

Rigghill Wind Farm

Planning Statement

**Prepared on behalf of
Rigghill Wind Farm Ltd**

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1 Introduction

1.1 Background

Rigghill Wind Farm Ltd (the Applicant) has submitted a planning application to construct and operate the Rigghill Wind Farm, located within the North Ayrshire Council (NAC) region.

The application is accompanied by an Environmental Impact Assessment (EIA), prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations'). The EIA is presented within the EIA Report that sets out information on the identification and assessment of the likely significant positive and negative environmental effects likely to arise from the Proposed Development.

This Planning Statement has been authored by Stuart Winter (Bachelor of Land Economy (hons), Member of Royal Town Planning institute) of JLL and presents an assessment of the Proposed Development against relevant policy with due regard given to the provisions of the statutory Development Plan for the NAC area, national energy and planning policy, and other relevant material considerations. Reference is made to information contained in the EIA Report where relevant. The Planning Statement is supplementary to and should be read in conjunction with the EIA Report.

1.2 Site Location and Description

The Proposed Development site is located east of Skelmorlie, in North Ayrshire. It comprises of the western extent of Ferret of Keith Moor, the upper part of Skelmorlie Glen. The central grid reference for the site is BNG (221492, 666156) and it occupies an area of approximately 332 hectares (ha).

The site comprises largely of open upland. Skelmorlie Glen Site of Special Scientific Interest (SSSI), which carries Skelmorlie Water, splits the site from west to east and is designated for upland mixed ash woodland (refer to Chapter 7 of the EIA Report for further details). Skelmorlie Water also bisects the site, entering the Proposed Development boundary at its north-eastern extent and exiting at its south-western extent.

There are a number of minor watercourse and drainages ditches which cross the site and flow into Skelmorlie Water and Outerwards Reservoir including Rigghill Burn, Fank Burn and numerous un-named watercourses.

There is one residential property located within the site boundary, Fardens, which will be uninhabited for the duration of construction, operation and decommissioning of the Proposed Development and accordingly is not treated as a residential receptor.

The site is within the Clyde Muirshiel Regional Park. On the site's eastern boundary is Renfrewshire Heights Special Protection Area (SPA) and SSSI which is designated for hen harriers (*Circus cyaneus*).

To the west of the site is the Firth of Clyde, leading to the Irish Sea, and the Isle of Bute. The coastline has been heavily industrialised in the past and contains a number of coastal communities including Greenock and Largs, approximately 9.6 km to the north and 4.7 km to the south.

The village of Skelmorlie is to the west of the Site. Weymss Bay merges with Skelmorlie to the north, and it is to here that the train line from Glasgow terminates. Weymss Bay also contains the port for the ferry between Rothesay on the Isle of Bute and the mainland.

The A76 follows the coast connecting Skelmorlie to Greenock and Largs. A minor, un-classified road, Brisbane Glen Road, traverses to the south-east of the site boundary, passing to the east of Outerwards Reservoir.

1.3 The Proposed Development

The Proposed Development comprises 10 wind turbines with a proposed maximum tip height of 149.9m. The total generating capacity for the site would be approximately 42 MW. The positions of the proposed turbines have been optimised based on a number of environmental factors discussed in detail in Chapter 2 of the EIA Report.

The Applicant is seeking consent for an operational period of 30 years. In the event of decommissioning, or replacement of turbines, it is anticipated that the levels of effect would be similar but of a lesser level than those during construction. Decommissioning would be undertaken in line with best practice processes and methods at that time and will be managed through an agreed Decommissioning Environmental Management Plan.

Whilst the specific turbine manufacturer and model have not yet been selected, for the purposes of the EIA, the operational attributes of a candidate turbine have been established as a worst-case development scenario and have informed the EIA process.

The main development components of the Proposed Development include:

- 10 wind turbines each with a maximum blade tip height of 149.9m;
- Temporary construction compound;
- Permanent crane hard-standings;
- Temporary laydown areas;
- Access junction to Craigmorloch Road;
- New on-site access tracks;
- Watercourse crossings;
- Onsite borrow pit search area;
- Underground cabling between turbines;
- On-site substation and maintenance building; and
- Permanent meteorological monitoring mast.

1.4 The Planning Application

As the Proposed Development has a generating capacity below 50MW, its determination will be made in accordance with Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise.

The interpretation of this provision was clarified in a House of Lords' decision in 1998¹ and set out in the former Scottish Planning Policy 1. *“If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. Conversely, if the application does not accord with the plan, it should be refused unless there are material considerations indicating that it should be granted. Although priority must initially be given to the development plan in determining a planning application, there is a built-in flexibility depending on the facts and circumstances of each case.*

The House of Lords' judgement set out the following approach to deciding an application:

- *identify any provisions of the development plan which are relevant to the decision;*
- *interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;*
- *consider whether or not the proposal accords with the development plan;”*

This Planning Statement contains an assessment of the Proposed Development against the relevant provisions of the Development Plan and relevant material considerations, which include national energy and planning policy.

The Proposed Development is also a 'Major' development owing to the proposed capacity of the wind turbine generators being in excess of 20MW². Accordingly, the Applicant has undertaken statutory pre-application consultation and the application is accompanied by the following documentation required for Major developments:

- Pre-application Consultation Report; and
- Design and Access Statement.

The application for planning permission is also accompanied by an EIA Report, and EIA Non-Technical Summary and this Planning Statement, which explains and assesses the relevant policy context against which the application for planning permission should be determined.

1.5 Structure of Planning Statement

- Chapter 2 provides an assessment of the Proposed Development against the relevant Development Plan provisions under relevant topics;
- Chapter 3 provides an assessment of material considerations including relevant national planning policy, energy policy, other guidance and the Proposed Developments benefits; and
- Chapter 4 presents overall conclusions.

¹ 1 City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120

² See Part 2 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

2 The Statutory Development Plan

2.1 Introduction and Approach

The statutory Development Plan comprises the North Ayrshire Local Development Plan 2019 and Supplementary Guidance ‘Trees and Development’.

The LDP contains a ‘Vision’ for the plan area, which is that the *“North Ayrshire Community Planning Partnership Vision is that every person in North Ayrshire is valued and should have the best opportunities to live their life to their full potential.”*

The plan sets out a spatial strategy for towns and villages, the countryside, coast and for supporting development. The spatial strategy for the countryside identifies in principle support for renewable energy development, including wind turbines noting that development will be supported such environmental impacts be satisfactorily addressed.

The LDP contains a spatial strategy for Wind Energy development, which it notes reflects the constraints set out in table 1 of Scottish Planning Policy (SPP).

The Proposed Development Site is largely Class 3 ‘Areas with potential for wind farm development’ with some areas of Class 2 ‘Areas of significant protection’. As set out within the EIA Report, Class 2 area constraints have been suitably addressed by design and potentially significant effects have been reduced below the threshold of significance. Accordingly, the Proposed Development can operate as a Group 3 site.

2.2 The LDP Policies

Table 2.1, below, sets out those key LDP policies considered and assessed within this Planning Statement. The accompanying Policy Schedule in Appendix 1 provides extracts of these policies and should be read alongside the following assessment. Policy 29 is considered first as it is the most relevant policy to the assessment of the Proposed Development, then followed by an assessment of the remaining policies.

Table 2.1: Relevant LDP Policies

LDP Policies
Policy 12: Scheduled Monuments
Policy 15: Landscape and Seascape
Policy 16: Protection of our Designated Sites
Policy 17: Clyde Muirshiel Regional Park
Policy 22: Water Environment Quality
Policy 29: Energy Infrastructure Development
Policy 34: Protecting Peatland and Carbon Rich Soils

2.3 Policy 29 ‘Energy Infrastructure Development’

Policy 29 is set within the Chapter of the LDP entitled ‘A Low Carbon North Ayrshire’ and the preamble to this policy notes *“We want to reduce our impact on climate change and facilitate our transition to a low carbon economy by encouraging mitigation and adaptation measures.”*

Policy 29 states that *“We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts...”*

It is submitted that the Proposed Development will contribute positively to the low carbon economy, by way of providing renewable electricity that could power over 34,000 homes.

In terms of likely environmental effects, the EIA Report notes that significant effects have largely been avoided, reduced and where possible offset as part of the Proposed Development design evolution process. The only likely residual significant effects remaining are operational effects that are related to matters of landscape and visual impact, including setting impacts on Outerwards Scheduled Monument. No significant effects are predicted on species, habitats or human health.

The Applicant considers that mitigation by design has reduced the residual significant effects of the Proposed Development to an acceptable degree. The residual significant effects are predicted to be experienced by the following receptors:

- Landscape Character Areas and Units within 4-5km of the Proposed Development;
- Parts of local landscape designations within 4-5km of the Proposed Development;
- Some visual receptors within 12 km of the Proposed Development; and
- The setting of Outerwards Scheduled Monument.

The policy sets out a number of receptors that require to be considered to establish accordance, which it splits into three groups under the following headings:

- Environmental;
- Community; and
- Public Safety.

The predicted effects of the Proposed Development on the receptors listed under the above headings are examined below and then conclusions are presented on the extent to which the Proposed Development accords with the policy requirements.

