

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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21 May 2014

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **PUBLIC HALL, ARDRISHAIG, ARGYLL** on **WEDNESDAY, 28 MAY 2014** at **9:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **RWE INNOGY UK LIMITED: ERECTION OF 15 WIND TURBINES OF UP TO 111M IN HEIGHT TO BLADE TIP, INCLUDING PERMANENT FOUNDATIONS, ASSOCIATED HARDSTANDING AND ELECTRICAL TRANSFORMER BUILDINGS; CONSTRUCTION OF APPROXIMATELY 12.5KM OF NEW TRACK AND WIDENING AND UPGRADING OF ACCESS TRACKS AND ROAD JUNCTION; ERECTION OF ELECTRICAL SUBSTATION AND CONTROL BUILDING AND TEMPORARY CONSTRUCTION COMPOUND; ERECTION OF ONE PERMANENT AND TWO TEMPORARY ANEMOMETRY MASTS UP TO 80M IN HEIGHT; AND ASSOCIATED ANCILLARY DEVELOPMENT: ARDCHONNEL WINDFARM, APPROX 6.5KM NORTH-WEST OF INVERARAY AND 1.5KM EAST OF LOCH AWE (REF: 13/02835/PP)**
Report by Head of Planning and Regulatory Services (Pages 1 - 70)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor David Kinniburgh (Chair)	Councillor Gordon Blair
Councillor Rory Colville	Councillor Robin Currie
Councillor Mary-Jean Devon	Councillor George Freeman
Councillor Alistair MacDougall	Councillor Robert Graham MacIntyre
Councillor Donald MacMillan	Councillor Roderick McCuish

Councillor Alex McNaughton
Councillor Sandy Taylor

Councillor James McQueen
Councillor Richard Trail

Contact: Fiona McCallum

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Argyll and Bute Council
Development & Infrastructure

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 13/02835/PP

Planning Hierarchy: Major

Applicant: RWE Innogy UK Limited

Proposal: Erection of 15 wind turbines of up to 111m in height to blade tip, including permanent foundations, associated hardstanding and electrical transformer buildings; construction of approximately 12.5km of new track and widening and upgrading of access tracks and road junction; erection of electrical substation and control building and temporary construction compound; erection of one permanent and two temporary anemometry masts up to 80m in height; and associated ancillary development.

Site Address: Ardchnonnel Windfarm, approx 6.5km north-west of Inveraray and 1.5km east of Loch Awe.

SUPPLEMENTARY REPORT No. 1

(A) BACKGROUND

This report updates Members on additional representations which have been received since the matter was last reported to Committee

(B) ADDITIONAL REPRESENTATIONS**Supporters**

Mike Mackenzie MSP has written in support of the application for the following summarised reasons:

- The site lies in a Broad Area of Search for wind farms as identified in the proposed Local Development Plan. Although this has not been adopted it is indicative of the Council's latest think on the matter;

Comment: Pending the Examination into the impending plan it cannot be given any significant weight as a material consideration at this stage in the plan-making process given that renewables policy is the subject of objection from a range of interests,

including the renewables sector, and there is no guarantee that that content of the proposed plan will survive in its current form into the adopted version of the plan.

- The proposal is not the subject of objections from consultees;

Comment: Although not the subject of formal objection given the lack of any national interest considerations, Scottish Natural Heritage's advice is that the application should be rejected on landscape visual and cumulative impact grounds. The RSPB and the Avich and Kilchrennan Community Council have both objected.

- It lies adjacent to an operational wind farm and outside any national or regional designations;

Comment: The juxtaposition of turbines of different scale and with different speeds of rotation is in itself an issue, particularly given the location of the proposed larger turbines in the foreground when the two developments would be viewed in conjunction from Loch Awe.

- The proposal has the potential to contribute to the local economy the health of which is vital in efforts to stem population decline;

Comment: Experience with other wind farm projects is that there can be varying degrees of local input at the construction stage, dependent upon the origins of the principal contractor and their chosen sub-contractors. None the less a project of this type would provide an element of local employment and a demand for services during the construction phase. It would not be expected that the longer-term operational phase would be likely to provide any significant input into the local economy, which would however be likely to benefit again from decommissioning operations at the end of the life of the wind farm.

