TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997

Index of applications under the above acts to be considered by Planning Applications Committee on 14th March 2018.

Reference No: 2014/0820/TP Ward: 5

Applicant: Agent: Page 17

Moorhouse Windfarm Ltd

Baltic Chambers

50 Wellington Street

Suite 406 - 407

Glasgow

G2 6HJ

Coriolis Energy Ltd

Baltic Chambers

50 Wellington Street

Suite 406 - 407

Glasgow

G2 6HJ

Site: Land east of Shieldhill Farm and west of Moor Road, Newton Mearns, East Renfrewshire, G77 6SQ

Description: Erection of six 76.5 metre high wind turbines (to hub height) and anemometer mast with formation of

access tracks; erection of sub-station and control building and formation of two borrow pits

Reference No: 2017/0374/TP Ward: 2

Applicant: Agent: Page 47

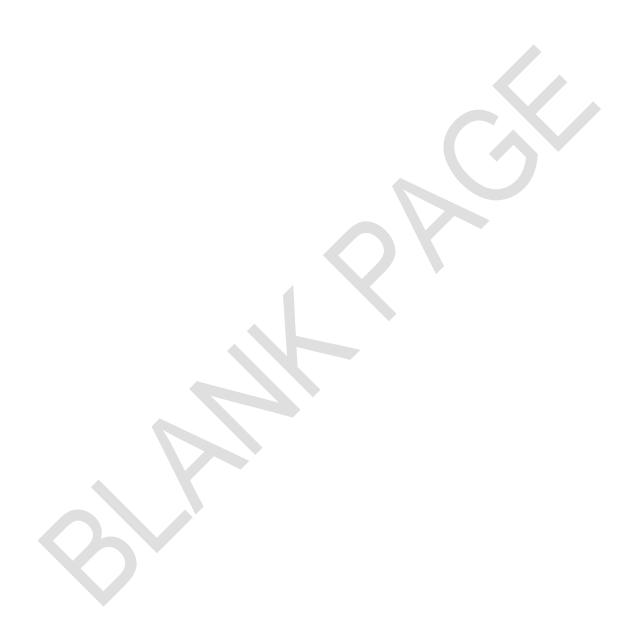
Patersons of Greenoakhill Ltd Johnson Poole and Bloomer

Gartsherrie Road 50 Speirs Wharf

Coatbridge Glasgow ML5 2EU 4 9TH

Site: Floak, Ayr Road, Newton Mearns, East Renfrewshire, G77 6SJ

Description: Formation and extension of hard rock quarry (consolidation of previous planning permissions) (major)



REPORT OF HANDLING

Reference: 2014/0820/TP Date Registered: 5th February 2015

Application Type: Full Planning Permission This application is a Local Development

Ward: 5 – Newton Mearns South and Eaglesham

Co-ordinates: 251965/:649349

Applicant/Agent: Applicant: Agent:

Moorhouse Windfarm LtdCoriolis Energy LtdBaltic ChambersBaltic Chambers50 Wellington Street50 Wellington Street

Suite 406 - 407 Suite 406 - 407

Glasgow Glasgow G2 6HJ G2 6HJ

Proposal: Erection of six 76.5 metre high wind turbines (to hub height) and

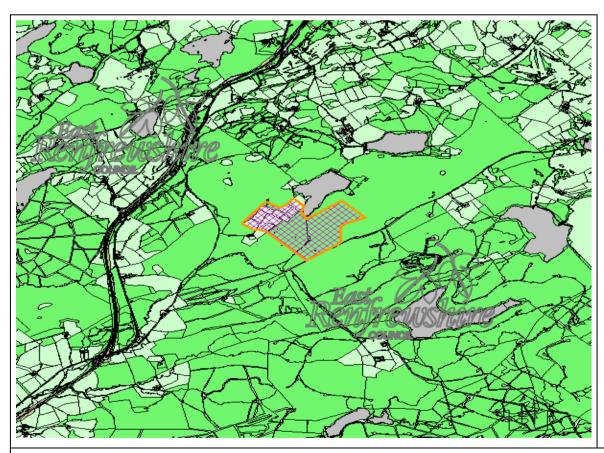
anemometer mast with formation of access tracks; erection of sub-station

and control building and formation of two borrow pits

Location: Land east of Shieldhill Farm and west of Moor Road

Newton Mearns East Renfrewshire

G77 6SQ



DO NOT SCALE

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CONSULTATIONS/COMMENTS:

Historic Environment Scotland No objections.

The Royal Society for the Protection of Birds

No objections subject to conditions.

Glasgow Airport No objection subject to conditions.

East Renfrewshire Council Outdoor Access

Officer

The proposed windfarm has the potential to improve access from Newton Mearns to the visitor facilities at Whitelee Windfarm by creating new access roads over the ground west of Ballageich Hill. The turbine access tracks as proposed would

contribute to an expanding access network

East Renfrewshire Council Roads Network

Manager

No objections subject to conditions.

East Renfrewshire Council Environmental

Health Service

No objections subject to conditions.

Scottish Natural Heritage Noting that has offered comments on the

potential impact on peatland habitat, ornithology and supports the applicant's

proposed use of mitigation plans.

West of Scotland Archaeology Service No objections and recommends an

archaeological watch brief condition.

Scottish Water No objection.

Scottish Environment Protection Agency

No objection subject to a condition requiring a

peat management plan is submitted and

agreed before construction begins.

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

East Ayrshire Council Objects on cumulative visual impact; on the

impact on residential properties and on the

height of the proposed turbines.

Ministry Of Defence No objections.

National Air Traffic Service Objects as the proposal conflicts with

safeguarding criteria.

Glasgow Prestwick Airport No objections.

Health and Safety Executive No response at time of writing.

Management

Transport Scotland Trunk Roads Network

Overall there will be a minimal increase in traffic on the trunk road during the operation of the facility therefore the proposed development is not likely to have a significant impact on the operation of the trunk road network.

PUBLICITY:

23.01.2015 Glasgow and Southside Expiry date 06.02.2015

Extra

23.01.2015 Edinburgh Gazette (EIA) Expiry date 20.02.2015

23.01.2015 Glasgow and Southside Expiry date 20.02.2015

Extra (EIA)

SITE NOTICES: None.

SITE HISTORY:

2010/0241/TP Erection of 19 No 126 Refused 24.04.2012

metre high wind turbines

and 3 permanent Subsequent 12.02.2012

anemometer masts; appeal dismissed

erection of sub-station by Scottish and control building; Ministers

formation of access tracks; formation of 3

borrow pits

REPRESENTATIONS: 15 representations have been received 14 of which object and 1 is in support: Representations can be summarised as follows:

Objections

Visual impact/cumulative visual impact

Already too many turbine sin East Renfrewshire

Renewable targets already met in Scotland/no need for the development

Contrary to Local Plan/in greenbelt

Adversely affect community

Detrimental effect on recreation/walkers/cycling/tourism/fishing

Impact on privacy

Noise/cumulative noise

Affect birds/wildlife

Previous refusal and appeal decision

Criticism of selected viewpoints

Proximity to housing (being within 2km)

Contamination and water contamination

Impact on water supplies

Health effects

Flicker effect

Proximity to gas mains

Impact on recreation

Impact on soil/peat

Viability of rural dwellings/farmsteads

In support

Area well suited for windfarms

Little/no threat to landscape or environment

Meets future energy requirements

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Environmental Impact Assessment

The main subjects/topics of the EIA are: policy and planning; land use, property and agriculture; geology and soils; water quality and drainage; ecology and nature conservation; landscape and visual effects; archaeology and cultural heritage; traffic and access; noise and vibration; air quality; shadow flicker and icing; telecommunications and aviation; and socio-economic effects.

ASSESSMENT:

This is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations as the generating capacity of the proposed windfarm does not exceed 20 megawatts. The application has been accompanied with an Environmental Impact Assessment, which has been submitted voluntarily by the applicant with the application, and as a consequence the application has to be presented to the Planning Applications Committee for determination. In addition more than 10 representations have been received to the application.

The proposed windfarm is being referred to as Soame Windfarm by the applicant and the site is located at land associated with and in the ownership of Shieldhill Farm and South Moorhouse Farm. Shieldhill Farm is located to the west of Moor Road/Whitelee Windfarm whereas South Moorhouse Farm is located further to the north of the site. The identified application site is split approximately in half between these two farms. The applicant has also indicated that North Moorhouse Farm, East Moorhouse Farm and Bonnyton Moor Farm also have an interest in this application although this interest has not been specified.

The application site is to the north-east of Shieldhill Farm itself and south of Bennan Loch and south-west of Ballageich Hill. The closest of the turbines to Shieldhill is approximately 425m away and the furthest turbine is approximately 1.25km away. The nearest residential property other than Shieldhill is at Highfield which is approximately 1.05km to the west of the nearest turbine.

Permission is sought for the erection of six turbines that are to be 76.5m high to hub and 126.5m to blade tip with a generating capacity of 18MW. The turbines are labelled T1 through to T6 running west to east across the site. The turbines are located Above Ordnance Datum approximately as follows: T1 (225m); T2 (267m); T3 (265m); T4 (275m); T5 (268m); and T6 (295m). It should be noted that the exact model of turbine has not been chosen yet. However it has been indicated that the turbines are to incorporate tubular towers with three blades attached to a nacelle housing the generator, gearbox and other operating equipment. The turbines are indicated as being a semi-matt pale grey colour. The transformer for each turbine is assumed to be at the tower base with maximum dimensions of 5.5m by 3m by 3m and its housing is also indicated as being also a semi-matt grey colour. The connection to the national grid is to be done via an agreed route and various options are being considered by the applicant and Scottish Power Electricity Networks. It has been indicated that the most likely scenario would be an underground gable along existing roads to Giffnock. It should be noted that the grid connection does not from part of this application.

The foundations for each turbine would be designed to suit specific ground conditions with the detailed ground investigation carried out prior to construction on site. It has been indicated that in most cases pad foundations would be constructed using reinforced concrete. Each turbine would require excavation of an area of 25m by 25m and 2.5m to 3m deep.

The application includes the formation of a vehicular access from Moor Road with access tracks leading through the site to each turbine and anemometer mast. The application includes the erection of a permanent anemometer mast which is to be a lattice tower measuring 80m high towards the west part of the application site. The application also includes the erection of a substation building and control building and two borrow pits. The sub-station and control building is to be 14m long by 7m wide and is to have a pitched roof 5m high. This building is to be located towards the west of the application site between turbines T1 and T3. The indicative position of the borrow pits are to be at the intended sub-station/control building and adjacent to turbine T6

towards the north-east part of the site. Both borrow pits are indicated as providing a maximum of 40,000m3 of material and are to be 136m by 136m and 183m by 118m respectively. It has been indicated that further works would be undertaken before construction to check their suitability and if any other location was identified as preferable a separate planning application would be made. Blasting may be required at the borrow pits and this is to be confirmed following further ground investigation works.

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

An Environmental Impact Assessment (EIA) has been submitted by the applicant to consider the main environmental effects associated with the development. The main sections of the EIA are as follows: policy and planning; land use, property and agriculture; geology and soils; water quality and drainage; ecology and nature conservation; landscape and visual effects; archaeology and cultural heritage; traffic and access; noise and vibration; air quality; shadow flicker and icing; telecommunications and aviation; and socio-economic effects. These matters will be considered later in this report.

Scottish Planning Policy (2014)

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

The SPP indicates that decisions should be guided by a number of principles. The most relevant to this application are considered to be supporting climate change mitigation and adaption. This will be considered in more detail in the assessment against the relevant development plan policies below.

Scottish Government Policy on Delivering Heat and Energy is contained in Scottish Planning Policy (SPP) and the current target is for 30% of Scotland's overall energy demand to be generated from renewable sources by 2020 with 100% of electricity demand from renewable sources by 2020. The SPP sets out guidance for the consideration of applications for a range of renewable energy proposals, including wind farms, and encourages the use of the development plans to support and encourage renewable technologies in appropriate locations. Further advice has been issued by the Scottish Government on the range of matters to be considered in determining applications for energy infrastructure developments. These matters include net economic impact; contribution to renewable energy generation targets; effect on greenhouse gas emissions; cumulative impacts; impacts on communities and individual dwellings; landscape and visual impacts; impacts on natural heritage; impacts on carbon rich soil; public access; impact on historic environment; impacts on tourism and recreation; impacts on aviation; road traffic impacts; impacts on telecommunications; effects on hydrology, the water environment and flood risk; the need for decommissioning conditions and site restoration; opportunities for energy storage; and the need for a planning obligation relating to site restoration.

Scottish Planning Policy states that planning authorities should set out in the development plan a spatial framework for identifying those areas that are likely to be most appropriate for on-shore windfarms. The SPP indicates that development plans should indicate the minimum scale of on-shore wind development that their spatial framework is intended to apply to.

Scottish Planning Policy indicates that areas identified for wind farms should be suitable for use in perpetuity. Consents may be time limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect and acceptable level of amenity for adjacent communities.

Scottish Government Onshore Wind Policy Statement December 2017

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

Development Plan

The Development Plans that are applicable to this proposal are the Strategic Development Plan (Clydeplan) and the adopted East Renfrewshire Local Development Plan.