Environmental

The first policy matter under this heading is ‘communities’ and the effects of a development that require to be considered include visual impact, amenity, noise and shadow flicker. Chapters 8 and 14 of the EIA Report consider noise and shadow flicker respectively and no significant effects are predicted. In terms of visual amenity, the closest turbine is over 1.5km from the settlement of Skelmorlie and owing to topography residents of Skelmorlie would not experience significant visual impact upon their amenity. There are a number of dwellings located within 2km of the Proposed Development that are located out with any defined settlement. These properties and the amenity of their residents has been assessed within Appendix 5.2 of the EIA Report and it is concluded that 13 of the 52 properties assessed would experience significant visual effects but that none of these effects would exceed the acceptable visual amenity threshold.

Water quality also requires to be considered in the context of this policy. Chapter 10 of the EIA Report considers water quality matters and subject to mitigation reports the potential for minor non-significant effects only.

Appropriate mitigation by way of construction best practice will be put in place to ensure the water environment is protected from construction activities.

The policy also requires the likely landscape effects of development to be considered. Firstly, it is normal for onshore wind energy development to have significant landscape effects and in this case, significant landscape effects extend to 4-5km from the proposed development, partially within the North Ayrshire and Great Cumbrae Special Landscape Areas and within the West Renfrewshire Hills Local Landscape Area. Whilst significant effects are predicted these local landscape designations would still retain many of their qualities and landscape units would not become defined as a wind farm landscape. The Zone of Theoretical visibility submitted with the EIA Report illustrates relatively limited visibility of the proposed development from the study area.

In terms of natural heritage, the policy requires natural heritage effects to be considered including impact upon birds. Natural heritage matters are wide ranging but in terms of species and their habitats Chapters 6 and 7 of the EIA Report identify that there will be very little impact and no significant effects arising on ornithological and ecological receptors respectively.

In terms of peat and carbon rich soils, Chapter 10 of the EIA Report provides the assessment of the Proposed Development upon these receptors. The peat probing undertaken has identified that all peat depths across the site are less than 1m, with only small pockets of peat identified. No significant effects are predicted on peat and carbon rich soils.

The policy also requires potential impacts upon scheduled monuments and listed buildings to be considered. Chapter 9 of the EIA Report provides an assessment of the Proposed Developments potential impact upon cultural heritage receptors. No significant effects are identified with the exception of a significant setting effect upon the Outerwards Scheduled Monument. Whilst a significant effect is predicted on setting the EIA Report also identifies that this effect would not extend to an adverse effect on the integrity of the monuments setting. This is due to the ability to understand that the monument was positioned to allow for extensive views for surveillance of the wider landscape in all directions being maintained as well as the ability to understand the monument within its wider landscape setting.

Community

In terms of potential community effects Chapter 12 of the EIA Report sets out the likely socioeconomic, recreation and tourism effects of the Proposed Development. The Proposed Development will result in some net positive economic effects to the area. From the construction process the Proposed Development will result in around £2.3 million Gross Value Added (GVA) and 33 job years in North Ayrshire and £15.8 million GVA and 242 job years in Scotland. From operational maintenance spend the Proposed Development will also result in an annual economic impact of up to £0.3 million GVA and five jobs in North Ayrshire and £0.6 million GVA and eight jobs in Scotland. Whilst these effects are not predicted as significant, they are nonetheless beneficial. The Proposed Development would also contribute towards the finance of public expenditure through the payment of £0.5 million in non-domestic rates each year.

In so far as the Proposed Development has the potential to adversely affect tourism, existing literature identifies that there is no evidence to suggest that there is a negative relationship between wind farms and tourism. An assessment of tourism attractions, accommodation providers and recreational trails was undertaken, which concluded that significant adverse effects were unlikely. It is also the case that the access tracks for the wind farm

provide local recreational opportunities and that no long-distance routes would be affected by the Proposed Development.

The Proposed Development would also contribute to renewable energy targets by way of producing 129,507 MWh of renewable electricity per annum with a 1.4 year carbon payback period.

Public Safety

The Proposed Development would be a renewable energy generator, which would not result in any greenhouse gas emissions like fossil fuel-based energy generators during operation. The Proposed Development is an essential part of the response to the climate emergency and would make a valuable contribution to decarbonising our economy (See Chapter 3).

In terms of aviation and defence interests, the Proposed Development has been assessed with regards to such matters and the findings reported within Chapter 13 of the EIA Report. Through pre-application consultation the Applicant does not expect any issues with NATS or Glasgow Airport. The MOD stated that they may object but given the location of the Proposed Development within the Glasgow Airport Control Zone, impacts on low flying are considered unlikely. Nevertheless, should matters arise that require mitigation the Applicant will address such matters at the time.

In so far as telecommunication matters are concerned, the Applicant consulted operators during pre-application consultation and no issues were raised. Should any adverse matters arise during consultation on the application, the Applicant will establish suitable mitigation, if required, at that point in time.

The potential effects of construction traffic upon the roads network are addressed within Chapter 11 of the EIA Report and it is concluded that construction traffic impacts can be appropriately controlled through traffic management provisions so that no significant effects arise.

Hydrology matters are assessed within Chapter 10 of the EIA Report and it is concluded that subject to appropriate construction mitigation no significant effects would be experienced by the water environment, including the quality of drinking water.

In terms of decommissioning, potential environmental effects associated with this development phase have been assessed as part of the EIA. The Applicant has made appropriate decommissioning commitments and no significant effects are predicted subject to appropriate mitigation. The Applicant would be willing to enter into an appropriate financial guarantee to cover decommissioning costs should this be required.

Spatial Framework and Landscape Capacity

In terms of the fit of the proposed development with the spatial framework for wind energy development, five of proposed turbines lie within a Group 2 area while the remaining five are located in a Group 3 area. T3, T7, T9 and T10 all fall within the 2 km buffer zone applied to Skelmorlie, while T8 and T9 fall within an area of carbon rich soils, deep peat and priority peatland habitats.

In terms of potential impacts to Skelmorlie, the Proposed Development is largely screened from the settlement by topography and accordingly this Group 2 matter should not be considered a development constraint. In terms of carbon rich soils, priority peatland habitats and deep peat, the Applicant's peat depth survey has identified minimal peat (all instances at a depth of less than 1 m) across the Proposed Development area, with the majority of probes (96.5 %) identifying no peat. A Peat Slide Hazard and Risk Assessment (PSHRA) has been completed alongside the peat survey work and is presented in Appendix 10.2 of the EIA Report. No significant effects on peat

and carbon rich soils are predicted and on this basis this Group 2 matter should not be considered a development constraint.

It is submitted that the application site would operate as a Group 3 site, as there would be no significant effects upon Skelmorlie or deep peat, carbon rich soils or priority peatland habitats.

The Landscape Capacity Study for Wind Farm Development in North Ayrshire, Phase One Report was published in 2009. Whilst subsequent reviews of the capacity of the landscape to accommodate wind turbines have been undertaken in 2013 and 2017 these do not include the Rugged Moorland Hills and Valleys LCT, within which the Proposed Development is located. The rationale provided for this is that the 2009 study did not identify this LCT as having any potential to accommodate wind turbines. It is submitted that the landscape capacity study thus has limited relevance to the proposed development as over time the public and industry professionals are significantly more accepting of wind turbines as part of the landscape. We are also in a climate emergency with very challenging climate change targets, which will require a substantial increase in renewables deployment.

Conclusions

Policy 29 and the LDP as a whole provides support for renewables development as part of the transition to a low carbon economy. The policy supports all renewables developments where their associated predicted adverse effects are not unacceptable.

The residual significant environmental effects of the proposed development have been summarised above and they relate solely to landscape and visual matters, including a significant effect upon the setting of Outerwards Scheduled Monument. No significant effects are predicted on species, their habitats, hydrology, peat, socioeconomics, traffic and transport, noise, aviation and defence interests, telecommunications or shadow flicker.

The significant landscape and visual effects predicted would not endure in perpetuity but would largely cease upon the decommissioning of the Proposed Development. No nationally important landscape designations would be affected, and it has been determined above that the Proposed Development would operate as a Group 3 site, which in national policy terms is within a location where wind farms are likely to be found acceptable.

The Proposed Development has been through a detailed design evolution process where potentially adverse environmental effects have been mitigated as far as practicably possible at each design iteration. It is submitted that the Proposed Development's effects should not be found unacceptable. The Applicants view is that the Proposed Development accords with Policy 29.

2.4 Policy 12 'Scheduled Monuments'

The policy requires exceptional circumstances to be demonstrated should a development have the potential to adversely affect a monument or the integrity of its setting. This is the same policy test as is set out within Scottish Planning Policy. The Applicants assessment, as set out in the EIA Report, concludes that there will be no direct effects upon monuments nor upon the integrity of setting and accordingly, the Proposed Development should not require to demonstrate exceptional circumstances.

However, should the decision maker consider that exceptional circumstances require to be demonstrated, it is the Applicants opinion that we are living in exceptional times in the context of there being an urgent requirement to address the climate emergency that we are in through decarbonising the economy (electricity, heat and

transport). A critical component of decarbonisation is increasing the level of renewable energy generation, to which the Proposed Development would contribute.

