

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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26 June 2014

RECONVENED MEETING OF LOCAL REVIEW BODY

**THURSDAY 3 JULY 2014 AT 12.15 PM IN WHITEHOUSE VILLAGE HALL,
WHITEHOUSE, TARBERT, ARGYLL**

I refer to the above and enclose herewith further written submissions requested by the Local Review Body at their meeting on 8 May 2014.

BUSINESS

3. CONSIDER NOTICE OF REVIEW REQUEST: LAND NORTH EAST OF ARIVORE FARM, WHITEHOUSE, TARBERT, ARGYLL, PA29 6XR (REF: 14/0002/LRB)

- (c) Further Written Submissions
 - i) Planning Authority (Pages 1 – 6)
 - ii) Applicant (Pages 7 - 20)

- (d) Comments on Further Written Submissions
 - i) Applicant (Pages 21 – 22)
 - ii) Consultee (Pages 23 - 24)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Mary-Jean Devon
Councillor James McQueen

Councillor David Kinniburgh (Chair)

Contact: Fiona McCallum Tel: 01546 604392

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REQUEST FOR FURTHER INFORMATION

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

14/0002/LRB

**ERECTION OF 1 X WIND TURBINE (34.5M TO BLADE
TIP) WITH ASSOCIATED ELECTRICAL CABINET
AND FORMATION OF ACCESS TRACK**

**LAND NORTH EAST OF ARIVORE FARM,
WHITEHOUSE, TARBERT, ARGYLL**

**PLANNING REFUSAL REFERENCE NUMBER
13/02164/PP**

15th May 2014

REQUEST FOR FURTHER INFORMATION

In light of the LRBs' request for further information regarding the above submitted review the planning department is in a position to advise on the likely recommendation had the successful Freasdail wind farm appeal decision been available at time of determination. It can be confirmed that had this wind farm refusal been overturned by the Reporter at the time of considering this application then the cumulative impact would have provided an additional reason for refusal. In some views encompassing both the wind turbine and the wind farm there is a distinct possibility that the proposed 35m turbine will appear to be of the same scale and general proportions as the larger wind farm development which sits much further back in the landscape – such an affect would confuse the viewer's perspective of the wider landscape and give the appearance that the smaller turbine is in fact an outlier of the wind farm development at Freasdail. This would have the significant adverse consequence of increasing the visual influence of the wind farm development which the Council has already expressed to be unacceptable and would expand its influence over a larger area than might otherwise be affected. Views travelling south would have been significantly impacted by both proposals with the influence of both significantly greater than each on their own.

Attached is a wireframe image the appellant provided during the determination of the application. Views 3 and 4 demonstrate this unfortunate relationship to an extent; however different viewpoint locations would have been selected for a more thorough cumulative assessment than that provided by the applicant had the appeal decision been available at that time.

Given the decision to overturn the Council's refusal of planning permission at Freasdail, it is now more important than previous to refuse this proposal. It is again suggested that a more appropriate turbine proposal for this site would be a smaller scale specification comparable with the scale of farm buildings or other small scale built development within the locality. A single turbine, or pair of turbines of a smaller scale approximately 20m in height would be a more appropriate fit for the landscape setting within which the development is proposed, and would be readily discernable as being unrelated to the industrial scale of the large scale turbines of Freasdail from viewpoints where both developments would be visible. As stated within the Planning Authority's previous submissions, the current proposal has an industrial scale to it more suited to being accommodated in simpler, larger scale landscape setting where they are not readily comparable with small scale landscape features. The industrial appearance of the proposed turbine model also renders it capable of being confused as being of similar scale to that of larger turbines situated further away from the receptor this confusing the perspective of the landscape and making it harder to discern elements within the foreground from large scale options located at distance (or vice versa). The planning department has encouraged the applicant to engage in further discussions to find a suitable solution, however the applicant has not been willing to change the turbine model to a more appropriate, smaller scale typology.

Also as requested are suggested planning conditions, below, should Members be minded to overturn officers' decision.

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE
13/02164/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 24/09/2013 and the approved drawing reference numbers:

Plan 1 of 6
Plan 2 of 6
Plan 3 of 6
Plan 4 of 6
Plan 5 of 6
Plan 6 of 6

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. During the construction and decommissioning phases Temporary signs shall be erected on the public road verge to warn drivers of the site access. Full details of these signs and the method for ensuring their use shall be submitted to the planning authority at least 2-months prior to the commencement of works. The signs should be erected on both approaches to the A83 Kennacraig - Campbeltown Road / Arivore Farm Road junction.

Reason: In the interests of road safety.

