

**Planning Applications Committee Report**

**ERECTION OF 9 WIND TURBINES (85M HUB HEIGHT, 125M TO BLADE TIP) (TOTAL RATED OUTPUT OF UP TO 27 MW), 1 PERMANENT ANEMOMETER MAST (MAXIMUM HEIGHT OF 80M), CONTROL BUILDING AND COMPOUND, EXTERNAL TRANSFORMER HOUSING, TEMPORARY CONSTRUCTION AND STORAGE COMPOUNDS, INSTALLATION OF UNDERGROUND ELECTRICITY CABLES, FORMATION OF SITE TRACKS, CRANE PADS, FOUNDATIONS AND ASSOCIATED WORKS / INFRASTRUCTURE  
AT TWENTYSHILLING HILL WIND FARM, NEAR SANQUHAR (GRID REF 279500, 604500)**

**Application Type: Full Planning Permission**

**Applicant: Element Power**

**Ref. No.: 13/P/3/0260**

**Recommendation - Refuse**

**Ward - Mid and Upper Nithsdale**

**Hierarchy Type (if applicable) - Major**

**Case Officer - Mhairi Duff**

## **1 BACKGROUND**

1.1 This application requires to be determined by the Planning Applications Committee because it is a Major Development as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

1.2 The application was preceded by a period of pre-application consultation with communities. Details of this are contained within the applicant's Pre-application Consultation (PAC) Report. This PAC Report accords with the requirements set out in the Town & Country Planning (Development Management Procedure) Regulations 2013.

1.3 The application was submitted in May 2013 and included a Design and Assess Statement and an Environmental Statement (ES) as required under the Environmental Impact Assessment (Scotland) Regulations 2011. This includes a Landscape and Visual Assessment (LVA) as well as an assessment of the likely significant impacts arising from the proposed wind farm.

1.4 An Addendum to the ES was submitted in July 2014 which contains Supplementary Environmental Information (SEI) to provide additional information on points raised during consultation on the original ES. This included assessment of four additional viewpoints (VPs) and two additional wind farms at Sunnyside Farm (approved) and Sandy Knowe (proposed) to be included in the assessment of cumulative impacts.

1.5 The applicant has also submitted a letter dated 20 November 2014 in response to the most recent consultation response from the Council's Landscape Architect. This consultation response is summarised in 2.2 below. In summary, the applicant considers that:

- The Council Landscape Architect has assigned a far higher sensitivity, prominence and value to Cairnkinna Hill than either public consultation or policy have indicated;
- The Council Landscape Architect has overestimated the magnitude and significance of effects on landscape;
- The Council Landscape Architect has failed to acknowledge the design process previously agreed with the Council;
- The Council Landscape Architect's response does not fully account for recent national policy updates;
- The Council Landscape Architect's response draws conclusions on acceptability without balancing the wider context or taking into account the local support and economic benefits of the proposal.

1.6 The full content of this letter is available to view online within the eplanning file.

1.7 The applicant has also provided a letter dated 18<sup>th</sup> November outlining the intent to enter into a contractual agreement with National Air Traffic Services (NATS) which would offer a technical mitigation solution to resolve the NATS objection (2.5 below).

### **Site Location and Description**

1.8 The application site is located within Upper Nithsdale, approximately 4.8km to the south of Sanquhar and 11km to the north-north-west of Thornhill. It occupies an upland location with ground levels of the proposed turbines varying between approximately 400m to 500m above ordnance datum (AOD). The proposed turbines would be sited to the upper eastern slopes of a ridge rising to from 478m AOD (Wether Hill) to 510m AOD (Black Rig). Despite the location description, Twentyshilling Hill itself would be free of turbine development (approximately 700m to the north-east of the closest turbine), although it is included within the application site. The highest peak in the vicinity is Cairnkinna Hill (552m AOD) located approximately 1.2km to the south-south-west of the closest turbine.

1.9 The Thornhill Uplands Regional Scenic Area (RSA) broadly skirts around the western, southern and eastern boundaries of the application site, with one turbine (T7) falling within it and three (T4, T6 and T9) adjoining the boundary. The boundary of the RSA runs along the Wether Hill, Jarney Knowes and Black Rig ridgeline and takes in

Cairnkinna Hill to the south. The remainder of the RSA extends through mid Nithsdale from Mennock to Auldgirth and takes in the upland Glens of Dalwhat, Shinnel, Scar and Dalveen as well as the Lowther Hills to the east of Nithsdale, including Queensberry Hill.

### **Description of Proposal**

1.10 The proposed development includes:

- The erection of 9 wind turbines within an overall height of 125m, each having a generating capacity of up to 3 MW;
- External transformer housings;
- Approximately 8km of new and upgraded site tracks;
- On-site borrow pits;
- Crane pads;
- Foundations;
- Underground electricity cables;
- A permanent anemometry mast;
- A control building and compound; and
- Temporary construction compounds and associated works/infrastructure.

1.11 The proposed wind farm would have a maximum electricity generating capacity of 27MW.

1.12 Access to the site would be from the U540n unclassified public road. It is proposed that all traffic would utilise the A76(T) / C125n junction at Eliock Bridge to access and egress the site.

1.13 The application includes proposals for decommissioning of the wind farm which would include removal of turbines, transformers and the control building.

### **Planning History / Other Wind Energy Proposals Material to the Consideration of this Application**

1.14 The Council is aware of the following wind energy projects lying within 15km of the application site:-

1.14.1 Granted and / or built

- 10/P/3/0182 - Erection of 12 wind turbines (each 130m base to tip) at Blackhill to Magheuchan Rig, Sanquhar, located approximately 7km to the west-north-west;
- 06/P/3/0351 - Erection of 11 wind turbines (each 121.2m base to tip) at Whiteside Hill, Sanquhar, located approximately 5.3km to the west;
- 03/P/3/0746 – Erection of 14 wind turbines (each 125m base to tip) at Wether Hill, Moniaive, located approximately 12.2km to the south-west;
- 14/P/3/0170 – Erection of 2 wind turbines (each 46.1m base to tip) at Glenmuckloch, Kirkconnel, located approximately 13.7km to the north-west;
- 07/P/3/0173 – Erection of 1 wind turbine (7.2m base to tip) at Guildhall Bridge, Kirkconnel, located approximately 9.7km to the north-west;
- 10/P/3/0167 – Erection of 1 wind turbine (19.8m base to tip) at Mynwhir, Kelloholm, located approximately 7.8km to the north-north-west;

- 13/P/3/0211 – Erection of 2 wind turbines (each 62m base to tip) at Sunnyside, Sanquhar, located approximately 7.6km to the north;
- 12/P/3/0026 – Erection of 1 wind turbine (34.2m base to tip) at Upper Ingleston, Moniaive, located approximately 13.6km to the south;
- 11/P/3/0114 - Erection of 1 wind turbine (46.9m base to tip) at Calside Farm, Moniaive , located approximately 13.6km to the south
- 11/P/3/0117 – Erection of 1 wind turbine (46.9m base to tip) at Calside Farm, Moniaive , located approximately 13.5km to the south;
- Hare Hill windfarm, located approximately 13.5km to the north-west (East Ayrshire Council area);
- 13/P/2/0266 – Erection of 1 wind turbine (22.4m base to tip) at Corlae Byre, Carsphairn, located approximately 13.4km to the west-south-west.

#### 1.14.2 Undetermined

- 13/C/3/0012 – Erection of 14 wind turbines (each 137m base to tip) at Leadhills, located approximately 14.5km to the north-north-east (South Lanarkshire Council area);
- 14/C/3/0028 – Erection of 39 wind turbines (range of base to tip heights varying between 70m to 91m) at Hare Hill extension, located approximately 11.3km to the north-west (East Ayrshire Council area);
- 12/C/3/0030 – Erection of 30 wind turbines (each 125m base to tip) at Sandy Knowe, Kirkconnel, located approximately 9.2km to the north-west (Section 36 application);
- 14/P/3/0560 – Erection of 14 wind turbines (each 145m base to tip) at Spango (Mid Rig / Black Hill), Kirkconnel, located approximately 10km to the north;
- 06/P/3/0527 – Erection of 12 wind turbines (each 125m base to tip) at Ulzieside, Sanquhar, located approximately 4.6km to the west-north-west.