Strategic Development Plan (July 2017)

The Strategic Development Plan (2017) (SDP) indicates the Scottish Government's commitment to a low carbon economy through reduced carbon emissions and adapting to climate change is embodied in legislation. The SDP refers to National Planning Framework 3 confirming the role of the planning system in facilitating mitigation of and adaption for climate change and ensuring that sustainable infrastructure networks build resilience to climate change. Delivering a low carbon future, in support of the Scottish Government's ambition to achieve at least an 80% reduction in greenhouse gas emissions by 2050, is central to the vision and development strategy of the SDP.

Aligned to increasing energy efficiency and reducing carbon emissions, is security of energy supply. In this context an onshore wind energy spatial strategy identifies areas within the city region that are likely to be the most appropriate for onshore wind farm development (illustrated in Diagram 6). In order to protect communities and international and nationally important environmental designations and resources, the spatial framework identifies all areas outwith the areas with potential for wind farm development as areas of significant protection. Local Development Plans, in confirming the detailed boundaries of these areas, may indicate lesser separation distances from settlements to reflect local circumstances. In these areas wind energy developments will only be acceptable if they can demonstrate that any significant effects on eth qualities of the area can be substantially overcome by siting, design or other mitigation.

Policy 10 on Delivering Heat and Electricity indicates that in support of the transition to a low carbon economy and realisation of the Vision and Spatial Development Strategy should be given, where appropriate, to alterative renewable technologies and associated infrastructure.

Policy 10 indicates that in order to support onshore wind farms, local development plans should finalise the detailed spatial framework for onshore wind for their areas in accordance with SPP, confirming which scale of development it relates to and the separation distances around settlements. Local development plans should also set out the considerations which will apply to proposals for wind energy development, including landscape capacity and impacts on communities and natural heritage. Proposals should accord with the spatial framework set out in Diagram 6 and finalised in local development plans.

It should be noted that the site is within the Areas with Potential for Wind Farm Development as shown on Diagram 6.

East Renfrewshire Local Development Plan (June 2015)

The site is identified as being in the Countryside Around Towns in the East Renfrewshire Local Development Plan (LDP) and covered by Policy D3. This Policy indicates the Council will give sympathetic consideration to a range of proposals, including for renewable energy, subject to compliance with other relevant policies of the LDP. Any decision will have to take into consideration the impact the proposals will have on the function of the countryside around towns and the viability of important agricultural land. Development must be sympathetic in scale and design to the rural location and landscape.

Policy E1 indicates general support for renewable energy infrastructure developments, including wind turbine developments. The assessment of applications for such energy infrastructure developments will be based on the principles of set out in Scottish Planning Policy (2014), in particular, the considerations set out at paragraph 169 and additionally, for onshore wind developments, the terms of Table 1: Spatial Frameworks. Where appropriate the applicant will be required to submit satisfactory mitigation measures to alleviate any adverse environmental impacts.

Policy E1 goes on to state the Council will prepare statutory supplementary guidance (SPG) which accords with the Scottish Planning Policy (2014), and which contains the full spatial framework for onshore wind energy, sets policy considerations against which all proposals for renewable energy infrastructure developments will be assessed, and provides further detailed information and guidance on renewable energy technologies.

Part of the site is identified as a Local Biodiversity Site (LBS) and covered by Policy D8 of the LDP. The LBS designation covers an extensive area at this location and relates to Lochcraig Reservoir (marginal vegetation around fringes), Bennan Loch (little marginal vegetation), Ballageich Bog (blanket bog), Shieldhill Bog (blanket bog) and Floak Bridge (upland, acid grassland and marshy grassland). Policy D8 indicates that there will be a strong presumption against development that would compromise the overall integrity of such areas. Development within or in close proximity to such areas shall be assessed against the criteria set out in the Green Network and Environmental Management Supplementary Planning Guidance.

Policy D18 relates to airport safeguarding to ensure that development proposals do not adversely impact on the safe and efficient operation of the airport. Proposals which interfere with visual and electronic navigational aids of airports will be resisted unless accompanied by agreed mitigation measures.

East Renfrewshire Council Supplementary Planning Guidance - Renewable Energy

The Supplementary Planning Guidance (SPG) was adopted in January 2017. The SPG largely focuses on wind energy and acknowledges that wind energy is likely to make the most substantial contribution to renewable energy targets in East Renfrewshire. Whilst this is the case the SPG indicates the list of potential renewable energy sources is wide and varied.

In terms of the SPG, and for identifying the spatial framework for onshore wind farms, a wind farm is considered to be any wind energy development containing a minimum of two turbines of any height. As a consequence the SPG is relevant to the assessment of this application.

The SPG explains that Scottish Planning Policy identifies three groupings of areas within Table 1: Spatial Frameworks to provide a clear and consistent national approach to developers and planning officers regarding the location of windfarms.

The three groupings are:

- (1) Areas where wind farms will not be acceptable (National Parks and National Scenic Areas);
- (2) Areas of significant protection (national and international designations; other nationally important mapped environmental interests; and community separation for consideration of visual impact (an area not exceeding 2km around cities, towns, and villages identified in the local development plan with an identified settlement edge);
- (3) Areas with potential for wind farm development (beyond groups 1 and 2 where wind farms are likely to be acceptable subject to detailed consideration against identified policy criteria).

In East Renfrewshire there are no Group 1 areas (where wind farms would not be acceptable). There is a large Group 2 area (where significant protection would be required) which includes two Sites of Special Scientific Interest (SSSI) at Brother Loch and Little Loch, and two sites in the Inventory of Gardens and Designed Landscapes (Greenbank House, Clarkston, and Rouken Glen Park, Giffnock). This Group 2 area includes the areas around the various settlements and built up areas of East Renfrewshire. Beyond the Group 2 area, the remaining part of East Renfrewshire is Group 3 (with potential for wind farm development).

It should be noted that the application site is located in the Group 2 and Group 3 areas.

Appendix 1 of the SPG considers where the areas of greatest potential for large scale windfarm development are when taking account of local landscape character. The application site is located within the identified area with higher capacity.

This section goes on to indicate that wind farm developments under 20 megawatts are likely to contain a variety of turbine heights and scale and consequently can have a varying impact upon the landscape in which they sit. By using government guidance and local data it is possible to indicate where there may be particular restrictions on development for single/small scale wind energy developments rather than identifying areas of greatest potential for these development types. These restrictions are international and national designations; and cumulative landscape/visual impact. The SPG indicates that developments under 20 megawatts should generally be directed away from international and national designations. There may therefore be scope for wind energy development for single/small scale wind energy developments to be accommodated in selected locations away from settlements and to avoid proximity to and significant cumulative impacts with large wind farms.

As this is a proposed windfarm under 20 megawatts the impact on the landscape and visual impact will be considered in more detail elsewhere in this assessment.

Environmental Impact Assessment

The applicant has submitted an Environmental Impact Assessment (EIA) with the application and includes the matters that they consider are the most relevant to this development. The main subjects/topics of the EIA are as follows: policy and planning; land use, property and agriculture; geology and soils; water quality and drainage; ecology and nature conservation; landscape and visual effects; archaeology and cultural heritage; traffic and access; noise and vibration; air quality; shadow flicker and icing; telecommunications and aviation; and socio-economic effects. The following is an assessment of the topics/subject matter in the EIA.

It should be noted on 16 May 2017, the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 came into force. The 2017 regulations revoked the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 with certain exceptions. The 2011 Regulations however continue to have effect for an application for planning permission where the applicant submitted an environmental statement in connection with the application before 16 May 2017. That was done in this case. As a consequence the application is being determined in accordance with the 2011 Regulations as they applied before 16 May 2017.

Policy and Planning

The EIA reviews the national, strategic and local planning policies and guidance relevant to the application and the extent, to which the proposal accords, in the applicant's opinion, is considered. The effects of the development on extant planning applications/permissions and other known or anticipated future developments are also considered by the applicant. It should be noted that the planning application was submitted when the LDP was being examined by the Scottish Government and the applicant has referred to both the then adopted East Renfrewshire Local Plan and the then proposed Local Development Plan in the EIA.

The applicant considers the proposal broadly meet relevant guidance and the relevant Development Plan policy framework as well as contributing to Scottish Government carbon dioxide reduction targets and for renewable electricity targets. The applicant has identified that the

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development is within the broad area of search for windfarm developments in the Strategic Development Plan and considers the proposals to be generally in accordance with all key Local Plan policies relevant to the site. Reference is made to the proposal being wholly located in the Potential Area of Search for Windfarms identified in the then adopted East Renfrewshire Local Plan.

The applicant also concludes the proposal is compliant with policies of the then proposed Local Development Plan.

The applicant has indicated there are no other significant development applications in the vicinity of the windfarm site.

The conclusions of the applicant against Policy are noted. An assessment of the proposed development against Scottish Government Policy and the relevant Development Plan policies shall be made elsewhere in this report.

Land Use, Property and Agriculture

The EIA indicates that the majority of the site is used for farming with cattle and sheep grazing across the site. There would be approximately 2 hectares permanently lost from the total site area of 340 hectares as a result of the proposal. The remainder of the site would remain in its current use for grazing once the development is built. During construction there would be a temporary change of approximately 5.9 hectares for land used for crane hardstandings and borrow pits. This land would be restored and some could be suitable for grazing in the future.

The loss of the farming land, both on a permanent and temporary basis, to accommodate the turbines and its associated infrastructure is not considered to be significant when taken in the context of the overall area of the site.

Geology and Soils

The EIA considers the potential effects of the proposals on geological resources and soils and includes a peat slide assessment.

The Soil Survey of Scotland indicates there is a mosaic of soil types present across the proposed site predominantly made up of hill peat and areas of improved grassland. There is no prime agricultural or contaminated land on the site. The peatlands have been extensively modified through drainage and grazing. Through initial geological investigations and observations the rock near the surface is likely to be suitable in construction of the development and potential borrow pits have been accordingly identified.

The applicant considers there will be no significant effects on solid geology and it is not anticipated that any significant rock exposures would be uncovered.

In terms peat it has been indicated that the site layout has been designed to minimise development within deeper areas of peat although there would be some disturbance for turbine base excavation, borrow pits, access tracks and hardstandings. Peat is found across the site ranging in depth from very shallow to over 3m. Three of the turbines are located in peat less than 1m deep with access tracks generally following areas of shallower peat. Floating roads would be used to cross areas of peat greater than 1m.

The applicant has indicated that disturbance to peat and excavation of it would be minimised and best practice measures implemented to reduce impacts on peat and the quality of the remaining soils and peat. A Peat Management Plan would be prepared and implemented.

The peat slide assessment indicates that there is a low peat slide risk and the hazard is not significant. Further checks would be made by the contractor and provided all committed mitigation measures are delivered there would be no significant risk of subsidence or peat slide.

SEPA and SNH have been consulted on the application and in terms of peatlands SEPA has no objections to the impact of the development subject to the submission of a Peat Management Plan for further approval. SNH has indicated that many aspects of this development, including four

of the six turbines and much of the associated infrastructure, are proposed for areas of peat over 0.5 metres in depth. Not only is peatland habitat such as this recognised as a conservation priority in both the UK Biodiversity Action Plan and the European Habitats Directive, but the recently reviewed Scottish Planning Policy (SPP) requires wind farm developers proposing to install turbines over deep peat or other carbon rich soils to demonstrate that significant effects on the qualities of such areas can be substantially overcome. SNH recommends that the planning authority satisfy itself that the Peat Management Plan will meet the requirements of SPP prior to any development commencing on site.

Taking the comments of SEPA and SNH into account it is considered that a suspensive planning condition can be used to require the submission of the Peat Management Plan for further written approval should permission be granted.

Water Quality and Drainage

The EIA indicates the site lies at the head of two different main catchments, the River Irvine and the River Clyde. There are no major watercourses within the site but there are a number of small burns originating or flowing through the site that feed small lochs and larger watercourses. Water running off the site via the Soame Burn enters the River Irvine catchment and generally flows south west eventually draining into the River Irvine near Kilmarnock. Water from the north part of the site enters the Whiter Cart catchment and drains into the Earn Water which joins the White Cart Water near Busby.

Bennan Loch located to the north of the site is the main surface water feature at this location. This is used as mains public water supply and for fishing. There is also a small network of burns and ditches at this location.

In terms of water quality the EIA indicates that information is not available for all the watercourses found within the site, particularly the small burns. Water quality information is available for the Soame Burn and Earn Water with the Soame Burn having a status of "poor" overall due to pollution from sewage disposal and alterations to the watercourse. The EIA indicates there is potential for the development to change hydrological patterns in the area and acknowledges the importance of safeguarding water quality. It is proposed to develop a Water Protection Plan.

In terms of flood risk the EIA indicates that the Indicative Flood Risk Map produced by SEPA does not identify any significant areas of flood risk within the site boundary. The EIA indicates that some small areas outwith the site may be subject to flooding from a narrow corridor contiguous with the Soame Burn approximately 500m south west of the site and an area approximately 1km to the north of the site around the watercourse draining towards the Earn Water.

The EIA indicates there are no private water supplies within the application site. The nearest water supplies to the site are identified at Shieldhill (borehole/well), Highfield Farm (borehole) and Highfield Cottage (isolated spring). The supplies at Highfield Farm and Highfield Cottage are more than 500m from the application site boundary and are unlikely to be hydrologically connected to the site. The supply at Shieldhill is within 150m of the site boundary but over 400m from the closest proposed turbine.

Scottish Water, SEPA and the Council's Environmental Health Service have been consulted on the application and have not raised any objections to the proposal.

