

AYRSHIRE JOINT PLANNING STEERING GROUP

26 May 2011

South of Scotland Regional Aviation Solution

PURPOSE OF THE REPORT

1. To update the Steering Group on the response to their concerns regarding the work of the South of Scotland Regional Aviation Solution Group (SSRASG), the Final Radar Feasibility Study (FRFS) and suggested draft guidance relating to suspensive (or Grampian) conditions for proposed mitigations for wind farm developments affected by radar/aviation objections.

BACKGROUND

2. The potential adverse impact of proposed wind farm developments on aviation radar, airspace capacity and efficiency and in consequence on the key role which Glasgow Prestwick Airport plays in the Ayrshire economy has been a matter of concern to the three Ayrshire Councils for many years. In previous reports to the Steering Group in December 2009 and May 2010 attention has been drawn to the work of the SSRASG and in particular to the publication of the Final Radar Feasibility Study in February 2010. In relation to a number of concerns highlighted in those reports it was agreed that a joint response to Scottish Government from the Ayrshire Councils be formulated by the Technical Management Team (TMT). Following the May 2010 report a subsequent consultation by the Scottish Government's Energy Consents Unit provided a formal opportunity to raise the concerns of the Steering Group. A joint letter was agreed by the TMT and submitted to the Head of Energy Consents and Deployment.

RECENT DEVELOPMENTS

3. Following a written response to the joint letter a meeting was arranged between the Ayrshire Joint Planning Unit and the Head of Energy Consents and Deployment. Representatives from Scottish Government's Directorate of the Built Environment and from South Ayrshire Council were also present. Amongst a number of issues discussed two key concerns were subject to an undertaking by the Head of Energy Consents. To address the lack of local authority involvement in the SSRASG process and the need for the guidance to emphasise that radar constraints were only one of a range of issues which decision takers had to consider in assessing wind farm proposals it was agreed that:
 - A covering letter is added to the FRFS which would contextualize the study by emphasising to all parties that the existence of an available radar mitigation solution does not over-ride other planning considerations and that planning authorities will consider all material considerations and balance these in arriving at a decision.

- Consideration would be given to extending an invitation to Ayrshire Joint Planning Unit representation on future meetings of SSRASG.
4. Subsequent to the meeting with Energy Consents and Deployment an Ayrshire Joint Planning Unit representative has now attended a meeting of the SSRASG. Prior to the meeting, the Energy Consents Unit circulated draft guidance addressing the use of suspensive conditions in relation to potential technical arrangements to mitigate the effect of wind turbines on radar and the need to treat mitigation solutions as only one of a number of considerations which need to be balanced in coming to a view on a proposed development. This 'Guidance on Dealing with Aviation Issues and Associated Grampian Conditions in Windfarm Consents' will be subject to final consideration by the Directorate of Built Environment and then issued as planning guidance. Energy Consents and Deployment were of the opinion that this would be available over the next few weeks.
 5. The Guidance as proposed addresses two key concerns of the Steering Group in relation to the work of the SSRASG and the conclusions which had previously been drawn from the FRFS and is therefore to be welcomed. In addition the approach of Energy Consents to potential mitigations and suspensive conditions appears to be realistic and sensible by emphasizing the need for:
 - clarity and specification of the nature and extent of the mitigation proposed
 - agreement between the developer and relevant radar operator (Air Navigation Service Provider - ANSP) that the solution can be delivered within a reasonable timeframe.

The Draft guidance acknowledges that while planning authorities are under no obligation to apply a reasonable prospect test before imposing suspensive conditions the likelihood of a technical mitigation solution being realized within a reasonable timeframe should be a relevant consideration. In relation to planning authorities' decision making, the role of ANSPs would be central in forming such a view with a letter from the relevant ANSP effectively triggering an aviation objection to be upheld or discharged.

6. This approach if translated into the final version of the Guidance is likely to result in fewer potentially undeliverable consents being approved than would have otherwise been the case. However there remains a note of caution, the mitigations agreed will be dealt with by ANSPs, NERL and MOD on a first come first served basis with no consideration of the relative merits of other issues relevant to selecting between a range of proposed windfarms. In a situation of constraints on the capacity of airspace, radar services and the ability of current resources to provide safe efficient airspace a situation may arise whereby early adopters of mitigations may be granted consent in preference to more acceptable, desirable or indeed higher capacity developments which may come later and for which the capacity for a viable aviation mitigation no longer exists.

RECOMMENDATION

7. The Ayrshire Joint Steering Group is asked to note the contents of this report and to remit responsibility to the Technical Management Team for monitoring, inputting and responding to developments as they emerge from the SSRASG. Significant developments will be reported back to the Steering Group.

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