- There is increasing evidence that wind turbines have little or no impact upon tourism

Comment: Given the conflicting evidence from research into public attitudes to wind farm development no grounds for refusal founded around tourism considerations are being advanced in this case; although it is fair to assume that development with adverse implications for landscape character will be likely to have some negative implications for tourism, which in Argyll is founded largely upon the scenic qualities and the historic and natural heritage interests of the area. In a recent appeal decision, the Reporter took the view that attitude surveys should be regarded as inconclusive given that research to date has been conducted in response to a pattern of wind farm development controlled by the planning system. If that system were to be operated less carefully by permitting less appropriate development, then the views of tourists surveyed might be very different.

Mr S MacDonald, Gorstain, Taynuilt has also written in support of the proposal as follows:

- There is a need to address climate change to meet our national energy commitments and the needs of our descendants;

- In 1997 those opposing Beinn Ghlas wind farm expressed the view that it would contribute to the collapse of tourism. Now hundreds of visitors walk to the site each year to marvel that such projects can be constructed in a wilderness that absorbs their scale so calmly.

Comment: It should be noted that Beinn Ghlas was smaller in extent and equipped with smaller turbines than those now proposed, and as a pioneering project was not subject to the cumulative impact implications which are now associated with multiple wind farm development.

Objector

Mr J Treasurer, 9 Zetland Avenue, Fort William has written to object in his capacity as a freshwater fish specialist as follows:

- Loch Awe is an important fishery and a loch of international significance in terms of freshwater resource and habitat. It is surrounded by a landscape of quality and beauty. The development is out of character with this setting and will be to the detriment of locals and tourists alike and a blow to the image attraction and beauty of Argyll.

(C) CONCLUSION

Notwithstanding the above, it is recommended that the application be refused for the reasons stated in the original report.

Author of Report: Richard Kerr

Date: 14th May 2014

Angus Gilmour
Head of Planning and Regulatory Services

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Site Address: Ardchnonnell Windfarm, approx 6.5km north-west of Inveraray and 1.5km east of Loch Awe.

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

Development Requiring Express Planning Permission

- Erection of 15 wind turbines, (111m to blade tip) with external transformers at the base of each turbine (4m x 6m x 3m high);
- Erection of substation compound (100m x 100m) control building (20m x 10m x 5.5m high), septic tank and 2.4m high security fencing;
- Improvement of existing access to the A83(T) serving An Suidhe windfarm;
- Localised widening of existing access track serving An Suidhe windfarm;
- Formation of on-site access tracks (12.5km, 5m wide with passing places);
- Installation of 15 watercourse crossings (two single span bridges and 13 culverts);
- Installation of on-site underground cabling;
- Formation of 15 crane hard-standing areas (55m x 20m);
- Formation of temporary works compound and laydown area (75m x 75m);

- Erection of permanent meteorological mast (80m);
- Erection of 2 temporary calibration masts;

Other specified operations

- 132kv grid connection via new overhead line (subject to requirement for separate Section 37 Electricity Act consent);
- Forestry felling along access route (0.23ha);
- Formation of borrow pit workings (subject to requirement for separate mineral planning consents).

(B) RECOMMENDATION: The application is recommended for refusal for the reasons stated in this report subject to a discretionary pre-determination hearing being held in response to the third party representations received, both for and against the proposal.

(C) HISTORY: None relevant to the location of the proposed windfarm other than for anemometry. The access to the proposed development is to be by means of sharing and extending the existing access serving the operational An Suidhe windfarm.

01/01318/DET- Windfarm comprising 24 (80m high) turbines, new and improved access tracks, 2 anemometer masts, switchgear building and compound, An Suidhe Windfarm Dalmally – application granted 01.12.01.

08/01047/VARCON - Variation of conditions 1 and 22 of planning approval reference 01/01318/DET to extend energisation date to 31.03.11, increase turbine hub height to 56 metres and deletion of turbine no. 4, An Suidhe Windfarm Dalmally – application approved 31.07.08.