Scottish Water has specifically requested that certain matters (an Environmental Management Plan; an assessment of potential release of colour and dissolved organic material that could impact on the water quality of Bennan Loch; a water sampling programme be a condition of consent. If the development is approved these matters can be addressed by planning conditions. Scottish Water has also indicated the single crossing between turbines 4 and 3 crosses a watercourse that supplies Bennan Loch and requests that this be relocated to avoid the crossing the watercourse if possible. If the development is approved this matters can be addressed by a planning condition.

Ecology and Nature Conservation

The EIA describes the ecological interests of the site and surrounding environment being rural in character and is a mosaic of semi-improved/improved pasture as well as mire and wet modified bog all of which have been intensively grazed by cattle and sheep over many years. The site is in agricultural use with grazing across the site and there is no woodland within the site. There are no sites of national or international importance within the site but Local Biodiversity Sites (LBS) partly within the site boundary.

Surveys have been carried out for habitats and species of interest in the area. No habitats of international, national or regional value were recorded on site or any plant species of note. Habitats of high and moderate local value have been identified and relate primarily to the blanket bog/mire at this location. The survey indicates that no protected species have been identified.

The EIA concludes there will be direct impacts on the LBS during construction albeit to a limited extent and some short term disturbance to animals on or near the site during construction. Bird collision risk modelling and bat survey work indicate that there would be no significant risks when the windfarm is operational.

The EIA also indicates the contractor would be required to develop a Habitat and Landscape Management Plan as part of the site Environmental Management Plan to ensure that all wildlife interests are protected and effects on habitats and fauna reduced. The Habitat and Landscape Management Plan as part of the site Environmental Management Plan is indicated as covering commitments as restoration work in Shieldhill LBS, new planting along the Soame Burn and near Shieldhill. The new landscape proposals would be designed to provide a range of habitats for birds and other animals and have potential to enhance local biodiversity in the longer term.

Scottish Natural Heritage (SNH) has been consulted and has queried the use of previous surveys and other work carried out in 2008 and 2009 to inform the previous application 20120/0241/TP. SNH has been happy to accept this as there has been no evidence of large scale changes to habitats in the intervening period. SNH strongly supports the applicant's proposals to produce various management plans intended to ensure that the various mitigation measures outlined in the EIA are implemented and that the natural heritage impacts of the development are minimised. SNH also supports their stated intention to appoint an Ecological Clerk of Works to oversee their implementation. All such plans and the appointment to this post should be approved and in place prior to any works commencing on site. It is considered that these matters can be addressed by planning conditions should the application be approved.

SNH has also referred to the potential impact on peatlands and has indicated that many aspects of this development, including four of the six turbines and much of the associated infrastructure, are proposed for areas of peat over 0.5 metres in depth. Peatland habitat is recognised as a conservation priority in both the UK Biodiversity Action Plan and the European Habitats Directive, but the recently reviewed Scottish Planning Policy (SPP) requires wind farm developers proposing to install turbines over deep peat or other carbon rich soils to demonstrate that significant effects on the qualities of such areas can be substantially overcome. The applicant proposes to produce a Peat Management Plan. SNH has recommended that the planning authority satisfy itself that this plan will meet the requirements of SPP prior to any development commencing on site.

Table 1 of SPP requires planning authorities to map carbon rich soils, deep peat and priority peatland habitat and to afford these areas significant protection. To provide a consistent approach across Scotland, SNH has developed a map of these resources and this map is to inform the preparation by planning authorities of spatial frameworks for onshore wind. The map provides planning authorities with the information they need to implement SPP. Although the map can only indicate that carbon-rich soils, deep peat and priority peatland habitat are likely to be present, it will be helpful in the initial site selection process undertaken by developers.

SNH has indicated that there are no priority peatlands identified in East Renfrewshire. The lack of priority peatland does not mean that soils and habitats have no current or potential ecological value. The submission of a Peat Management Plan can be addressed by a planning condition should permission be approved.

In addition the RSPB has been consulted on the application and has no objections subject to conditions relating to the re-location of Turbine 3 and the submission of a habitat management plan to improve the condition of the existing biodiversity of the site, in particular seeking opportunities to restore peat bog habitats.

Landscape and Visual Effects

The study area for the Landscape and Visual Assessment extends to a radius of 35km from the boundary of the development area with cumulative effects considered at a radius of 60km from the edge of the development area. The theoretical visibility of the turbines to both hub and blade tip extends to an extensive area within the 35km study area. The theoretical visibility includes the areas closest to the development and mainly extends to the south-west, west and north part of the study area. The Assessment also includes a series of viewpoints chosen by the applicant to provide a balance of representative and important views from different directions and at different distances. There are 22 viewpoints in the Assessment. It should be noted that the photomontages/wireframes in these viewpoints include proposed turbines to the south in East Ayrshire that had been applied for under Section 36 of the Electricity Act (identified as "East Kingswell" which is also known as "Whitelee Phase 3"). It should also be noted that the Section 36 application was refused by the Scottish Ministers on 19th October 2016 and this will be referred to later in this assessment.

The Assessment acknowledges the proposal would add large man-made elements to the landscape, adjacent to Whitelee Windfarm whereas the other elements of the proposal (borrow pits, sub-station and control building) would have lesser impacts. The Assessment also acknowledges the majority of potential significant impacts upon visual amenity are expected from closer locations, including views from residential properties situated around the periphery of the development area. The overall direct effect of the proposed development on the immediate local landscape character and resources is indicated as being major, and therefore significant although there will be no significant effects on designated landscapes. The landscape character of the Plateau Moorlands Landscape Character Type is indicated as already being altered by the presence of Whitelee Windfarm. Significant adverse effects are predicted on the visual amenity and character of the Central Plateau, South West Plateau and North West Plateau Local Landscape Character Areas (LLCAs). Minor effects are predicted on the Eastern Plateau LLCA due to Whitelee Windfarm.

In terms of visual effects the Assessment indicates there are a large number of wind turbines in the vicinity of the development area. These are indicated as being likely to be seen in combination with the proposed development in views from the wider landscape. The proposal is indicated as integrating with Whitelee Windfarm, appearing as a minor extension to the north-west. The Assessment also concludes there will be no significant effects on views from local settlements such as Eaglesham, Newton Mearns, Stewarton, East Kilbride and Greater Glasgow. Visibility (where theoretically available) would be effectively screened by urban settlement or intervening landscape features. The applicant has indicated the application proposals took account of the reasons for the refusal of the original Moorhouse Windfarm proposals and sought to deliver a small contained windfarm which did not spill over from the plateau into the more settled rural landscape adjacent to the M77 retaining the relationship with the existing windfarm development at Whitelee on the elevated moorland plateau.

The Assessment indicates there would be some significant adverse effects upon visual amenity from local areas, including some residential properties that lie around the periphery of the development area and on recreational areas. Significant visual effects are also indicated as occurring along sections of the B764 Moor Road, the M77 and along some recreational routes which pass in close proximity to the site.

In terms of cumulative landscape effects the Assessment considers the proposed windfarm would be perceived from the surrounding landscape as a small part of a large group of windfarms. From further afield the impact on the landscape character is indicated as lessening and not significant. In terms of cumulative visual effects the Assessment indicates that in many views the proposed windfarm would be integrated within, or seen as a small extension to, Whitelee Windfarm. The Assessment considers the proposal would strengthen the visual link between Whitelee Windfarm and the proposed Glenouther Windfarm (located to the west of the M77 in East Ayrshire adjacent to the administrative boundary with East Renfrewshire and had previously been part of the proposed larger Harelaw windfarm). It should however be noted that the proposed Glenouther Windfarm was refused planning permission on 13 May 2016 and the decision has been appealed to the Scottish Ministers.

From further afield cumulative effects on local settlements and principal routes are considered to be minor. The Assessment also indicates that dues to the small nature of the development, and actual visibility of turbines from properties in the surrounding area cumulative effects on views from wider local area are considered minor overall due to increasing distance from the site and the nature of the surrounding "windfarm landscape".

It should be noted that the applicant also considered the previous application at this locality (2010/0241/TP) would be seen as part of/an extension to Whitelee Windfarm and would be an opportunity to visually link separate scattered existing, consented and proposed windfarms across the area (particularly Whitelee and Glenouther) so that they would read as a single continuous large windfarm in the landscape. As the East Kingswell and Glenouther proposals have been refused, and the appeal decision awaited for the Glenouther proposal, any cumulative visual impact with these has been discounted in the Council's assessment.

The windfarm now proposed will introduce large scale man-made structures into an elevated part of the existing landscape. It is considered that the submitted photomontages and wireframes are accurate representations in order to predict the impact the development will have from a variety of viewpoints. It is not considered that the photomontages/wireframes need to be updated to remove the East Kingswell turbines in order to assess the visual impact of the proposed development. Wind turbines can by their very nature be intrusive in the landscape as their locations are dictated by good wind exposure and there is very little mitigation possible because of the size and appearance of these structures. The proposed siting of the turbines will introduce new vertical man-made structures into this part of the landscape and an important consideration is whether the landscape has the capacity to accommodate the turbines without adverse impacts. The introduction of the turbines into the existing local landscape will also result in new vertical structures at a reasonably visible site. The rotor blades will introduce movement into the landscape increasing the development's visibility over distance and increasing perception of it. It is acknowledged that the proposed turbines would be seen generally in the context of the adjacent Whitelee Windfarm from certain viewpoints. When viewed from very long distances, such as from the north and east, the proposed turbines would be seen against or assimilated into views of the Whitelee Windfarm. In this context the visual effect is not considered to be significant. The visual impacts are therefore considered to be relatively localised and contained for a commercial scale wind farm.

The site is located within a Plateau Moorland Landscape Character Type (LCT). This landscape character type is located in the south-east of East Renfrewshire and extends into South Lanarkshire and includes the landscape in which Whitelee Windfarm is located. This landscape character type comprises open moorlands rising to high points of between 250m and 375m Above Ordnance Datum. The key characteristics, features and qualities of this LCT are considered to be distinctive upland character created by the combination of elevation, exposure, smooth plateau landform, moorland vegetation and the predominant lack of modern development (with the exception of Whitelee Windfarm). These areas share a sense of apparent naturalness and remoteness which contrasts with the farmed and settled lowlands.

The Plateau Moorland is relatively remote and, although it contains few visual receptors, intervisibility with adjacent landscapes is high. The landscape is large in scale, comprising a number of man-made features, including a number of existing windfarms. Overall the LCT is of lower landscape sensitivity than visual sensitivity.

It is considered that this LCT has high to medium sensitivity to very large turbines (ie over 120m to blade tip) such as those being proposed. It is considered this LCT has moderate underlying capacity for large (ie 81m to 120m to blade tip) or very large turbines. The ability of this LCT to accommodate windfarm development is considered to vary locally and the presence of Whitelee Windfarm limits the remaining capacity of the landscape for large-scale development. Locally, sensitivity in this area is considered to increase to the west, where the smoother moorland begins to give way to Rugged Upland Farmland. It is considered that extensions to existing developments, or establishment of new, discrete clusters, particularly set back from the ridge, will assist in concentrating cumulative effects as opposed to dispersing development across the area. It is concluded that residual capacity for large scale development is limited though there may be remaining opportunities within the Plateau Moorland LCT.

Although it is considered that there is limited capacity within this landscape character type for further wind turbine development it is also important to consider the direct visual impact of the proposed development particularly from the range of selected viewpoints as well as on the sequential approaches along traffic routes.

The nearest settlement to the proposed windfarm is Eaglesham which is approximately 4km away however the development would not be readily visible because of the intervening topographical screening. Closer to the site along Moor Road the topographical screening provided by Ballageich Hill would assist in lessening the visual impact on the approaches from the north-east. In close proximity to the site the proposed windfarm will be highly visible. At the entrance to Whitelee Windfarm at Soame Bridge the whole of the proposed windfarm will be seen as one entity and in the distance three of the turbines at Middleton Windfarm on Stewarton Road can be seen as well as the hubs and blades of the other three turbines. On the minor road that links Moor Road to the A77 the windfarm will be seen as one entity towards the entrance to Shieldhill Farm with Whitelee Windfarm seen farther off to the east. Further south along this minor road the existing forestry plantation blocks some views of the proposed windfarm.

In the area to the west the existing turbines at Whitelee are partially visible as a result of the intervening topography. This means the blades and hubs of turbines can be seen however the full height of the Whitelee turbines cannot be seen and it should be noted that they are in the distance over the crest of the hill. The proposed turbines are to be positioned on the general west facing slopes on the south part of Ballageich Hill which mean their full height or the majority of their height will be visible from this direction. This is considered to emphasise their position in the landscape from this direction compared to the turbines at Whitelee and gives the impression of the turbines "spilling out" over the ridge line and across the landscape. It is considered that this impact is locally significant.

It is considered that at further distant viewpoints from the north-east and east that the proposed turbines would be seen in the context of Whitelee Windfarm. However it should be borne in mind that these viewpoints are between approximately 7km and 11km away from the development area which lessens the overall visual impact and could be considered to be barely noticeable to the observer against other existing turbines in the wider landscape.

From viewpoints from the south-west there is a discernible gap between the proposed windfarm and Whitelee Windfarm and it is not considered that the development can be read as an extension to Whitelee Windfarm from this direction.

At the outer edges of the study area from the west and north the proposed turbines would be viewed generally in the context of Whitelee Windfarm. The distance between these viewpoints and the development assists in lessening the visual impact of the proposed windfarm.

