

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on THURSDAY, 8 MAY 2014

Present: Councillor David Kinniburgh (Chair)
Councillor Mary-Jean Devon Councillor James McQueen

Attending: Charles Reppke, Head of Governance and Law (Adviser)
Fiona McCallum, Committee Services Officer (Minute Taker)

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

The Chair welcomed everyone to the meeting and advised that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Reppke who would provide procedural advice if required.

The Chair advised that his first task would be to establish if the Members of the LRB felt they had sufficient information before them to come to a decision on the Review.

Councillor Devon advised that she felt she did have enough information before her adding that plenty of detailed information and facts had been provided. She stated that she had no objection to this proposal as the wind turbine was only 34.5 metres high to blade tip and complied with the terms of the Council's Wind Energy Capacity Study. She referred to the 11 x 100 metre high wind turbines further up the hill which had been approved on appeal by the Scottish Government Reporter.

Councillor McQueen concurred with the points made by Councillor Devon.

Mr Reppke advised that if the Members were minded to approve this application they would not be able to do so today as they would require conditions and reasons which were normally requested from Planning to allow the LRB to consider them and the Members would also require time to form a competent Motion.

Councillor Kinniburgh advised that he was not sure that there was sufficient information. He noted the comments made by Councillor Devon in respect of the 11 x 100 metres wind turbines at Freasdail approved by the Scottish Government and stated that it would assist him if confirmation could be sought from Planning on whether or not this decision made by the Scottish Government represented a material change in circumstances which would have led the Planners to reach a different conclusion on this proposal.

Councillor Kinniburgh added that it would also be beneficial to receive

revised ZTV plans from the Applicant for the single turbine using the same scale applied to the ZTV plans provided for the original two turbines. He also advised that he believed a site inspection would be helpful. He referred to the Planner's concerns about the views of the turbine shown in photomontages 1, 3 and 5 and stated that a site visit to these particular view points rather than a visit to the site of the proposed turbine itself would be beneficial.

Councillor Devon stated that she did not think it was necessary to hold a site inspection advising that never before had she seen so much paperwork produced for a LRB and that she was minded to approve this application.

Mr Reppke reiterated the point about the need for model conditions and reasons and a competent Motion if the Members were minded to approve this proposal.

Councillor Devon expressed concern about the amount of time it had taken the Planners to reach a decision on this application and stated that the Applicant had adhered to everything that was asked for from Planning on time. She advised that she appreciated there was a need for a competent Motion and conditions and reasons. She also advised that bearing in mind the decision reached by the Reporter on the Freasdail application, she agreed that the LRB had no option but to look hard at the Freasdail decision and get a view from Planning on this.

Mr Reppke confirmed that if the LRB wished to request further information before reaching a decision this would delay the process for up to a further 6 weeks to allow for this information to be received and then commented on before reconvening the LRB.

Councillor Kinniburgh advised that it would be helpful to him to have site inspection to see where the site would be in relation to the Freasdail development.

Decision

The ABLRB agreed to:-

1. request from Planning their view as to whether or not the decision made by the Reporter to grant planning permission for the windfarm at Freasdail (planning application ref: 12/02150/PP) which had previously been refused by the PPSL Committee, was a material change in circumstances which would have led Planning to reach a different conclusion on this proposal;
2. request from the Applicant revised ZTV plans for the single turbine using the same scale applied to the ZTV plans provided for the original two wind turbines;
3. request from Planning appropriate conditions and reasons to attach to any consent if the LRB were minded to approve this application;

4. to hold an accompanied site inspection in order to view the location of the site in relation to the location of the Freasdail windfarm and to observe the proposed wind turbine site from viewpoints provided in photomontages 1, 3 and 5;
5. To invite the Applicant, Applicant's Agent, Planning and Objector to this site inspection; and
6. To adjourn the meeting and reconvene at the conclusion of the site inspection.

The meeting of the Argyll and Bute Local Review Body reconvened on Thursday 3 July 2014 at 12.15 pm in the Whitehouse Village Hall, Whitehouse, Tarbert, Argyll

Present: Councillor David Kinniburgh (Chair)
Councillor Mary-Jean Devon
Councillor James McQueen

Attending: Charles Reppke, Head of Governance and Law (Adviser)
Fiona McCallum, Committee Services Officer (Minutes)

The Chair welcomed all those present to the meeting. He referred to the additional information that was requested at the previous meeting and was now before the LRB for consideration and established that the Members now had sufficient information before them to come to a decision on the Review.

Councillor Devon referred to the site inspection (note of site inspection attached as Appendix A to this Minute) which the LRB had attended prior to the start of this meeting and also to the additional information submitted and advised that she struggled with the reasons Planning had given for refusing this application. She stated that the proposed wind turbine would not be prominent apart from the view point on the Skipness Road which looked south from the entrance to Taigh Na Cuilce. She pointed out that the Council's Wind Energy Capacity Study (WECS) report provided an option to screen turbines if they were visible and advised that this proposed turbine would already benefit from screening by surrounding trees. She also pointed out that the proposed turbine at a height of 34.5 m (tip height) was at the top end of small scale as defined by the WECS and advised that she did not think it would have a detrimental impact on the residential amenity of the nearby property and noted that there had been no objection from properties in the vicinity of the site. She stated that she did not think the proposed turbine would have an adverse impact on the setting of Whitehouse or a visual impact on the wider countryside. She referred to the view of the proposed turbine from the A83 and advised that at this particular viewpoint a huge pylon could be seen dominating the skyline.

Councillor McQueen stated that he agreed with everything Councillor Devon said and advised that you would have to make a point of looking for the turbine in order to see it and that he did not think there was anything wrong with this proposal.

