0.5 metres peat depth. The substation is located in an area where the peat depth is 0.0 to 1.0 metre. Turbine 2 is situated in the western site area in peat depth of 2.0 to 3.0 metres. The access tracks have been aligned to avoid deep peat where possible and for the most part this is achieved. If the application is approved, appropriately worded conditions can control peat excavation and peat storage. The proposal therefore raises no significant issues with regard to Policy E3 of the adopted LDP2.

### Cultural Heritage

There are no designated historical features on the site. The closest conservation areas are located in Eaglesham (6km to the north-east) and High Fenwick in East Ayrshire (7.5km to the west). Given the distances between the site and the closest conservation areas, the proposal would have no significant impact on the conservation areas. The closest listed buildings are at Kingswell, cat B (2.4km to the west) and Lochgoin Monument, cat B (3.1km to the north-east). Again, given the distances between the site and the nearest listed buildings, the proposal would have no significant impact on the listed buildings. The proposal is therefore considered to raise no significant issues in terms of cultural heritage.

### Hydrology and Flood Risk

The application is accompanied by a Hydrology Assessment. It identified the core study area and the surrounding watercourses. The Assessment identifies that parts of the core study area are of medium to high risk of surface water flooding. It concludes that the impermeable nature of the underlying geology provides that there will be relatively low infiltration and relatively high run-off rates and that the proposed development would have minimal impact on this existing scenario.

### Noise

A Noise Assessment (NA) has been submitted in support of the application. The NA assesses the noise effects of the candidate turbine proposed in order to predict the levels of noise which could potentially be produced by the development. The candidate turbine with the highest potential to emit noise was used for modelling purposes.

Construction noise will be limited in duration and the closest non-financial receptor to the site lies 1.2 km from the nearest turbine. It is not therefore considered that construction noise will have a significant adverse impact on the amenity of the closest residents.

Operational noise has been assessed in the NA in accordance with ETSU-R-97 and in line with current best practice. The NA shows that the proposal will comply with ETSU-R-97 at all receptors. The cumulative noise effects of the development in conjunction with existing nearby wind energy developments, either existing, consented, or subject to a current planning application, were also considered in the NA in accordance with ETSU-R-97.

Noise effects during the de-commissioning phase were also considered in the NA and found to be similar in effect to noise effects during the construction phase.

The NA concludes that the development will not create any significant adverse noise effects during the construction or decommissioning phases and that it complies with ETSU-R-97 during the operational phase.

The Council appointed AECOM Ltd as its independent consultee on noise in respect of this planning application, specifically to provide an independent review of the NA. Following initial consultation, AECOM's review of the NA identified a number of points that required to be addressed in order to determine appropriate noise levels and whether operational power constraints would have been necessary prior to making a determination on the application.

Following AECOM's review, the applicant appointed Hayes McKenzie to address the issues raised. Upon addressing the issues, AECOM recommended that the application could be supported with conditions detailing the appropriate noise level limits for construction works and for the operation of the wind turbines and other fixed plant (eg the sub-station).

It is therefore considered that the proposal raises no significant issues in this regard and that noise output could be controlled by conditions.

### Transport

The applicant's supporting statement indicates that the route to the site would be as per the operational Whitelee windfarm, with access to the site itself from the north site of Moor Road (B764). The applicant has undertaken a swept path analysis at junction 6 of the M77 and the junction of the A77 with Moor Road (B764). The swept path analysis identified required improvement works to permit the abnormal loads to navigate both those junctions. The Roads Service has intimated that it has no objection to the proposal subject to a condition to ensure that surface water run-off is retained within the site. As noted, Transport Scotland has not responded at the time of writing. The proposal is therefore considered to raise no significant road safety issues.

### Aviation

Glasgow Airport, Glasgow Prestwick Airport and NERL initially objected to the application in the absence of an agreed primary radar mitigation scheme. During the processing of the application, the applicant has entered into an agreement with NERL and has agreed (i) suitable planning conditions; and (ii) the design and implementation of an identified and defined mitigation in relation to the development to be implemented as part of the agreement. In view of this agreement, NERL and Glasgow Airport have indicated they will withdraw their objections subject to the imposition of conditions on any planning permission granted. Notwithstanding the agreement between NERL and the applicant in respect of the primary radar mitigation, Glasgow Prestwick Airport have indicated that they continue to object to the proposal as the applicant has not adequately demonstrated that the proposal will not cause a significant adverse impact on the safety and efficiency of Glasgow Prestwick Airport's air traffic service; or that mitigation measures have been agreed that would address this particular issue in so far as it relates to Glasgow Prestwick Airport's air traffic service. The proposal is therefore contrary to Policy D22 of the adopted LDP2.