#### 1.14.3 Refused, withdrawn, dismissed at appeal, or revoked

- 13/P/3/0578 – Erection of 14 wind turbines (each 145m base to tip) at Spango (Mid Rig / Black Hill), Kirkconnel, located approximately 10km to the north;
- 13/P/3/0267 – Erection of 2 wind turbines (each 24.9m base to tip) at Sunnyside, Sanquhar, located approximately 7.6km to the north;
- 07/P/3/0168 – Erection 1 wind turbine on gable of house at Lochside Farm, Sanquhar, located approximately 5.7km to the north;
- 10/P/3/0346 – Erection of 3 wind turbines (each 84m base to tip) at Southmains, Sanquhar, located approximately 2.4km to the north;
- 07/P/3/0491 – Erection of 1 wind turbine (18m base to tip) at land to south of Sandrum Cottage, Gatelawbridge, located approximately 13km to the south-east;
- 12/P/2/0150 – Erection of 1 wind turbine (31.5m base to tip) at Corlae, Dalry, located approximately 13.4km to the west-south-west;
- 11/P/3/0024 – Erection of 1 wind turbine (21.4m base to tip) at Gaups Mill Farm, Moniaive, located approximately 12.5km to the south;
- 11/P/3/0347 – Erection of 1 wind turbine (46m base to tip) at Upper Ingleston, Moniaive, located approximately 13.6km to the south.

1.14.4 In relation to this particular proposal the following planning history is of direct relevance:-

- 10/E/3/0014 – Request for scoping opinion for 9 no. wind turbines (125m to tip) at Twentyshilling Hill – response provided by the Council on 1 November 2010;
- 11/N/3/0001 – Pre-application notification for the erection of 9 wind turbines, formation of access tracks, formation of borrow pit, erection of wind monitoring mast, formation of underground power cables and erection of substation at Twentyshilling Hill – submitted on 10 March 2011, response provided on 5 April 2011;
- 12/P/3/0279 – Planning application for erection of an anemometer mast (up to a height of 80m) for a temporary period of 2 years at Twentyshilling Hill – granted subject to conditions on 17 August 2012;
- 13/F/3/0014 – Formal pre-application enquiry in respect of the erection of 9 wind turbines, formation of access tracks, formation of borrow pit, erection of wind monitoring mast, formation of underground power cables and erection of substation at Twentyshilling Hill – submitted on 23 January 2013, response provided on 4 July 2013.

## 2 CONSULTATIONS

**2.1 Royal Burgh of Sanquhar and District Community Council:-** Support the proposed windfarm.

2.1.1 The wind farm would generate 27 MW of green electricity which would help to reduce CO2 emissions and tackle climate change and contribute to the Scottish Government's aim to generate 100% of Scotland's renewable by 2020.

2.1.2 By sourcing local labour, materials and plant throughout the construction period, the wind farm would generate new business and job opportunities for local people.

2.1.3 When considering the impacts of this major development against the location of the wind farm and its community and economic benefits, 72% of those local people that responded indicated that they were in favour of the project.

**2.2 Penpont Community Council:-** No objection raised, but members felt they were not in a position to offer positive support to the proposal.

**2.3 Kirkconnel and Kelloholm District Community Council:-** Support the proposed windfarm.

2.3.1 The wind farm would generate 27 MW of green electricity which would help to reduce CO2 emissions and tackle climate change and contribute to the Scottish Government's aim to generate 100% of Scotland's renewable by 2020.

2.3.2 By sourcing local labour, materials and plant throughout the construction period, the wind farm would generate new business and job opportunities for local people.

2.3.3 When considering the impacts of this major development against the location of the wind farm and its community and economic benefits, 72% of those local people that responded indicated that they were in favour of the project.

### Further comments received on 21 November 2014:

2.3.4 All prospective wind farms must be given the same visual judgement as those already passed planning. No one area (i.e. Thornhill) should be given more aesthetic value over anywhere else. This wind farm is financially important to a very deprived area and it would be an asset to the future energy of the country.

## 2.4 **Scottish Natural Heritage (SNH):-** No objections.

Advise there would be no adverse impacts on natural heritage interests of national importance. Advice only regarding issues of local importance:

### Landscape and Visual

2.4.1 The location of the development is fairly prominent, located as it is on the skyline on the uplands above Nithsdale. Although it is prominently located, the design appears to create a coherent and regular layout when viewed from the valley floor. When viewed in isolation from the lower parts of Nithsdale, the application appears to be relatively well sited, designed and relates well to the broad ridge between Cairnkinna and Sheil Hill.

2.4.2 SNH provide advice on the main effects from their perspective. There are other significant effects, mainly visual effects on walkers on the Southern Upland Way (SUW) and upon residents and visitors to Upper Nithsdale which SNH are broadly in agreement with the ES about.

2.4.3 SNH's main concerns largely relate to:

- The cumulative effects and pattern of wind development along Upper Nithsdale as a whole, visible from the A76 and settlement within Upper Nithsdale, and;
- Landscape Sensitivities - The effects upon the Thornhill RSA

### Cumulative effects

2.4.4 There would be significant cumulative effects, both landscape and visual, as stated within the ES due to the number of schemes located within the Upper Nithsdale area and the visibility of these schemes from the valley floor.

2.4.5 The cumulative ZTV shows that in the stretch of the A76, between Kirkconnel and Mennock (including Sanquhar), it will be possible to see eight wind farms within relatively close proximity, including Twentyshilling Hill. These wind farms can be split into two scenarios:

#### *Scenario 1 - Operational and approved - Hare Hill, Whiteside Hill, Sanquhar and Sunnyside Farm.*

2.4.6 In this scenario SNH are largely in agreement with the ES which finds that the development corresponds to the pattern of development (i.e. medium scale wind farms, set back above the valley side within the Upland Character type with fairly adequate separation between each one.

#### *Scenario 2 - Operational and In-planning - Hare Hill, Whiteside Hill, Sanquhar, Sunnyside Farm, Hare Hill Extension, Sandy Knowe and Ulzieside.*

2.4.7 The additional development in this scenario start to fill in the gaps between the schemes with Sandy Knowe deviating from the pattern with turbines coming down off the uplands and onto the valley slopes (in a similar way that Sunnyside is located within the lower valley) with a greater number of turbines, meaning that this clear pattern is interrupted.

2.4.8 Should Sandy Knowe be consented, SNH consider the capacity for further wind development in this area would be limited as Twentyshilling Hill would continue on a

pattern that would then further string out wind development along Upper Nithsdale, while Sandy Knowe would consolidate it – something that is at odds to the existing pattern of development. Should Sandy Knowe be refused, SNH would still consider the capacity for further wind development to be limited in this area. However, Twentyshilling Hill would consolidate the existing pattern, and subject to addressing the other sensitivities, it could be a better option, though it is worth noting that the DGWLCs finds:

*'The 'Nithsdale' unit of the Southern Uplands Type is a landscape where capacity is considered to be nearly reached for additional development' (P386)*

#### Thornhill Uplands Regional Scenic Area (RSA)

2.4.9 The revised assessment finds some limited significant effects upon the Thornhill Uplands RSA. SNH tend to disagree with this finding and feel this under plays the significance of the effect of the scheme on these more sensitive landscapes to the south east.