Councillor Kinniburgh advised that the visuals of the various viewpoints were taken in the winter and stated that he found the site visit very helpful as the LRB benefited from viewing the site in the summer which showed that the proposed turbine would have a high provision of screening by trees and shrubbery. He acknowledged that there would be a visual impact on the Skipness road but advised that it would be limited after that. He referred to the decision that had been taken by the Scottish Government regarding the Freasdail development and advised that this had been a concern to him. However, he advised that following the site visit it was his opinion that this proposed turbine could not be viewed as an outlier to the Freasdail development. He stated that as far as he was concerned this proposal would have a minimal impact and that it should be granted. He referred to the trees and shrubbery around the site and advised that he would like to propose an additional condition to attach to the consent stating that a tree management scheme within the site should be drawn up by the Applicant and agreed by Planning prior to the commencement of the development to ensure that the proposed turbine was always adequately screened to reduce any visual impact.

Mr Reppke advised the Members that if they wished to grant this planning application then they would be required to put forward a competent Motion.

Councillor Kinniburgh proposed the following Motion:-

That given the limited visual impact the proposed turbine will have principally to drivers on the A83/B8001 given the distance from the viewpoints on the roadway and the location of the turbine as well as the intervening natural topography there will be no significant adverse visual impact from users of the roadway who will normally be travelling at speed and their views will therefore be momentary and from a considerable distance away. The separation between the proposed site is sufficient to ensure that there will be no significant impact on the setting of the Whitehouse village.

In terms of the recent Freasdail decision the Reporter concluded that there would be no significant adverse visual impact from granting consent for that larger scale development and the addition of this turbine will have only minimal cumulative impact given the separation between the two developments and it is not accepted that the proposed turbine would appear as an outlier from the Freasdail site but will rather be viewed in its own context either fleetingly by drivers from the A83/B8001 or for walkers who will be able to ascertain the separation and distinction between the two developments.

The perceived impact on residential properties is confined to visual impact and whilst it is accepted that there will be some visual impact it is not viewed as being overbearing or prominent given the scale of the development which is small scale and the separation between the development and the nearest property it is not seen as creating an adverse visual impact on the properties.

The proposed development will have a positive economic benefit that will accrue to the farm unit which will assist it in improving the farm land and livestock quality and as such will have a positive impact on the local economy and not just for the farm owner with likely benefits to other local businesses in providing services to the farm unit and the development.

Therefore the development is considered to be in accordance with policy STRAT RE1, Policy REN1 and the guidance set out in chapter 7 of the landscape wind energy capacity study on the basis that its visual impact can be accommodated into the landscape given the scale and siting of the proposal and any cumulative impact will be low given the limited viewpoints that exist and as such the proposal will not appear as an outlier for the consented Freasdail site.

Decision

The Argyll and Bute Local Review Body unanimously agreed to grant planning permission subject to the following conditions and reasons and note to Applicant:-

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:

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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.

10. Notwithstanding the provisions of condition 1, no development shall commence until a tree and woodland management scheme for the area lying within the blue line boundary is submitted and approved by the Planning Authority. The development shall be implemented in accordance with the duly approved details.

Reason: To ensure adequate screening of the turbine is maintained in order to minimise its visual impact and to retain the natural character of the site.

NOTE TO APPLICANT

The Ministry of Defence should be advised of the following:-

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

(Reference: Notice of Review, Supporting Documentation and Written Submissions, submitted)

Appendix A

ARGYLL AND BUTE LOCAL REVIEW BODY

NOTE OF MEETING OF SITE INSPECTION RE CASE 14/0002/LRB LAND NORTH EAST OF ARIVORE FARM, WHITEHOUSE, TARBERT, ARGYLL - THURSDAY 3 JULY 2014

In attendance: Councillor David Kinniburgh, Argyll & Bute LRB (Chair)
Councillor Mary-Jean Devon, Argyll & Bute LRB
Councillor James McQueen, Argyll & Bute LRB
Charles Reppke, Head of Governance and Law (Adviser)
Fiona McCallum, Committee Services (Minute Taker)
David Love, Planning Authority

The Argyll and Bute LRB (ABLRB) agreed on 8 May 2014 to conduct a site inspection in order to view the location of the site in relation to the location of the Freasdail Windfarm and to observe the proposed wind turbine site from viewpoints provided in photomontages 1, 3 and 5 and to invite a representative from Planning to attend along with the Applicants and the Applicants' Agent and Objector to answer any questions the LRB may have in relation to these views.

The ABLRB convened on 3 July 2014 at the Whitehouse Village Hall, Whitehouse, Tarbert, Argyll at 11.15 am and from there commenced the site inspection.

At the View Point 1 on the Arivore Farm Road looking north/north east from the entrance to Tigh Nan Cnoc the ABLRB noted:-

1. the location of the nearest property and that the occupants of this property had not submitted an objection to the proposal; and
2. various pylons on the horizon viewed when travelling away from this view point.

At View Point 5 looking east from the A83/Quarry the ABLRB noted:-

1. the prominence of the various pylons across the landscape.

At View Point 3 looking south from the entrance to Taigh Na Cuilce the ABLRB noted:-

1. that the proposed turbine would be largely screened by trees during the summer months;
2. noted that the volume of traffic that travelled along the B8001 to and from Skipness and Carradale was generally light;
3. that the B8001 was a single track road used by visitors to the Island of Arran when travelling from the ferry terminal at Claonaig which only operated during the summer ferry timetable;
4. noted the location of the consented Freasdail Windfarm; and
5. noted that the proposed wind turbine would only be visible at the same time

as the Freasdail Windfarm when viewed from the A83 (View Point 5).