### Shadow Flicker

SPP requires planning authorities to consider shadow flicker when assessing applications for wind turbines. Appendix 7 of the Supporting Statement provides a shadow flicker assessment. According to the assessment, theoretical shadow flicker is likely to occur at two properties, Shieldhill Farm and Highfield Farm. The assessment concludes that there is potential for Shieldhill Farm to exceed the threshold of 30 hours of shadow flicker pa. The shadow flicker assessment therefore proposes and assesses mitigation measures including shutting down turbine(s) at times shadow flicker is calculated to occur. If the application were to be approved, such mitigation can be secured via condition.

Given the fore-going considerations, the proposal is contrary to Policies D1 and D22 of the adopted LDP2.

### **Representations in Support**

It is accepted that the proposed turbines could contribute towards meeting the Scottish Government's climate change targets, specifically net zero emissions of all greenhouse gases and would facilitate the production of green/sustainable energy. However, this has to be balanced against their impact on visual amenity as considered above. In this instance, the contribution towards net zero emissions of greenhouse gases does not outweigh the visual impact of the turbines nor their impact on visual amenity.

The cumulative impact of the turbines and how they fit with existing windfarms has been considered above and found to be unacceptable.

It is accepted that the proposed turbines could lead to farm diversification. However, this would be limited in its scope and impact and is not considered to outweigh the visual impact of the turbines or their impact on visual amenity, as considered above.

The proposed community benefit has been outlined above. Again, this is not considered to outweigh the visual impact of the turbines or their impact on visual amenity.

## **Objections**

Whilst the refusal of previous related applications on the site are material considerations, they do not bind the Council to refuse this application. This application is being assessed on its own merits.

The impact on natural heritage has been assessed above. It is not considered that the proposed development would result in a significant danger to wildlife that would justify the refusal of the application on such grounds.

The number or concentration of existing turbines within the Council area is not, in itself, a significant consideration in this instance. The cumulative visual impact of the proposed and existing turbines has nevertheless been assessed above and has found to be unacceptable.

Visual impact and shadow flicker have been considered above.

If the application is approved, potential impact on the adjacent fishery from owl refills can be controlled by an appropriately worded condition.

Scottish Water have made comment on this application in terms of the local private water supply catchment. However errors have been noted in this response. Scottish Water have to date not provide an updated comment. This aspect notwithstanding it is considered that the application can be determined.

Noise impact and cumulative noise impact has been assessed above and found to be acceptable.

The concerns about the potential for strobing of aviation safety lighting is noted. Had the proposal been otherwise acceptable, the applicant could have been asked to investigate this matter further.

The removal of peat has been assessed above.

If the application were to be approved, appropriate conditions could be attached to any planning permission granted to secure the acceptable decommissioning of the site.

The timeframe during which the application is considered is not material to the decision.

The comments of NatureScot are noted and have been given appropriate weight.

The two appeals referred to in the objectors' comments are noted. However given the site locations, they are of limited material weight to the consideration of this proposal.

The Council considers the application has been accompanied by sufficient information to allow it to make a determination and details of carbon payback times are not considered necessary in this regard.

### **Conclusion**

Drawing all matters together, it is considered that the proposal is contrary to Policies D1, E2 and D22 of the adopted Local Development Plan 2 (LDP2). There are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None.

### **REASONS FOR REFUSAL:**

1. The proposed development is contrary to Policies D1 and E2 of the adopted East Renfrewshire Local Development Plan 2 (LDP2) as it would have an adverse visual impact on the site and surrounding area. The proposed windfarm is considered to be dominant and prominent at this location and its impact is considered to be locally significant.
2. The proposal is contrary to Policy D22 of the adopted East Renfrewshire Local Development Plan 2 (LDP2) as the applicant has not adequately demonstrated: (i) that the proposal will not cause a significant adverse impact on the safety and efficiency of Glasgow Prestwick Airport's air traffic service; or (ii) that a mitigation agreement has been entered into, and a feasibility assessment confirms, that the agreed technical solution has the capability of mitigating the development in respect of Glasgow Prestwick Airport's air traffic service.

