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Ayrshire Joint Structure Plan & Transportation Committee  
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Dear Mr Johnston

**Ayrshire Joint Structure Plan 2025: Consultation Draft**

Thank you for consulting RSPB Scotland on the above document. We are pleased to see a strong focus on sustainable development within the plan including targeting development at existing centres and brownfield sites and recognition of the importance of alternative transport modes to the private car.

The plan addresses many of the issues of concern to us in Ayrshire, including the increase in renewable energy developments. However, we believe that a strategic approach to managing this pressure is currently lacking. We also have some concerns over the plan's potential for aiding delivery of key environmental legislation, including the Nature Conservation (Scotland) Act and the Water Framework Directive.

We have provided detailed comments on the questions and topics raised by the plan in the attached Annex 1. I hope these comments prove useful but please do not hesitate to contact me with any queries.

Yours sincerely

Zoë Clelland  
Conservation Officer

## **Appendix 1: RSPB Scotland's Comments on the Draft Ayrshire Joint Structure Plan**

### **Question 1. Does the Vision Statement set the correct agenda for the future?**

The vision statement is positive but we believe it is important to stress Ayrshire's biodiversity resources as well as its physical environment. We would suggest the following wording:

"...a healthy environment, rich in wildlife..."

### **Challenges for the Future**

The AJSP must recognise that while industrial decline is responsible for many of the problems listed in section 2.4, significant pressure on the natural environment also comes from continuing economic activity, particularly opencast coal mining and windfarm development.

The AJSP must not only "build on the opportunities provided by the landscape and environment" but also make protection and enhancement of the landscape and environment a key principle.

### **Question 2. Future population projections based on recent performance suggest that Ayrshire will face a considerable loss of population. Is this trend acceptable, should there be an attempt to stabilize the population at current levels, and is this realistic?**

Maintaining Ayrshire's population at a stable level is one aspect of a sustainable community. However, we believe that the structure plan should be cautious when advocating maintenance of the population as a key objective. The drive for development that may be needed to facilitate this population growth must not be allowed to occur at the expense of other features of sustainability. In particular, safeguards must be in place to protect Ayrshire's natural environment against inappropriate development.

### **Question 3. Are the seven principle aims of the strategy appropriate?**

We believe that Ayrshire's natural environment is one of its key 'significant physical assets'. We are therefore pleased to see "to safeguard and enhance the quality of the environment" as one of the seven principle aims. However, we have some concerns that this section does not make clear the relative weighting of each aim. It would be possible to propose a development that contributed to five or six of these aims but still caused environmental damage. We would not wish the plan to be used to support a development that fell into this category.

While an individual development will not necessarily contribute to all seven aims, the plan should clearly state that developments contravening any one of these seven aims will not be looked on favourably.

## **Spatial development strategy**

As described, the spatial development strategy is purely a tool for encouraging development in specific areas. We believe the plan should also be used to highlight sensitive areas, which are therefore less suitable for development.

### **Question 4. In what way and to what extent should the Gateway Locations be developed to attract investment? Are there other locations that might be considered as gateway opportunities?**

While we recognise that Hunterston has been identified as an important gateway for Ayrshire, we are concerned by the potential environmental impacts that could be associated with construction and operation of a deep-water terminal at Hunterston. In addition, air travel is an activity with serious negative environmental impacts.

We would therefore be very concerned if these 'gateways' were presented as a prime target for investment and development without the recognition of the associated environmental impacts.

### **Question 6. Six Investment Corridors have been identified. Is the concept valid, do they cover the correct areas or are there other areas that should be included?**

We recognise that transport links form a basis for investment and are pleased to see rail routes playing a key part in the identification of investment corridors. In addition, it would be worthwhile to include the National Cycle Network routes within the table in 2.27. Although perhaps used by a minority of residents, NCN routes do provide a transport route for residents without cars and are an important focus for attracting tourism.