The assessment of visual impacts is an important consideration in determining this application particularly when the previous application 2010/0241/TP was refused on this basis and the subsequent appeal was dismissed because of adverse visual impacts. Application 2010/0241/TP was refused as being contrary to Scottish Planning Policy because of significant adverse visual impact on the site and surrounding area and did not reflect the landscape character. The application as also refused against the relevant policies of the adopted East Renfrewshire Local Plan as adversely affecting the amenity of residential properties close to the site because of the scale of the development, the height of the turbines as well as the dominance/prominence of the development.

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In the subsequent dismissed appeal the appointed Reporter considered the height and siting of the turbines would not respect the scale and character of the landscape in which they would sit, and would fail to minimise their impact on the landscape resulting in the proposal not being consistent with the relevant local plan policies. In addition the Reporter considered there would be significant visual impacts, including cumulative impacts, from various locations and receptors and concluded that the visual impacts to be unacceptable.

It is acknowledged that the six turbines being applied for now compared to the 19 turbines previously changes the visual impact primarily because of the reduced spread over the landscape and the development would now be seen more as a cohesive group. However the proposed turbines are not contained beyond the ridge "spill out" over the ridge line.

The six turbines being proposed have potentially significant effects for some nearby landscape and visual receptors. In terms of cumulative impacts separate windfarm development may lead to significant effects in areas already extensively affected by wind energy development. It is considered that the primary and cumulative landscape and visual effects of the proposed turbines are somewhat limited by their proximity to the existing Whitelee turbines.

It should be noted that the turbines at the Whitelee Windfarm are 110m to blade tip compared to the proposed turbines being 126.5m to blade tip. The applicant has been asked to explain this and has stated whilst the specific question of direct comparison with the heights of Whitelee turbines may not be obviously addressed in any particular section of the EIA, the LVIA has been prepared with the consideration of the impact of Soame with Whitelee as a critical element in the assessment.

The applicant summarises this by stating Whitelee Windfarm lies approximately 1km from the proposed Soame development. The large windfarm is comprised of a range of turbine types and sizes, ranging from 110m to tip, to 140m to tip. At the south western edge of Whitelee, the approved Sneddon Law Windfarm is made up of 15 turbines reaching to 130m to tip, and to the south east the operational West Browncastle and Calder Water Windfarms are comprised of turbines reaching to between 129.9m to 147m to tip. Turbines proposed at Glenouther would measure 126.5m to tip.

While the proposed turbines at Soame Windfarm are approximately 16m taller than the nearest Whitelee turbines, the applicant does not considered that there would be any significantly noticeable difference in the perception of the size of the turbines from Moor Road. The applicant considers from the M77, and properties in the vicinity of the motorway, viewers would look towards Soame in the foreground, with Whitelee in the more distant background (i.e they would appear slightly smaller anyway, due to perspective). The applicant considers in views from the south, Soame would sit to the rear of Whitelee, and the proposed turbines would be mainly indistinguishable from the existing turbines.

This difference in height causes concern particularly when the two windfarms are in relative close proximity to each other. The difference in turbine size would be compounded by the different rotational speeds which would tend to draw the eye.

The central question is identifying the capacity of a particular landscape to accommodate change, and what degree of change would be acceptable. Key factors that affect the perception of cumulative change include the distance between individual wind farms and/or turbines; the distance over which they are visible; the overall character of the landscape and its sensitivity to wind farms; the siting and design of the wind farms and/or turbines themselves (particularly turbine height), and finally, the way in which the landscape is experienced.

Whereas the proposed turbines would be a cohesive group the "spilling" over the ridge towards the west, and the resultant visual impact that this would have, causes concern. The visual impact of this is considered to be locally significant and there are no mitigation measures possible. It should also be noted that there are isolated dwellinghouses in the locality that with have to live with the presence of the proposed turbines, irrespective of whether the properties face directly towards the turbines.

The visual impact of the proposed windfarm is considered to be locally significant and dominant and would have an adverse visual impact on eth site and surrounding area.

Archaeology and Cultural Heritage

The EIA considers the likely effects of the proposal on archaeology and cultural heritage resources. Individual sites have been identified and the effect on these assessed. The cultural heritage resources relevant to this proposal are indicated as Scheduled Monuments; listed buildings; and other archaeological sites, including the built heritage. Within the identified application site there are a number of potential archaeological resources that have been identified ranging from possible prehistoric features such as cairns and enclosures to modern features. Within approximately 50m of where groundbreaking is to be carried out (ie proposed tracks, turbines and borrow pits) 11 potential features have been identified.

The impact of the development on the setting of features within 5km of the outer edge of the site boundary has been assessed. These features include six Scheduled Monuments, one category A Listed Building and one Conservation Areas and 11 have been identified.

The EIA indicates that the review of historical and cartographic evidence describes settlement from the early prehistoric period to the recent past. More recent development in the locality is characterised by limited industrialisation in terms of water supply management and quarrying. The EIA identifies moderate adverse effects on Ballagioch Cairn (a site of possible national importance) with minor adverse or no impact on the setting of other sites.

It has been indicated that the proposed development might, without micro-siting, have a direct impact on seven sites within 50m of where groundbreaking is to occur. Archaeological testing would occur to establish the extent and character of the site if it is not possible to microsite the development away from the affected area with archaeological excavation taking place thereafter as necessary.

Both Historic Environment Scotland (formerly Historic Scotland) and the West of Scotland Archaeology Service have been consulted on the application. Historic Environment Scotland has indicated that the EIA provides a useful assessment of the baseline for heritage assets within their remit which are likely to be affected. However, the assessment of effects on setting is insufficiently evidenced and appears to be based on a formulaic approach rather than a consideration of the specific characteristics of each heritage asset, and consequently it is unclear how some findings have been reached.

However Historic Environment Scotland consider that the addition of a further six turbines at the proposed location, whilst having some effect, will not significantly impact on the setting of any heritage assets within their remit and therefore does not object to the proposed development as they do not consider that issues of national interest are raised in this case.

West of Scotland Archaeology Service has indicated that the proposals do raise potentially significant direct issues for recorded and possible buried remains across the application site and relevant archaeological mitigation is proposed. Should planning permission be granted they are satisfied that any archaeological issues can be addressed by a planning condition.

It is therefore considered that the EIA addresses the archaeology and cultural heritage impacts associated with the development and it is appropriate to attach an archaeological condition if the application is approved.

Traffic and Access

The B764 runs along the south side of the site and the site is relatively close to the M77 and A77. The main transportation impacts will be associated with the movements of HGVs during the construction phase of the development which is to be over a 9 month period. The turbine components will be delivered from either King George V docks in Glasgow or Ayr docks via trunk roads as much as possible to reduce the potential impacts on local communities. There are to be 9 deliveries for each turbine and these will be abnormal loads. Once operational there is to be the equivalent of one full time person and traffic generation will be minimal.

Both the Council's Roads Service and Transport Scotland have been consulted on the application and neither has raised any objections to the proposal. The main transport impacts associated with the development is considered to be during the construction phase and once completed the

development would not significant amounts of traffic on the local or trunk roads network. Should the development be approved a planning condition can be attached requiring the submission of details for further approval of the specific delivery routes.

It is considered that the traffic/transport impacts associated with this development are limited and are not considered to have significant environmental impacts.

Noise and Vibration

The EIA considers noise during the construction phase as well as operational noise from the windfarm.

The EIA assesses potential construction noise and predicts that levels fall below appropriate criteria at the closest residential dwellings to the site. Notwithstanding this, a series of good practice construction noise mitigation measures are proposed such as restricting construction times, silenced or sound reduced compressors used where necessary, mufflers/silencers fitted to pneumatic tools where required, etc. An assessment of the noise from construction traffic has been undertaken and predicts that limited noise changes would arise and as such are not significant.

Predictions have been undertaken to determine potential impacts on existing noise sensitive receptors including the closest residential properties during the operation of the windfarm using ETSU-R-97 for the turbines and BS4142 for the fixed plant. A detailed baseline noise survey has been undertaken to inform the assessment and a series of noise level predictions have been undertaken for the proposed development operating both in isolation and simultaneously with the considered cumulative windfarm developments (ie existing, proposed and approved). The EIA concludes that no significant operational or cumulative noise effects from the turbines are predicted.

Fixed plant noise level limits have been calculated for the control of noise from proposed turbine transformers and the control building/substation. Compliance with these limits would ensure, at worst, a negligible effect would occur.

The Council's Environmental Health Service has examined the noise assessment, including cumulative noise, and has raised no objections to the proposed development on noise grounds. As a consequence it is considered appropriate to attach conditions restricting the operational noise from the turbines based on recognised guidance if the development is approved.

In terms of vibration the EIA focuses on potential vibration during construction including during any blasting that may be required. Shieldhill Farm is the closest residential property to the development and any of the proposed borrow pits (approximately 330m away). Vibration from construction at local residential receptors is indicated as being sufficiently low that a negligible effect would arise at worst.

Blasting at the proposed borrow pits is indicated only as a possibility at this stage and depends on further ground investigations. Should blasting occur any blasting effects on residential dwellings is indicated as being temporary negligible to minor and can be controlled by means of the proposed mitigation measures. The proposed mitigation measures involve liaising with the community throughout construction and controlling the detonation sequence of the charges.

The Council's Environmental Health Service has no issues with this aspect of the development. Should blasting be required further information on the methodology can be submitted before development commences and this can be addressed by a planning condition if the application is approved.

Air Quality

This considers the potential impacts on air quality during construction, operation and decommissioning and concludes there will be no significant effects provided all mitigation measures such as dust suppression/control, dampening of exposed earth, restoration and revegetation of completed earthworks, no burning on site, etc are successfully implemented during construction and there would be no significant direct effects on local or global air quality. Effects of decommissioning activities would be similar to those during construction and would not be significant provided all agreed mitigation is successfully implemented on site.

The applicant also considers there would be an indirect benefit on local or global air quality from the generation of electricity from a renewable source rather than from burning fossil fuel.

The rationale behind the proposed development is to generate electricity from a renewable source. The completed development will have turbines which are not in themselves considered to generate pollutants to a significant extent that could affect air quality. The mitigation measures carried out during construction referred to above can be addressed by planning conditions if the development is approved.

Shadow Flicker and Icing

The EIA explains factors that could influence shadow flicker such as the location of any houses; their orientation and angles to the sun; the direction of the property relative to the turbines; the proximity of any property to the turbines; and the interaction between these factors.

Shadow flicker is likely to occur if properties are within 10 rotor diameters of the proposal which equates to 1km for this development. This effect only occurs within 130 degrees either side of north relative to a turbine as shadows are not cast on their southern side. There is one property within 1km of four of the proposed turbines which is Shieldhill Farm and is financially involved in the project. The EIA indicates that given the north-west to south-east orientation of the farmhouse, the absence of windows facing the turbines and the position of a barn at its eastern gable it is not predicted that there would be any significant shadow flicker effects experienced by occupants of Shieldhill Farm.

The EIA also indicates that if any significant impacts on residential amenity were found at any property from shadow flicker appropriate mitigation would be defined and implemented.

It is acknowledged that there are a number of variables that can influence shadow flicker because of time of year, time of day, atmospheric conditions, orientation of the blades relative to the properties in question, when the effect may occur, etc. There are three turbines that could potentially cause shadow flicker to Shieldhill Farm (T3, T4 and T5). As these are located to the east of Shieldhill Farm this effect is likely to occur during the mornings. Turbines T4 and T5 are 919m and 866m away respectively and this distance is considered to be far enough to lessen any impact. Although T3 is closer to Shieldhill Farm it is only just within the 130 degrees area referred to above where the effect is likely to occur.

Having considered the potential shadow flicker effect based on the position and orientation of the turbines in relation to the only property that could be affected, as well as its financial involvement in the project, it is not considered that this effect warrants refusal of the application in this instance. Should the application be approved it would be appropriate to require the submission of shadow flicker mitigation proposals in respect of turbines T3, T4 and T5 to be submitted for further approval in writing.

The EIA indicates that there may be a risk of ice accumulation under certain conditions and ice can then be thrown as a result of turbine movement, vibration, temperature rise or strong winds. The EIA states that research indicates that the maximum potential distance for ice falling is 1.5 times the rotor diameter plus hub height and this would equate to 226.5m for this development. There are no properties within 226.5 metres of any turbine and the closest turbine to the B764 Moor Road is approximately 230m away. It has been indicated that the turbines would be automatically shut down if sensors found ice was collecting on the blades. Warning signs on site would be used to discourage people approaching turbines in icy conditions.

It is considered that the potential effect of ice throw is likely to be limited because of the positioning of turbines in relation to properties and because of the agricultural/rural nature of the land.

Telecommunications and Aviation

The potential impact on telecommunications has been assessed and concludes that no fixed radio links would be affected by the proposed development. However the reception of television signals at some properties in the area may be affected if the turbines were located between the television receiver aerial and the transmitter although the assessment considers this is likely to be a minor impact.

The EIA indicates that pre-construction and post-construction surveys would determine any impacts on television reception and signal quality would be restored where required by established technical measures. Should the development be approved this matter can be addressed by a planning condition to submit for further approval in writing a television reception mitigation strategy and to require the pre-construction and post-construction surveys to be carried out.