3. If by reason of any circumstances not foreseen by the applicant or operator, the wind turbine fails to produce electricity, either consumed at source or via a local distribution grid for a continuous period of 12 months then it will be deemed to have ceased to be required, and unless otherwise agreed in writing with the Planning Authority, the wind turbine and its ancillary equipment shall be dismantled and removed from the site, and the site reinstated to a condition equivalent to that of the land adjoining the application site within a period of 6 months unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the full and satisfactory restoration of the site takes place should the turbine fall into disuse.

4. Notwithstanding the effect of Condition 1 and the details specified in the application, no development shall commence until details of the colour finish to be applied to the turbine have been submitted to and approved in writing by the Planning Authority. The development shall

be implemented using the approved colour scheme and shall be maintained as such thereafter.

Reason: In the interest of visual amenity.

5. No development shall commence until full details of a Restoration Method Statement and Restoration Monitoring Plan has been submitted for the approval of the Planning Authority. The restoration method statement shall provide restoration proposals for those areas disturbed by construction works, including access tracks, hardstandings and other construction areas. Restoration of construction disturbed areas shall be implemented within 6 months of the commissioning of the windfarm, or as otherwise agreed in writing with the Planning Authority. The monitoring programme shall include a programme of visits to monitor initial vegetation establishment and responses to further requirements, and long term monitoring as part of regular wind farm maintenance.

Reason: To ensure that disturbed areas of the site are reinstated in a proper manner following construction in the interests of amenity, landscape character and nature conservation.

6. The level of noise from the operation of the development shall not exceed 35dB L_A90 when measured at any residential property in accordance with the methodology of ETSU-R-97 or any successor standards. The noise shall be broad-band with no discernible audible tonal and/or impulsive characteristics so as to cause nuisance to the occupants of any dwelling.

Reason: In order to minimise the effects of noise pollution from operation of the development in the interest of residential amenity.

7. In the event of a complaint being submitted to the Council in respect of noise emissions from the development by the occupier of an affected property, at the request of the Council the developer shall undertake an investigation of the complaint, carry out monitoring, prepare and submit a report to the Planning Authority for approval in writing, identifying any necessary remedial action in accordance with the methodology set out in "The Assessment and Rating of Noise from Wind Farms ETSU-R-97" produced by the Energy Technology Support Unit on behalf of the Department of Trade and Industry. Thereafter any remedial action identified in the approved report shall be implemented in accordance with a timescale to be agreed with the Planning Authority.

Reason: In order to provide a mechanism for responding to unforeseen operational noise in the interest of residential amenity.

8. Notwithstanding the effect of condition 1 no development shall commence until details of materials, external finishes and colours for the electrical cabinet have been submitted to and approved by the

Planning Authority. The development shall be implemented in accordance with the duly approved details.

Reason: In order to secure an appropriate appearance in the interests of amenity and to help assimilate the structures into their landscape setting.

9. Notwithstanding the provisions of condition 1, any section of the track within the 1 in 200 year (0.5% annual probability) flood envelope shall be developed at levels no higher than the existing ground levels unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

Reason: In the interests of flood protection and safeguarding the capacity of the functional flood plain against the potential for new development to impact upon flow velocities, flood storage and flood levels.

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VIEW 1 - wireframe

Looking east from Dalmore House

CO-ORDINATES OF VIEW POINT - 178996E, 661438N

DISTANCE TO APPLICATION TURBINES - 3.6Km

ORIENTATION OF VIEW - 100degrees

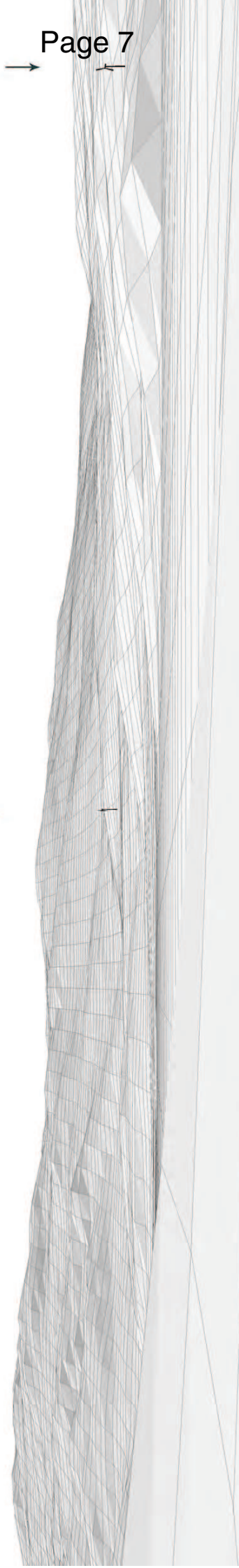
PHOTOGRAPH DATE - 28th May 2013 (14:09)

CAMERA SET-UP: Pentax K-r DSLR digital camera with an equivalent 50mm

fixed focal length (to 35mm film) and a resultant horizontal field of view of 39 degrees

RECOMMENDED VIEWING DISTANCE - 600mm @ A3, 429mm @A4.