It is concluded that the Proposed Development meets the requirements of this policy whether exceptional circumstances require to be demonstrated or not.

2.5 Policy 15: Landscape and Seascape

Policy 15 applies to landscapes and seascapes, with Part a) dealing with National Scenic Areas (NSA), Part b) Special Landscape Areas, Part c) Wild Land and Part d) Local Landscape Features.

Part a) of the policy seeks to protect NSA's from inappropriate development. There are four NSA's within the study area; however, all are over 15km and have been scoped out of the landscape and visual impact assessment, as proposed within the Scoping request. No unacceptable adverse effects on NSA's are predicted.

Part b) of the policy seeks to protect Special Landscape Areas (SLA) from unacceptable impacts upon their character, qualities and setting. The Planning Authorities responsible for designating the SLAs within the study area have not published any citations setting out the special character, qualities and setting of each SLA. In the absence of this baseline information the assessment has drawn on descriptions of the constituent Landscape Character Areas (LCAs) within each SLA. It has been concluded above that the Applicant considers the landscape effects of the proposed development are acceptable.

Part c) of the policy applies to development within Wild Land. As the Proposed Development is not within Wild Land this part of the policy is not relevant.

Part d) of the policy applies to local landscape features. The predicted significant adverse effects on landscape and visual receptors have been reported above and the viewpoints selected for the LVIA have been agreed with stakeholders as being representative of the study area. The design iteration process, described within Chapter 2 of the EIA Report, has sought to minimise the development's impact upon the landscape and visual resource. However, due to the nature of wind energy development significant landscape and visual effects are inevitable.

Whilst significant landscape and visual effects are predicted, receptors of national value have been protected through site selection and design, with the significant effects remaining directly impacting receptors of local value. Upon decommissioning the Proposed Development landscape and visual effects will be largely reversible.

On balance it is concluded that the Proposed Development accords with the provisions of Policy 15.

2.6 Policy 16: Protection of our Designated Sites

Policy 16 is split into six part, with each part of the policy applying to a different receptor group. The Policy seeks to protect the following receptors from unacceptable adverse effects:

- a) Nature Conservation Sites of International Importance;
- b) Nature Conservation Sites of National Importance;
- c) Nature Conservation Sites of Local Importance;
- d) Marine Protected Areas;
- e) Biodiversity Action Plan Habitats and Species; and

f) Protected Species.

Chapters 6 and 7 of the EIA Report consider the Proposed Development's effects on ornithological and ecological receptors respectively. After mitigation has been applied, such as responsible construction techniques, adverse effects are expected to not extend beyond a minor level. No such effects can be considered unacceptable and, on this basis, the Proposed Development accords with Policy 16.

2.7 Policy 17: Clyde Muirshiel Regional Park

Policy 17 requires developments that could affect the Regional Park to have regard to its statutory function of providing access to the countryside and to take account of wider management plans and strategies. The potential impact of the Proposed Development on the Clyde Muirshiel Regional Park has been assessed within Chapter 12 of the EIA Report 'Socio-economic, Recreation and Tourism'.

The Clyde Muirshiel Regional Park is a large park that is spread across North Ayrshire, Inverclyde and Renfrewshire. It has a small number of visitor and activity centres, which are distant from the Proposed Development with no visibility of it. It is not expected that visitor and activity centres would be affected by the Proposed Development and therefore the potential effect has been assessed as negligible. Other visitor attractions and accommodation providers have also been assessed with potential impacts identified also as negligible.

It is therefore concluded that potential effects upon the Regional Park would be acceptable and would not be in conflict with wider plans and strategies for the park.

2.8 Policy 22 'Water Environment Quality'

Policy 22 seeks to protect the water environment from inappropriate development and construction techniques. The policy requirement is similar to that contained within Policy 29. The EIA Report notes a commitment to standardised good practice construction techniques and in terms of design has sited all infrastructure more than 50m from a watercourse where possible. The EIA Report identifies, at worst, that minor effects may be experienced by the water environment. On this basis the Proposed Development is found to accord with this policy.

2.9 Policy 34 'Protecting Peatland and Carbon Rich Soils'

Policy 34 identifies that a precautionary approach will be taken to considering development proposals that affect peatland and carbon rich soils as identified on the SNH mapping. This policy test is slightly different to that in national planning policy, which requires regard to be had to site specific findings and determinations to be based on whether significant effects can be substantially overcome. In this regard, site specific peat probing has identified that all peat depths across the site are less than 1m, with only small pockets of peat identified. No significant effects are predicted on peat and carbon rich soils and the expected carbon payback period for the Proposed Development is very low at 1.4 years on the basis of the carbon intensity of fossil fuel mix energy generation. The proposed development is found to accord with the terms of this policy.

2.10 Development Plan Conclusions

The Proposed Development has been assessed against those key policies within the statutory Development Plan. Policy 29 "Energy Infrastructure Development" of the LDP is considered to be the most relevant policy against

which to assess the Proposed Development due to it being framed specifically for the assessment of energy infrastructure.

The policy offers general support for renewable and low carbon energy development where environmental effects are found to be acceptable. In this regard it is relevant that through site selection, design evolution and the commitment to using responsible construction techniques, that the only significant effects likely to arise upon the environment are those of a landscape and visual nature that will largely be reversible upon decommissioning.

The Proposed Development is also considered to be in accordance with the wider aims and vision of the Development Plan which support the transition to a low carbon economy.

It is not abnormal for wind farm development, of a commercial scale, to result in significant landscape and visual related effects and in this regard, it is relevant that all landscape and visual receptors of above local importance would not experience any direct effect. ~Setting effects are predicted upon Outerwards Scheduled Monument, although its integrity would be preserved and only a very small part of the Muirshiel Wild Land area would experience adverse effects due to intervening visibility.

It is concluded that the Proposed Development can draw support from the spatial strategy for onshore wind (it operates as a Group 3 site) and that there would be no effects that would likely arise that would render the Proposed Development unacceptable. The Proposed Development would be consistent with the Development Plan land use strategy and is found to accord with the plan when read as a whole.

3 Material Considerations

3.1 Introduction

The following material considerations are relevant to the Proposed Development and are assessed below:

- National Planning Policy and Guidance;
- The Renewable Energy Policy Framework;
- Benefits of the Proposed Development.

3.2 Benefits of The Proposed Development

There are a number of benefits associated with the Proposed Development and these are summarised below:

- The Proposed Development would contribute to the attainment of the UK and Scottish Government policies of encouraging renewable energy development and in turn contribute to the achievement of Scottish Government targets for climate change and renewable electricity generation. The Proposed Development, with an installed capacity of approximately 42 MW would make a significant and valuable contribution to such unmet targets. Government policy envisages renewable energy contributing more than 100% of electricity consumption by 2020. There remains a significant national level shortfall against the 2020 target. The Government has confirmed its long-term commitment to the decarbonisation of electricity generation and the Proposed Development would help advance this policy objective.
- Based on an average household consumption the EIA Report identifies that the Proposed Development would be expected to generate enough electricity to power at least 34,729 average UK households. Taking account of the estimated energy consumed over the project life cycle, the net energy generated per annum by the Proposed Development's is expected to be approximately 129,507 MW hours per annum. This represents a reduction of approximately 44,040 tonnes of carbon dioxide per year.
- The Proposed Development would contribute positively to the 2030 and 2045 Climate Change (Scotland) Act targets, which are very challenging; especially the interim 2030 target requiring a 75% reduction in greenhouse gas emissions from 1990 levels.
- The Proposed Development will result in some net positive economic effects to the area. From the construction process the Proposed Development will result in around £2.3 million Gross Value Added (GVA) and 33 job years in North Ayrshire and £15.8 million GVA and 242 job years in Scotland. From operational maintenance spend the Proposed Development will also result in an annual economic impact of up to £0.3 million GVA and five jobs in North Ayrshire and £0.6 million GVA and eight jobs in Scotland. Whilst these effects are not predicted as significant, they are nonetheless beneficial. The Proposed Development would also contribute towards the finance of public expenditure through the payment of £0.5 million in non-domestic rates each year. The Proposed Development site boasts an excellent wind resource. Based on available wind speed databases it is anticipated that this site will easily out-perform the Scottish average.
- There are no international or national natural heritage designations within the development footprint.
- The Proposed Development should benefit from the presumption in favour of sustainable development.
- The proposed development can be regarded as operating as a Group 3 site.

The Proposed Development is therefore likely to result in a wide range of benefits. It is considered that the potential benefits of the development deserve significant weight.

3.3 National Planning Policy

National planning policy that is relevant to the consideration of the proposed development is addressed in this section and includes consideration of:

- The National Planning Framework 3 (NPF3); and
- Scottish Planning Policy (SPP);

The National Planning Framework 3

The National Planning Framework 3 (NPF3) was published on 23 June 2014. It is anticipated that a draft NPF 4 will be consulted upon during the latter half of 2020. NPF3 is a long-term strategy for Scotland and is the spatial expression of the Government’s Economic Strategy and plans for development and investment in infrastructure but is not now up-to-date in terms of current climate change commitments. Together, NPF3 and SPP (referred to below) applied at the strategic and local levels, are intended to help the planning system deliver the Scottish Government’s vision and outcomes for Scotland as well as contribute to the Government’s central purpose.