2.4.10 There appears to be considerable visibility of the development across the RSA. Judging by the cumulative ZTV, this development appears to bring additional wind farm visibility to the RSA, where in some parts it will be the only wind farm visible. Towards the south-eastern edge, 1-2 other wind farms would be visible, it appears likely this visibility relates mainly to Wether Hill, Dalswinton and Harestanes, though it is difficult to separate out the visibility of these wind farms as there are no separate paired ZTV's. However, it appears likely that it is Twentyshilling Hill that will have a greater effect upon the RSA, located as it is on the containing 'Sculptural Landforms' and in line with the distinctive 'Landmark Hill' of Cairnkinna in views from the south / south-west across the RSA. These hills make an important contribution to wider scenic quality to the southern part of the 'Nithsdale' unit as recognised in the RSA designations that cover part of these uplands.

2.4.11 This effect can be seen from viewpoint 17 Wauk Hill. At this viewpoint, three turbines would be visible to hub height, plus blade tips would be visible. This would detract from the 'steep sculptural landform' of the uplands and would form a noticeable addition to the skyline and could detract from the scenic juxtaposition of the uplands with the incised valleys of the Shinnel and Scar Water as they cut through the uplands, into the pastoral wider more settled valleys to the south.

2.4.12 This effect could be removed / lessened if the turbines, especially where both hub and blade tip are visible, could be reduced in height, set back from this ridge or otherwise modified to remove visibility.

#### Ecology

2.4.13 SNH are broadly content with the survey methods and assessment of results referred to in Section 7 of the ES. Provided the proposals for mitigation are adhered to, SNH do not consider that the proposed development would have any adverse impact on protected species or habitat.

#### Ornithology

2.4.14 SNH are content with the survey work for breeding birds, winter walkover, roost watches and black grouse. It does not appear that there are any issues with potential disturbance or simultaneous watches which would reduce overall survey effort.

2.4.15 Overall, collision risk calculations are acceptable.

2.4.16 Mitigation measures can be further considered within a detailed Habitat Management Plan (HMP).

**2.5 Council Landscape Architect (CLA):-** Objection due to significant adverse landscape, visual and cumulative effects.

#### Key issues

2.5.1 Twentyshilling wind farm would be sited over the plateau summits and mid slope ridges of Upper Nithsdale, north of Cairnkinna Hill summit. The site has a high scenic value, partially occupying the Thornhill Uplands RSA, and forming the immediate setting of Cairnkinna Hill. The wind farm would be visually exposed through Upper Nithsdale beyond Mennock, and the turbines would be prominent skyline and valley-side features over the upland backdrop to the valley. Some of the turbines would also appear as incongruous features back-dropping Cairnkinna Hill in longer range views from Mid Nithsdale, and the Tynron and Keir Foothills.

2.5.2 The two key issues for Twentyshilling relate to:

- The impacts of wind farm development on the setting and focus of Cairnkinna Hill as a landmark summit in the local and wider landscape.
- The introduction of large scale wind farm development in to a currently undeveloped and more sensitive and valued scenic section of Upper Nithsdale.

2.5.3 There would be direct landscape effects on the northwest Thornhill Uplands RSA, and generally on how Cairnkinna Hill and associated uplands contributes to the wider scenery as appreciated by residents, walkers and travellers through Nithsdale. Due to the prominence of the site, and its relationship to Cairnkinna, there are effects on local, mid and longer range views, where the hill forms an existing focus to varying degrees.

#### Significant adverse issues

##### *Landscape effects: scale issues of turbines in relation to Cairnkinna Hill*

2.5.4 Turbines are sited in the immediate setting of Cairnkinna summit cone. The turbines would diminish the importance of Cairnkinna as a landmark feature and the contribution it makes to the landscape character and local distinctiveness of the area, and the experience for hill walkers, particularly on the *Cairnkinna Circle* (no representative VPs). These effects would impact directly on the landscape character and scenic quality of the north western section of the Thornhill Uplands RSA.

##### *Visual effects: impacts on Cairnkinna Hill*

2.5.5 Twentyshilling wind turbines would detract from the visual amenity and views afforded by Cairnkinna Hill in panoramic views from the summit (no representative VP), and the prominence, legibility and focus of the hill as a landmark in short, medium, and long range views (original LVIA VPs 11, 13, 14, 17, and 2014 SEI VPs 1, 3).

##### *Cumulative landscape effects: extension of wind farm development to Upper Nithsdale upland backdrop and undeveloped RSA skylines*

2.5.6 Twentyshilling is proposed in an elevated Southern Uplands position that would

extend wind farm development from the western section of Upper Nithsdale on to undeveloped sky line and upland backdrop of the more sensitive and scenically valued eastern section. In mid-range and longer views from the north and east (original LVIA VPs 6, 7, 9, 13, 14, and 2014 SEI VPs 1, 2, 3, 4), and partial views from the south and south-east (original LVIA VP 17 and Mid Nithsdale / unrepresented) the proposed wind farm would appear as an isolated feature sited on the undeveloped uplands. In short range views from Cairnkinna and uplands around the Scaur Water Valley (no representative VPs), wind farm development would be brought in to close proximity.

*Visual and cumulative visual effects: prominence of turbines for sensitive visual receptors in Mid and Upper Nithsdale, and including the north-west Thornhill Uplands RSA*

2.5.7 The Twentyshilling turbines in themselves, and in combination with the cluster of wind farm development emerging to the west of Upper Nithsdale, are prominent in the local area (within 5km), but also in the mid-range (5-15km) because of their elevated position, and the open nature of the Upper Nithsdale valley views. This would have significant effects on a range of sensitive visual receptors: residents, walkers on the SUW, and other hills, and travellers through Mid and Upper Nithsdale (original LVIA VPs 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 17 as a proxy for Auchengibbert and SEI VPs 1, 2, 3, 4).

## **2.6 Historic Scotland:- No objections.**

2.6.1 Historic Scotland are content that the application does not raise issues of concern regarding impacts on the setting of heritage assets within their remit , but would question the conclusions presented in the ES regarding one scheduled monument, and one designed landscape (GDL).

2.6.2 The proposed turbines would be visible from Druidhill Burn, motte (Index no. 691), and particularly in views towards it from the adjacent Druidhill Burn. These views are important elements in the setting of this monument, which is a rare and well-preserved example of a medieval castle in an upland and isolated location. Historic Scotland do not agree with the assertion in the ES (10.5.45 – 10.5.49) that the proposed development would have a minor impact on the setting of this monument. The presence of turbines in this open upland would alter the setting of the motte, in that substantial vertical structures would be introduced into a locale with limited evidence of built development. In particular, turbines would be visible in the background and periphery when the monument is approached along the Druidhill Burn from the south – this is the most obvious approach today, and probably also when the monument was in use.

2.6.3 However, the proposed turbines would lie on the apparent skyline in these views, and would be sufficiently elevated that they would unlikely to be dominant elements in the setting of the monument. It would still be possible to appreciate and understand the relative isolation of the monument, despite the presence of the proposed turbines.

2.6.4 On the basis of the above, Historic Scotland disagree with the conclusion in the ES, and consider that the proposed development would have a moderate impact on the setting of the monument.

2.6.5 The turbines would also be visible from areas of the Drumlanrig Castle GDL. As the

core of the GDL (around Drumlanrig Castle itself) lies outwith the zone of theoretical visibility (ZTV), Historic Scotland are content that this impact would not be significant, but consider that it will be higher than the “no impact” concluded in the ES (10.5.37 – 10.5.38).

2.6.6 Historic Scotland are otherwise content with the conclusions on other assets reached in the Cultural Heritage chapter of the ES, including the assessment of impacts on Category A listed Drumlanrig Castle (HB no. 3886).

**2.7 Council Archaeologist:-** No objections.

#### Direct effects

2.7.1 Given the elevation of the land where the turbines will be located and limited disturbance that will result from the access track and borrow pits at lower levels, the potential for unidentified features to come to light during construction is assessed as very low. The developer has indicated they would identify and agree a mechanism for ensuring any features that did come to light are recorded.

#### Indirect effects

2.7.2 Given the extent of wind farm proposals in the Sanquhar area, additional information was requested to enable independent assessment of the ‘no impact’ effects on Sanquhar Castle, Sanquhar Tolbooth and Sanquhar Conservation Area. This information has been supplied in Section 3 of the Supplementary Environmental Information and has informed assessment of these effects.