The proposed windfarm would be within line of sight of the air traffic control radars at Glasgow and Prestwick Airports and at Lowther Hill. The EIA indicates that the mitigation of the effects on Glasgow Airport and Lowther Hill would be achieved through blanking of the affected radar's coverage and provision of in-fill data from the radar at Kincardine. The EIA indicates that there is no requirement to mitigate Prestwick Airport's radar.

The Ministry of Defence and Prestwick Airport have no objections to the development from their perspectives. Glasgow Airport has indicated that the proposed development could conflict with aerodrome safeguarding criteria unless any planning permission granted is subject to conditions relating to a Radar Mitigation Scheme. This can be addressed by planning conditions if the development is approved.

Glasgow Airport has further indicated the proposed development may benefit from an approved mitigation technology which is controlled by Scottish Power Renewables (infill radar) and this is subject to a legal agreement between the applicant and Glasgow Airport and a commercial agreement between the applicant and Scottish Power.

The National Air Traffic Service has objected to the development and has indicated that it is likely to cause false primary plots to be generated at Lowther, Glasgow and Cumbernauld radars. A reduction in these radar's probability of detection, for real, aircraft, is also anticipated.

NATS has also indicated mitigation has been identified for the proposed development being a more conventional solution of radar blanking plus in-filling with Kincardine data. NATS state while this solution is technically tangible, it also relies on an agreement between the Applicant and Scottish Power Renewables. From NATS's perspective this solution is acceptable and available and the applicant has to demonstrate that they have access to Kincardine data and enter into an agreement with NATS.

The applicant has requested a suspensive condition be used to address this matter.

The Scottish Government's Onshore Wind Policy Statement (December 2017) indicates that for civil radar the main mitigation method which has been deployed in numerous schemes over a number of years involves 'in-filling' from a radar which has no line of sight of the turbines in question. While this is a proven mitigation (albeit not one that can be deployed for every development), the Scottish Government recognises that it can result in a significant financial burden, especially in cases where more than one in-fill feed is necessary.

Since the financial environment facing wind energy development has changed radically, the Government believe this approach needs to be re-considered. The Government remains committed to working with airports, radar operators and the wind industry in order to pursue and develop a more strategic approach to mitigating impacts of wind development on civil aviation radar.

The Government expect in the longer term, a move on the part of the air navigation industry towards self-management of this issue. This could be achieved through the deployment of wind farm tolerant radar, or other technical solutions. However in the shorter term, the Government will support any strategic use of radar, with a special focus across the central belt, where there is potential to maximise the application of mitigation and reduce costs.

The Scottish Government has also issued guidance on dealing with aviation objections and associated negative conditions in wind turbine consents. This guidance indicates that given the complexities involved in achieving the agreements and technical arrangements required to mitigate the effects of wind turbines on radar, planning authorities should recognise that the existence of a theoretical or potential technical mitigation will not represent a solution to an aviation objection if it cannot be realised. It is recognised that planning authorities are under no obligation to apply a "reasonable prospect" test before applying negative conditions. However the use of such conditions where there is no identified mitigation to deal with an aviation objection, could have an impact on the likelihood of other developments being consented owing to cumulative effects related to both radar and landscape. Planning authorities should consider the views of relevant consultees on the matter and, where applicable, evidence confirming the technical existence of mitigation already identified in theory. Evidence of the likelihood of a technical solution being realised within a reasonable timeframe will therefore be a relevant consideration in deciding whether or not to give consent with negative conditions to address aviation issues.

The applicant has been in discussions with Scottish Power Renewables although a specific aviation mitigation proposal has yet to be forwarded for consideration. The terms of Policy D18 was first raised with the applicant on 30 March 2015 and extensions to the determination period have been agreed with the applicant to allow them to provide a mitigation solution. The applicant has been in discussions with Scottish Power Renewables to utilise the Kincardine Radar however, because of a non-disclosure agreement, has not been able to provide a specific update on what this entails or how long it will take to conclude their discussions. It is also not known at this stage whether this solution will be acceptable to NATS.

As indicated elsewhere in this assessment, Policy D18 states proposals which interfere with visual and electronic navigational aids of airports will be resisted unless accompanied by agreed mitigation measures. This adopted policy takes precedence over the Government's guidance and it is not considered competent to use negative/suspensive conditions at this time in relation to this matter. To approve the development with a negative/suspensive condition would be contrary to adopted Policy D18.

The proposed development is therefore contrary to Policy D18 as it has not been demonstrated that there is an agreed aviation mitigation solution.

Socio-Economic Effects

The applicant considers that the 2.8km of access tracks would benefit users of the area by providing further opportunities for recreation with access to the site would be open to walkers and cyclists. The tracks would also provide an opportunity for connection with the network of tracks in Whitelee Windfarm and the Core Paths to the east and north of the site.

The Council's Outdoor Access Officer has indicated the Core Paths Plan identifies an ambition to create a link between the successful Whitelee Access Project and Newton Mearns. This is identified as adopted core path D16 "South Moorhouse to Ballageich". The core path uses the track to the dam on Bennan Loch then across rough ground on the north slope of Ballgeich Hill to connect with the desire line path across the moor to the B764.

The proposed windfarm has the potential to improve access from the Newton Mearns to the visitor facilities at Whitelee Windfarm by creating new access roads over the ground west of Ballageich hill, an area where access is currently untracked or by way of rough moorland tracks. The Land Reform Scotland Act provides a right of responsible public access over the proposed tracks and the open hill ground.

The turbine access tracks as proposed would contribute to an expanding access network - but to complete a direct Mearns to Whitelee link will require approximately 800m of additional path between the dam at Bennan Loch and the access track servicing at any one of the turbines. The Outdoor Access Officer indicates that consideration should be given to discussions with the applicant regarding the means and consents required to create a new path from Bennan Loch to connect to the access tracks identified in the application.

The construction of the development is indicated as creating up to 40 jobs at any one time with the contractor encouraged to use local labour and source materials from the local area wherever. Once operational it has been indicated that the windfarm would contract the services of the equivalent of one full time permanent member of staff who would also be responsible for ongoing maintenance activities. More major maintenance checks would be required periodically or if there were to be turbine malfunctions. Sub-contractors would have regular opportunities to undertake work at the site. It has also been indicated that there would be some benefits to the local economy over the decommissioning period although these would not be as great as during construction. However such benefits have not been quantified.

The applicant has also indicated that income to the farm business involved in the development would improve viability and assist in maintaining rural employment and activity. The developer has offered to make annual community benefit payments to a community fund of £5000 per annum for each installed megawatt of generation capacity over the operational life of the windfarm (ie £90,000 per annum indexed). The developer indicates that half of this fund is to be offered to the Eaglesham and Waterfoot Community Benefit Trust and half to the Council to be distributed throughout East Renfrewshire.

In general terms the fund could make payments to community projects and be used to improve local facilities and services. If approved it is considered appropriate to formalise this matter through a legal agreement and the specific details of this would be addressed in the agreement. It should be noted that as the applicant is voluntarily offering this fund this is not a determining factor in assessing the application.

It is considered that there would be some socio-economic effects associated with the development and the offer of the community fund is generally welcomed. However the type and nature of the development means that such socio-economic effects are generally limited and are not considered to be a significant factor in determining this application.

The matter of decommissioning the site and in particular a restoration bond has been raised with the applicant. This would in general terms require a bond or other form of financial guarantee which secures the cost of all decommissioning, restoration and aftercare obligations to be agreed with the developer before works commence on site. The applicant has agreed in principle to this and for the matter to be handled by a planning condition. The condition will also include provision: for the financial guarantee to be maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations; the value of the financial guarantee shall also be determined by a suitably qualified independent professional; and the value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

It is therefore considered that a restoration bond can be addressed by a planning condition should the development be approved.

EIA Conclusion

A summary of the likely impacts of the development has been given buy the applicant across the various chapter headings of the EIA. This indicates that the potential combined and cumulative environmental effects from the proposed development have been considered at two levels:

- the combined and interactive effects on the different aspects of the development; and
- the cumulative effects with any other approved development and those for windfarms in the vicinity.

In terms of the combined effects of the proposal itself the applicant considers the development will be carried out in an area already modified by man's activities and when combined with the various mitigation measures to be implemented would reduce the risk of cumulative impacts to a minor nature. It is indicated that residents could be affected by a combination of traffic, air quality, noise and reduction in amenity effects. The effects during construction are considered to be short term and the applicant considers the proposal to be designed to a high standard to ensure it would fit well into the landscape and that operational effects would be managed and controlled.

In terms of combined effects with other proposals the applicant considers the key cumulative effects relate to landscape, visual and noise. The applicant considers there are no other major projects which have been identified which have been approved and there are no other significant effects predicted with other proposals.

It is considered that the EIA addresses the main environmental impacts associated with a development of this type. The impacts vary and a number of these are required to be addressed by planning conditions if the development is approved. It is considered that the principal environmental impacts associated with this development are the landscape and visual effects as they were with the previous application at this location 2010/0241/TP. However there remains the issue of the unresolved aviation mitigation solution in order to address the outstanding objection from NATS.

Material planning considerations

Previous and current applications for turbines at this location and in the surrounding area are material considerations in determining this application. Planning permission was refused under 2010/0241/TP on 24th April 2012 for a windfarm consisting of 19 wind turbines and ancillary development including 3 permanent anemometer masts. Each of the turbines was to be 80m to hub height and 126m to blade tip. The wind farm proposed under 2010/0241/TP was in a larger site compared to the current application and the site extended to the north, north-east and west. The northernmost turbine of that proposal was to have been located to the east of East Moorhouse with the westernmost turbine approximately 380m from the A77 in the area of Floak Bridge.

However it should be noted that the six turbines that are now being proposed are in similar positions as six of the turbines applied for under 2010/0241/TP i.e. being the six southernmost turbines of that proposal.

The windfarm under 2010/0241/TP was refused on the grounds that it would be visually dominant and prominent which would in turn affect the visual amenity of the area, adversely affect residential amenity with little that could be done to mitigate these impacts. The visual impacts on the site and surrounding area were therefore considered to be significant and not acceptable. These impacts were considered to be contrary to Scottish Planning Policy on Renewable Energy and Policies Strat2, E15 and DM1 of the adopted East Renfrewshire Local Plan.

A subsequent appeal against this refusal was dismissed by the Scottish Government on 17th December 2012. Having considered all the matters raised, including previous appeal decisions, and balancing the adverse impacts of the proposed development against its benefits the proposed development at that time, was considered to have significant and unacceptable adverse landscape and visual impacts, and cumulative impacts. The proposed development was not considered to be consistent with Local Plan Policy E15, and would be contrary to the provisions of Polices Strat2, E2, DM1, and DM3. Furthermore, the proposal was not considered to be consistent with national planning policy. The Scottish Government did not consider the benefits of the proposal to be sufficient to outweigh its adverse impacts and allow a departure from the Local Plan.

Although the turbines now being proposed are in similar positions to six of the turbines determined under 2010/0241/TP the geographic spread of the development now proposed is smaller and this results in a different visual impact than before. The proposed development will however result in new vertical man-made structures at this part of the landscape and this will have a resultant visual impact. The reduction is the number of turbines proposed is welcome and the previous proposal of 19 turbines was not acceptable in overall visual terms in both the decision on the planning application and the subsequent appeal decision. The 19 turbines would have been spread over

39 the landscape with turbines being sited in prominent locations, in some instances on small plateaux, hill summits and skirting the ridgelines. The height and siting of the turbines would not have respected the scale and character of the landscape in which they would have sat, and would fail to minimise their impact on the landscape.

The six turbines now being proposed now reads as a more cohesive group/cluster as their spread across the landscape is less. The resultant visual impact is contained to a smaller area. However there will still be a visual impact and cumulative visual impact. It is considered that this visual impact is locally significant and dominant.

The refusal by the Scottish Ministers of the Section 36 application at East Kingswell (Whitelee Phase 3) is a significant material consideration in determining this application. The Ministers recognised that the proposed development would contribute to the output of one of the largest wind farms in Europe and contribute towards the generation of electricity from renewable sources. That would accord with government energy policy and Scottish Planning Policy. There would have been be some other benefits, including from the further investment in Whitelee, and habitat restoration. However, reflecting the terms of SPP paragraph 169, on balance the Ministers do not consider the relatively limited scale of the contribution from these five turbines justifies the adverse spatial impact, albeit localised, of this extension to Whitelee.

Whilst the Soame proposals are located in relatively close proximity to the site of Whitelee Phase 3 the applicant considers that the points raised and would suggest that the landscape and visual effects of Soame are more contained within the Plateau Moorland landscape than those of Whitelee. In the area of the Soame proposals the B764 intersects the plateau moorland landform and does not form a boundary between different landscapes. The applicant considers the Soame Windfarm is clearly sited on the elevated plateau and the visualisations in the EIA indicate that the revised design fits well in this landscape. Soame is not located on a marginal area of plateau moorland as was found when considering Whitelee Phase 3. The landscape assessment and the visualisations indicate that the effects of the Soame Windfarm in the landscape would reduce over a short distance.

Care must be taken to avoid giving consent as to intensify the presence of wind turbines beyond the level which the landscape can absorb and still maintain its character. It is acknowledged that the area has been modified by the presence of the Whitelee Windfarm however the part of Whitelee in East Renfrewshire is set back into the plateau landscape which in itself is an extensive landscape. Although the site is technically located in a plateau moorland landscape character area, similar to Whitelee Windfarm, three of the proposed turbines are located over the ridge and the other three turbines are highly visible. The proposed turbines would appear as outliers, separate and distinct from Whitelee Windfarm in the distance. This emphasises the visual difference with Whitelee Windfarm.