1no. 23.8m turbine @
Kilmahaig Farm, Tarbert
Ref: 12/00241/PP
Status: Granted





VIEW 1

Looking east from Dalmore House

CO-ORDINATES OF VIEW POINT - 178996E, 661438N

DISTANCE TO APPLICATION TURBINES - 3.6Km

ORIENTATION OF VIEW - 100degrees

PHOTOGRAPH DATE - 28th May 2013 (14:09)

CAMERA SET-UP: Pentax K-r DSLR digital camera with an equivalent 50mm

fixed focal length (to 35mm film) and a resultant horizontal field of view of 39 degrees

RECOMMENDED VIEWING DISTANCE - 600mm @ A3, 429mm @ A4.



VIEW 2 - wireframe

Looking east from Tigh Na Traich

CO-ORDINATES OF VIEW POINT - 179976E, 662568N

DISTANCE TO APPLICATION TURBINES - 3.05Km

ORIENTATION OF VIEW - 135degrees

PHOTOGRAPH DATE - 28th May 2013 (13:58)

CAMERA SET-UP: Pentax K-r DSLR digital camera with an equivalent 50mm fixed focal length (to 35mm film) and a resultant horizontal field of view of 39 degrees

RECOMMENDED VIEWING DISTANCE - 600mm @ A3, 429mm @A4.





VIEW 2 - wireframe

Looking east from Tigh Na Traich

CO-ORDINATES OF VIEW POINT - 179976E, 662568N

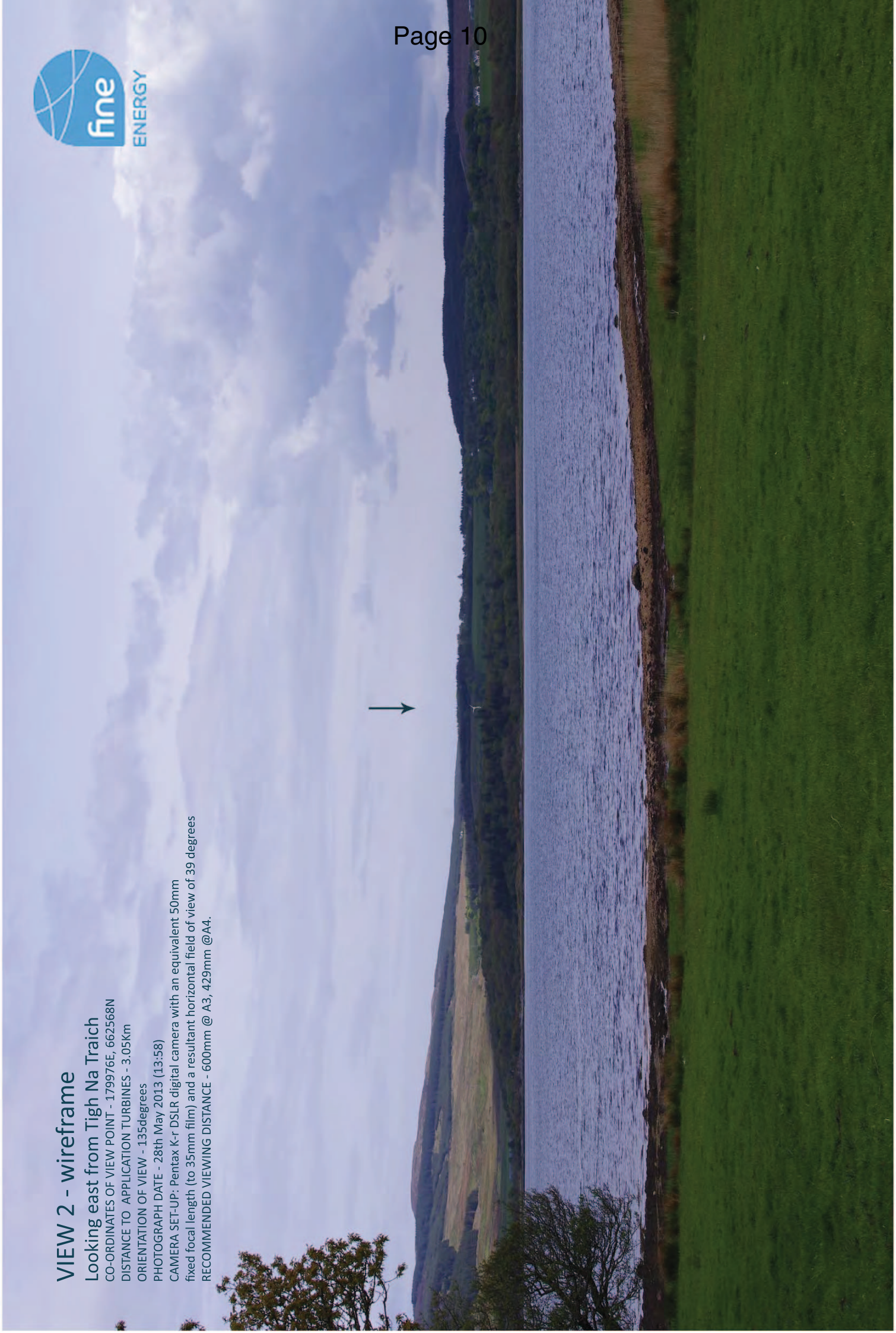
DISTANCE TO APPLICATION TURBINES - 3.05Km