2.7.3 It is agreed that there would be a negligible effect on the setting of Sanquhar Castle and Sanquhar Tolbooth respectively and that the proposal would not result in any significant adverse effects on the setting of significant cultural heritage receptors in the vicinity of Sanquhar Conservation Area.

#### Recommendation

2.7.4 Any permission should include a condition seeking a programme of archaeological work and to define a mechanism to identify and record any features that were to be found during construction.

**2.8 National Air Traffic Services (NATS):-** Objection.

2.8.1 This development is likely to cause false primary plots to be generated Lowther Hill Radar and Great Dun Fell as well as reduce the respective radar's ability to detect real aircraft. The proposal has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be unacceptable.

#### Response to letter from Natural Power dated 18th November 2014 (see paragraph 1.7 above):

2.8.2 NATS can confirm that mitigation measures proposed are as detailed in the letter and that mitigations of this type have been delivered multiple times in the past therefore there is little technical risk relating to the delivery of this mitigation.

2.8.3 NATS are pleased to note the Element Power ‘intent to enter into a contract’ as this appears to be where the delivery risk lies. It is understood that the sticking point at the moment is around the elements termed contract 2 and contract 3 in the letter relating to the long term provision of 3<sup>rd</sup> party radar feeds into the NERL radar processing system.

## 2.9 **Ministry of Defence (MoD):-** No objections.

Original objections on the grounds of the impact on the Eskdalemuir Seismological Array and the impact on low flying operations have been withdrawn.

## 2.10 **Glasgow Prestwick Airport:-** No objections.

All turbines would be shielded from the primary surveillance radar and therefore are not expected to show on the radar display.

## 2.11 **Transport Scotland:-** No objections.

## 2.12 **Council Roads Officer:-** No objections.

### 2.12.1 Observations:

- None of the supplied documents makes reference to part of the access route being via the U519n Eliock Grange public road that extends from the C125n to Garple Grove housing scheme. Whilst the length of road that forms part of the access route is short, approximately 90m, a small community of 6 individual dwellings takes access from this road and the effect upon these has not been assessed.
- It would appear that there will be temporary accesses formed off the U519n, onto the U540n, several access points on the U540n where the proposed route bypasses dwellings via private ground (Craigdarroch, Twentyshilling) and at the site entrance.
- The extent of any accommodation works (such as widening, strengthening, provision of suitable passing places etc. along any proposed access routes necessary to permit construction traffic and the passage of component delivery vehicles) to public roads is not clear at this time but any works, including formation of temporary accesses would require that they be designed and constructed to the satisfaction of the planning authority (in consultation with the roads authority) and would require appropriate permits and consents to have been issued.
- Proposals for all accommodation works should be supported by swept path tracks.
- It would be appropriate that a 'dry-run' of the route, based on the longest component and transporter, be carried out (attended by a roads official) to demonstrate the suitability of the accommodation works prior to works commencing on site.
- Where public road boundaries are altered either for the formation of temporary accesses or for accommodation works, these should be reinstated in their original position at the conclusion of construction works.
- The supplied traffic movements do not include movements of aggregates which are expected to be sourced from on-site borrow pits. However, should suitable borrow pits on-site not be available (worst case scenario), and aggregate have to be brought in to site (80,100m<sup>3</sup>), then this could potentially increase overall traffic movements by some 6700 loads or 13,400 movements. Should this occur, it is likely that it would result in a significant intensification of movements at the very start of the construction phase. Whilst this may be unlikely, it would be appropriate that this potential outcome be reflected in a revised traffic generation programme
- It would be appropriate that there should be consultation with nearby forest managers and timber hauliers through the office of the South of Scotland Timber Transport Officer to co-ordinate timber haulage operations that may use the C125n during the construction period to minimise the cumulative impact on communities and road users.

- The TMP should include a programme of delivery types / numbers by month, details of all proposed mitigation measures, agreed access route and details of measures that would be implemented to ensure that no stacking of delivery vehicles occur on any part of the public road network and is to be agreed in writing with the Police and the roads authority prior to any works commencing on site.
- The developer will be held responsible for the immediate execution of any repairs and will be required to meet the cost of above average maintenance to the public road network arising from the concentration of heavy traffic associated with this development.
- The installation of the grid connection will have an impact upon public roads where the route follows a road, crosses a road or crosses a bridge on the road.
- Where an access route crosses bridges and culverts, the applicant will require to get approvals (in respect of those structures) from the Council's DGDesign Bridges and Structures Unit.

2.13 **SEPA:-** No objections, subject to the attachment of condition requiring the submission of a Peat Management Plan.

Other comments were provided in respect of pollution prevention and Environmental Management, Ecology and Hydrogeology,

2.14 **RSPB Scotland:-** No objections.

A condition requiring the agreement of a Habitat Management and Monitoring Plan is required prior to the commencement of development.

2.15 **Nith District Salmon Fishery Board:-** No objections.

Satisfied that monitoring and mitigation would be put in place to compliment the suite of environmental protection measures associated with the proposal.

2.16 **Council Access officer:-** No objections.

2.17 **Council Biodiversity Officer:-** No objections.

Recommends that the scope of the HMP is extended to include restoration measures for wet modified bog.

2.18 **Council Environmental Health Officer:-** No objections, subject to conditions regarding construction and operational noise.

2.19 **Police Scotland:-** No objections.

Road improvements should be agreed with the roads authority. Police Scotland are happy to be involved in discussions in order to agree a safe working plan for the movement of construction material and abnormal loads. The developer should contact a Crime Reduction Officer prior to the start of any construction works.

2.20 **Council Flood Risk Management Team:-** No objections, subject to conditions.

2.21 **Forestry Commission Scotland:-** No objections.

The development would have no impact on forestry interests.

2.22 **East Ayrshire Council**:- No objections.

The Council is generally satisfied that whilst the visualisations show that turbines would be visible from viewpoints in East Ayrshire, they would appear relatively distant, reducing the significance of any impact on East Ayrshire. There will be no impact on the road network within East Ayrshire.

### **3 REPRESENTATIONS**

#### **Objection (3):**

**Buccleuch Estates Ltd (BEL), C/O Graham & Sibbald, 3 Charlotte Street, Perth  
Mark & Sally Coombs, Four Sisters, Gatelawbridge, Thornhill  
Mr Brian Heslop, Carcoside, Whitehill, Sanquhar**

#### **Support (1):**

**Mr W Waugh, Glenwhern, Sanquhar**

3.1 Representations objecting to the application (summary of material planning grounds only):

#### 3.1.1 Graham & Sibbald on behalf of Buccleuch Estates Limited (BEL)

- a. The representation comments on and criticises several aspect of the Design and Access Statement and ES including Policy Context, Site Selection and Design, Project Description, Landscape and Visual, Cultural Heritage, Socioeconomic Assessment.
- b. Viewpoint (VP) visualisations show stacking and overlapping of turbines (VPs 3, 5, 11, 12, 14)
- c. VP 8 underrepresents the effects on the Southern Upland Way.
- d. VP11 shoes clear turbine visibility from the eastern part of the Drumlanrig policies
- e. VP 28 shows the cumulative effects.
- d. Cumulative wirelines show how this proposal would extend significant cumulative effects south and south-west.
- e. The assessment does not do justice the complex interrelationship between Drumlanrig Castle, the designed landscape, the wider Estate and the wider landscape setting of these assets. In addition, the cumulative effects have not been fully assessed. It is considered that Twentyshilling, along with other wind farms in the wider area, would result in LVIA effects (including cumulative effects) that would have an adverse effect on the relationship between these elements. Those effects would vary over the lifetime of the wind farm as a result of the normal operations of forestry management.
- f. The representation is critical of Historic Scotland's consultation response.

g. The likely significant effects of the proposal on socio-economics, including cumulative, are underplayed.

d. The proposal is contrary to the Development Plan (formerly the Dumfries and Galloway Structure Plan and Nithsdale Local Plan and the then Proposed Local Development Plan) as well as the former Interim Planning Policy on Wind Energy Development (IPP).