It is important to recognise that identifying investment corridors will lead to an increase in development applications, particularly for housing. It will be vital to ensure that planning departments have the staff and resources in place to respond to this increase in applications and that safeguards are in place to prevent development with negative environmental impact being progressed simply because it contributes to development of an investment corridor.

We welcome the recognition that a "healthy and attractive living environment" should be part of the investment package but would like to see this focused on enhancing the natural habitats of Ayrshire, rather than simply providing "green space" which may not necessarily have high wildlife value. The Ayrshire LBAP should form a focus for this aspect of 'investment' in Ayrshire.

We do not believe the investment corridor approach is the right one for delivery of the Water Framework Directive. Further comment on delivery of this legislation is provided later in this response.

**Question 8. A hierarchy of communities has been established in Schedule 1 based on their function: do you agree with the classification?**

We welcome the intention to follow the principle of promoting development within existing core centres in order to minimise travel. It will be important to base new development around reuse of brownfield sites where possible and to maximise public transport provision to the core town areas. However, it is important to emphasise that the environmental impacts of all developments within this area will still need to be carefully assessed on a case-by-case basis.

**Question 9. In what ways can rural areas support the overall aim of developing the economy?**

A healthy and attractive environment is a key driver for inward investment and should help to retain Ayrshire's population. However, the development of rural areas as commuter belts for the core towns should be avoided as this would lead to increased transport use. Development of a strong public transport system to enable those living in rural areas to work in the towns is therefore crucial. If this can be achieved, villages will benefit from providing services to a working population. There is also a benefit to be gained from a wider distribution of small businesses and the plan should facilitate this.

Attractive landscapes and native wildlife are both important features of Scotland's tourist industry. Tourism could be a key part of Ayrshire's economy but investment will be required to ensure that rural areas can provide the necessary tourism facilities.

**Question 10. Should more housing be built in the countryside?**

Availability of transport and environmental impact should be key drivers in assessing whether new developments are appropriate in rural areas. We support the principle that existing settlements should be the focus for development.

If new 'low impact' housing is permitted, it must be at sites where impact on natural heritage interest is minimal. Transport other than the private car should be available to sites where housing is being built. The planning system should also be proactive in promoting the use of sustainable technology in buildings and sensitive landscaping to contribute to the wildlife value of sites.

**Question 11. In addition to the transport proposals identified what other development of the transport system would be appropriate?**

Section 2.48 provides welcome recognition of the importance of locating development at sites where alternative methods of transport to the private car are available. However, we do not believe the plan gives a clear enough indication that these forms of transport will be provided in places where they are currently absent. We believe this should form a key part of the transport strategy of the plan.

While development of Hunterston deep-water terminal may have economic benefits, there are also serious environmental concerns associated with this development. The environmental costs of development of this section of coast must be carefully considered when assessing the benefits of developing this transport route. The plan also fails to make clear the negative impacts of associated road building.

The plan is misleading in the way that it presents the development of GPIA as environmentally beneficial because of low levels of noise pollution, without recognising the environmental costs associated with increased air travel and new road building.

**Question 12. In addition to the regeneration proposals identified, are there other opportunities for community regeneration and what are the most appropriate mechanisms for their achievement?**

We agree that the coalfield areas of East Ayrshire have a particular need for regeneration and RSPB Scotland has been active in this respect as a partner in the Coalfield Environment Initiative. We believe that environmental improvement is a key driver of economic recovery as well as a means of improving people's standard of living and the wildlife value of the area. We would therefore like to see a focus on environmental improvement within the plan.

We are concerned by the recommendation in section 3.6 for "flexible planning policies to stimulate investment". The meaning of "flexible" is not clear but we would not support any relaxation of policy that could lead to environmentally damaging developments.

**Question 13. How much future housing should be planned for in the future and where should that housing be located to ensure success?**

In addition to safeguarding of "sensitive communities" from unacceptable development, the plan should play a part in safeguarding sensitive environments. Relatively large areas of land will be required for housing, particularly if a stable population is achieved. Locations must be chosen to minimise environmental impact and it should be emphasised that sites will be considered on their individual environmental impact.