**ADDITIONAL NOTES:** None.

**ADDED VALUE:** None

### **BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3001.

Ref. No.: 2020/0217/TP  
(DESC)

DATE: 13th October 2022

**DIRECTOR OF ENVIRONMENT**

**Reference: 2020/0217/TP - Appendix 1**

### **DEVELOPMENT PLAN:**

## **Strategic Development Plan**

### Town and Neighbourhood Centre Uses

1. The network of town and neighbourhood centres, shown on the Proposals Map and listed in Schedule 19 are the preferred locations for significant footfall generating uses, including retail, leisure, entertainment, office, residential and community and cultural facilities.
2. A sequential 'town centre first' approach will be applied to proposals that would attract significant footfall. Proposals will be assessed against the following criteria:
  - a. Demonstrate a sequential approach has been undertaken to site selection in the following order of preference, as set out in SPP, and why more sequentially preferable options have been discounted as unsuitable or unavailable:
    - i. Town centres (including neighbourhood centres);
    - ii. Edge of town centre;
    - iii. Commercial centres;
    - iv. Out of centre locations that are, or can be, made easily accessible by a choice of transport modes.
  - b. Demonstrate that the proposal is of an appropriate scale and does not significantly impact upon the role and function of the centre, adjacent uses or the character and amenity of the surrounding area;
  - c. Demonstrate that the proposal will help to meet proven qualitative and quantitative deficiencies;
  - d. Demonstrate that there will be no significant adverse effect on the vitality and viability of existing town centres; and
  - e. Demonstrate that the proposal is accessible by a choice of sustainable transport modes.
3. Proposals over 2,500m<sup>2</sup> (gross) floorspace out-with a town centre will require a retail impact assessment to be carried out. This should include a quantitative assessment of retail impact and capacity, and the qualitative impacts of the proposal. The cumulative effect of recently implemented or consented retail developments in nearby locations should also be taken into account.
4. Residential developments on the upper floors of existing buildings within the town and neighbourhood will be supported subject to compliance with other relevant policies of the LDP.
5. Proposals for changes of use at street level away from Class 1 retail use within the town and neighbourhood centres will be required to:
  - a. Demonstrate that there is no current or likely future demand for Class 1 retail use. Proposals will be required to demonstrate that the unit has been actively marketed for solely Class 1 retail use for a minimum of 6 months; and
  - b. Should not have an adverse impact on the mix and diversity of uses in the centre.
6. Proposals for hot food takeaways within the town and neighbourhood centres will be required to meet the following criteria:
  - a. Meet the requirements of criteria 5 where the proposal is for change of use away from Class 1 retail;
  - b. Avoid the concentration, including cumulatively, with other existing hot food takeaways in the area; and
  - c. Not result in a detrimental impact on the overall character and amenity of the centre, including the amenity of residential properties situated adjacent to or above existing premises, by virtue of noise, disturbance or odour.

7. There will be a strong presumption against hot food takeaways out-with the town and neighbourhood centres. Proposals out-with the town and neighbourhood centres should not result in a detrimental impact on the overall character and amenity of the area and will be assessed against the criteria of Policy D1.

### **Adopted East Renfrewshire Local Development Plan 2**

#### Policy D1

#### Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density and layout that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character and setting, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be

- designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. Unless justified, there will be a general presumption against landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
  13. Backland development should be avoided;
  14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
  15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Guidance;
  16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
  17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
  18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
  19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
  20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

### Policy D3

#### Green Belt and Countryside around Towns (CAT)

Development in the green belt and Countryside around Towns (CAT), shown on the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location. Proposals will require to demonstrate that they are appropriate in terms of scale, size, design, layout and materials, to their rural location and compatible with adjoining and neighbouring uses.

Proposals should be designed to complement the surrounding landscape ensuring that there are no significant adverse landscape or visual impacts, seek to ensure that the integrity of the landscape character and setting is maintained or enhanced as informed by the Council's Green



Belt Landscape Character Assessment (LCA). Proposals should not be suburban in character or scale and should have no significant adverse impacts upon the amenity of the surrounding rural area.

Development within the green belt or countryside around towns, including changes of use or conversions of existing buildings, will be supported in principle where it is for agriculture; forestry; equestrian; countryside recreation and active travel; outdoor leisure and tourism, including holiday accommodation; economic and farm diversification; and renewable energy and infrastructure such as minerals, digital communications infrastructure and electricity grid connections that have a site specific and operational need for a rural location, subject to compliance with other relevant policies of the LDP. Where there is a shortfall in the 5 year effective housing land supply, as detailed in Policy SG1: Housing Supply, Delivery and Phasing, release of green belt or countryside for housing may be appropriate.

Proposals should make use of existing or replacement buildings whenever possible. Where it is demonstrated that this is not achievable and where a new building, structure or dwelling is proposed it should be commensurate with the functional requirement of the business, should be sited adjacent to other existing buildings and within the boundary of the established use. Any proposal that involves a business which requires a new building will also have to demonstrate that it is established and/or viable for a minimum period of 3 years at that location.

Further detailed guidance and information will be set out in the Rural Development and the Placemaking and Design Supplementary Guidance.

#### Policy D7

##### Natural Environment Features

The Council will protect and enhance the natural environment features set out in Schedule 5, and shown on the Proposals Map, and seek to increase the quantity and quality of the areas biodiversity.