e. It is now intended that the visitor experience at Drumlanrig should be linked with the facilities being developed at the new and nationally important Crawick Artland facility at Sanquhar, thus enhancing the local “offer” to national and international visitors and local residents alike. The adverse cumulative effects of the Twentyshilling wind farm proposals are something that might well give rise to effects on the Crawick Artland, at a distance of approximately of 6km, would therefore in turn, have an adverse effect on the intended linkage and the benefits that would flow from that linkage.

f. BEL appreciates that this proposal is one that is not highly visible from the whole of the Drumlanrig designed landscape, although there are clearer views from the more elevated parts of the Estate. However, although the spread of the direct and indirect impacts of this proposal would reflect that geography, its contribution to cumulative effects are also of concern given the potential for the Nithsdale Valley to experience significant effects as a whole. Therefore, cumulative effects are also a major consideration in forming a view that an objection should be lodged to this proposal – this ties in exactly with the protection that the Council is seeking to afford through the IPP.

g. Investment in tourism and recreation is largely confidence driven and there is no doubt that the scale of investment at Drumlanrig that is envisaged by the strategy, including the links to the Crawick Artland, would be put at risk by the further spread of large scale and / or scattered wind farm developments within Nithsdale and any consequent adverse effects on visitor numbers and spend.

h. It is accepted that this is a risk and perception issue rather than one of demonstrable proof at this point in time, but it is a risk issue that is real to those making the substantial investments especially given the potential scale of cumulative impacts. Given the importance of tourism to the local economy, and given the related investment in Drumlanrig and in the Crawick Artland, it is considered that this is a risk that the Council should actively avoid by refusing planning permission for this proposed wind farm development at the Twentyshilling site.

i. The potential local economic benefits would be extremely limited, being focussed any spin off from construction activity. It follows that the limited economic benefits of the scheme should be given little weight in the overall planning balance exercise.

### 3.1.2 Mr Brian Heslop, Carcoside, Whitehill Sanquhar

a. Taking all applications together, a solid wall (of turbines) is being proposed from Thornhill to Cumnock.

b. The proposal is likely to disrupt television signal.

### 3.1.3 Mark and Sally Coombs, Four Sisters, Gatelawbridge, Thornhill

a. Cairnkinna is an important landmark within the local landscape. The close proximity of this particular scheme to Cairnkinna would have a serious and negative impact on this view. There are wind farm schemes further up the Nith Valley that have been better thought out and have been located in such a way as not to have such a detrimental impact on the landscape.

b. Agree with SNH concerns about the cumulative effects of Twentyshilling and other wind farms and the effects on the Thornhill Regional Scenic Area.

c. The proposed Twentyshilling wind farm is contrary to the Development Plan, and contrary to national planning policy, on account of its scheme specific and cumulative adverse landscape and visual effects and on account of the scheme specific and cumulative adverse effects on cultural heritage and on the local community.

3.2 Representation in support of the application (summary of material planning grounds only):

#### 3.2.1 William Waugh and Anne Waugh, Glenwhern, Sanquhar

The proposed site would have no visual impact on the surrounding area.

## **4 REPORT**

Relevant development plan policies:-

### **Dumfries & Galloway Council Local Development Plan**

**OP1 - Development Considerations**

**OP2 - Design Quality of New Development**

**OP3 - Developer Contributions**

**HE1 - Listed Buildings**

**HE3 - Archaeology**

**HE6 - Historic Gardens and Regional Landscapes**

**NE2 - Regional Scenic Areas**

**NE11 - Supporting the Water Environment**

**NE13 - Agricultural Soil**

**IN1 - Renewable Energy**

**IN2 - Wind Energy**

**CF4 - Access Routes**

**T2 - Location of Development/Accessibility**

Other Material Considerations:

**Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS)**

**Draft Dumfries and Galloway Supplementary Guidance (SG) - Part 1 Wind Energy**

**Development: Development Management Considerations (September 2014)**

**National Planning Framework (NPF) 3**

**Scottish Planning Policy (June 2014) (SPP)**

**Scottish Historic Environment Policy (SHEP)**

**Scottish Government Renewables Advice Series: Onshore wind turbines**

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that:-  
*“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan”.*

### **Environmental Statement (ES) and Addendum**

4.2 An ES has been submitted with the application in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011. The EIA process is intended to improve environmental protection by informing the planning authority with a statement (ES) on the project’s likely significant effects on the environment.

4.3 The ES comprises the following sections:-

- Introduction
- Policy Context
- Approach to Environmental Impact Assessment
- Site Selection and Design
- Project Description
- Landscape and Visual
- Ecology
- Ornithology
- Hydrology, Geology, Hydrogeology and Carbon Balance
- Cultural Heritage
- Noise
- Traffic and Transport
- Socio-economic Assessment
- Defence, Aviation and Communications

### **Policy Context**

4.4 The first principal policy of NPF3 and SPP is the commitment to sustainable development. SPP has a presumption in favour of development which contributes to this principle. Paragraph 28 states 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.

4.5 The provision of renewable energy opportunities (including onshore wind) contributes to the aim of SPP policy of creating a low carbon place which is one of the factors necessary in achieving the second principal policy of SPP – Placemaking. This policy requires a holistic approach that responds to and enhances place while balancing the costs and benefits of potential opportunities over the long term (paragraph 38).

4.6 In achieving a low carbon place, the planning system should (in relation to wind energy) (SPP paragraph 154):

- *Support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving the equivalent of 100% of electricity from renewable sources by 2020.*

- *Support the development of a diverse range of electricity generation from renewable energy technologies.*
- *Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.*

4.7 In relation to onshore wind specifically, SPP expects planning authorities to set out a spatial framework within the development plan to identify areas which are most appropriate for onshore development. This requires that spatial frameworks define:

*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).*

*3. Areas with potential for wind farm development.*

4.8 Both groups 2 and 3 also require consideration of identified policy criteria.

4.9 Part 2 of LDP Policy IN2 contains an Interim Spatial Framework for both Large (over 80m) and Medium (50-80m) typologies of turbine. The 'interim' status of this spatial framework is explained within paragraphs 4.94 and 4.95 of the LDP. This is as a result of the LDP examination which has meant a requirement to refine the framework to address compliance with SPP in relation to Areas of Greatest Potential, Areas of Significant Protection and Cumulative Sensitivity Zones (in order to meet the SPP requirements). Although the interim spatial framework does not fully accord with the requirements set out in SPP (see 4.7 above), it should be noted that SPP still requires consideration of identified policy criteria which are set out both within SPP and in Part 1 of Policy IN2 (development management considerations).

4.10 Further mapping to address the non-compliance with the SPP requirements will be addressed initially through the publication of supplementary guidance. In the meantime, weight given to the current spatial strategy mapping should reflect its interim status. The current interim mapping indicates that the site proposed is within an Area Requiring Significant Protection. Part 1 of the Policy IN2 was not, however, subject to any changes as a result of the examination process. This policy includes issues which reflect SPP development management considerations and also refers to the Dumfries & Galloway Windfarm Landscape Capacity Study in order to assess landscape and visual impact.

4.11 Taking account of the above development plan policies, national policies, consultation responses and representations, key considerations are:

- Socio-economic Impacts
- Contribution to renewable energy targets
- Landscape and visual impacts (including cumulative)
- Impacts on communities
- Impacts on the historic environment

- Impacts on tourism and recreation
- Natural Heritage impacts
- Impacts on aviation and defence interests
- Access and Transport

*[NB - All other issues have either been addressed broadly satisfactorily in the ES or are minor issues able to be mitigated through the imposition of planning conditions and do not merit further consideration in this report.]*

### **Socio-economic Impacts**

4.12 Both NPF3 and SPP recognise the opportunities that well planned renewable energy developments can bring to rural communities including associated development, investment and growth of the supply chain.