ORIENTATION OF VIEW - 135degrees

PHOTOGRAPH DATE - 28th May 2013 (13:58)

CAMERA SET-UP: Pentax K-r DSLR digital camera with an equivalent 50mm fixed focal length (to 35mm film) and a resultant horizontal field of view of 39 degrees

RECOMMENDED VIEWING DISTANCE - 600mm @ A3, 429mm @A4.



VIEW 3 - wireframe

Looking southeast from Port Askaig

CO-ORDINATES OF VIEW POINT - 181964E, 662568N

DISTANCE TO APPLICATION TURBINES - 1.47Km

ORIENTATION OF VIEW - 170degrees

PHOTOGRAPH DATE - 28th May 2013 (12:26)

CAMERA SET-UP: Pentax K-r DSLR digital camera with an equivalent 50mm

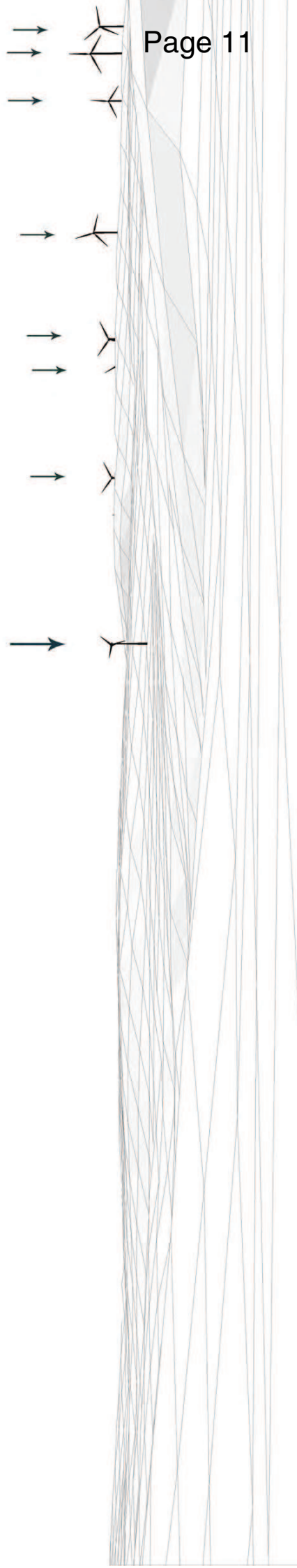
fixed focal length (to 35mm film) and a resultant horizontal field of view of 39 degrees

RECOMMENDED VIEWING DISTANCE - 600mm @ A3, 429mm @A4.

11no. 100m turbine @

Freasdail Wind Farm, Whitehouse

status: Pending



VIEW 3

Looking southeast from Port Askaig

CO-ORDINATES OF VIEW POINT - 181964E, 662568N

DISTANCE TO APPLICATION TURBINES - 1.47Km

ORIENTATION OF VIEW - 170degrees

PHOTOGRAPH DATE - 28th May 2013 (12:26)

CAMERA SET-UP: Pentax K-r DSLR digital camera with an equivalent 50mm fixed focal length (to 35mm film) and a resultant horizontal field of view of 39 degrees

RECOMMENDED VIEWING DISTANCE - 600mm @ A3, 429mm @A4.