(D) CONSULTATIONS:

Scottish Natural Heritage (17th March 2014) in summary has responded as follows:

- This proposal will have significant adverse visual impacts when viewed from settlements and the minor road on the west of Loch Awe and parts of the minor road around Loch Avich;
- This proposal will have significant adverse visual impacts on National Cycle Route NCN78 and water and land-based recreational users in the western and south-western area of Loch Awe and parts of Loch Avich and their surroundings;
- This proposal will impact on the skylines and landscape setting of Loch Awe. It will have a significant adverse impact on the character of Rocky Mosaic landscape character type (LCT) and will introduce wind farm development in to the south of

Loch Awe, one of the only remaining areas of Rocky Mosaic LCT in the Loch Awe basin which is free from theoretical wind farm visibility;

- This development is not in keeping with the Guidance on Development advice in the 'Argyll and Bute Landscape Wind Energy Capacity Study' (March 2012) (LWECS), nor Scottish Planning Policy;
- We have not been able to identify any mitigation that will reduce the significance of the effects resulting from the landscape and visual impacts of this proposal;
- This development will have significant impacts on a nationally important LBAP and UKBAP priority and Annex 1 habitat;
- This development will contribute to the pollution and deterioration of habitat for wild birds (including six species listed on Annex I of the EU Birds Directive), in Argyll.

It is for the planning authority to consider the above advice on natural heritage impacts within the context of its own policies when determining this application.

Comment: Members should note that in the absence of any significant effects upon national designations SNH has confined its response to one of advice to the planning authority in this case, as its current policy is only to object to proposals which significantly prejudice national interests. The absence of an objection should not be construed as indicating that SNH are in any way content with the proposal given the nature of the concerns which they have expressed.

Scottish Environment Protection Agency (SEPA) (17th January 2014) no objection subject to imposition of recommended conditions (but in the absence of such their response should be regarded in that event as an objection). Conditions should address the approval and implementation of a Habitat Management Plan to protect Groundwater Dependant Terrestrial Ecosystems, a Peat Management Plan, and a Construction Environmental Management Plan; should require a construction buffer to water courses, details of watercourse crossings, micro-siting and restoration and aftercare.

Forestry Commission Scotland (FCS) (2nd April 2014) – no objection as the scale of felling required is small in this case, but a condition would be required in the event of an approval to require compensatory planning to meet the Scottish Government's 'Control of Woodland Removal Policy'.

Ministry of Defence (20th January 2014) – no objection. In the interests of air safety. The MoD requests that the turbines are fitted with aviation lighting. All turbines should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

Historic Scotland (6th February and 28th March 2014) – initial response accepting the conclusions of the Environmental Statement other than for an expression of uncertainty

as to the effects upon the setting of the Scheduled Ardchnonnell Castle and Island of Innis Chonnell (additional visualisations requested), and expressing a recommendation that Turbine 4 be repositioned or deleted in order to avoid unnecessary impacts on the setting of Ardchnonnell Long Cairn SAM. In response to further information supplied by the applicants Historic Scotland confirms that it does not object in respect of either asset, although it would still prefer to see the relocation or omission of the turbine which it considers to exert a negative impact on the setting of the cairn

Transport Scotland (14th April 2014) – no objection subject to conditions.

Council's Roads Engineers (14th January 2014) – no objection.

Council's Environmental Health Officer (16th January 2014) – no objection subject to the imposition of recommended conditions. Operational noise is compliant with the requirements of ETSU-R-97 with cumulative impacts associated with An Suidhe and Carraig Ghael factored in, with none of the nearest noise sensitive properties being exposed to levels breaching ETSU limits. The ETSU method, which has been accepted as government policy, attempts to balance the need to provide reasonable protection to residents without unduly restricting wind farm development. It does not however seek to guarantee total inaudibility. A Construction Method Statement should be approved to address construction noise, pollution risk and private water supply safeguarding.

Council's Access Officer (20th December 2013) – no objection.

Scottish Water (12th February 2014) – no objection.