4.13 The ES assesses the socio-economic effects within Section 13. This includes an assessment of tourism impacts which form one part of a wider assessment of the net socio-economic impact. It concludes that there would be a short term socio-economic benefit as a result of contracting and service opportunities arising during the construction phase. Longer term, the income to the land owner and local authority as well as ongoing contracting opportunities during the operation phase would bring both direct and indirect positive economic benefits. It considers that the net impact would be positive, taking account of any minor negative impacts on visitor numbers which may arise within the local area.

4.14 Specific objection has been made to the impact on visitor numbers to the Drumlanrig Estate (Castle, Inventory Garden & Designed Landscape [GDL] and wider estate). It has previously been stated that there would be no visibility of the wind farm from the core of the GDL and Castle and therefore the impact on the Castle and immediate grounds are considered to be negligible. With regard to the remainder of the GDL and estate, which takes in roads, paths and hills which will be used by tourists, visitors, walkers and others using the countryside for recreation, there is no evidence to suggest that economic impact here would be any worse than for other areas of Mid and Upper Nithsdale where there would be visibility of the wind farm. The ES takes account of an assumed number of visitors who may choose not to visit the area due to the wind farm in weighing up the predicted socio-economic impacts.

4.15 With regard to the impact on Crawick Artland, this specific feature has not been assessed within the ES. Crawick Artland is a land restoration project which is using visual arts and landscape design to turn a former open cast coal mine into a public amenity site. It is located approximately 1km to the north of Sanquhar and would be approximately 7km from the proposed wind farm. The submitted ZTV indicates that there would be full visibility of the wind farm from the project. VP9 from Crawick indicates the type of view which there may be of the wind farm from the project. Although visible, the turbines are at distance and elevated. The project forms part of the regeneration of a former coal mine and it is not considered that the surrounding landscape is of a value to significantly add to its setting such that the proposed wind farm would deter significant numbers of visitors.

4.16 It should be noted that any voluntary monetary payments from the wind farm developer to communities are not material in determining this planning application.

### **Contribution to renewable energy targets**

4.17 The proposed wind farm would have a maximum generating capacity of 27 MW. This would provide a valuable contribution to the Scottish Government target of deriving 100% of electricity demand from renewable sources by 2020.

### **Landscape and visual impacts**

4.18 Landscape and visual impact forms one of the development management considerations within Part 1 of LDP Policy IN2. In particular:-

- the extent to which the proposal addresses the guidance contained within the Dumfries & Galloway Windfarm Landscape Capacity Study (DGWLCS);
- the extent to which the landscape is capable of accommodating the development without significant detrimental impact on landscape character or visual amenity;
- that the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it fully addresses the potential for mitigation.

4.19 The extent of any detrimental landscape or visual impact from two or more wind energy development also requires to be assessed.

4.20 The draft SG on Wind Energy Development Management Considerations corresponds with and gives more detail on the above considerations.

4.21 Section 6 of the ES provides an assessment of the landscape and visual impacts.

4.22 In terms of the DGWLCS, the application site is within the Nithsdale unit of the Southern Uplands landscape character type (LCT). This landscape character type is described as having a *'large scale, generally subtle landform and simple land cover which could relate to larger typologies'*. However, there are *'some characteristics which increase sensitivity, including more pronounced landform, particularly occurring on the southern edge of the 'Nithsdale' unit'*

4.23 The DGWLCS gives this landscape unit an overall **Medium landscape sensitivity** to the large wind turbine typology (over 80m). Due to the well-settled dales and upland glens which these uplands border, there is increased visibility, therefore a **High-Medium visual sensitivity** to both large and medium typologies. Sensitivity in terms of landscape values range from **High-Medium to Low**. The High-Medium sensitivity can be attributed to the southern part of the landscape unit due the location of the Regional Scenic Area.

4.24 The **constraints** to wind farm development within this landscape character unit are:

- More complex landform associated with the deeply incised valleys of the Kello and Evan Water, irregular landform between the Evan Water and Scar glens which

creates a knolly, notched skyline seen from the elevated northern slopes of Nithsdale and more defined, rugged hills bordering the Upland

- Glens (10) of the Scar and Shinnel Water.
- The distinctive landmark hills of Blackcraig, Cairn Kinney and Cairnkinna; the latter particularly important in providing a backdrop to Drumlanrig Castle and its designed landscape seen from the Thornhill area.
- The high visibility of these uplands from north-west Upper Nithsdale, where long hill slopes and generally fairly smooth skyline ridges provide a backdrop and focus in views from settlement and roads.
- Commercial forestry within adjacent upland areas in Dumfries and Galloway and neighbouring South Ayrshire which increases the value of the less modified parts of these hills and increases the sense of naturalness experienced.
- The important contribution that the dramatic sculptural open hills of the southern part of the 'Nithsdale' unit make to wider scenic quality as recognised in the RSA designations that cover part of these uplands.
- Recreational use of these hills by walkers using tracks, minor roads and the SUW which increase visual sensitivity.
- Likely cumulative landscape and visual effects with the existing Hare Hill and approved Whiteside Hill

#### 4.25 The **opportunities** are:

- The generally simple landform of long smooth lower hill slopes containing Upper Nithsdale and gently undulating upland plateaux within the 'interior' of these uplands.
- The sparsely populated nature of these uplands.
- The broadness of north-west Upper Nithsdale which could potentially reduce the visual impact of development set within these uplands.
- An absence of landscape designations in the northern part of the 'Nithsdale' unit and the 'NW Lowthers' unit.

4.26 The DGWLCS guidance on development states that existing and consented wind farm developments at Hare Hill, its proposed extension and Whiteside limits scope for additional larger typology of wind farm development to be sited within the 'Nithsdale' landscape unit of the Southern Uplands type, due to the cumulative landscape and visual effects that are likely to arise and the key landscape constraints outlined above. It states that:- ***"The Nithsdale unit of the Southern Uplands Type is a landscape where capacity is considered to be nearly reached for additional development"***.

4.27 The guidance also states that there may be some limited opportunities for turbines towards the lower height band of the medium typology and the small-medium typology to be sited on broad, even, lower hill slopes bordering Upper Nithsdale. However, the numbers and scale need to be restricted because of the influence on existing and consented wind farm development.

4.28 In this case, the proposed wind farm would be sited to the eastern slopes and along the ridge running roughly north-south between the Scaur Glen to the south-west and the Upper Nithsdale Valley to the north-east.

4.29 This means that there would be extensive visibility of the wind farm from the Upper Nithsdale valley between Kirkconnel and Mennock as well as to the south and east. The applicant has designed the wind farm so that the stacking and overlapping of wind turbines is minimised from some of these views. This can be demonstrated in views from Sanquhar, in particular. The existing landform, including Cairnkinna Hill helps to screen some views from the south, mainly from the core area around Drumlanrig Castle and its designed gardens.

4.30 However, as can be seen from the CLA objections and the SNH observations, there are significant concerns/objection to the adverse landscape and visual effects with regard to the impacts on Cairnkinna Hill in particular, as well as the cumulative impact of the scheme in combination with other existing, consented and proposed schemes within the Upper Nithsdale area.

4.31 In relation to the landscape and visual impacts in relation to Cairnkinna Hill and the surrounding sculptural landform within the RSA, the turbines would be set in close proximity to Cairnkinna Hill which is notable by its height relative to surrounding peaks and its prominent stone cairn feature. It is described as a 'landmark' hill within the DGWLCS and forms part of the sculptural containing landform at the transition between the smaller scale foothills and the larger scale Southern Uplands. Visibility of the turbines as a backdrop to Cairnkinna would extend into the Thornhill Uplands RSA, as shown on the ZTV and would detract from the containing landform of these hills which form an important scenic and landscape backdrop to the Mid Nithsdale area and RSA. Two of the turbines which are closest (7 and 8) would rise some 60m above the summit height of Carinkinna Hill. At present, Cairnkinna Hill is the highest point within this range of hills. The proposed turbines, in such close proximity, would exceed this and be detrimental to the distinctive landscape and scenic value of this hill and those surrounding. Viewpoints 11 (Drumlanrig East Polices), 13 (Durisdeer) and 17 (Wauk Hill), all within the RSA, demonstrate this point.