11no. 100m turbine @

Freasdail Wind Farm, Whitehouse

status: Pending



VIEW 4 - wireframe

Looking east from Bluebell Cottage

CO-ORDINATES OF VIEW POINT - 182473E, 661750N

DISTANCE TO APPLICATION TURBINES - 720m

ORIENTATION OF VIEW - 170degrees

PHOTOGRAPH DATE - 28th May 2013 (12:34)

CAMERA SET-UP: Pentax K-r DSLR digital camera with an equivalent 50mm

fixed focal length (to 35mm film) and a resultant horizontal field of view of 39 degrees

RECOMMENDED VIEWING DISTANCE - 600mm @ A3, 429mm @A4.

11no. 100m turbine @
Freasdail Wind Farm, Whitehouse
status: Pending



VIEW 4

Looking east from Bluebell Cottage

CO-ORDINATES OF VIEW POINT - 182473E, 661750N

DISTANCE TO APPLICATION TURBINES - 700m

ORIENTATION OF VIEW - 170degrees

PHOTOGRAPH DATE - 28th May 2013 (12:34)

CAMERA SET-UP: Pentax K-r DSLR digital camera with an equivalent 50mm

fixed focal length (to 35mm film) and a resultant horizontal field of view of 39 degrees

RECOMMENDED VIEWING DISTANCE - 600mm @ A3, 429mm @A4.

11no. 100m turbine @
Freasdail Wind Farm, Whitehouse
status: Pending





VIEW 5 - wireframe

Looking east from Whitehouse

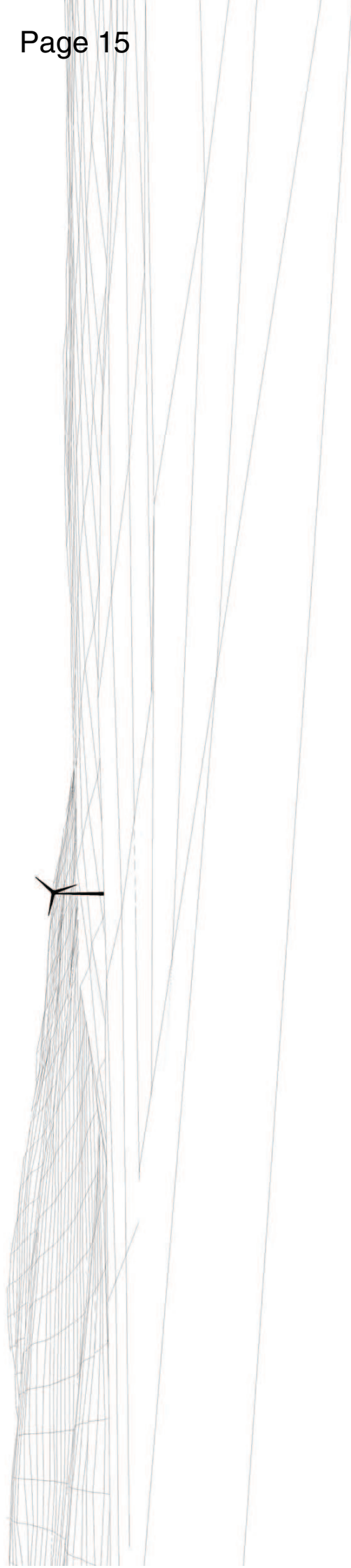
CO-ORDINATES OF VIEW POINT - 181720E, 661378N

DISTANCE TO APPLICATION TURBINES - 989m

ORIENTATION OF VIEW - 100degrees

PHOTOGRAPH DATE - 28th May 2013 (12:58)

CAMERA SET-UP: Pentax K-r DSLR digital camera with an equivalent 50mm fixed focal length (to 35mm film) and a resultant horizontal field of view of 39 degrees
RECOMMENDED VIEWING DISTANCE - 600mm @ A3, 429mm @A4.