It is considered the proposed windfarm will detract from the landscape character of its surroundings to an unacceptable degree, and will be have an unacceptable visual effect on an observer.

Representations

In terms of the representations that have been received and which have not already been addressed in the assessment above the following comments are made.

Government renewal energy targets already met: It is considered that the Government's targets from renewable energy are not a cap as there are ongoing and will be increased energy generation requirements in the future. The Scottish Government targets are ambitious and include aspirations to continue to contribute to carbon reduction across the UK, Europe and globally. It is noted that not everyone agrees with Scottish Government energy and planning policy. However, it is not appropriate to review Scottish Government policy in an individual planning application. In addition the national approach to approved targets and renewable energy policy are not considered to be matters for this application.

Already enough turbines in East Renfrewshire: One of the main issues in determining planning applications for wind turbines is whether the landscape can accommodate the proposal without resulting in significant adverse visual impacts. To refer to the total number of turbines is

considered to be an over-simplification of the situation. Not all the turbines in East Renfrewshire can be viewed all at one time because of their different locations and the characteristics of the landscape. Scottish Planning Policy indicates that Development plans should lay out a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. This approach has been taken by the Council.

Cumulative effect of turbines breaching privacy: It is not considered that this development will adversely affect the privacy of any existing property because of the type of non-habitable development being proposed.

Criticism of selected viewpoints: The purpose of selecting viewpoints is to have a range of viewpoints from where there are likely to be significant effects and those which are representative within the study area. It would be unrealistic to have viewpoints from every individual property in proximity to the proposed development. It should also be noted that the selected viewpoints have not been relied on solely by the Council's Planning Service to make the decision on this application and site inspections have also been carried out.

Proximity to housing with reference to 2km separation: Scottish Planning Policy indicates that in terms of community separation for consideration of visual impact (as it applies to Group 2 areas) an area not exceeding 2km around cities, towns and villages is identified on the local development plan. The proposed windfarm is more than 2km from such settlements.

Health effects: This is not considered to be a material planning consideration in determining this application.

Noise: The Council's Environmental Health Service has assessed the information submitted with this application in relation to noise and has not objected to the application. Environmental Health has examined the Environmental Impact Assessment and accepts that the nearest residential dwelling to any turbine in this development is Shieldhill, some 430m from the nearest proposed turbine. Background noise levels at this location were obtained from Whitelee Windfarm data, and Shieldhill has a financial interest thereby meaning they are allowed a higher noise limit relative to other dwellings. The other dwellings are significantly further away from the proposed development (the next closest is Highfield over 1km away) and are therefore subjected to far less impact from Soame. A higher range of noise limits were selected as it is stated clearly in the relevant nationally accepted guidance document (ETSU-R-97) that this is appropriate when there are limited noise receptors present (houses) and the energy produced by the development is significant. Furthermore, the noise limits apportioned to Whitelee Windfarm (which were applied by the Scottish Government) are at this higher level, thereby allowing for the same limit to be applied to the same noise receptors.

Proximity to gas main: A gas pipeline runs generally parallel and adjacent to Moor Road in the vicinity of the proposed windfarm. Only part of the access into the site runs over the pipeline whereas none of the proposed turbines are located on top of it. Safety construction practices would be expected to be carried out in the vicinity of the pipeline however this is controlled under separate legislation.

The points in support for the development are noted and the proposal may meet future energy requirements however this has to be balanced against any negative impacts that may arise.

Overall conclusion

The proposed development will contribute to the Scottish Government's renewable energy targets. Government policy and Development Plan policies are supportive and encourage the principles of sustainable development and wind energy developments. With any windfarm development a balance has to be struck between the aims of generating electricity from a renewable source against the impact on the landscape taking into account relevant Government policies/advice, Development Plan policies, environmental impacts and the impact on the amenity of nearby residents.

Having considered all the matters relevant to this application and balancing any positive impacts with any negative impacts it is considered that the proposed windfarm will have locally significant adverse visual impacts and will be locally visually prominent. It is considered that the adverse visual impacts outweigh any benefits that the proposal may bring.

In addition it has not been demonstrated that there is an agreed aviation mitigation solution in order to comply with Policy D18 of the adopted Local Development Plan.

Should the planning application however be recommended for approval by the Planning Applications Committee the application will have to be referred to the Scottish Ministers under the provisions of the Town and Country Planning (Neighbouring Planning Authorities and Historic Environment) (Scotland) Direction 2015 because of the objection from East Ayrshire Council.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASONS FOR REFUSAL:

- 1. The proposed development is contrary to Policy D18 of the adopted East Renfrewshire Local Plan as it will cause false primary plots to be generated on onroute navigational radar at Lowther, Glasgow and Cumbernauld with an anticipated reduction in these radar's probability of detection for real aircraft. No mitigation measures have been submitted to be agreed and it has not been demonstrated that the proposed development will not adversely impact on the safe and efficient operation of airports.
- 2. The proposed development is contrary to Scottish Planning Policy on Renewable Energy because it will have a significant adverse visual impact on the site and surrounding area and does not reflect the landscape character.
- 3. The proposed development is contrary to Policies E15 and DM1 of the adopted East Renfrewshire Local Plan as it would have an adverse visual impact on the site and surrounding area. The proposed windfarm is considered to be dominant and prominent at this location and its impact is considered to be locally significant.

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Sean McDaid on 0141 577 3339.

Ref. No.: 2014/0820/TP

(SEMC)

DATE: 7th March 2018

DIRECTOR OF ENVIRONMENT



Reference: 2014/0820/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

Policy 10 on Delivering Heat and Electricity indicates that in support of the transition to a low carbon economy and realisation of the Vision and Spatial Development Strategy should be given, where appropriate, to alterative renewable technologies and associated infrastructure.

Policy 10 indicates that in order to support onshore wind farms, local development plans should finalise the detailed spatial framework for onshore wind for their areas in accordance with SPP, confirming which scale of development it relates to and the separation distances around settlements. Local development plans should also set out the considerations which will apply to proposals for wind energy development, including landscape capacity and impacts on communities and natural heritage. Proposals should accord with the spatial framework set out in Diagram 6 and finalised in local development plans.

Adopted East Renfrewshire Local Development Plan

Policy D3

Green Belt and Countryside Around Towns

Development in the green belt and countryside around towns as defined in the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location and which respects the character of the area.

Where planning permission is sought for development proposals, within the green belt or countryside around towns and these are related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area, the Council will consider them sympathetically subject to compliance with other relevant policies of the Plan. Any decision will, however, take into consideration the impact the proposals will have on the function of the green belt and countryside around towns and the viability of important agricultural land. Development must be sympathetic in scale and design to the rural location and landscape.

Further detailed information and guidance is provided in the Rural Development Guidance Supplementary Planning Guidance.

Policy E1

Renewable Energy

The council will support renewable energy infrastructure developments, including micro-renewable energy technologies on individual properties, wind turbine developments, hydro electric, biomass and energy from waste technologies in appropriate locations. The assessment of applications for such developments will be based on the principles set out in Scottish Planning Policy (2014), in particular, the considerations set out at paragraph 169 and additionally, for onshore wind developments, the terms of Table 1: Spatial Frameworks. Where appropriate, the applicant will be required to submit satisfactory mitigation measures to alleviate any adverse environmental impacts.

The council will prepare statutory supplementary guidance which accords with the Scottish Planning Policy (2014), and which contains the full spatial framework for onshore wind energy, sets policy considerations against which all proposals for renewable energy infrastructure developments will be assessed, and provides further detailed information and guidance on renewable energy technologies

Policy D8

Natural Features

There will be a strong presumption against development where it would compromise the overall integrity of Local Biodiversity Sites, Tree Preservation Orders and ancient and long established woodland sites.

Development that affects a site of special scientific interest will only be permitted where:

The objectives of designation and the overall integrity of the area will not be compromised; or

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.

The location of Sites of Special Scientific Interest, Local Biodiversity Sites and Tree Preservation Orders are identified on the Proposals Map and referred to under Schedule 1.

Planning permission will not be granted for development that is likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.

Further detailed information and guidance is set out in the Green Network and Environmental Management Supplementary Guidance, including criteria against which development proposals within or in close proximity to the natural features outlined above will be assessed.

Through Dams to Darnley Country Park the Council will promote the designation of a Local Nature Reserve at Waulkmill Glen as shown on the Proposals Map. This will be undertaken in partnership with Glasgow City Council and in conjunction with Scottish Natural Heritage.

Policy D18

Airport Safeguarding

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

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

- 1. The development should not result in a significant loss of character or amenity to the surrounding area;
- The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
- 3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;

- 4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
- 5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
- 6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
- 7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
- 8. The Council will not accept 'backland' development, that is, development without a road frontage;
- 9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets':
- 10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
- 11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
- 12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
- 13. Where applicable, new development should take into account the legacy of former mining activity:
- 14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
- 15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
- 16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

GOVERNMENT GUIDANCE:

Scottish Government Policy on Delivering Heat and Energy is contained in Scottish Planning Policy (SPP) and the current target is for 30% of Scotland's overall energy demand to be generated from renewable sources by 2020 with 100% of electricity demand from renewable sources by 2020. The SPP sets out guidance for the consideration of applications for a range of renewable energy proposals, including wind farms, and encourages the use of the development plans to support and encourage renewable technologies in appropriate locations. Further advice has been issued by the Scottish Government on the range of matters to be considered in determining applications for energy infrastructure developments. These matters include net economic impact; contribution to renewable energy generation targets; effect on greenhouse gas emissions; cumulative impacts; impacts on communities and individual dwellings; landscape and visual impacts; impacts on natural heritage; impacts on carbon rich soil; public access; impact on historic environment; impacts on tourism and recreation; impacts on aviation; road traffic impacts;

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

Scottish Government Onshore Wind Policy Statement December 2017 indicates that the Scottish Government's energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland's future in helping to substantively decarbonise electricity supplies, heat and transport systems, thereby boosting the economy, and meeting local and national demand. The Scottish Government expects onshore wind to remain at the heart of a clean, reliable and low carbon energy future in Scotland with Scotland continuing to need more onshore wind development and capacity, in locations across landscapes where it can be accommodated.

REPORT OF HANDLING

Reference: 2017/0374/TP Date Registered: 29th May 2017

Application Type: Full Planning Permission This application is a Major Development

Ward: 2 - Newton Mearns North and Neilston

Co-ordinates: 249271/:650130

Applicant/Agent: Applicant: Agent:

Gartsherrie Road Richard Kenyon Coatbridge 50 Speirs Wharf

ML5 2EU Glasgow

4 9TH

Proposal: Formation and extension of hard rock quarry (consolidation of previous

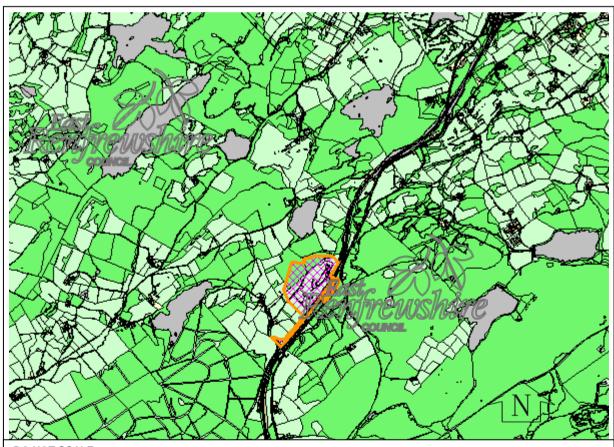
planning permissions) (major)

Location: Floak

Ayr Road

Newton Mearns East Renfrewshire

G77 6SJ



DO NOT SCALE

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CONSULTATIONS/COMMENTS:

Scottish Natural Heritage

Notes the low level habitat status of the site and refers the Council to their published

advice.

Scottish Environment Protection Agency

No objections subject to conditions.

West of Scotland Archaeology Service Recommends an archaeological watching brief

condition.

Scottish Water No response at time of writing

East Renfrewshire Council Environmental

Health Service

No objections and recommend the reattachment of current conditions on

operations.

East Renfrewshire Council Roads Network

Manager

No objections.

Health and Safety Executive No response at time of writing.

Scottish Gas Network Have not responded formally but have through

their online consultation facility referred to their

standing advice.

East Ayrshire Council No objections.

Transport Scotland No objections.

PUBLICITY:

16.06.2017 Glasgow and Southside

Extra

Expiry date 07.07.2017

16.06.2017 Glasgow and Southside

Extra (EIA)

Expiry date 21.07.2017

16.06.2017 Edinburgh Gazette (EIA) Expiry date 21.07.2017

SITE NOTICES: None.