4.32 The zone of the theoretical visibility (ZTV) also shows that this impact (i.e. views of the turbines in relation Cairnkinna Hill), would also theoretically be possible from Thornhill (although it is likely that buildings and landscaping would screen many views from here), the surrounding valley floor including the A76 in mid Nithsdale, the Keir hills and the eastern foothills and also the Southern Upland Way (SUW). These areas are well settled and include important roads and footpaths likely to be used for recreation and by visitors.

4.33 Within close proximity of the proposed wind farm, the Scaur Water glen, a distinctive, remote and dramatic upland glen, would be mostly protected in views to the wind farm due the intervening landform. A viewpoint from Glenmanna within the upper part of the glen shows that the tip of one turbine would be visible. This is likely to be the worst case scenario at this point along the road within the glen. The LVIA assesses the impact on this VP as significant. This is due to the distracting element of the 'flickering' movement of the blades meaning that the change effects would be noticeable. However, it is considered that the impact on the glen as whole would not be significant.

4.34 Parts of the Southern Upland Way long distance walking route would gain views of

the proposed wind farm as can be seen from the ES VP8 (Scar Water Valley) and SEI VPs 1 and 2. The walk between Polgowan and Cloud Hill takes in the RSA landscape of the Scaur glen and the blades of turbines 7, 4 and 9 and tips of others would appear over the intervening ridgeline. The rotating blades would be a detracting feature from these views. The ES assesses the impact on this section of the SUW as Moderate / Major (significant).

4.35 The CLA has cited a specific objection in terms of the views of the turbines in views from the Cairnkinna Hill summit and the walked route up to the summit. The 'Cairnkinna Circle' is referred to as a walk which is publicised on a website which promotes walks within south-west Scotland. There are no obvious footpaths along this route and it is not waymarked, nor is it part of the 'core path' network. However, the lack of clear footpaths is fairly typical of the Southern Uplands and does not necessarily mean that it is not a popular or valued hill walk. Given the close proximity and scale of the turbines, it is clear that the impact on views from the summit of Cairnkinna Hill would be significant. However, given the lack of evidence that the hill is of significant recreational value, it is not considered that the impact on this particular hill alone would be materially adverse in the sense that it could be considered a significant receptor. However, notwithstanding this point, the impact generally to walkers within the RSA, including the Tynron and Kier Hills as well as Cairnkinna Hill, is considered to be materially adverse.

4.36 To the north of the application site, within the Upper Nithsdale valley, the turbines would be viewed in a different context, where Cairnkinna Hill is viewed within a broad upland plateau with Cairnkinna Hill forming a less prominent feature in many views. There are also no landscape designations within this area. The turbines have also, on the whole and from the most prominent views, been designed so that they are well-spaced and minimise stacking and overlapping. However, the scale of the turbines in relation to the landform, particularly being sited, as they are, on the broad ridge would adversely impact on the scale of this landform. The most significant adverse impacts would be as a result of the cumulative impacts when viewed with other schemes within Upper Nithsdale.

4.37 Views from Upper Nithsdale would be affected by the existence of, and proposals for, other wind farm schemes within this area. The cumulative ZTV shows that it would be possible to see eight wind farms from the A76 between Kirkconnel and Mennock. These are:

Existing and approved (see 1.14.1)

Hare Hill, Whiteside Hill, Blackhill to Magehueghan Rig, and Sunnyside Farm.

Undetermined (see 1.14.2)

Hare Hill Extension, Sandy Knowe, Spango, and Ulzieside.

4.38 The proposed wind farm would extend a cluster of wind farm development southwards and would generally accord with the existing and consented pattern of development. However, Sandy Knowe wind farm (S36 application, with the Scottish Government) would deviate from this pattern and SNH consider that should Sandy Knowe be consented, there is limited capacity for further wind farm development in Upper Nithsdale.

4.39 The CLA also has objection to the cumulative landscape and visual effects considering that a landscape 'with wind farms as a key characteristic' would develop to the east of Upper Nithsdale (i.e. to the lower parts of the Upper Nithsdale) which is considered to be 'significant and inappropriate'. The DGWLCS finds that '*The Nithsdale Unit of the Southern Uplands Type is a landscape where capacity is considered to be nearly reached for additional development*'.

4.40 The CLA finds that there would also be cumulative visual impacts for residents and walkers to the east of Upper Nithsdale (including from the SUW); over the upper slopes, ridges and summits of the north-western section of the RSA and sequentially between Sanquhar and Mennock and also between Closeburn and Thornhill. It is considered that the cumulative impact between Closeburn and Thornhill would be less significant as the other wind farms in view are likely to be Harestanes, Wetherhill, and Dalswinton which, along with Twentyshilling, are more distant and within separate wind farm clusters.

4.41 The CLA has considered the application in terms of its impact on the Cumulative Sensitivity Zone (CSZ). It should be noted that the site's inclusion within the CSZ may change as a result of the LDP examination Reporter's recommendation to focus spatial mapping on cumulative impact considerations with regard to preventing future coalescence of wind farms (see LDP paragraph 4.94), to be the subject of forthcoming Supplementary Guidance on Wind Energy Development (Part 2). In this case, the CLA agrees with the ES assessment that the development would not cause coalescence. However, the CLA's main concern is that the proposed Twentyshilling wind farm would compromise the strategic function of the wind farm 'cluster' within Upper Nithsdale in terms of its relationship to less sensitive landscapes, due to the extension south-eastwards and therefore detracting from the more sensitive landscapes and scenic values of Mid Nithsdale and the Thornhill Uplands RSA. This concern is also reflected within the SNH response which states that Twentyshilling would:- "*bring additional visibility to the RSA, where in some parts it will be the only wind farm visible. Towards the south eastern edge 1-2 other wind farms will be visible....However, it appears likely that it is Twentyshilling Hill that will have a greater effect upon the RSA, located as it is on the containing 'Sculptural Landforms' and in line with the distinctive 'Landmark Hill' of Cairnkinna in views from the south / south-west across the RSA*".

4.42 Although the CLA considers this effect to compromise the function of the CSZ, it is considered to be a concern more related to the impact on the RSA which has been considered above, rather than a cumulative issue.

4.43 In conclusion, it is considered that the proposed wind farm would have significant adverse impacts (including cumulative) on the landscape and visual amenity of the site surroundings and wider area.

### **Impacts on communities**

4.44 The assessment of impacts on communities includes assessment of the impacts in terms of noise, shadow flicker and visual dominance.

4.45 Only two dwellings are located within 2km of the of the proposed wind farm (Glenwhargen and Hallscaur), but neither would have theoretical visibility, therefore there

would be no impact in terms of visual dominance or shadow flicker. Beyond this, Twentyshilling (house) would be 2.4km from the nearest turbine and as shown in VP2 (which is from Twentyshilling – house), all of the turbines would be visible. However, the distance from the turbines would sufficiently mitigate any visual dominance. Within 5km, there are several dispersed dwellings and farmsteads (approximately 66 with theoretical visibility) including dwellings within the southern part of Sanquhar. Due to the distance from the wind farm, it is not considered that the turbines would materially affect the amenity of these dwellings due to any visual dominance effect or because of shadow flicker.

4.46 In terms of noise, the ES has assessed the impact on dwellings in line with ETSU-R-97, including the cumulative impacts. It has assessed that no dwellings would be within the 35dBL<sub>A90</sub> noise contour, either taking account of the proposed scheme on its own and in combination with Whiteside, Ulzieside and South Mains (which has since been refused).

4.47 The Council's Environmental Health Officer has recommended conditions to control both construction and operational noise levels.