VIEW 5

Looking east from Whitehouse

CO-ORDINATES OF VIEW POINT - 181720E, 661378N

DISTANCE TO APPLICATION TURBINES - 989m

ORIENTATION OF VIEW - 100degrees

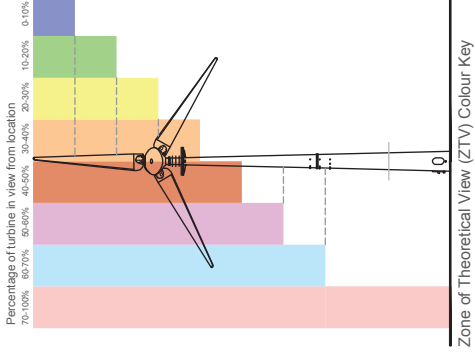
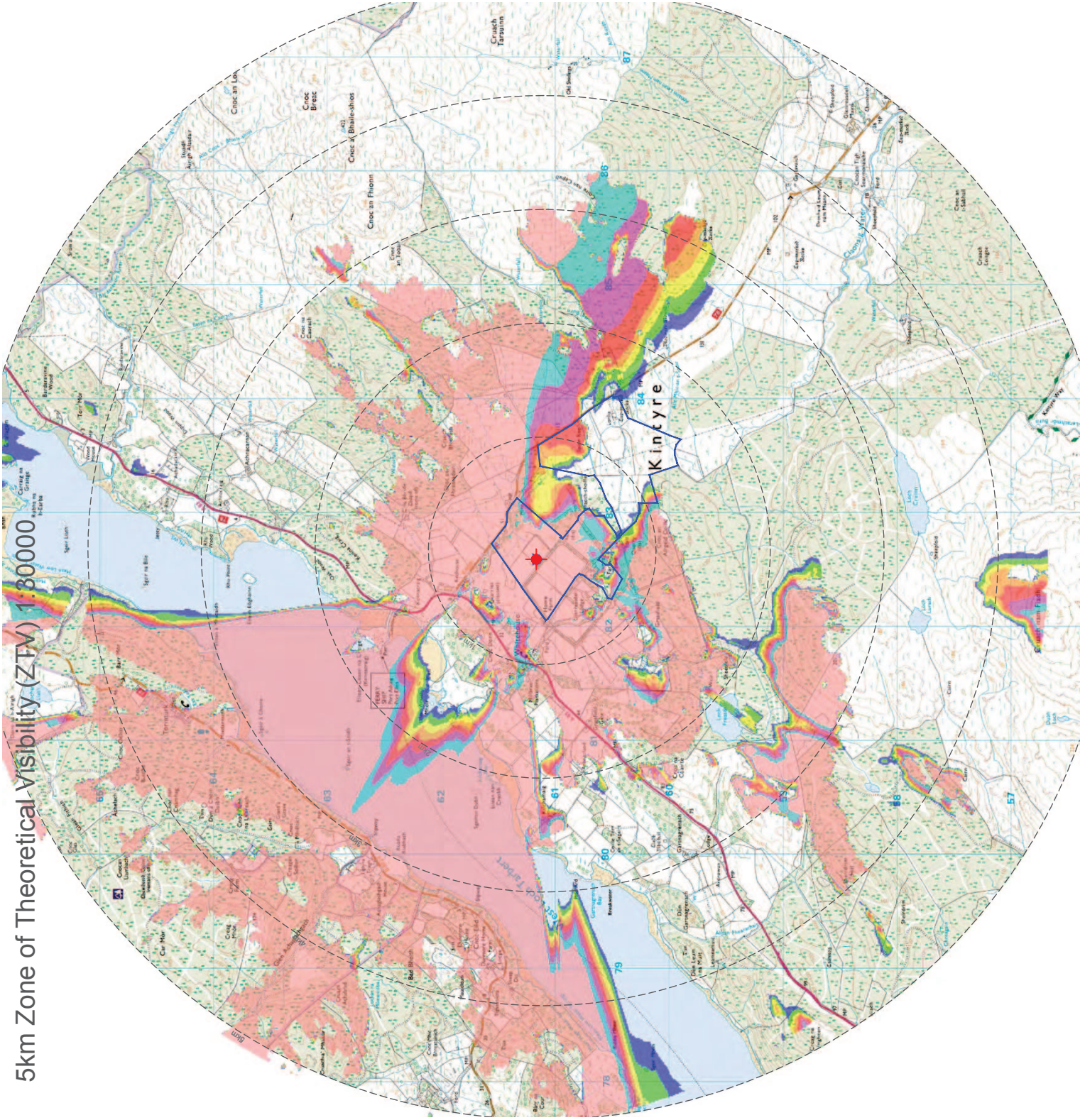
PHOTOGRAPH DATE - 28th May 2013 (12:58)

CAMERA SET-UP: Pentax K-r DSLR digital camera with an equivalent 50mm fixed focal length (to 35mm film) and a resultant horizontal field of view of 39 degrees

RECOMMENDED VIEWING DISTANCE - 600mm @ A3, 429mm @A4.