High level support for renewables is provided through the “vision” which is referred to as inter alia:

- A successful, sustainable place – “we have a growing low carbon economy which provides opportunities...”;
- A low carbon place - “we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore...”;
- A natural resilient place - “natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation...”.

Further support is provided in Chapter 3 “A Low Carbon Place” which sets out the role that Planning will play in delivering the commitments set out in ‘Low Carbon Scotland: The Scottish Government’s Proposals and Policies’. It states, “the priorities identified in this spatial strategy set a clear direction of travel which is consistent with our world leading climate legalisation”.

The introduction to Chapter 3 states that the Government’s ambition “*is to achieve at least an 80% reduction of greenhouse gas emissions by 2020*”.

Paragraph 3.7 states that onshore wind is “...*recognised as an opportunity to improve the long-term resilience of rural communities*”.

Paragraph 3.8 refers to targets and states that by 2020, the aim is to reduce total energy demand by 12%. In order to achieve this, and to maintain energy supplies, further diversification of supplies will be required.

It adds that the Government’s aim is to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross consumption from renewables, with an interim target of 50% by 2015. (A new target is set by the Scottish Energy Strategy for “the equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources.”)

Paragraph 3.9 states:

“Our Electricity Policy Statement sets out how our energy targets will be met. We are making good progress in diversifying Scotland’s energy generation capacity, and lowering the carbon emissions associated with it, but more action is needed. Maintaining security of supplies and addressing fuel poverty remain key objectives. We want to continue to capitalise on our wind resource and for Scotland to be a world leader of offshore renewable energy. In time we expect the pace of onshore wind energy development to be overtaken by a growing focus on our significant marine energy opportunities including wind, wave and tidal energy”.

Paragraph 3.23 states that *“onshore wind will continue to make a significant contribution to diversification of energy supplies. We do not wish to see wind farm development in our National Parks and National Scenic Areas. Scottish Planning Policy sets out the required approach to spatial frameworks which will guide new wind energy development to appropriate locations, taking into account important features including wild land.”*

The NPF3 also sets out where wind energy development will be unacceptable, on the basis of protecting the most significant national landscape related assets. NPF3 presumes against wind farms located within National Parks and NSA’s. NPF3 also recognises the value and sensitivity of Wild Land Areas to onshore wind energy development. The proposed Development is not within a National Park, National Scenic Area or wild land area.

In conclusion, it is clear that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming ‘a low carbon place’, which in turn will be a key part of the ‘vision’ for Scotland (as set out at paragraph 1.2 of NPF3). Furthermore, the Scottish Government has made it unequivocally clear that it wants to continue to “capitalise on our wind resource”.

Scottish Planning Policy

SPP was published on 23 June 2014 and therefore does not reflect the current climate change and renewable energy policy framework. The purpose of the SPP is to set out national planning policies which reflect Scottish Government Ministers’ priorities for the operation of the planning system and for the development and use of land. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed.

Paragraph (iii) states that the content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

Relationship of SPP to National Outcomes

Paragraph 9 of the SPP refers to ‘Outcomes’ as they relate to the Scottish Government’s ‘Purpose’ *“of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth....”*

Paragraph 10 adds that the Scottish Government’s 16 national outcomes articulate in more detail on how the Purpose is to be achieved. It adds that the pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both SPP and NPF3.

Paragraph 13 of SPP introduces four planning outcomes which explain “how planning should support the vision” for the planning system in Scotland. Three of these outcomes are particularly relevant, namely:

- Outcome 1: a successful sustainable place – supporting sustainable economic growth and ... the creation of well designed, sustainable places;

- Outcome 2: a low carbon place – reducing our carbon emissions and adapting to climate change; and
- Outcome 3: a natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.

In particular, the proposed Development would assist in delivering sustainable economic growth in line with Outcome 1.

Outcome 2 ‘A Low Carbon Place’ explains that NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. Paragraph 18 refers to the Climate Change (Scotland) Act 2009 which has set a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. SPP explains that Section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery of emissions targets as set out in the Act, and to help deliver the Scottish Government’s climate change adaptation programme. (Note: these targets have been superseded – see below)

The proposed Development would also assist in achieving Outcome 3 ‘a natural, resilient place’, by reference to paragraph 21 in particular, which deals with the concept of a natural, resilient place in a wider context than merely visual amenity or landscape character. The proposed Development would contribute to a natural, resilient place through the part it plays in mitigating the effects of climate change.

It also needs to be noted that very few developments would be able to contribute to all four outcomes – that the Proposed Development contributes positively to three (and the fourth one is not relevant as it applies to transport and digital connectivity) is to its credit and reinforces the engagement of the presumption³.

Principal Policies of SPP

SPP contains two Principal Policies, namely ‘sustainability’ and ‘placemaking’.

Sustainability is addressed at Page 9. SPP states at paragraph 24 that, “*the Scottish Government’s central purpose is to focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth*”.

Paragraph 25 adds that the Scottish Government’s commitment to the concept of sustainable development is reflected in its Purpose.

Paragraph 27 cross refers to the Government’s Economic Strategy which it states “*indicates that sustainable economic growth is the key to unlocking Scotland’s potential... and to achieving a low carbon economy...*”. It also refers to the need to maintain a high-quality environment and to pass on “*a sustainable legacy for future generations*”.

Presumption in Favour of Development that contributes to Sustainable Development

A new ‘Policy Principle’ in the planning system, introduced in the SPP is the statement at Paragraph 27 which is as follows:

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

³ The Reporter in the Caplich case also made the point (paragraph 8.32 of the IR) that with regard to the four planning outcomes and policy principles in SPP “*the objective of any analysis of compliance...should be to see whether there is a ‘broad fit’ with the themes and objectives of the various outcomes and principles, rather than to test the proposal against each issue as though it were a specific policy test*”. This approach is consistent with Suffolk Coastal UKSC with regard to the interpretation of policies in the NPPF (the equivalent of SPP in England) – i.e. they should be approached in the same way as outlined in Tesco – namely statements should not be construed as if they were statutory or contractual provisions (i.e. should not be too literal).

Paragraph 28 continues and states:

“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; it is not to allow development at any cost”.

A presumption in favour is not a new concept to Scottish planning which now takes on a prominent role in national planning policy. It is a formal policy presumption which the system has not seen since the changes made to the Town and Country Planning (Scotland) Act 1972⁴. For practical purposes it is a (relatively) new approach. Although little practical guidance is available, the approach to its application in wind farm cases has been fairly consistently set out by a number of Reporters and in the Graham’s Dairy Judgement. The introduction of the presumption in favour of development that contributes to sustainable development has important consequences for development management practice.

Paragraph 32 states that *“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making”*. SPP directs decision makers as follows, *“proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising ...”*.

Paragraph 33 adds,

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old”.

In this case, the Proposed Development is considered to be in accordance with the Development Plan which is not more than five years old. However, the presumption is still considered to be engaged as the policies within the Development Plan are considered out of date as they do not respond to the climate change emergency in the way that planning is expected to be an enabler as is set out in the Programme for Government (See below).

SPP Subject Policies – A Low Carbon Place

SPP addresses ‘A Low Carbon Place’ as a ‘subject policy’ on page 36 and refers to ‘delivering electricity’.

Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.

Paragraph 153 states that terrestrial planning “facilitates” development of renewable energy technologies and guides new infrastructure to appropriate locations. It adds that *“efficient supply of low carbon and ... generation of ... electricity from renewable energy sources are vital to reducing greenhouse gas emissions ...”*. It explains that renewable energy also presents a significant opportunity for associated development, investment and growth of the related supply chain.

In terms of ‘Policy Principles’, Paragraph 154 states that the planning system should:

⁴ The move in Scotland to the presumption being in favour of proposals which accorded with the Development Plan rather than general development is explained in the House of Lords case of City of Edinburgh Council v Secretary of State for Scotland, Revival Properties Ltd. v City of Edinburgh Council, Secretary of State for Scotland v Revival Properties Ltd [1997] 1 W.L.R. 1447.

- Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
 - 30% of overall energy demand from renewable sources by 2020;
 - The equivalent of 100% of electricity demand from renewable sources by 2020.
- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity;
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

SPP also cross refers to “key documents” and those of relevance to renewable energy include:

- The Electricity Generation Policy Statement (EGPS);
- The 2020 Routemap for Renewable Energy in Scotland; and
- Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 – 2027.

The Proposed Development is consistent with the ‘low carbon place’ subject policy and would contribute to the attainment of its objective. The above renewable energy policy documents are now considered out of date and those up-to-date documents are referred to below.

SPP References to Onshore Wind

Onshore wind is specifically addressed at Paragraph 161 et seq of SPP. Detailed guidance is provided for Planning Authorities with regard to the preparation of Spatial Frameworks for onshore wind development, and it makes it clear that proposals for onshore wind turbine development should continue to be determined whilst Spatial Frameworks and local policies are being prepared and updated.

In terms of Spatial Framework preparation, a “*community separation for consideration of visual impact*” is set out as being “*an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge*”.