### **Impacts on the historic environment**

4.48 The historic environment includes assets such as listed buildings, conservation areas, Inventory and non-inventory designed gardens and landscapes, and archaeology. Direct (within the construction area of the site or 20m from it) and non-direct effects can occur (e.g. where a wind farm affects the setting of a cultural asset such as a listed building or conservation area). Section 10 of the ES assesses impacts on cultural heritage (including historic environment).

4.49 In this case, the direct impacts are considered to be negligible. The applicant proposes a recording mechanism for any features which come to light during construction.

4.50 The ES considers that there would be no potential setting effects on the following assets:

- Kemps Castle, Sanquhar Tolbooth, Sanquhar Conservation Area, Sanquhar Castle, Ryehill Motte, Eliock House, Kirkbride Kirk and Drumlanrig Castle and Inventory Garden and Designed Landscape (GDL).

4.51 There is general agreement with these findings from both the Council Archaeologist and from Historic Scotland, with the exception of Drumlanrig Castle GDL (see below).

4.52 Druidhill earthwork is assessed in the ES as being subject to a minor impact. Historic Scotland disagree with this assessment and consider the impact to be moderate.

4.53 With regard to the impact on Drumlanrig Castle (Category A listed building) and its surrounding GDL, this has attracted objection from third parties in terms of the impact on these assets.

4.54 The proposed turbines would not be visible from the Castle itself, nor from the core of the GDL (i.e. immediately surrounding the Castle) as can be seen from the submitted ZTV. The backdrop of the sculptural hills of the Southern Uplands are particularly important to

the setting of the Castle and its immediate surroundings and the efforts made by the applicant to ensure there would be no visibility are supported. Visibility of the turbines would be restricted mainly to the eastern and western parts of the wider GDL which covers an extensive area of Mid Nithsdale. Historic Scotland considers that the impact on the GDL would not be significant, and no objection has been raised on this basis.

4.55 Taking account of the above, it is considered that there would not be a significant adverse impact on the historic environment as a result of the proposed development.

### **Impacts on natural heritage**

4.56 Natural heritage impacts include ecology and ornithology (including protected species).

4.57 SNH, RSPB Scotland and the Council's Biodiversity Officer are satisfied with the assessments carried out by the applicant with regard to natural heritage. This is subject to mitigation measures being agreed and put in place (including a Habitat Management Plan), in the event of planning permission being granted.

### **Impacts on Aviation and Defence Interests**

4.58 Following the withdrawal of an objection from the MoD, there is not considered to be any significant impact on the Eskdalemuir Seismological Array or on low flying.

4.59 An objection remains from NATS due to the potential impact on aviation radars. However, subsequent correspondence from NATS indicates that a solution is possible (as described in the applicant's letter of 18<sup>th</sup> November) and there is reasonable prospect of such a solution being achieved within an appropriate timescale. It is therefore considered that this could be overcome by the imposition of a suspensive condition which prevents any work taking place unless and until the developer and NATS have entered into a contract to provide the necessary mitigation.

### **Access and Transport**

4.60 Section 12 of the ES assesses the impacts caused by the additional traffic generated by the proposed wind farm. Specifically, effects on the flow of traffic, effects on the physical condition of roads, effects on communities and cumulative effects. The assessment focuses primarily on the construction phase of the development.

4.61 Traffic would use the A76(T), C125n (250m) and U540n to access the site. The C125n and U540n are narrow and physically restricted roads. The construction of the wind farm is predicted to generate approximately 13,108 vehicle movements (including 4,368 HGV movements, 72 of which would be abnormal loads). The C125n and U540n would see significant increases traffic generation (based on existing traffic levels).

4.62 Infrastructure upgrade works are proposed to site access routes such that they can accommodate all development traffic including abnormal loads (to be agreed with the roads authority). Similarly, any material change in the condition of these roads would be restored by the developer. This requires to be the subject of a condition or legal agreement. The developer also proposes the implementation of a Traffic Management Plan (TMP).

4.63 The ES does not predict any significant cumulative effects on traffic generation (when assessed with seven other existing / proposed wind farms within the area).

4.64 Transport Scotland (who have responsibility for the A76(T) do not object to the proposal subject to conditions requiring the agreement of the route for abnormal loads and the implementation of additional signing or temporary traffic control measures.

4.65 The local roads authority also do not objection subject to conditions. However, it is noted that a short section of public road (U519n) has not been assessed within the ES. This road is adjacent to a small group of 6 dwellings (Garple Grove). Any required mitigation measures will require to include this road and it should also be included in a Traffic Management Plan.

### **Conclusion**

4.66 Although the general location of the application site within an upland area of broad hilltops is, in principle, considered to be an opportunity for wind farm development, the specific siting of the Twentyshilling turbines in relation to landmark Cairnkinna Hill and the impact that this has on the landscape and visual amenity of the area to the south and east (much of which is within the Thornhill Uplands RSA), along with the cumulative impacts within Upper Nithsdale, is considered to be materially adverse. In this case, this is considered to outweigh the renewable and economic benefits of the proposal in terms of the contribution of the scheme to meeting renewable energy targets and any economic benefits.

4.67 For the reasons set out above, and having particular regard to objections from the Council's Landscape Architect, it is considered that the proposal is contrary to the LDP in respect of significant adverse landscape and visual impacts (IN1 and IN2).

4.68 Due to the effect that the development would have on the landscape character and scenic interest of the Thornhill Uplands RSA, it is also considered to be contrary to Policy NE2: Regional Scenic Areas.

## **5 RECOMMENDATION**

5.1 Refuse on the following grounds:-

1. The proposed wind farm would diminish the importance of Cairnkinna Hill as a landmark feature, adversely impacting on the landscape character of the local area and the north-western section of the Thornhill Uplands Regional Scenic Area, contrary to Dumfries & Galloway Local Development Plan Policies IN1, IN2, NE2, draft Supplementary Guidance on Wind Energy Development, and the Dumfries & Galloway Windfarm Landscape Capacity Study (DGWLCS).
2. The proposed wind farm would detract from short, medium and long range views of Cairnkinna as a landmark summit from within the Thornhill Uplands Regional Scenic Area, adversely impacting on the scenic quality of the area, contrary to Dumfries & Galloway Local Development Plan

Policies IN1, IN2, NE2, draft Supplementary Guidance on Wind Energy Development, and the Dumfries & Galloway Windfarm Landscape Capacity Study (DGWLCS).

3. The proposal would result in wind farm development within a currently undeveloped sky-line and upland backdrop to the sensitive and scenically valued eastern area of Upper Nithsdale adversely impacting on views from the north, east, south and south-east. This is contrary to Dumfries & Galloway Local Development Plan Policies IN1, IN2, NE2, draft Supplementary Guidance on Wind Energy Development, and the Dumfries & Galloway Windfarm Landscape Capacity Study (DGWLCS).
4. The proposed wind farm would have significant adverse cumulative landscape and visual impacts on receptors within the A76 corridor, Southern Upland Way and Regional Scenic Area, in combination with existing and proposed wind farms within Upper Nithsdale, contrary to Dumfries & Galloway Local Development Plan Policies IN1, IN2, NE2, draft Supplementary Guidance on Wind Energy Development, and the Dumfries & Galloway Windfarm Landscape Capacity Study (DGWLCS).

Relevant Drawing Numbers:

689\_M\_102\_D: Site Layout

689\_D\_001\_A: Typical Wind Turbine

689\_D\_002\_B: Typical Wind Turbine Foundation

689\_D\_003\_A: Typical Transformer Housing

689\_D\_004\_B: Typical On-site Control Building

689\_D\_005\_A: Typical Construction Compound

689\_D\_011\_C: Indicative Permanent Anemometry Mast

689\_D\_008\_B: Typical Track Cross Drainage

689\_D\_007\_C: Typical Track Construction

689\_D\_009\_B: Typical Crane Hardstanding Area

689\_D\_010\_C: Typical Cable Trench Section

*NB - All relevant drawings, and any relevant associated correspondence / reports, are available on the Council's ePlanning website ([www.dumgal.gov.uk/planning](http://www.dumgal.gov.uk/planning)).*