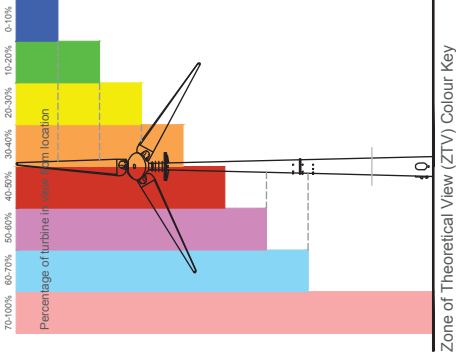
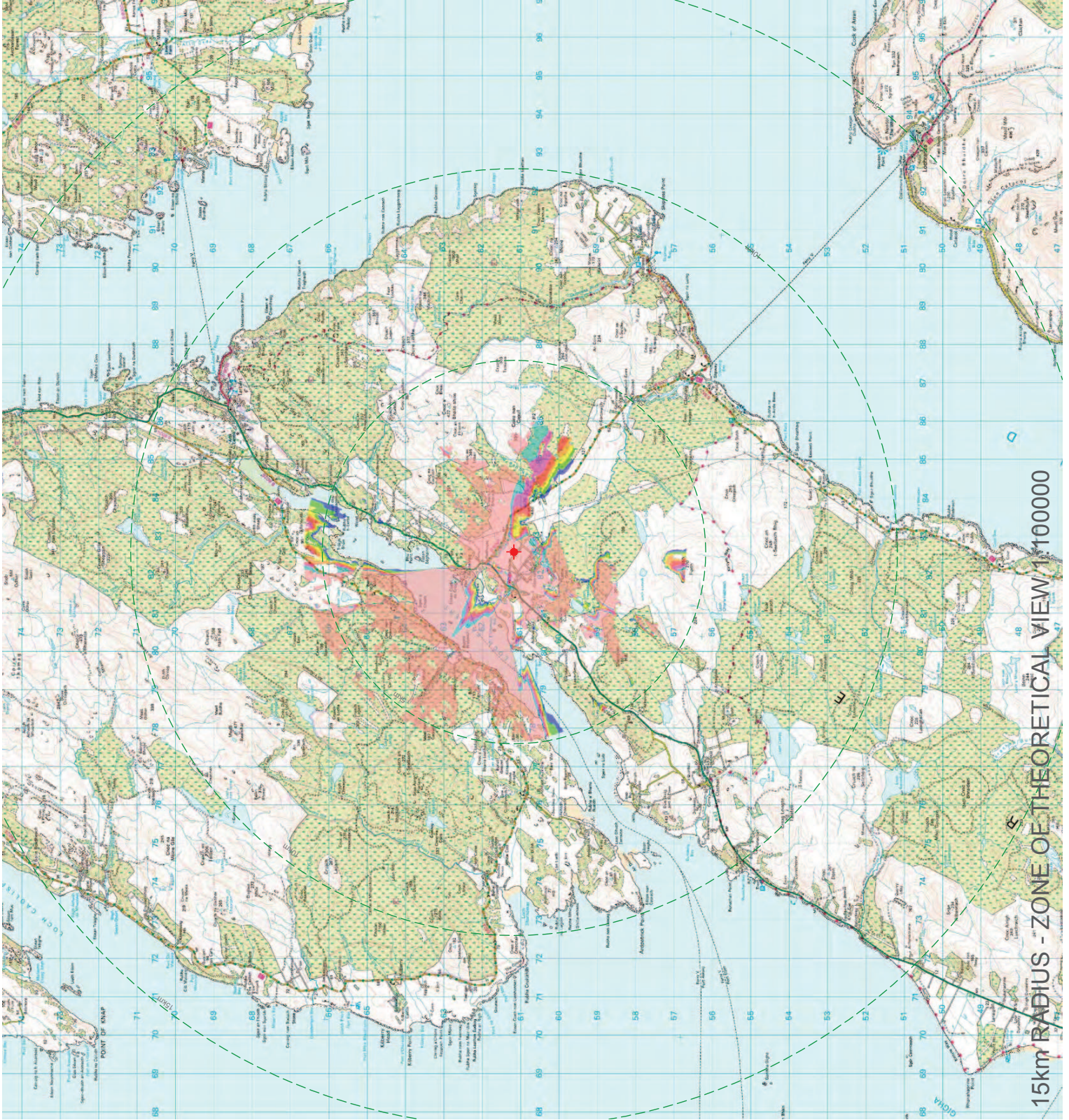
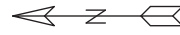


5km Zone of Theoretical Visibility (ZTV) 1:30000



REV	DATE	BY	REASON
			
PROJECT: Proposed Wind Turbine Installation CLIENT: Arvore, Whitehouse, Tarbert. ADDRESS: SITE / CO-ORD: CENTRE OF SITE - 182568E, 661166N			
DRAWN BY: SS SCALE: 1:30000 DATE: 28/01/2014 TITLE: 5km ZTV DWG NO: WF01-ZTV3			
9 KINGSKNOWE PARK EDINBURGH EH14 2JQ T: 0131 443 0040 W: www.fineenergy.co.uk			