As with the previous SPP, this separation distance has a purpose of guiding the preparation of Spatial Frameworks and is not a requirement for a ‘set back’ to settlements, or in relation to individual properties for wind farms in terms of development management

Development Management for Energy Infrastructure Developments

In terms of development management, paragraph 169 of SPP sets out that “*proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and that considerations will vary relative to the scale of the proposal and area characteristics but are likely to include*” a number of matters. These are set out at Table 1 of SPP (page 39), as replicated below.

Table 1: Spatial Frameworks

Group 1: Areas where wind farms will not be acceptable: National Parks and National Scenic Areas.		
Group 2: Areas of significant protection: Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.		
National and international designations: <ul style="list-style-type: none"> • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the Inventory of Historic Battlefields. 	Other nationally important mapped environmental interests: <ul style="list-style-type: none"> • areas of wild land as shown on the 2014 SNH map of wild land areas; • carbon rich soils, deep peat and priority peatland habitat. 	Community separation for consideration of visual impact: <ul style="list-style-type: none"> • an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.
Group 3: Areas with potential for wind farm development: Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.		

With reference to Table 1 and according to SPP criteria, the Proposed Development would operate as a Group 3 site as explained in Chapter 2: Areas with potential for wind farm development. With reference to the Spatial Framework approach set out in Table 1 of SPP, the application site does not lie within any 'Group 1' areas, or within any national and international designations for ecology, ornithology, cultural heritage or wild land (Group 2 areas). Accordingly, the site is considered to be suitable for wind farm development, subject to detailed consideration against identified policy criteria.

In terms of development management, paragraph 169 of SPP sets out that considerations for energy infrastructure "... will vary relative to the scale of proposal and area characteristics but are likely to include:

- *“net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- *the scale of contribution to renewable energy generation targets;*
- *effect on greenhouse gas emissions;*
- *cumulative impacts – planning authorities should be clear about the likely cumulative impacts arising from all of the considerations below;*
- *impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;*
- *landscape and visual impacts, including effects on wild land;*
- *effects on the natural heritage, including birds;*
- *impacts on carbon rich soils, using the carbon calculator;*

- *public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;*
- *impacts on the historic environment, including scheduled monuments, listed buildings and their settings;*
- *impacts on tourism and recreation;*
- *impacts on aviation and defence interests and seismological recording;*
- *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- *impacts on road traffic;*
- *impacts on adjacent trunk roads;*
- *effects on hydrology, the water environment and flood risk;*
- *the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- *the need for a robust planning obligation to ensure that operators achieve site restoration.”*

As set out in the EIA Report and the policy assessment above, the Proposed Development does not result in any unacceptable significant effects.

Paragraph 170 of SPP states that areas identified for wind farms should be suitable for use in perpetuity. It further adds that consents may be time limited, but nevertheless “*wind farms should ... be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities*”.

The provision of paragraph 170 is not a new matter. Circular 4/98 in relation to the use of conditions in planning permissions sets out paragraph 105 that “*the reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenity of the area*”.

Another important point to note with regard to paragraph 170 of SPP is that it further supports the Government’s position that wind energy developments can play an important role in the long-term renewable generation platform of the country, thereby sustaining carbon savings and renewable energy generation targets. As set out in the very recent Government publications, there are now further challenging carbon saving and renewable energy targets set for the long term that go beyond those referenced in NPF3 and SPP, and wind farms operating on a long term, or in perpetuity basis, will clearly sustain and contribute to those targets.

SPP Conclusions

In conclusion, the SPP sets out continued support for onshore wind. Furthermore, it sets out a clear presumption in favour of development that contributes to sustainable development as well as those which accord with the Development Plan. The Proposed Development is sustainable, it operates as a Group 3 site and it has been found to accord with the Development Plan. On this basis it is found that support can be drawn from SPP.

3.4 Renewable Energy Policy and the Climate Emergency

This section explains the renewable energy policy framework that applies as an important material consideration that requires to be weighed in the decision-making balance. The energy and climate change policy and legislative

framework sets the needs case for the proposed development, which is to address the impacts of climate change through renewable energy generation whilst also maintaining energy security.

The approach taken within this Planning Statement has been to place this information in the current climate emergency context, which has been recently well explained by the Committee on Climate Change (CCC) and then to follow this with the current legislative and policy position.

3.4.1 Climate Emergency Context

The CCC published its landmark report entitled ‘Net Zero – UK’s Contribution to Stopping Global Warming’ in May 2019. The report responds to requests from the Governments of the UK, Wales and Scotland, asking the CCC to reassess the UK’s long-term carbon emissions targets.

The Foreword of the report (page 8) sets out that the CCC has “*reviewed the latest scientific evidence on climate change, including last year’s IPCC special report on global warming of 1.50C and considered the appropriate role of the UK in the global challenge to limit future temperature increases*”. It adds, “*Net Zero is a more fundamental aim than previous targets. By reducing emissions produced in the UK to zero, we also end our contribution to rising global temperatures*”.

The Foreword also sets out that “*we must now increase our ambition to tackle climate change. The science demands it; the evidence is before you; we must start at once; there is no time to lose*”.

The report makes recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero greenhouse gases (GHG) by 2050, ending the UK’s contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline;
- Scotland: a target of net-zero GHG economy by 2045, reflecting Scotland’s greater relative capacity to remove emissions than the UK as a whole;
- A net zero GHG target for 2050 would deliver on the commitment that the UK made by signing the Paris Agreement.

In terms of the UK and Scottish targets, the report makes it clear that, “*this is only possible if clear, stable and well-designed policies to reduce emissions further are introduced across the economy without delay. Current policy is insufficient for even the existing targets*”.

The report also adds for Scotland that:

“Scotland has proportionately greater potential for emissions removal than the UK overall and can credibly adopt a more ambitious target. It should aim for net zero greenhouse gas emissions by 2045. Interim targets should be set for Scottish emissions reductions (relatively to 1990) of 70% by 2030 and 90% by 2040”.

The CCC report sets out various scenarios for UK net zero GHGs in 2050. These include one of extensive electrification, particularly of transport and heating. Page 23 of the Executive Summary states that this would need to be “*supported by major expansion of renewable and other low carbon power generation. The scenarios involve around a doubling of electricity demand, with all power produced from low carbon sources (compared to 50% today).*”

It also adds that in terms of preparation (Executive Summary page 34) that with regard to low carbon power, *“the supply of low carbon power must continue to expand rapidly ...”*.

The Technical Annex to the CCC report specifically addresses integrating variable renewables into the UK electricity system. The Annex makes it clear that variable renewable electricity such as large-scale onshore wind is now the cheapest form of electricity generation in the UK and can be deployed at scale to meet UK electricity demands.

The CCC’s ‘further ambition scenario’ for the power sector sees low power carbon sources providing 100% of power generation by 2050. This would be through a mix of variable renewables (including onshore wind) contributing some 57% of power, with firm low carbon power such as nuclear or other plants fitted with carbon capture and storage (38%) and de-carbonised gas such as hydrogen (5%).

The report contains a number of key messages including that *“intermittency of renewables does not prevent full decarbonisation of the power system. Deployment of variable renewables, alongside system flexibility, is a low regret and low cost means of de-carbonising the UK’s electricity system”*.

The CCC published a progress report to Parliament in July 2019 and the Foreword of the Report states that in May 2019, the CCC’s Net Zero report offered compelling analysis of the need to reduce greenhouse gas emissions in the UK effectively to zero by 2050. The net-zero target meets the UK’s obligations under the Paris Agreement and responds to the urgent need for action highlighted by the United Nations Intergovernmental Panel on Climate Change (“IPCC”) in the 2018 Special Report on 1.5°C of global warming.

The Report states that the CCC welcomes strongly the UK Parliament’s decision to make net zero law – and the corresponding decisions of the Welsh Assembly and the Scottish Parliament. These are acknowledged to be positive steps which are of *“fundamental consequence for the future path of our economy, our society and the climate. Carbon neutrality has now become a mainstream goal”*.

The Report adds that tougher targets do not themselves reduce emissions and new plans must be drawn up to deliver them and that *“climate change adaptation is a defining challenge for every government, yet there is only limited evidence of the present UK Government taking it sufficiently seriously”*.

Other key points include:

The Adaptation and Mitigation Committees have reviewed the UK Government’s approach to climate change adaptation and emissions reduction. The Report states *“we find a substantial gap between current plans and future requirements and an even greater shortfall in action”*.

Planning for climate change adaptation is a statutory obligation but the National Adaptation Programme (“NAP”) is incomplete. Of the 56 risks and opportunities identified in the UK’s Climate Change Risk Assessment, 21 have no formal actions in the NAP.

We are now seeing the substantial impacts of a global temperature rise of just 1°C. The Paris Agreement targets a threshold of well below 2°C, ideally 1.5°C, but current global plans give only a 50% chance of meeting 3°C.

In these circumstances, although the UK is committed to working for global action to parallel our own adoption of a net-zero statutory target, it is prudent to plan adaptation strategies for a scenario of 4°C, but there is little evidence of adaptation planning for even 2°C. The Report adds that *“Government cannot hide from these risks”*.

The Clean Growth Strategy, the UK’s plan for emissions reduction, provides a solid foundation for the action needed to meet a net-zero GHG target but “*policy ambition and implementation now fall well short of what is required*”.