In particular, locations where damage to internationally, nationally or locally designated sites would occur should not be permitted. Negative impacts on LBAP or UK BAP habitats and species must also be avoided

We support the principles underlying Schedule 2. However, we believe that developers have a role in delivering improved public transport links and walking and cycling routes, rather just utilise existing ones. We would also add the following conditions to Schedule 2:

- Avoids designated sites or those containing protected species
- Is not detrimental to the objectives of the Ayrshire LBAP or UK BAP

**Question 15. Is this a correct assessment of future industrial requirement? Are there other strategic industrial locations that might be considered?**

We are supportive of the principles outlined in section 3.24 to focus business development at locations with existing transport links and utilise brownfield sites where possible.

**Question 16. It is the intention to continue to recognise town centres as the main focus for retail development: is this policy correct for Ayrshire?**

Section 3.26 is a welcome statement of the intention to focus retail activity in town centres. However, we believe the plan should also be clear that environmental benefit is one of the key reasons for avoiding out of town locations, which are heavily dependent on the use of the private car.

While we are supportive of the development of town centres for retail, it should not be forgotten that local shopping centres in smaller settlements could be vital to local communities and reduce unnecessary travel into the major centres.

**Question 17. How can timber resources and the timber industry be promoted?**

Section 3.31 does not adequately address the negative impacts that widespread planting of commercial timber plantations has had through loss of upland habitats. While we are keen that economic gain is derived from Ayrshire's forest resource, great care must be taken when promoting growth in this sector. We believe that sector can be achieved without expansion of commercial forest area.

Multi-use forestry that can lead to a wide range of environmental, social and economic benefits through tourism and leisure use should be promoted. New planting should only be permitted where it contributes to the targets of the Ayrshire LBAP.

**Renewable Energy**

RSPB Scotland's policy on renewable energy is attached as Annex 2. This document explains that while RSPB is supportive of the use of renewable energy, we believe that the environmental impacts of every individual development must be carefully considered. We therefore welcome the caution expressed in the plan with regard to aiming for the national targets using windfarms alone.

The plan should clearly state the reasons for targets being set at a national level by presenting renewable energy in the context of climate change and helping meet government targets to tackle greenhouse gas emissions. The current wording suggests that renewables should be pursued simply as a form of economic development.

This underlying reason for pursuing renewables means that the plan and individual local authorities should also be encouraging energy efficiency through building design, transport options, advice to the public and demonstrating best practice in council properties. There should be action on renewables

beyond electricity, which is only around a quarter of our total energy demand. Encouraging solar systems for water heating should be a goal of the councils. Some Local Authorities have policies that new industrial development should have on-site renewable energy generation. This is something we would welcome in Ayrshire.

In renewable energy development of all sizes, including wind farms, we recommend that the precautionary principle be applied where it appears that significant numbers of important birds species might be affected. This applies to both individual and cumulative applications. Knowledge is very limited about most interactions between wind turbines and birds. Either there has been no known instance of a potential problem, for example the possible effects of turbines on a particular species, or the main sources of information are not properly published and remain in the 'grey literature' of EIA reports and monitoring studies, often undertaken by developers. Over time, especially if monitoring results are collected and published, it might be possible to generalise about some species groups, but at the moment we must be very cautious.

We would also encourage the AISP to consider the opportunities for biomass beyond electricity generation to include small-scale renewables projects such as community or household wood fuel heating systems and the potential for supplying biomass from local sustainably managed woodlands. We would urge the councils to encourage adoption of FSC accreditation and chain of custody for any biomass sources.

The Scottish Executive's commitment to ambitious renewable energy targets has resulted in a welcome increase in renewable development proposals. However, problems are arising on a site-by-site basis as developers seek to develop environmentally sensitive sites and produce speedy, poor quality Environmental Impact Assessments (EIAs) in their rush to submit applications ahead of their competitors, therefore avoiding the need to undertake cumulative impact assessments.