1. There will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Local Biodiversity Sites, Local Nature Reserves, Tree Preservation Orders and ancient and long established woodland sites. Adverse effects on species and habitats should be avoided with mitigation measures provided wherever this is not possible.
2. Development that affects a Site of Special Scientific Interest (SSSIs) will only be permitted where:
  - a. The objectives of designation and the overall integrity of the area will not be compromised; or
  - b. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, community or economic benefits of national importance to the satisfaction of Scottish Ministers and measures are provided to mitigate harmful impacts.
3. Development affecting trees, groups of trees or areas of woodland will only be permitted where:
  - a. Any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the

- development through design and layout; or
- b. In the case of woodland:
    - i. its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits, in line with the Scottish Government's Policy on Control of Woodland Removal; or
    - ii. in the case of individual trees or groups of trees, their loss is essential to facilitate development and is clearly outweighed by social, environmental, community or economic benefits.

Where woodland is removed in association with development, developers will be required to provide compensatory planting which enhances the biodiversity of the area and demonstrates a net gain.

The loss of ancient or semi-natural woodland, or trees covered by Tree Preservation Orders will not be supported. Ancient woodland is an irreplaceable resource and should be protected from adverse impacts arising from development.

4. Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required. This appraisal should identify measures adequate to mitigate any impacts that are identified.

Further detailed guidance and information is set out in the Green Network Supplementary Guidance.

#### Policy D22

##### Airport Safeguarding

The Council supports the requirement to protect safeguarded areas for Glasgow and Prestwick Airports and will consult BAA or NATS as appropriate on proposals in line with Circular 2/2003, to ensure that development proposals do not adversely impact on the safe and efficient operation of the airports. Proposals which interfere with visual and electronic navigational aids of airports and/or increase bird hazard risk will be resisted unless accompanied by specific and agreed mitigation measures, including a hazard management plan.

#### Policy E2

##### Renewable Energy

The Council supports low and zero carbon renewable energy proposals in the form of new build development, infrastructure or the retrofitting of projects that contribute to reducing greenhouse gas emissions and overall energy use.

Proposals for solar energy; wind farm developments; hydroelectric; biomass; district heating; and energy from waste technologies will be supported in principle. Proposals will be required to demonstrate that they do not result in unacceptable significant adverse effects giving due regard to relevant environmental, community and cumulative impact considerations. Where appropriate, applications will be required to demonstrate satisfactory mitigation measures to alleviate any unacceptable adverse effects.

All proposals for low and zero carbon and renewable energy developments, including extensions and repowering of existing wind farms, will be assessed against the spatial framework for wind development (Figure 15) and heat maps (where appropriate), the Low and Zero Carbon Delivery Supplementary Guidance and the following criteria:

1. Net economic impact;
2. The scale of contribution to renewable energy generation targets;
3. Effect on greenhouse gas emissions;
4. Cumulative impacts - recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
5. Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
6. Landscape and visual impacts, including effects on wild land;
7. Effects on the natural heritage, including birds;
8. Impacts on carbon rich soils;
9. Public access, including impact on long distance walking and cycling routes;
10. Impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
11. Impacts on tourism and recreation;
12. Impacts on aviation and defence interests and seismological recording;
13. Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
14. Transport Impacts;
15. Effects on hydrology, the water environment and flood risk;
16. The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration; and
17. Opportunities for energy storage.

Proposals adjacent to existing or proposed heat networks should be designed to be capable of connecting to the heat network or, for major developments, provide a new heat network within the site. This includes safeguarding sufficient capacity within the sites infrastructure to allow pipework to be connected. Land required for the heat network infrastructure, including for energy centres, should be protected. Scotland's Heat Map should be used to help identify the potential for co locating developments with a high heat demand with sources of heat supply.

Further detailed guidance and information will be set out in the Supplementary Guidance on Low and Zero Carbon Delivery.

#### Policy E4

##### Protecting Soil Quality

Proposals will be required to minimise adverse impacts on soil, avoiding the unnecessary disturbance of peat and other carbon rich soils, and minimise the amount of land that is affected.

Proposals must be supported by appropriate surveys, assessments and management plans and where necessary provide appropriate mitigation measures.

In the case of carbon rich soils, in order that the Council may assess the merits of the proposal, applicants must demonstrate the effect it would have on CO<sub>2</sub> emissions as a result of its construction.

#### **GOVERNMENT GUIDANCE:**

Scottish Planning Policy on Onshore Wind indicates that planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales, including extensions and re-powering. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community, and cumulative impacts. Individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria for determining wind farms and the development management considerations accounted for when determining individual applications.

Finalised 13/10/2022 AC