In June 2018, the CCC advised that 25 headline policy actions were needed for the year ahead. Twelve months later, only one has been delivered by Government in full. Ten of the actions have not shown even partial progress. Government continues to be off track for the fourth and fifth carbon budgets – on their own appraisal – and the policy gap has widened further this year as an increase in the projection of future emissions has outweighed the impact of new policies.

The Report concludes by stating that the central premise of the Climate Change Act is that the Government of the day holds the responsibility to act to protect future generations. This principle is at risk if the priority given to climate policy is not substantially increased over the next year. The report adds “*The need for action has rarely been clearer. Our message to government is simple: Now, do it*”.

On 27 June 2019 the UK Government became the first major economy in the world (the first G7 country) to pass legislation to end its contribution to global warming by 2050 – by way of 100% reduction of greenhouse gas emissions. The target is now legally binding by way of an amendment to the Climate Change Act 2008. Scotland followed soon after (See below).

3.4.2 Climate Change Legislation

On 31 October 2019 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent and became an Act of parliament, which amended the Climate Change (Scotland) Act 2009. The Act requires that “*The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the “net-zero emissions target”).*” The target year is 2045 and the Act also sets out challenging interim targets. It requires that:

“The Scottish Ministers must ensure that the net Scottish emissions account for the year—

- (a) 2020 is at least 56% lower than the baseline,*
- (b) 2030 is at least 75% lower than the baseline, and*
- (c) 2040 is at least 90% lower than the baseline.”*

It is important to note that these targets are minimum targets, they are not maximums or aspirations. The targets legally bind the Scottish Ministers and have largely been legislated to set the framework for Scotland’s response to the climate change emergency – see below.

It is also very important to note that Section 44 of the Climate Change (Scotland) Act 2009 ‘imposes a number of duties on public bodies relating to climate change’. It obliges them, including all Councils to ensure when exercising functions, they act:

- In the way best calculated to the delivery of the targets
- In the way best calculated to help deliver any programme laid before the Scottish Parliament (Scottish Climate Change Plan)
- In a way that it considers most sustainable

3.4.3 Scottish Climate Emergency Context

Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019, stating:

"As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it." Referring to the recently published CCC advice, Ms Sturgeon added "if that advice says we can go further or go faster, we will do so".

Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency'. Again, with reference to the recent CCC Report. She stated:

"We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."

The Minister also highlighted the important role of the planning system stating:

"And subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals".

The Scottish Government has therefore acted on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees. In light of the further report by the CCC the Scottish Government has stated unequivocally that there needs to be *"transformative change"* and that action has to be quick and decisive. An emergency requires action and as set out in the conclusions below, the planning system must be responsive to that.

The current climate change emergency must therefore significantly inform the weight to be attributed to the climate change benefits that would result from the operation of the proposed Development.

In this regard the proposed development would likely 'payback' its carbon footprint resulting from construction activities within 1.4 years, which is an incredibly short carbon payback period when compared to other wind energy developments which can be around four years.

3.4.4 Programme for Government – 2019-20

The Scottish Government published the Government Programme for 2019-20 entitled 'Protecting Scotland's Future' on 3 September 2019. In the introduction from the First Minister, the 'Climate Emergency' is acknowledged and it states that *"this Programme for Government sets out some of the next step in Scotland's journey to net zero emissions and raises our ambition in light of the emergency we face. We are leading the world in setting challenging targets, but we must also redouble our efforts to meet them"*.

The Introduction also refers to the preparation of the National Planning Framework 4 and confirms that an updated Climate Change Plan will be prepared that will take full account of the advice of the UK Committee on Climate Change.

The Executive Summary (page 10) addresses ‘ending Scotland’s contribution to climate change’ and states that “*Our response to the global climate emergency requires us to accelerate our good work*” and reference is made to the recently established Climate Emergency Response Group (CERG).

Chapter 1 of the Programme entitled ‘Ending Contribution to Climate Change’ makes it clear that Scotland is facing a climate emergency and key points include the following: -

- Reference is made to Scotland already having committed to some of the toughest emissions reductions in the world and adopting a net zero emissions target by 2045 and underlines the Government’s ambition that Scotland will no longer contribute to global climate change.
- Scotland has a unique opportunity to be at the forefront of global action; and
- This Programme for Government commits to vital early action to accelerate Scotland’s journey towards net zero.

With reference to the CERG, ‘12 specific asks’ are set out and these include:

- *“Making regional land use plans for maximising the potential of every part of Scotland’s land to contribute to the fight against climate change...”*
- *Completion of plans for how Scotland generates the renewable electricity needed to reach net zero. In this regard reference is made to the next Energy Statement which is to set out the extent to which renewable and low carbon energy generation will need to combine in order to meet net zero and that this will then be monitored on an annual basis.”*

Page 38 also states that the Scottish Government is making a number of other major commitments in response to the climate emergency and in terms of ‘Planning’ this will include the fourth National Planning Framework which will help to radically accelerate reduction of emissions.

Page 39 refers specifically to planning and key points referenced in this regard include:

- *“The global climate emergency means that the time is right for wide-ranging debate on more radical planning policy options.*
- *Innovation, infrastructure and investment will be needed to transform our cities, towns and rural areas into places that support lower emissions lifestyles and businesses. Planning is a vital tool in leveraging the changes we need to make to achieve our goals.*
- *We will begin engagement on the fourth National Planning Framework in autumn this year. Through it, we will explore planning options that radically accelerate reduction of emissions.*
- *By summer next year, we will publish a draft National Planning Framework which sets out how and where development should take place across Scotland for the period up to 2050.*
- *This will be part of a wider package to deliver the reform envisaged by the Planning Act 2019. As part of that wider programme, we will introduce legislation on permitted development rights. This would support, for example, developments such as micro-renewable technologies. We will also launch a programme of digital*

transformation to make better use of digital technologies and data, including a digital mapping prototype to support co-ordinated and sustainable development. The Programme also makes reference to the Climate Change (Emissions Reduction Targets) Bill which seeks to introduce a legally-binding net zero target of 2045. The Bill passed Stage 3 on 25 September 2019 and is due to become an Act of the Scottish Parliament once it receives Royal Assent. Notably, the change in reduction targets will make Scotland's statutory targets the most stringent in the world and shows yet another commitment to meeting its net-zero ambition five years ahead of the date set for the UK."

3.4.5 Energy Policy

The most up-to-date Scottish Government energy policy position, by way of published energy policy documents, is contained within the Scottish Energy Strategy (SES) and the Onshore Wind Energy Policy Statement (OWPS), which establish the policy position to deliver clean energy to support the commitments within the Climate Change Plan (2018). These documents are examined below.

However, it requires to be noted that the Climate Change Plan, the SES and OWPS were published in advance of The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which sets significantly more ambitious climate change targets than were in place when this current suite of energy policy documents were published. Accordingly, the current suite of energy policy requires to be read in the context of current legislated climate change targets.

The Scottish Energy Strategy (SES)

The SES sets a 2050 vision for energy in Scotland as “a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland’s households, communities and businesses”. The vision is guided by three core principles namely:

- *A whole system view;*
- *An inclusive energy transition; and*
- *A smarter local energy model.*

The 2050 vision is expressed around six priorities including:

“Renewable and low carbon solutions – we will continue to champion and explore the potential of Scotland's huge renewable energy resource, and its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets”.

The strategy also contains new whole system targets for 2030 as follows: -

- *The equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources;*
- *An increase by 30% in the productivity of energy use across the Scottish economy.*

The longer-term target is further articulated on page 34 where it is stated: “*Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.*” However, these targets may need to be revisited in light of the recent legislated climate change targets.

The SES refers to “*Renewable and Low Carbon Solutions*” as a strategic priority (page 41) and states “*we will continue to champion and explore the potential of Scotland’s huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*”.

Onshore wind is identified as a key technology and the SES states “*we will push for UK wide policy support for onshore wind and take action of our own to prioritise and deliver a route to market – combined with a land use planning approach which continues to support development while protecting our landscapes*”.

The Government has highlighted the importance of the need for onshore wind to have a route to market and the importance of this consideration is clearly emphasised in the final SES.

The SES goes on to set out what is termed the “*Opportunity*” for onshore wind and there is explicit recognition that onshore wind is amongst the lowest cost forms of power generation of any kind which will allow it to contribute to one of six priorities, which is “*to protect consumers from excessive or avoidable costs*” (Page 8). It is also recognised as “*a vital component of the huge industrial opportunity that renewables creates for Scotland*”. Reference is made to the employment levels and economic activity derived from onshore wind and the SES sets out that the Government is “*determined to build on these strengths*”.

The SES sets out the Government’s clear position on onshore wind namely:

“our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.

“That means continuing to support development in the right places, and – increasing the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts and it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefits, and – where possible economic benefits driving from community ownership”.

The SES adds:

“this can be done in a way which is compatible with Scotland’s magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well underway, and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places”.

The SES goes on to cross refer to further detail in relation to onshore wind as contained within the OWPS which as noted, has been published alongside the SES. The SES therefore, in addition to setting new stretching renewable energy and electricity targets, gives unequivocal strong policy support for the further development of onshore wind. In essence there is a renewed and enhanced impetus being imparted, rather than just a continuation of previous support.