The Structure Plan should recognise the need for a thorough environmental assessment procedure prior to site selection (this should be for potential as well as probable sites) in order to avoid areas of particular ecological value. This should include cumulative impact assessment of each renewable energy proposal (including associated infrastructure, such as roads and power lines) in conjunction with other projects (both other wind farms and other relevant projects). Local Authorities should reject substandard or hasty EIAs.

**Question 18. How can Strategic Policy facilitate renewable energy systems to ensure that they act as a economic and sustainable driver for rural communities?**

The development of a Strategic Policy is crucial to facilitate the siting of renewable energy developments; indeed it is urgently required given the current upsurge in wind farm proposals. The large numbers of active enquiries at present means that there is considerable risk of developments proceeding in Ayrshire with no strategic locational guidance. In some parts of Ayrshire, this may mean individual or cumulative negative impacts, while there may be other parts of the area equally suitable for wind farm development that might not be chosen initially.

NPPG 6 sets out how the planning system can make a positive provision for renewables, whilst at the same time meeting international and national statutory obligations to protect designated sites, species and habitats from inappropriate forms of development. The guidance sets out that planning authorities are required to make a positive contribution for renewables within their development plan. This includes:

- Defining broad areas of search;
- Safeguarding, where appropriate, areas with potential for renewable energy projects;
- Indicating whether there are areas or sites which, after appropriate assessment and wide consultation, it is judged that for overriding environmental reasons, proposals for renewable energy development would only be considered in exceptional circumstances;
- Guiding developers on the broad criteria they would be required to consider in any development proposal, including those outwith preferred areas; and
- Providing a clear development control framework.

We recommend that Ayrshire Joint Structure Plan team consider a 'map-based' approach to facilitate renewable energy systems, underpinned by a Strategic Policy on Renewable Energy Systems and defined by a set of criteria. In accordance with guidance set out in NPPG 6, we suggest the following approach to positively plan for renewable energy developments in Ayrshire:

- **Preferred Areas** – areas in Ayrshire, which are considered most suitable for renewable energy developments. These areas offer the greatest opportunity for development which are acceptable in natural heritage terms, so long as they are undertaken sensitively and with due regard to cumulative impact.
- **Other Preferred Areas** – areas in Ayrshire, with some sensitivities to renewable energy development. These areas offer limited opportunity for developments, which are acceptable in natural heritage terms with due regard to scale, siting, design and cumulative impact.
- **No-Go Areas** – areas identified as inappropriate for renewable energy developments (for reasons including environmental sensitivity). In exceptional circumstances such areas may however be considered acceptable for single turbine developments subject to an appropriate assessment of impacts.

Each broad category must be mapped and be accompanied by a list of detailed criteria for consideration in relation to any development proposal. When submitting an application for such developments, developers would be expected to submit a thorough EIA taking account of all potential impacts of the development.

**Question 19. Two potential areas for commercial wind farm development have been identified, are these areas suitable? Should further areas be identified? What constraining factors do you envisage to future wind farm development?**

The 'preferred area' within South Ayrshire is in close proximity to the Glen App and Galloway Moors SPA. The boundary should be changed so that the potential area does not actually border the SPA. We also have concerns that this area contains an active black grouse population and careful consideration of individual applications will therefore be crucial to assess whether windfarms may have a negative impact on this species in particular.

The 'preferred area' at Kilmarnock does not contain designated sites but will nevertheless contain areas of important habitats and species. Careful consideration of individual applications will therefore be vital.

When presenting preferred areas, the plan must be clear that the whole areas will not be suitable for windfarm development and that thorough EIAs will still be necessary. The implications for cumulative impact in such areas must also be carefully considered. While the preferred area approach is helpful, it must be combined with the other aspects of strategic planning described in our response to Question 19.