Royal Society for the Protection of Birds (20th March 2014) – object to the proposal as it is their view that there has been an incomplete assessment of cumulative impact upon golden eagle which is an Annex 1 species listed in the EC Bird Directive, and that insufficient mitigation for other species has been identified. Concerns are expressed that the applicant's bird observations and modelling may under-estimate the value of this site to golden eagles and under-estimate the collision risk it presents. The proposal is located in an upland area where eagle territories are confined by neighbouring territories and existing land uses, namely wind farms and forestry. The potential for impacts through displacement affecting range viability is therefore a serious issue in this area. Natural Heritage Zone (NHZ) 14 has already been identified as one at risk from impacts from inappropriately sited wind farm developments in the Golden Eagle Framework. Given that evidence indicates eagles will tend to avoid wind farms, displacement becomes a major concern. The site appears regularly used by one eagle pair and although it is outside their core range that range has already lost habitat which puts more pressure on peripheral areas. Cumulative impacts resulting in habitat loss within NHZ 14 are inadequately assessed, as are common breeding species, some of which will constitute a prey source for eagles. Mitigation should be identified for white tailed eagle and further separation between turbines and lochans should be secured in order to safeguard red throated diver. Increasing separation from the Beinn Bhreach rige and from the lochans by relocating some of the turbines further west would help reduce impacts upon golden

eagle and red throated diver. Conditions are suggested in the event that the application is approved.

West of Scotland Archaeology Service (3rd February 2014) – no impacts of significance on the setting of historic environment receptors. Architectural mitigation strategy required by condition in the event of permission being granted.

Civil Aviation Authority (5th February 2014) – no objection.

Glasgow Prestwick Airport (7th January 2014) - no safeguarding objection.

National Air Traffic Services (7th January 2014) - no safeguarding objection.

Ofcom Spectrum Licensing (20th December 2013) – no objection.

The Joint Radio Company (4th February 2014) – no objection.

Avich & Kilchrennan Community Council (15th January, 21st February 7th and 14th March 2014) – object to the proposal for the following summarised reasons:

- The site is in a 'Potentially Constrained Area' for wind farms and in 'Very Sensitive Countryside' defined by the Council's local plan and is inappropriate for this scale of development;
- The proposal would have significant adverse landscape, visual and cumulative impacts on the area around Loch Awe;
- The development will impact unacceptably on golden eagles and other bird species which frequent the site contrary to the interests of protected species and biodiversity;
- The applicant's Environmental Statement underestimates the impact of the development upon the loss of ecologically valuable blanket bog;
- The carbon fuel displacement case advanced by the applicant is flawed and cannot justify development of a site giving rise to acknowledged serious visual and other environmental impacts;
- ETSU noise guidance cannot be relied upon and noise propagated over water, including low frequency noise, which will be a source of disturbance, annoyance and stress with potential health impacts upon residents of west Lochaweside. Various UK and international cases and reports are cited in support of this contention;
- The applicants have failed to engage in a satisfactory manner with the communities who will be affected by the development;

- The Community Council has submitted an extensive dossier of information seeking to discredit the environmental credentials of the wind power sector generally, in terms of issues such as low frequency noise, turbine efficiency, CO₂ offsetting/carbon balance etc.
- The Community Council has supplied a video presentation to give an impression of wind farm cumulative impacts upon the area around Loch Awe, including the application proposal, which can be viewed at:

<http://www.youtube.com/watch?v=ko2qeig-r5A>

- The Council should produce its own independent Environmental Impact Assessment to satisfy EU EIA Directive obligations. The community council has cited the recent European Court Aarhus judgement ACCC/C/2012/68 against the UK (public participation in decision-making and access to environmental justice) in support of their position and their contention that there should be a moratorium on wind farm developments.

Comment: The Aarhus judgement has been considered by the Scottish Government who have advised local authorities that it should not impede the continuing determination of wind farm planning applications. The video presentation submitted by the community council does not conform with published good practice guidelines for the visual representation of wind farm developments insofar as video is not a recognised medium. It should therefore be viewed in that context, for although it is indicative of the cumulative impact of wind turbines around Loch Awe, and may well be an accurate representation, there is no corroboration to confirm that is indeed the case.

Glenorchy & Innishail Community Council (13th February 2014) – have expressed support for the proposal subject to the B840 not being used for construction purposes and the Council satisfying itself that the quality of the applicant's EIA is satisfactory.