Page 69 references “near term actions” for onshore wind including:

- *“Build on the positive and practical provision for onshore wind in our planning system under the next National Planning Framework and Scottish Planning Policy; and*

- *Implement the new Onshore Wind Policy Statement, which underlines the continued importance of this established low cost resource”.*

In terms of energy storage, the SES recognises the importance of storage for flexibility. The SES notes on page 21 that *“energy storage is another important source of flexibility. Energy can be stored in different ways – for example, in pumped hydro storage facilities, chemical batteries, thermal stores, stocks of coal at power stations, gas storage facilities and more locally in the form of petrol and diesel in refilling stations or in vehicle tanks.*

Changes to how we store energy across the system, and particularly in terms of electricity and heat, could have a profoundly important bearing on our low carbon future.”

The SES also notes on page 47 that *“Combining storage with wind and solar assets presents a valuable solution for the energy system as a whole, offering the potential for demand to be managed locally. This kind of flexibility and control will be important as electric vehicles become an integral part of the transport system.”*

On page 59 under the heading ‘System Security and Flexibility’ the SES further notes the importance of storage and states:

“Renewables will play a huge part in meeting our future energy needs. But there will be roles too for other sources and technologies – for thermal generation with carbon capture, for pumped storage hydro and other forms of storage, and for smarter, more interconnected networks...”

The Scottish Government agrees that storage is a strategically important issue, with real potential benefits for Scotland. We will continue to support innovation and deployment in this area, and to work with energy sector and academic stakeholders on steps designed to accelerate its penetration and value across Scotland...

Electricity storage The UK Smart Systems Plan includes a strong commitment to improving the prospects for and uptake of electricity storage. We are seeing remarkable growth and changes in storage potential and technologies – such as the availability and reducing cost of batteries which can help manage and control domestic demand, with much larger applications able to complement large scale renewable generators connected to higher voltage networks.”

Onshore Wind Policy Statement (OWPS)

The Ministerial Foreword of the OWPS sets out that *“there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland”.*

It adds *“our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland’s future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy”.*

Chapter 1 is entitled ‘Route to Market’ and it sets out (paragraph 2) that onshore wind, as a mature and established technology, is now amongst the lowest cost forms of generating electricity, renewable or otherwise. It adds *“we expect onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland”.*

Establishing a route to market is essential to enable wider deployment and an increased contribution from onshore wind. In a subsidy free context, it will be the larger scale developments that can capture a good wind resource, and which have cost effective grid connection arrangements which will make a valuable early contribution to targets.

Paragraph 3 continues: *“In order for onshore wind to play its vital role in meeting Scotland’s energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set”.*

The statement therefore makes it very clear that onshore wind is expected to make a significant contribution to Scotland’s energy needs including renewable targets into the long term. A number of parties opposed to onshore wind farms have in recent years continued to advance an argument that because Scotland’s 2020 target in relation to the generation of renewable electricity could be within reach, that less weight should be placed on the contribution and benefits that could arise from onshore wind energy. Put simply, this argument does not stack up, particularly in light of the recent legislated climate change targets that will require a green energy generation response to address decarbonising the grid, heat and transport.

Paragraph 4 of Chapter 1 states that given the recognised contribution that onshore is expected to make to Scotland’s future energy and renewable targets *“this means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated”.*

3.4.6 Conclusions on Renewable Energy Policy and the Climate Emergency

The UK and Scottish Government renewable energy policy documents, and associated renewable energy and climate change targets, all provide considerable support in favour of renewable energy development. Owing to the recent enactment of climate change legislation and the clear recognition in the Programme for Government of the climate change emergency that we are in; the need case for the proposed Development must be considered significant and a weighty material consideration.

As required by S44 of the Climate Change Act 2009 (as amended) in determining this planning application the Scottish Ministers are bound to exercise their decision-making function in the interests of sustainable development and in the best way to contribute to the net zero target and the interim 2020, 2030 and 2040 targets. There is a long way to go to achieve net zero and simply because the 2020 target may be considered in reach does not reflect the scale of the net zero challenge.

The proposed Development has a capacity in the region of 42MW, is predicted to have a 1.4 year carbon payback period and is estimated to be capable of powering the equivalent of 34,729 homes. It would make a valuable contribution to legislated climate change targets and government policy objectives; thereby implementing Government policy, which encourages more electricity generation from renewable sources.

The Scottish Government makes it unequivocally clear that renewable energy generation is a key component of the ways in which climate change can be addressed and a key component in meeting climate change targets. The SES recognises that onshore wind is a vital part of Scotland’s renewable energy future and that it is the most cost-effective way of generating renewable energy and on this basis must be considered as being the energy generation technology that could contribute the most to our climate change objectives in the short term.

The scale of the challenge presented by the new targets adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport, which will require significant increases in renewable energy generation well beyond historic deployment levels.

The Energy Minister has stated that in light of adopting the CCC recommendations “*this means we have the most stringent statutory targets in the world*”. Moreover, the CCC is unambiguous in stating that “Current policy is insufficient for even the existing targets”. It cannot be the case therefore that it is ‘business as usual’ for decision makers.

Accordingly, the current climate change emergency, the scale of the challenge and the contribution that the proposed Development can make must be a significant consideration weighed in favour of consenting the Proposed Development.

3.5 Conclusions on Material Considerations

The material considerations set out above lend significant support in favour of granting planning permission for the Proposed Development. The Proposed Development site is not located within any areas, such as National Parks or National Scenic Areas, where national policy embargoes wind energy development. The Proposed Development site is also not located within any other areas identified by national planning policy as being of national significance, such as Wild Land.

In terms of the climate emergency, it is also the case that national planning policy must be considered out of date, which is recognised within the PfG with regards to commitments to revisit national planning policy to ensure that planning responds appropriately to the climate emergency that we are facing. However, national policy is of some relevance, in particular the presumption in favour of sustainable development within SPP, which the Proposed Development should fully benefit from due to the Development Plan policy position being out of date as it does not respond to the recently declared climate change emergency.

In this regard the Proposed Development will have a low carbon payback period of 1.4 years, it has minimised its likely environmental effects through siting and design and will bring socio economic benefits to the area. It is submitted that the Proposed Development must be considered sustainable.

The Climate Change Act requires decision makers to Act in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of this Act, which must include ramping up the support for renewable energy development. This part of the Act is binding upon NAC and this approach would be consistent with their corporate policy position.

The Proposed Development would also contribute to the attainment of the UK and Scottish Government policies of encouraging renewable energy development and in turn contribute to the achievement of Scottish Government targets for climate change and renewable electricity generation. The Proposed Development, with an installed capacity of approximately 42MW would make a significant and valuable contribution to such unmet targets. Government policy envisages renewable energy contributing more than 100% of electricity consumption by 2020. There remains a significant national level shortfall against the 2020 target and a substantial shortfall against the 2030 and 2045 targets within the Climate Change Act.

The Government has confirmed its long-term commitment to the decarbonisation of electricity generation, and it is developments like the Proposed Development, where significant impacts on nationally important receptors has largely been avoided, that would help advance this policy objective.

The Proposed Development is found to draw significant support from material considerations being largely consistent with the national policy spatial strategy for wind energy development in Scotland and in significantly

contributing to our very ambitious climate change targets that seek to address the climate emergency that we are in.

4 Conclusions

4.1 Introduction

This Chapter of the Planning Statement sets out overall conclusions regarding the extent of the Proposed Development's accordance with the statutory Development Plan and the support that can be drawn from other material considerations.

4.2 The Statutory Development Plan

The conclusions reached above from the assessment of the relevant LDP provisions is that the Proposed Development is in accordance with and supported by the LDP's aims and objectives, being consistent with the LDPs land use strategy. It is also concluded that the Proposed Development is in accordance with the Development Plan, when considered as a whole and in particular policy 29, which supports renewables development where the environmental effects likely to arise are not unacceptable.

As set out above, it is found that the Development Plan is out of date and that the presumption in favour of sustainable development set out within SPP is fully engaged. This is because the LDP is of an age where it has not reflected the current climate change emergency. It also does not address the Scottish Government's commitments to ensure NPF4 responds to the climate change emergency, which once adopted will itself form part of the statutory Development Plan.

The Proposed Development is considered to be in accordance with the relevant provisions of the LDP and accordingly the Development Plan.

4.3 National Planning Policy

The NPF3 and SPP set out a strong position of support with regard to renewable energy (including renewable energy targets and Scottish Government energy policy) and recognise the significant energy resource that can be provided by onshore wind.

SPP sets out guidance and advice for the consideration of onshore wind energy development and it is clear that the Proposed Development has a location that falls out with nationally important protected designations, and which operates as Group 3: 'Areas with potential for wind farm development'.

The Proposed Development is appropriately sited, addresses national planning policy requirements and would provide a valuable contribution to renewable energy and climate change targets. As above, the proposed development should benefit from the full application of the presumption in favour of sustainable development within SPP.

On the whole it is found that the Proposed Development can draw significant support from NPF3 and SPP.