SITE HISTORY:

2003/0050/TP Formation of Hardrock

Quarry

Approved Subject

02.09.2003

to Conditions

2005/0997/TP Formation of Hardrock

Quarry (modification of conditions 1, 7, 9, 10 and 18 on planning permission 2003/0050/TP to extend the period of permission for a further 5 years, to extend the period for the

submission and implementation of

Approved Subject to Conditions

16.10.2017

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restoration proposals, to amend the access proposals)

	,		
2008/0046/TP	Formation of Hardrock Quarry (Alteration to condition 10 of planning consent 2005/0997/TP to permit blasting of up to 4 or 5 blasts per calendar month instead of a maximum of 2 blasts per calendar month)	Approved Subject to Conditions	12.05.2008
2012/0428/TP	Formation of hardrock quarry (modification of condition 1 of planning permission 2005/0997/TP to extend the period of permission for a further 5 years)	Approved Subject to Conditions	03.10.2012
2012/0442/TP	1.9 hectare extension to hard rock quarry	Approved Subject to Conditions	03.10.2012
2014/0272/TP	Extension to quarry	Approved Subject to Conditions	06.06.2014
2014/0448/PN	Erection of concrete batching plant (prior notification)	Approved Subject to Conditions	10.09.2014

REPRESENTATIONS: No representations have been received.

Extension to existing screening bund

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Environmental Impact Assessment

2015/0421/TP

An Environmental Assessment has been submitted to identify the likely environmental impacts of the proposed development and confirms the significance of those impacts and outlines mitigation measures in

Granted

response to those impacts.

Pre-application
Consultation Report

This Report summarises the statutory pre-application consultation with the community carried out by the developer.

13.08.2015

ASSESSMENT:

This is a Major Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the application involves the extraction of minerals in a site that exceeds 2 hectares. The application has been accompanied with an Environmental Impact Assessment, which has been submitted voluntarily by the applicant with the application, and as a consequence the application has to be presented to the Planning Applications Committee for determination.

Floak Quarry is on the north side of the M77, 300m to the north east of Floak Farm and approximately 6km south of Newton Mearns. Originally the quarry was established through a planning permission in 2003 to provide hard rock for the M77 development project. On completion of that project the applicant and current operators applied in 2005 to re-open the quarry for the wider commercial market.

The quarry has been operating since and currently extends to a site of some 40 hectares with a 26 hectare working area. The planning permission to work the reserves runs through several temporary planning permissions encompassing the original 2005 working area and three further applications including two to extend the operating areas of the quarry in 2012 and 2014. These permissions all have different lifetimes. Two expired on the 3rd October 2017 and the latter permission 2014/0272/TP expires in June 2019.

The working areas under the current approved operations are concentrated on the south side of a long south/east-facing hillside. The operations are managed in a manner that the overburden from the quarrying is deposited, graded on the southern side of the quarry then seeded to form what appears as a natural screen of the quarry from close and localised view points from the south. Seeding sand planting assists in the assimilating these bunds into the wider landscape.

The main office accommodation is provided in portacabins adjacent to the quarry entrance proper which punches through these augmented southern slopes on its south side. A haul road is formed on the south side of the site running from the quarry entrance parallel to the M77 towards the site entrance off a minor metalled road from the A77. Another steel portacabin accommodating a reception/office is at the site entrance close to the weighbridge.

The applicant confirms that there are reserves of some 2.2 million tonnes in the current consented areas. The applicant estimates that on the basis of current demands these reserves will allow four years of extraction.

Water from the quarry site is collected via a series of internal swales and filter drains and collected in a sump. Thereafter the water is pumped through a series of ponds and gravity fed though settlement lagoons between the M77and the A77 from which an outflow discharges ultimately into the Earn Water. This pond arrangement will be enlarged significantly to ensure it has the capacity to handle the increased volumes of surface water that will be a consequence of the larger void that will be formed as a result.

This application proposes to extend the quarry by a further 7.5 hectares and seeks a longer consent period consolidating the separate permissions into one. Permission is sought to allow the quarry to operate till September 2057. The extension will increase the reserves by an estimated 7.8 million tonnes to a total of 10 million tonnes. It is estimated that reserves of this scale will give the quarry a life span of between 25 to 40 years depending on market demands.

The proposed phasing of the additional reserves is detailed in the submitted plans (Phases 1 to 3). The entirely new areas to be worked beyond the existing consented area to the west and south of the maximum extraction currently consented by planning permission 2012/0442/TP. The Phase 3 Phasing plan details the final extent of the quarrying. It confirms the extreme outer faces of the quarry climbing in benches, approximately 12m high to a height of approximately 35m above the quarry floor at 212m Above Ordnance Datum.

Otherwise it is proposed to operate the quarry in accordance with the earlier approvals. Vehicle routes to and from the site and previously agreed conditions and mitigation measures extending into matters of waste management, blasting regimes, etc are to be carried out.

As the quarry is established at this location the principle to extend it accords with the terms of the Local Development Plan. Polic7 E8 relates to minerals and confirms the Council's position to both protect workable mineral resources and provided an assessment framework for assessing new proposals or to extend existing mineral extraction. This policy includes a number of criteria and the most relevant to this application is the impact on the area; including traffic implications and local residential properties.

The site history is briefly outlined above and there is no evidence of any significant disturbance having been generated from the quarry nor have any issues been raised in connection with transport and haulage aspects of the quarrying operation.

The Environmental Impact Assessment submitted in support of the application addresses a number of potential impacts from the development as below.

Archaeology and Cultural Heritage

The Scoping Report submitted to East Renfrewshire Council in September 2015 stated that an assessment of the potential impacts upon Cultural Heritage was undertaken by Ironside Farrar in 2006 in support of the 2005 planning application. The assessment concluded that there are no known sites of cultural heritage significance within the study area. One potential archaeological site of local importance may already have been affected by the previous excavation and the construction of the M77.

<u>Traffic</u>

Given there will be no increase in quarry traffic as a result of this proposal, it is considered that the development will have an insignificant effect upon the local road network.

Ecology and Nature Conservation

In April 2015 the applicants commissioned an extended Phase I habitat survey on land to the north, south, and west of the existing quarry. The survey area included quarry, pastures, rough grazing, plantation woodland, and bunded soils stored around the active quarry.

These surveys found two Badger setts present in the 300m buffer zone surveyed around the application site, and a small number of breeding birds including ground-nesting species such as Skylark and Meadow Pipit.

In May 2017, the surveys were updated and the findings are included in the EIA. None of the habitats within the study area are notable for their rarity quality or extent. The habitats in the site are considered common.

In terms of European Protected Species evidence of badger has been noted of activity in and outside the area of the site.

Normal practices of avoiding major new phased extension works in nesting season is again noted as mitigating approach as are the provisions of the Wildlife and Countryside Act 1981 and Nature Conservation (Scotland) Act 2004.

Noise

A series of noise predictions based upon BS 5228: 2009 and including the assumptions embodied in Section 5 of the report have been made to 3 noise sensitive locations located at Townhead of Floak, Mid Floak and Highfield and assessed against criteria recommended in Planning Advice Note (PAN) 50 - Controlling the Environmental Effects of Surface Mineral Workings.

All the predicted noise levels in the report refer to worst case scenarios, when operations are undertaken at their closest distances to sensitive properties and therefore have the greatest influence on the noise levels at these locations. These worst case noise scenarios may only last for a few weeks or even days throughout the envisaged working life of the proposed extension area.

The assessment of this impact concludes that with the noise control recommendations implemented and the exercise of reasonable engineering control over general site operations, the existing and proposed extension at Floak Quarry should be able to be worked by the applicant within the noise criteria considered by PAN 50 to be normally justified for mineral extraction operations.

Air Quality

Due to receptor distance/sensitivity, local topography, and the anticipated meteorological conditions at the site, these factors minimise the potential for dust impacts to result from the proposed development. This together with the employment of best practice methodology will ensure impacts are minimised as far as practicable. All residual effects are therefore considered to not be significant.

Landscape and Visual Impact

The landscape assessment confirms that the proposed development would not significantly adversely affect the key attractive and distinctive land use elements or the wider baseline pattern of the local landscape areas or prejudice the nature or integrity of the existing landscape pattern and the landscape character setting of the site.

The visual impact analysis assesses the visual impact of the proposal. This aspect is also demonstrated in a series of visual representations of view of the site from a number of viewpoints, numbered 1 through to 13. The EA predicts that there is the potential for a significant impact to occur at Viewpoints 4 (From the East adjacent to the A77) and 5. (From minor road to the South adjacent to access to Highfield Farm). These are deemed as high sensitivity receptors due to the proximity of residential properties, however, it should be borne in mind that the current base line does not represent the view that will be afforded upon completion of what is currently permitted at the quarry.

The main change to the view at Viewpoint 4 will be the creation of the soils storage bund. This will be a short duration operation with material being deposited as land is stripped prior to the extraction of minerals. As discussed previously, it is recommended that the storage bund is seeded as soon as is practical with a local seed mix in order to assimilate it into the local landscape. With regards to the presence of the quarry face, only the upper portions of the quarry face that will be visible.

Viewpoint 5 faces directly onto the quarry however the image provided of current operations does not illustrate the overall extent of what is currently permitted to be extracted. The viewpoint titled 'Extent of Permitted Extraction' illustrates that the quarry will form more of the backdrop to this viewpoint. In comparison to the permitted landform, the proposals are not considered to be significant from this location given the presence of the existing quarry and current land use.

Waste Management

The statement also includes a submission in accordance with the Management of Extractive Waste (Scotland) Regulations 2010. Regulation 4 of the regulations requires that planning applications for mineral extraction should include a Waste Management Plan (WMP) for proposed and established quarries. The intention is to secure the proper management and storage of waste material derived for the processes at the quarry. The nature and category of this material varies depending on the quarry type, the material worked and its source or ore base, the method of recovery, and the underlining conditions of the site.

The operators of the Quarry had submitted a WMP in relation to the existing consented operations at Floak earlier this year. That plan is augmented by additional information submitted in connection with this application.

The submission from the applicant confirms that given the nature and type of material worked at Floak the material that is generated as a result of the working practices on site extends only to soil and overburden rock. Such material would be classed as a non-waste by product in terms of these regulations. This material is currently utilised in the formation of screening bunds and is

anticipated to be used in the restoration proposal of the site. The submission made in this respect is considered to be acceptable again in accordance with the advice offered in the related Guidance supporting the Regulations.

Restoration

Upon completion of extraction the northern face will be re-profiled at a shallower angle in order to create a scree slope. Regeneration of the scree slope should occur naturally but may be assisted by seeding with suitable species. Fine material and soils stripped during earlier quarrying operations will be washed onto the scree giving a rooting medium for vegetation to become established.

The remaining quarry faces will be retained providing a variety of face gradients within the restored site. The combination of steep faces and a scree slope will provide a variety of habitats for birds and flora to become established on the old faces.

Water is currently pumped from the quarry floor into the water treatment system located at the entrance of the quarry. Water is channelled through a number of treatment ponds and through a pipe under the M77 leading to a series of settlement ponds situated between the M77 and A77.

Upon cessation of quarrying operations, it is likely that the quarry floor will flood, resulting in a wetland feature being created. The existing outflow point will be grated and retained as an outflow to the ponds which will be retained.

Soils stripped as part of the ongoing quarrying operations are currently stored along the eastern boundary of the Site in two separate soil bunds. The bunds will be retained as permanent features. One is already complete and is covered with grass and the other currently under construction.

Shrub species such as Gorse and Broom, which seeds freely and is a successful pioneer species, will be planted along the quarry benches.

The restoration proposals are intended to enhance the opportunity for biodiversity through the natural regeneration of the quarry. The quarry will provide a variety of microclimates and habitats leading to several different plant communities becoming established

EIA Conclusion

The EIA concludes generally across the areas that were assessed that the proposal does not raised any significant environmental impacts indeed most are regarded as negligible to low.

Development Plan

The Development Plans that are applicable to this proposal are the Strategic Development Plan (Clydeplan) and the adopted East Renfrewshire Local Development Plan.

Strategic Development Plan (July 2017)

The Glasgow and Clyde Valley Strategic Development Plan promotes the responsible extraction of resources.it acknowledges the responsibility to safeguard workable mineral resources ensuring they are not sterilised by other development. It also accepts that the lack of restoration of mineral extraction sites evidenced across the sector requires to be addressed.

Policy 15 Natural Resource Planning – promotes the establishment of a Mineral Resources Spatial Framework that will facilitate the identification and maintenance of an adequate and steady supply of minerals as industry requires. It confirms proposals for mineral extraction which accords with this spatial strategy and or a Local Development plan will be supported.

East Renfrewshire Local Development Plan (June 2015)

The proposal requires to be considered against the development plan which in the first instance comprises the adopted East Renfrewshire Council Local Development Plan. The relevant policy provision is Policy E8 - Minerals which confirms the Council's position relative to potential or known mineral resources and the consideration of development proposals for new mineral extraction proposals either new or expansions to existing sites.

The policy is intended to reflect the provision of the Glasgow and Clyde Valley Strategic Development Plan which identifies a number of criteria:

- disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water:
- impacts on local communities, individual houses, sensitive receptors and economic sectors important to the local economy;
- benefits to the local and national economy;
- cumulative impact with other mineral and landfill sites in the area;
- effects on natural heritage, habitats and the historic environment;
- landscape and visual impacts, including cumulative effects;
- transport impacts;
- restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability).

A financial bond or legal agreement may be required to ensure appropriate decommissioning and site restoration arrangements are secured.

Noting the above matters Floak Quarry is well established and market demand for its product appears to be healthy. It can therefore be considered that there are wider economic and employment benefits. There are only a few residential properties in the area most notably at Floak Farm to the west of the quarry itself and north of the site reception/weighbridge area. No third party objections have been submitted.

A new quarry may commence in East Ayrshire south of the existing works at Floak. Any cumulative impact of this proposal relative to this operation is considered to be limited.