We believe it is crucial to carefully assess each potential windfarm site but recognise some general constraining factors. We believe that sensitive areas, particularly national and international conservation designations (SPAs, SACs, SSSIs) should be excluded from the preferred areas for wind farms. Natura 2000 sites (SPAs/cSACs) are given the highest level of sensitivity in SNH's locational guidelines. In addition to these sites, priority species and habitats included in the EU 'Birds' Directive Annex 1 and Wildlife & Countryside Act 1981 should be protected from development.

There should be a general presumption against placing turbines in locations where they will affect wildlife interests. RSPB Scotland recommends that sites near large concentrations of birds, such as migratory flight paths, or specially protected birds and habitats should be also avoided, as collision risk can be higher. In addition, all areas of active blanket bog and other priority habitats identified in the EU Habitats Directive should be avoided. Blanket bog has additional significance as a valuable carbon store.

**Question 20. An area has been identified for the large scale coppicing of wood for fuel and forest brash utilisation linked to a possible biomass or co-fired power station. Is this concept valid and how can community benefit be gained? Are there other areas that can be identified?**

The development of biomass electricity generation through dedicated biomass plants or co-firing needs to be carefully considered in the context of the AJSP forestry policy, Indicative Forestry Strategy and the Ayrshire and Arran Woodland Policy. It should be the AJSP's objective to ensure the multi-benefit obligations of forestry continue to be met when providing biomass, whether from large-scale coppice or timber/timber waste. Large-scale coppice should be considered as with any other woodland in terms of its location, design and management to ensure environmental and social benefits are delivered along with economic ones.

Determining the carbon benefits of a biomass industry needs to include an analysis of the carbon emissions arising from the production, transport and processing (such as drying) of the wood. Public and industry confidence in the sustainability of biomass products could be greatly aided through encouraging producers and end users to use the FSC forest accreditation and chain of custody scheme. This is in line with Government policy to support forestry accreditation to encourage sustainably managed woods in the UK and abroad. It should be noted that due to the competitive markets in Europe and beyond, power companies in the UK could potentially source their biomass from outwith the UK.

The Council should recognise that biomass demand for power generation could have a significant impact on land use and should determine just how much biomass is available in Ayrshire (taking account of environmental and social considerations) and compare this with likely demands of a biomass plant or co-firing power plant. It is important to recognise that the biomass demand could extend beyond just waste, thinnings and short rotation coppice to include whole saw logs, with implications for forest management in the area.

Our examination of the available data suggests that at a 10% biomass co-firing level in a typical 500MW coal power station requires about 245,000 green tonnes per year. Production of biomass from coniferous forest in terms of thinnings averages out as 3.37 tonnes per year/ ha. This means thinnings from around 73,000ha of coniferous forest are required to supply one co-fired plant. To put this into context it would require around a third of all Strathclyde's coniferous woodland to supply one co-fired plant with thinnings. For short rotation coppice, a minimum of 1500 hectares of short-rotation coppices (willow) supplies 60% of a 10 MW dedicated biomass plants requirements.

### **Safeguarding the Landscape**

This title is misleading, as this section does not refer to landscape designations but nature conservation designations (i.e. SPA and SAC). The text states that these internationally designated sites are classified by landscape, which is inaccurate and should be corrected. In addition, this section fails to identify or provide adequate protection to SPAs and SACs. Our response to Question 25 provides further information on how we believe the plan should provide this protection.

### **Enhancement and Management of Habitats**

We welcome the inclusion of this section. However, it must be recognised that although LBAPs reflect UK priorities in their audit, they do not always write Action Plans for UK species and habitats in their area. The audit document in most LBAPs explains which of the national priorities occur in their area and identifies biological priorities at a more local level using the same criteria. For example, lapwing may be identified as a local priority due to local declines, even though it does not meet the criteria nationally. The plan must therefore also recognise the UK BAP process.

### **Water Framework Directive**

The WFD is a fundamental new piece of legislation that should lead to a significant change in the way that we manage our water resources. The plan should be explicit about the potential for this legislation to bring about significant improvements but also the need for a fundamental shift in approach by a wide range of stakeholders. In particular, the plan fails to recognise the broad remit of the WFD, which goes well beyond water quality to include the ecological status of water bodies.