4.4 Other Relevant Material Considerations

Other key material considerations include the CCC Report, the Programme for Government, The Climate Change Act, the Scottish Energy Strategy and the Onshore Wind Policy Framework. It is submitted that substantial weight should be attributed to the current climate emergency, the scale of the challenge presented by our recently

legislated climate change targets and the contribution that the proposed Development can make, including its very low carbon payback period of 1.4 years.

In terms of direct socio-economic benefits, the construction and operation of the Proposed Development would bring financial benefit the NAC area and Scottish economy by way of bettering the security of electricity supply and protecting the jobs and local supply chain associated with renewables. On the whole, it is concluded that substantial support can be drawn from other material considerations.

4.5 Overall Conclusions

In conclusion, having regard to s.25 and s.37(2) of the Act it is found that the Proposed Development accords with the relevant provisions of the statutory Development Plan and that substantial support is gained from relevant material considerations. Accordingly, it is submitted that planning permission should be granted.

Appendix 1 : Policy Schedule

This Policy Schedule lists the key policies of the North Ayrshire Council Local Development Plan 2019. Note, the policy framework that informed the EIA process is wider in scope than those key policies that are relevant to apply to the assessment of the Proposed Development in the context of s.25 and s.37(2) of the Act.

Policy Name	Policy
Policy 12 : Scheduled Monuments	<p>Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Development proposals directly affecting Scheduled Monuments will require Scheduled Monument Consent from Historic Environment Scotland.</p>
Policy 15 : Landscape and Seascape	<p>We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:</p> <p>a) National Scenic Areas Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:</p> <ul style="list-style-type: none"> i) the objectives of the designation and the overall integrity of the area will not be compromised; or ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. <p>b) Special Landscape Areas We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.</p> <p>c) Wild Land We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p> <p>d) Local Landscape Features Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:</p> <ul style="list-style-type: none"> i) patterns of woodlands, fields, hedgerows and trees; ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape; iii) settlement setting, including approaches to settlements; iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network; v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

Policy Name	Policy
	<p>For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH,1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.</p>
<p>Policy 16 : Protection of our Designated Sites</p>	<p>We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;</p> <p>a) Nature Conservation Sites of International Importance Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.</p> <p>b) Nature Conservation Sites of National Importance Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.</p> <p>c) Nature Conservation Sites of Local Importance Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.</p> <p>d) Marine Protected Areas Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).</p> <p>e) Biodiversity Action Plan Habitats and Species Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.</p> <p>f) Protected Species Development likely to have an unacceptable adverse effect on;</p>

Policy Name	Policy
	<p>i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.</p> <p>ii) The Scottish Biodiversity List (SBL) of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.</p>
Policy 17 : Clyde Muirshiel Regional Park	<p>Proposals that affect Clyde Muirshiel Regional Park must have regard to the Park’s statutory purpose of providing recreational access to the countryside. Proposals should also take account of wider objectives as set out in relevant management plans and strategies, namely to:</p> <ul style="list-style-type: none"> • Provide visitors of all ages and abilities the opportunity for quality recreation. Using its unique assets the Park will facilitate a high quality programme of leisure activities which contribute to the health agenda • Ensure the Park is an increasingly popular and productive venue for formal and informal education and outdoor learning. More people will participate in learning opportunities and will develop a better appreciation of the area’s natural and cultural heritage • Ensure the Park is an attractive and ecologically important visitor destination with increased biodiversity value. The Park embraces opportunities for positive environmental change.
Policy 22 : Water Environment Quality	<p>We will support development that helps achieve the objectives of the Water Framework Directive and the River Basin Management Plan for Scotland. Generally, development which would lead to the deterioration of the water environment will be resisted unless it would deliver significant social, environmental or economic benefits.</p> <p>Development will be required to ensure no unacceptable adverse impact on the water environment by:</p> <ol style="list-style-type: none"> a) Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity); b) Protecting and enhancing existing flood plains; protecting opportunities for public access to and recreation and enjoyment on and around lochs, rivers, burns, wetlands and the coastal marine area; and c) Having regard to any designated Bathing Waters. Where engineering works are required in or near water bodies, there will be a presumption in favour of soft engineering techniques and against the culverting of watercourses, unless there is no suitable alternative. Proposals for culverting of watercourses for land gain may only be justified if the applicant can demonstrate that: <ul style="list-style-type: none"> • No other practical option exists that would allow the watercourse to remain open; and

Policy Name	Policy										
	<ul style="list-style-type: none"> The proposed development is of overriding public interest. <p>We support connection to public sewerage systems in the first instance but recognise that wastewater solutions must be affordable and delivered at the most appropriate scale and that in many cases septic tank systems can be the most sensible solution for a household or small community (this also might be bespoke for our island communities). We will consider the cumulative impact of such solutions and support a preference for community solutions.</p> <p>Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.</p> <table border="1" data-bbox="448 745 1115 987"> <thead> <tr> <th data-bbox="448 745 751 846">Indicative Width of watercourse (top of bank)</th> <th data-bbox="751 745 1115 846">Indicative Width of buffer strip (either side)</th> </tr> </thead> <tbody> <tr> <td data-bbox="448 846 751 880">Less than 1m</td> <td data-bbox="751 846 1115 880">6m</td> </tr> <tr> <td data-bbox="448 880 751 913">1 – 5m</td> <td data-bbox="751 880 1115 913">6 – 12m</td> </tr> <tr> <td data-bbox="448 913 751 947">15 – 15m</td> <td data-bbox="751 913 1115 947">12 – 20m</td> </tr> <tr> <td data-bbox="448 947 751 987">15m+</td> <td data-bbox="751 947 1115 987">20m+</td> </tr> </tbody> </table>	Indicative Width of watercourse (top of bank)	Indicative Width of buffer strip (either side)	Less than 1m	6m	1 – 5m	6 – 12m	15 – 15m	12 – 20m	15m+	20m+
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Less than 1m	6m										
1 – 5m	6 – 12m										
15 – 15m	12 – 20m										
15m+	20m+										
<p>Policy 29 : Energy Infrastructure Development</p>	<p>We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:</p> <p>Environmental</p> <ul style="list-style-type: none"> Communities and individual dwellings – including visual impact, residential amenity, noise and shadow flicker; Water quality; Landscape – including avoiding unacceptable adverse impacts on our landscape designations; Effects on the natural heritage – including birds; Carbon rich soils including peat; Impacts on the historic environment – including scheduled monuments, listed buildings and their settings. <p>Community</p> <ul style="list-style-type: none"> Establishing the use of the site for energy infrastructure development; providing a net economic impact – including socio-economic benefits such as employment, associated business and supply chain opportunities; Scale of contribution to renewable energy generation targets; Public access – including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework; Impacts on tourism and recreation; Specific locational opportunities for energy storage/generation. 										

Policy Name	Policy
	<p>Public Safety</p> <ul style="list-style-type: none"> • Greenhouse gas emissions; • Aviation and defence interests and seismological recording; • Telecommunications and broadcasting installations – particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets; • Road traffic and adjacent trunk roads; • Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies); • Decommissioning of developments – including ancillary infrastructure, and site restoration and aftercare. <p>Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation.</p> <p>There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire.</p> <p>This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.</p> <p>Buildings: Low and Zero Carbon Generating Technology</p> <p>Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.</p> <p>A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan. This requirement will not apply to:</p> <ol style="list-style-type: none"> 1. Alterations and extensions to buildings 2. Change of use or conversion of buildings 3. Ancillary buildings that stand alone and cover an area less than 50 square metres 4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection. 5. Buildings which have an intended life of less than two years.
<p>Policy 34 : Protecting Peatland and Carbon Rich Soils</p>	<p>We will take a precautionary approach to development affecting peat or carbon-rich soils (shown on the SNH Carbon Rich Soils and Peat map and indicated on the mini-map opposite).</p> <p>We will only support development where there is no viable alternative and it has been demonstrated, for example, through the submission of a peat survey and management plan, that</p>

Policy Name	Policy
	<p>mitigation measures can be implemented to minimise carbon emissions (by minimising the draining or disturbance of the peatland) and that the economic and social benefit of the development outweigh any potential detrimental effect on the environment.</p> <p>Proposals for commercial peatland will only be supported in areas suffering historic, significant damage through human activity, where the conservation value is low and restoration is impossible.</p> <p>Definitions of the Classes of Carbon Rich Soils Class 1: All vegetation cover indicates priority peatland habitats – and – All soils are carbon rich soils and deep peat</p> <p>Class 2: Most of the vegetation cover indicates priority peatland habitats – and – All soils are carbon rich soil and deep peat</p> <p>Class 3: Vegetation cover does not indicate priority peatland habitat but is associated with wet and acidic soil types – and – Most soils are carbon rich soils, with some areas of deep peat</p> <p>Class 4: Area unlikely to be associated with peatland habitats or wet and acidic soils – and – Area unlikely to include carbon rich soils</p> <p>Class 5: Vegetation cover does not indicate peatland habitat – and – All soils are carbon rich soil and deep peat.</p>



JLL

7 Exchange Crescent
Conference Square
Edinburgh EH3 8LL
+44 (0)131 225 8344
+44 (0)131 225 2147

Stuart Winter
Director

0131 301 6768
stuart.winter@eu.jll.com

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