Transport impacts are not anticipated to increase significantly.

Landscape and visual impacts will increase particularly on areas to the north/west of the site with the creation of a larger void. This will be substantially contained by the existing landform on this side.

The matter of restoration has been considered. The restoration proposal has been accepted previously through the consideration of the development of Floak to date. However noting the terms of the policy a conditional mechanism to secure the appropriate funding of for the delivery and aftercare of the scheme has been discussed with the applicants.

Strategic Policy 2 confirms a number of criteria in connection with large scale development proposals. The criteria are wide ranging across a number of considerations and the most relevant are referred to earlier in this assessment in relation to Policy E8. The proposal is not considered to raise significant issues with the terms of this policy.

Noting the above and having regard to the conclusions of the supporting Environmental Impact Assessment it is considered that the proposed extension accords with the development plan. Accordingly planning permission should be approved unless material considerations indicate otherwise. In this instance the material considerations extend to consultation responses and any third party comments.

The consultations are summarised above have raised no significant objections to the proposal.

Notably the Councils Environmental Health Service have reaffirmed previous advice regarding the monitoring of blasting they also recommended that the noise mitigating measures referred to in the EA be secured. Finally having acknowledged the potential of quarrying affecting private water supplies for houses in the area they have advised on securing an alternative water supply.

SEPA initially objected to the proposal due to concerns over the potential impact on private water supplies for local properties. However through subsequent discussion with the applicant SEPA is now satisfied that their concerns are addressed by separate lease agreements between the operator/applicants and the landowner.

Scottish Gas Networks were consulted due to the proximity of two high pressure gas pipelines that run broadly east/west to the north of the site. They have offered no specific comment on the proposal. However existing site land form details submitted with this application confirm that the area of the quarry closest to their infrastructure approximately 50m has already been worked to the quarry floor. The new extension areas indicated to be worked under this application are approximately 250m away to the west and south from that same infrastructure.

West of Scotland Archaeological Service acknowledges the conclusions in the EIA on the low level of heritage assets that have been encountered at Floak to date. They have stressed however that the size of the extension area sought as part of this application and its different topography merits the attachment of a condition that will secure an archaeological watching brief during all ground disturbance.

Overall Conclusion

Floak Quarry has been operating for approximately 10 years. The site and extended operating area is over a significant reserve of suitable accessible hard rock that the market requires. The Council acknowledges the demand for such a resource established through Government Policy and has through Policy E8 adopted a position to both protect known resources and assess proposals for new and or extensions to existing mineral extraction operations.

Policy E8 refers to the securing of an appropriate restoration and aftercare scheme and that has been discussed with the applicants.

Environmental impacts are considered acceptable and no significant issues have been raised against the extension proposal or the consolidation of the existing planning permissions.

Any residential properties are at a sufficient distance from the site that they should not be subject to significant disturbance or nuisance.

Accordingly it is considered that planning permission should be approved subject to conditions relating to habitat mitigation, noise and blasting impacts, potential impacts on private water supplies quarry phasing, restoration and aftercare for the duration of the quarrying over the 40 year operating period being sought,

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

CONDITION(S):

 The development hereby approved shall be limited to the 31/03/2058 and at the end of which period all quarrying operations shall cease unless a further application is submitted and approved by the Planning Authority.

Reason: To ensure the quarrying operations are for a limited period and to enable the situation to be monitored.

- 2. Within three months from the date of this decision a guarantee to cover all site restoration and aftercare liabilities imposed by this permission shall be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise agreed in writing by the Council as Planning Authority:
 - i) be granted in favour of the Council as Planning Authority
 - ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the operator and the Council as Planning Authority
 - iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by or on behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
 - v) come into effect within six months of the date of this decision (unless a longer period is agreed in advance in writing by the Planning Authority) and expire no earlier than 12 months after the end of the aftercare period unless other suitable multiple guarantee arrangements are agreed in writing by the Council as Planning Authority. For the avoidance of doubt, more than one guarantee may be agreed but any multiple guarantees shall apply to the aforementioned periods.

Written approval of the terms of such guarantee shall be obtained from the Council as Planning Authority within three months from approval of the guarantee. Thereafter, the validly executed guarantee shall be delivered to the Council as Planning Authority within three months of this written approval.

In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Council as Planning Authority.

Reason: To ensure that provision is made for the restoration and aftercare of the site.

3. The extraction of rock shall be carried out in accordance with the approved phased extraction plans PG452/PA/F/06, PG452/PA/F/07 and PG452/PA/F/08 unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt the Phase 3 extraction plans PG452/PA/F/08 and PG/45/PA/F/09 extraction sections shall be the maximum area and quarry floor level worked under this planning permission.

Reason: To ensure that the planning authority retains control over future development on the site.

4. Within 3 months from the date of expiry of this consent all plant and machinery shall be removed from the site.

Reason: To ensure satisfactory restoration of the site

- 5. No later than 3 months for the date of this decision and at 12 monthly intervals thereafter, the applicant shall submit a quarry progress plan to the planning authority accompanied by the annual Geotechnical Survey. The quarry progress plan shall:
 - i) Provide an up-to-date topographical survey of the site in an appropriate format and appropriate scale.

- ii) Identify areas of the site that have been subject to mineral extraction in the previous 12 months and/or will be subject to mineral extraction in the forthcoming 12 months, including the locations, design and formation of the proposed surface working areas, the plant site, screening bund landform,
- iii) Identify areas of the site that have been subject to soil stripping in the previous months and/or will be subject to soil stripping in the forthcoming 12 months.
- iv) Quantify the soils and overburden to be encountered in the forthcoming 12 months and provide details of their intended placement and storage over that period.
- v) Set out any necessary adjustment deemed necessary to the approved restoration plans.

A copy of the quarry progress plans shall be kept on site and made available for inspection by the planning authority during the approved working hours.

Reason: To enable the monitoring of quarrying progress and compliance by the planning authority.

6. There shall be no quarrying activities on site the extraction, processing and internal movement of materials from the extraction area to the plant site, export of materials prior to 0700 hours and after 1900 hours Monday to Friday; or prior to 0700 hours and after 1700 hours on Saturdays; with no such activities being conducted on Sundays.

Reason: In order to avoid disturbance to nearby residential properties.

7. A barrier screen to avoid dazzle between the access road and the trunk road, of a type approved by the Planning Authority, shall be maintained by the quarry operator along the boundary of the site with the trunk road.

Reason: In the interest of minimising the distraction to drivers on the trunk road and maintaining safety for traffic both on the trunk road and the guarry access road.

8. Blasting shall only take place between the hours of 1100 hours and 11.30 hours and 1500 hours and 1530 hours Monday to Friday inclusive and 1100 hours and 1130 hours on Saturdays. There shall be no blasting on Sundays, Bank Holidays or Public Holidays, except where necessary for safety reasons, or with the prior written agreement of the Planning Authority.

Reason: In order to avoid disturbance to nearby residential properties

9. For the avoidance of doubt there shall be a maximum of five blasts per calendar month. The following values of peak particle velocity measured simultaneously across three mutually perpendicular components in the frequency range of the predominant pulse should not be exceeded, in accordance with BS7385: Part 2 1993, Evaluation and Measurement for vibration in buildings.

4 Hz to 15 Hz: 7.5mm/s at 4 Hz increasing to 10mm/s at 15 Hz

15 Hz and above: 20 mm/s at 15 Hz increasing to 50mm/s at 40 Hz and above

A peak linear over pressure of 120 dB should not be exceeded as measured at the nearest noise sensitive property.

Reason: To avoid disturbance to nearby residential properties.

10. For the avoidance of doubt each blast shall be monitored and recorded by the contractor using the appropriate equipment which should be provided and financed by them. Monitoring and recording must be carried out in accordance with British Standard 7385 Parts 1 and 2, Evaluation and Measurement for vibration in buildings and should be freely available to the Planning Authority. Details of the monitoring points shall be submitted for the approval of the Planning Authority.

Reason: In order to monitor the blasting operations.

11. The site shall be restored in accordance with the approved Restoration Plan Drawing No PG452/PA/F/10 except as may be updated by the quarry progress plan submitted under Condition 3 above. Following the completion of restoration of the whole site that land shall be put under effective aftercare management. The period of aftercare shall extend for 5 years from the date of final restoration for the whole site as confirmed in writing by the Planning authority.

Reason: To ensure the provision and maintenance of the site.

12. Prior to the commencement of works on the extension areas hereby approved a survey shall be undertaken to determine the presence of protected mammals on site. The survey shall be to submitted for the approval in writing by the Planning Authority in consultation with Scottish Natural Heritage.

Reason: To ensure that the protected species is dealt in compliance with the Protection of Badger Act 1992 and the Nature Conservation (Scotland) Act 2004.

13. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In order to protect any archaeological remains and to allow the Planning Authority to consider this matter in detail.

14. All vegetation clearance, tree felling and soil stripping shall be undertaken outwith the bird breeding season of March to mid-August inclusive. Where this is not operationally possible, all such works should be preceded by a survey by a suitably qualified ecologist to establish whether nests are present and the survey results submitted for the approval of the Planning Authority in consultation with Scottish Natural Heritage. If breeding birds are found steps must be taken to avoid an offence under the Nature Conservation (Scotland) Act 2004.

Reason: To avoid disturbance to breeding birds.

15. Prior to the commencement of the development hereby approved details of the measures to minimise dust emissions from the site; suspension of movement of soils, overburden and minerals waste during adverse weather conditions; enclosure of dust emitting plant and machinery shall all be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the measures to reduce the emission and propagation of dust are acceptable.

- 16. The site shall be provided with a wheel wash at the exit from the site. The wheel wash shall be maintained in an effective condition during the export of material from the site.
 - Reason: To ensure that site vehicles do not deposit mud on the adjacent roads in the interest of road safety.
- 17. Prior to the development commencing, a scheme for sampling the private water supply for the surrounding properties identified in the Environmental Statement both in terms of sufficiency and quality shall be submitted to and be approved in writing by the planning authority. Thereafter, that applicant shall maintain the integrity of these supplies, or provide an alternative supply.

Reason: To safeguard the quality and supply of water to surrounding residential units.

18. That details of the noise mitigation bund/screen and phasing of its installation as referred in the noise chapter of the Environmental Assessment shall be submitted for the written approval of the Planning Authority and said bund shall be formed prior to quarrying operations in the new extension area.

Reason: in the interest of residential amenity.

ADDITIONAL NOTES:

The applicant is requested to comply with the requirements of Scottish Environment Protection Agency (SEPA).

The applicant is required to comply with the European Council's Directive 92/43/EEC on the Conservation of Natural Habitats, the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004 which provide full protection for certain plant and animal special and European Protected Species. It is illegal to capture, kill, disturb any such animal, damage or destroy breeding or nesting sites or eggs or deliberately or recklessly pick, collect, cut, uproot or destroy European Protected Species of wild plant. In addition, where it is proposed to carry out works which will affect European Protected Special or their shelter/breeding places, a licence is required from the Scottish Executive. Further information on these matters can be sought at Scottish Executive Species Licensing Team, Countryside and Heritage Unit, Victoria Quay, Edinburgh or from Scottish Natural Heritage.

ADDED VALUE:

Conditions have been added that are necessary to control or enhance the development and to ensure the proposal complies with the Council's Local Plan policies.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Ian Walker on 0141 577 3042.

Ref. No.: 2017/0374/TP

(IAWA)

DATE: 7th March 2018

DIRECTOR OF ENVIRONMENT



Reference: 2017/0374/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

Policy 15 on Natural Resource Planning indicates an adequate and steady supply of minerals will be maintained. This will include a land bank for construction aggregates equivalent to at least 10 years extraction. Proposal for minerals extraction will be supported where they are in accordance with the Vision and Spatial Development Strategy and with Local Development Plans. Proposals should balance economic benefit against the protection of the environment and local communities from their potential impacts.

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

- 1. The development should not result in a significant loss of character or amenity to the surrounding area;
- The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
- 3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
- 4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
- 5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
- 6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
- 7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
- 8. The Council will not accept 'backland' development, that is, development without a road frontage;
- Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
- 10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;

- 11. Developments should include provision for the recycling, storage, collection and composting of waste materials:
- 12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
- 13. Where applicable, new development should take into account the legacy of former mining activity;
- 14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
- 15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
- 16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Proposal E8 Minerals

Proposals which would sterilise workable mineral resources which are of economic or conservation value will not be supported, unless there are significant benefits which outweigh those of protecting the resources for the future.

Proposals for new and/or extended mineral extraction require to comply with Strategic Policy 2 and Policy D1 and will be assessed against Strategy Support Measure 9 of the Glasgow and Clyde Valley Strategic Development Plan and the accompanying Background Report 10: Minerals Search Areas, and against the following criteria:

disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;

impacts on local communities, individual houses, sensitive receptors and economic sectors important to the local economy;

benefits to the local and national economy;

cumulative impact with other mineral and landfill sites in the area;

effects on natural heritage, habitats and the historic environment;

landscape and visual impacts, including cumulative effects;

transport impacts; and

restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability).

A financial bond or legal agreement may be required to ensure appropriate decommissioning and site restoration arrangements are secured.

GOVERNMENT GUIDANCE:

Scottish Planning Policy on the Responsible Extraction of Resources indicates that minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. Planning should safeguard mineral resources and facilitate their responsible use; minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and secure the sustainable restoration of sites to beneficial after use after working has ceased.