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REV	DATE	BY	REASON



9 KINGSKNOWE PARK
EDINBURGH
EH14 2JQ
T: 0131 443 0040
W: www.fineenergy.co.uk

PROJECT: Proposed Wind Turbine Installation
CLIENT: Arivore, Whitehouse, Tarbert.
ADDRESS: CENTRE OF SITE - 182588E, 661166N
SITE / CO-ORD:
DRAWN BY: SS SCALE: 1:100000 DATE: 28/01/2014
TITLE: 15km Zone of Theoretical View DWG NO: ZTV.01

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Comment from Applicant dated 20 May 2014

From: Paul Houghton <paul@houghtonplanning.co.uk>
 Sent: 20 May 2014 08:11
 To: McCallum, Fiona
 Cc: Bain, Peter (Planning)
 Subject: Notice of Review Ref: 14/0002/LRB (Planning Ref: 13/02164/PP) - Land
 North East of Arivore Farm, Whitehouse, Tarbert, Argyll, PA29 6XR
 Attachments: 140325 Local Review Statement Addendum Arivore.pdf

Dear Fiona,

The applicant wishes to express concern at the attempt to add a further reason for refusal at this stage, when cumulative impact of the proposed Arivore turbine, in combination with the proposed Freasdail Windfarm, was a matter clearly addressed in the Cumulative Landscape & Visual Impact Assessment, submitted with the planning application, and must surely have been in the mind of the case officer in determining the application.

It is accepted practice that, in considering planning applications, cumulative impact involves assessing not only existing and consented turbines, but also those pending. However, in this case it seems to be suggested in the further statement from the Development Manager that the Freasdail turbines were not taken into account in this case, despite being known about by the case officer. This is concerning to the applicant, given that they have submitted their application in good faith, included an analysis of cumulative impact, and expected it to have been determined by the case officer in an appropriate fashion.

Notwithstanding that, the applicant accepts that there will be a low to medium level of cumulative visual impact in terms of certain views, where the Arivore turbine and those at Freasdail will be seen in combination, but this will mainly be for motorists on short stretches of the A83 and B8024, where gaps in the vegetation will allow views. However, even in these limited views it will be clear that this single turbine is in no way related to the Freasdail windfarm, and is certainly not the 'outlier' suggested in the further statement. Motorists will so fleetingly see the turbines in combination that to suggest that this will "confuse the viewer's perspective of the wider landscape" seems hardly credible. For those not moving through the landscape at speed, there will be greater opportunity to understand, and reflect upon, the Arivore/Freasdail relationship, and even less likelihood that they will see the smaller Arivore turbine as in any way related to those at Freasdail.

The other matters raised in the further statement have already been addressed in the applicant's addendum statement, a further copy of which is attached.

In view of the above, the LRB is asked to give little weight to the further statement from the Development Manager, and to grant planning permission for what is a modest renewable energy development, which will be of great benefit to the landowner, Mrs Dewar, helping her pay for repairs to her farm and aid its continued financial viability.

Yours sincerely

Comment from Applicant dated 20 May 2014

Paul Houghton
Director
Houghton Planning



**Defence
Infrastructure
Organisation**

Your Ref. 14/0002/LRB
DIO Ref. DE/C/SUT/43/10/1/20624

Ministry of Defence
Safeguarding
Kingston Road
Sutton Coldfield
West Midlands B75 7RL
United Kingdom

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Facsimile [MOD]: +44 (0)121 311 2218
E-mail: DIOODC-IPSSG2@mod.uk

Via Email

Fiona McCallum
Committee Services
Argyll and Bute Council
Kilmory
Lochgilphead, Argyll
PA31 8RT

2 June 2014

Dear Ms McCallum,

**Argyll and Bute Council Local Review Body
Erection of 1 x wind turbine (34.5m to blade tip) with associated electrical cabinet and
formation of access track at Land north east of Arivore Farm, Whitehouse, Tarbert, Argyll**

The Ministry of Defence (MOD) has received notification from Argyll and Bute Council stating that the planning application for the proposed development above will be determined by the Council's Local Review Body.

The MOD was not consulted at application stage by Argyll and Bute Council. As a result of the review notification, the MOD has assessed the proposed development. I can confirm that the MOD raises no objection to the proposal.

If planning permission is granted, the MOD would like to be advised of the following information;

- The date construction starts and ends;
- The maximum height of construction equipment;
- The latitude and longitude of the turbine erected

I trust that the above will be taken into account during the review consideration. Should you require any additional information, please do not hesitate to contact me.

Yours sincerely

Lucy Hodgetts
BSc (Hons) MA MRTPI
Senior Safeguarding Officer

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