The principle behind the WFD is water management using a catchment approach. We therefore think it is inappropriate to try to implement the WFD using the investment corridors, as proposed by this plan, as these are unlikely to be related to the natural water catchments. The 'pilot' exercise mentioned in 4.26 is welcome but must take a catchment approach and must include adequate public participation to ensure public ownership of the process. This is a crucial feature of the WFD and will be vital to its successful

delivery. Furthermore, the WFD will provide an opportunity for local catchments initiatives to play an important role in river basin planning. They have a huge amount of expertise, knowledge and experience, which they can contribute to the planning process.

**Question 21. Should tourism be developed to promote the natural and cultural resources in Ayrshire? Are there other opportunities besides those identified in the plan?**

We believe that tourism has a key role to play in Ayrshire's economy. In particular, we have an interest in promoting Ayrshire's natural heritage and believe that this could be done by focusing on two main habitat types:

**Maritime wildlife:** as suggested there is an excellent opportunity for Ayrshire to capitalise on the tourism attraction of the coastal area. We would like to see this focussed on the wildlife of the marine area, including seabirds and cetaceans. In particular, Ailsa Craig RSPB Reserve will provide a new focus for wildlife tourism on the Ayrshire coast.

**Upland wildlife:** the plan mentions the Muirkirk and North Lowther Uplands SPA and we believe this is a key wildlife resource that should be used to promote Ayrshire's wildlife to visitors. With our reserve at Airds Moss, RSPB Scotland hopes to play an active part in this process in the future. In addition, the plan should recognise the potential for promoting a suite of upland sites including the Arran Moors SPA, Glen App and Galloway Moors SPA and possible future SPA at Clyde Muirshiel.

**Question 22. How should Integrated Coastal Zone Management be taken forward? What development opportunities can be identified on the coast?**

RSPB Scotland represents Scottish Environment LINK on the Scottish Coastal Forum, which advises the Executive on coastal matters and ICZM in Scotland. Last month the SCF produced "*A Strategy for Scotland's Coast and Inshore Waters*" which will become the basis for the Scottish Coastal Strategy. SEERAD will lead on producing the Scottish Coastal Strategy, which will then feed into the UK strategy to fulfill the Requirement of the EC Recommendation on ICZM, by early 2006.

RSPB aims to ensure that the SEERAD Scottish Coastal Strategy will be based as fully as possible on the SCF strategy. We encourage all stakeholders, including of course the coastal management partnerships, to be fully involved in the forthcoming SEERAD consultation on the formal Scottish Coastal Strategy (planned to be launched in September).

The Firth of Clyde forum will have identified specific development opportunities for the Ayrshire coast and we believe this group is best placed to provide local advice on ICZM within Ayrshire. On Arran, the COAST project has also been instrumental in demonstrating a new approach to marine management. The Scottish Coastal Strategy, however, underlines the importance of Scotland's coasts in supporting outstanding concentrations of seabirds, and a rich biodiversity of fauna and flora. These play an important part in the Scottish tourist industry. To protect these areas from a huge range of human activities and industries, RSPB Scotland and the RTPI in Scotland have proposed a comprehensive system of marine spatial planning for Scotland's seas. Such an integrative management process is critical to

balancing the growing demands that are being placed on Scotland's marine environment. This would allow the government and stakeholders to approach the utilisation of marine resources in a more strategic manner - ensuring protection of the environment alongside many economic advantages such as increased developer certainty, reduced conflict, and better resource efficiency.

**Question 24. What should be the extent and type of landscape designation necessary to protect the urban edge from inappropriate development?**

The plan proposes that one of the aims of the landscape designation will be to develop habitat networks. We believe that reference should be made to the Ayrshire LBAP to prioritise and plan habitat types when developing these habitat networks.

**Question 25. What issues or opportunities does new legislation on environmental appraisal, design awareness, biodiversity, water quality and flooding bring to the development of strategic policy? Does the plan cover the options adequately?**

**1. Nature Conservation (Scotland) Act**

There is a duty in the Nature Conservation (Scotland) Act 2004 for "all public bodies to further the conservation of biodiversity, having regard to (a) the Scottish Biodiversity Strategy and (b) the UNEP Convention on Biological Diversity". The Planning System is an important way to meet this obligation. We consider that the wording of such a Policy to ensure protection of the environment should conform to the needs of the Nature Conservation (Scotland) Act 2004 and the Birds and Habitats Directives (i.e. protection of designated sites and the wider countryside). We recommend the following policy wording:

1. Development, which may affect the integrity of any site classified or proposed for classification under European Community Directives as a Special Protection Area (SPA) or Special Area of Conservation (SAC), or Ramsar Convention site, will be subject to the most rigorous assessment. Development not directly connected with or necessary to the management of the site and which is likely to have an adverse effect on the site (either individually or in combination with other plans or projects) will **not be permitted**, unless the authority is satisfied that:
  - a) There is no alternative solution; and
  - b) There are imperative reasons of overriding public interest for the development.

Where the site concerned hosts a priority natural habitat and/or a priority species and/or Annex 1 species in the Birds Directive, development will not be permitted unless the authority is satisfied that it is necessary for reasons of human health or public safety or for the beneficial consequences of primary importance for nature conservation.

Where a priority habitat and/or species would be affected outwith Natura 2000 sites, it must be clearly demonstrated that there will be no adverse impact on the species or habitats concerned (e.g. European protected species).

Where such development does proceed, the authority will consider the use of conditions or planning obligations to secure all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected.

2. Development in or likely to affect sites of national nature conservation importance (SSSIs, NNRs, NSAs) will be subject to the most rigorous assessment. Where such development may have an adverse effect on the site, it will **not be permitted** unless:
  - a) It can be demonstrated that the development will not compromise the cultural and heritage resource.
  - a) The development is necessary for imperative reasons of overriding public interest and there is no reasonable alternative means of meeting that development need.

Where development is permitted, the authority will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site's cultural or heritage interest.

3. Development that is likely to have an adverse affect on sites of local nature conservation importance (LNRs, Local Wildlife Sites, SINCS) or other nature conservation interests shall be assessed carefully to determine its acceptability. They may be allowed if they are not considered to have a significant effect.

## **2. Water Quality and Flooding**

Implementation of the Water Framework Directive through the Water Environment and Water Services Act will bring a new approach to flood management and to methods of improving water quality. The use of soft engineering approaches to flood management, for example, the use of flood storage areas rather than floodwalls is something that we believe can bring significant habitat benefits in addition to reducing flood risk.

We are pleased to see that the plan takes a long-term view with regard to sea level rise and potential future problems for Ayrshire. It is crucial for the plan to recognise the value of intertidal habitats as a buffer against sea level rise and ensure that protection is given to these habitats.

Tackling water quality issues by considering catchment wide inputs from diffuse sources is also a more sustainable approach than tackling end of pipe pollution problems. We would like to see the plan promoting a catchment approach to water management when dealing with issues of both flood management and water quality, as advocated in the WFD.

### **Question 26. How can mineral resources be managed in a sustainable way?**

Open cast coal mining has a major impact on land within Ayrshire and our primary concern is to ensure that habitats and species of high conservation importance are not negatively impacted by this activity. Although preferred areas provide a useful starting point for ensuring appropriate locations are chosen, it is also very important to ensure that a thorough EIA process is used to assess the impacts of any proposal.

Mitigating against negative impacts is reliant on the use of appropriate planning conditions and effective enforcement. Our current experience in Ayrshire gives us cause for concern that insufficient resources are in place to ensure this enforcement happens. This fundamental problem will reduce the effectiveness of the plan.

A key aspect of managing mineral resources sustainably is management of cumulative impacts. If new areas are to be mined, high quality restoration and aftercare on existing sites is vital to reduce the overall impact. This has not always been the case in Ayrshire and has resulted in sites with low ecological, agricultural or amenity value. This reduction in long-term value of sites is unsustainable.

## **Annex 2: RSPB Scotland and Wind Energy**

### **The RSPB Position**

The Society supports renewable energy developments, provided the location is right. Wind farms must be designed and located so that they have minimal effects on existing wildlife, especially high conservation priority species and habitats. We believe that we can respond to climate change without irreversibly damaging the wider environment. Sites near large concentrations of birds, such as migratory flight paths, should be avoided, as collision risk is increased. Particular care should be taken in areas designated for their wildlife value under Scots, UK or EU law (SSSIs, SPAs, SACs). There should be a general presumption against placing turbines in locations where they will affect wildlife interests, such as golden eagles, on these sites.

### **Impacts**

Wind farms are generally sited in exposed areas to ensure high average wind speeds to maximise energy capture. Such locations often comprise some of the most important and sensitive habitats, so there is a need to ensure that potentially damaging effects are avoided or, if possible, minimised or mitigated.

The potential hazards to birds from wind farms can be identified as follows.

1. **Disturbance.** The activity involved in a wind farm can lead to displacement and exclusion of birds from areas of suitable habitat and can arise from increased human activity near the wind farm and the presence/noise of turbines. Effectively the habitat is lost to the birds.
2. **Collision with turbines.** While a number of studies have demonstrated relatively low collision mortality rates attributable to turbines it remains a potential problem at poorly sited wind farms in areas where large concentrations of birds, especially migrating species, large raptors like golden eagles or other soaring species are present. Even relatively small increases in mortality rates can be significant for some species, especially if they are large and long-lived with generally low annual productivity and slow maturing.
3. **Direct habitat loss.** Physical destruction can be caused where turbine bases and roads are constructed. Damage to certain types of habitat can also arise because of associated impacts, for example changes to local hydrology or increased grazing because an area becomes more accessible.

### **Environmental Impact Assessments**

The increasing number of wind farm applications has brought with it a new range of concerns. All wind farm developments have the potential to damage wild birds and the wider environment and we encourage all developers to produce quality Environmental Impact Assessments (EIAs) so that decision makers have the best possible information available to them during the planning process. Unfortunately, competition for sites has resulted in a number of hasty planning applications and developers producing incomplete or inaccurate EIAs.

EIAs must quantify and interpret the potential effects and impacts on nature conservation. This needs to include an assessment of potential impacts on the environment and a cumulative impact assessment, which considers the cumulative impacts of all wind farm proposals and developments within a given

area. We have experience of developers producing cumulative impact assessments from a landscape perspective, but they should also include cumulative impact on bird species, for example, within the territories of golden eagle pairs. Under EU law species like golden eagles, golden plovers and red-throated divers receive special protection and impacts upon them must be considered.

### **Locational Guidelines**

National Planning Policy Guideline 6 on Renewable Energy Developments provides a useful guidance on locational considerations but does not provide specific locational guidance. This has created uncertainty for developers, planning authorities and local communities. SNH has produced 'Strategic Locational Guidance' for land-based wind farms in respect of the natural heritage. We welcome this as a useful first step towards providing guidance to planning authorities seeking to identify potential areas for wind farm developments. A strategic approach will guide the location of wind farm development to areas that minimise effects on birds and the natural heritage.

Currently the proposals for the National Planning Framework indicate that it will seek to address energy issues. We welcome this and recommend that it identify environmentally sensitive sites where development is inappropriate or can proceed only with caution.

### **Recommendations**

1. All developers should avoid development in internationally designated sites;
2. The Scottish Executive must ensure the National Planning Framework (NPF) identifies specific constraints to renewable energy;
3. Encouragement should be given to local authorities to translate the NPF in structure plans and local plans via amendments or revisions as soon as possible; and
4. Encouragement should be given to developers to produce good quality EIAs and early consultation with environmental bodies.