Inveraray Community Council (24th February 2014 and 7th March 2014) – have confirmed that having put the matter out to consultation they have no objection and support the proposal on the grounds that it will help meet local and governmental renewable energy aspirations, will support the local economy and provide community benefit.

(E) PUBLICITY:

Regulation 20, Major Application Advert and EIA Regulations Advert – Argyllshire Advertiser/Oban Times /Edinburgh Gazette – publicity periods expired 06.02.14

(F) REPRESENTATIONS:

At time of writing, a total of 144 representations have been received comprising 92 objections and 52 expressions of support. Full details of representees are given at Appendix B. Due to the large amount of correspondence received, the key issues raised are summarised below and are addressed in the assessment at Appendix A

Against the proposal

Concerns have been raised in respect of the following summarised issues:

Pre-Application Consultation

- Engagement by the applicants with communities potentially affected by their development has been inadequate and their response to the views which have been elicited has been one of misrepresentation.

Ecological Impact

- Adverse ecological impact of the proposal on blanket bog due to construction disturbance and habitat loss and associated impact on protected species living in the area, particularly bats and water voles. Blanket bog is a finite and particularly sensitive habitat and the Council should exert a high level of stewardship towards maintaining this sensitive landscape in conformity with national and local biodiversity commitments.

Ornithological Impact

- There are 17 lochans in the vicinity of the site with 6 within 100m of tracks or turbines. These are attractive to particular upland bird species for breeding and the site also includes territory which is attractive to raptors. Protected birds, including Golden Eagles and red Throated Diver, are recognised to be frequenting the site and its environs, so they should not be put at risk of disturbance and collision risk which is clearly not capable of mitigation. The proposal is in conflict with development plan policy and the Council's Local Biodiversity Action plan in respect of the risk it presents to birdlife.

Landscape Impacts

- Adverse impact of the proposal on landscape character in terms of its location, scale and the setting of Loch Awe. The proposal conflicts with the Council's 'Landscape Wind Energy Capacity Study' as it does not replicate existing turbine heights and distribution patterns, and is not situated in the interior of the 'Craggy Upland' plateau, but is located on the edge where it sheds an unwelcome intrusion into the more sensitive 'Rocky Mosaic'. In conflict with the WECS it would impinge upon an area of intricate patterns of lochans and rocky knolls which should be kept free of development.

Visual Impacts

- The applicant's Environmental Statement accepts that there will be significant adverse visual impacts on locations to the west of Loch Awe, although the magnitude of the short-range consequences for the small communities to the west of Loch Awe appears to have been played down by the applicants. The proposal will adversely impact on views from the loch-side and from properties on the west side of Loch Awe due to turbine size, skylining and the eye catching rotation of the rotors. Although care has been taken to remove visibility from sensitive areas to the east such as Inveraray, this has been at the expense of locations to the west of Loch Awe. The shore-side communities of Dalavich and Inverinan will be subject to particular visual impacts. The visualisations supporting the application are misleading as they misrepresent how large the turbines will appear in reality. The visual impact of development will affect how people perceive Loch Awe in terms of its visual and recreational amenity. Although the applicants have reduced the turbines in height by 12% since the pre-application stage, they will still be around 50% taller than the existing An Suidhe turbines and located closer towards the loch.

Comment: Whilst impacts upon publically available vantage points and views are a material planning consideration, effects upon views from individual properties are not.

Cumulative Impact

- There are already two wind farms adjoining Loch Awe and three more in the planning stages including Ardchnnel, with the possibility of three sites on the eastern side of the loch, presenting the prospect of an almost continuous skyline of turbines. There are too many wind farm proposals in the area and the cumulative impact of multiple proposals presents a risk to our fragile community. Consideration must be given to how much blanket bog can be damaged, how far ornithology and other wildlife habitats can be harmed, and how much wind turbine development can be absorbed before the area loses all its tourist appeal. This area has already done its fair share in contributing to renewable energy production.

Noise

- Noise from the development would impinge on residents of Dalavich and Inverinan, visitors to Dalavich Holiday Park and other recreation/tourism locations. Noise propagates over water due to refraction and reflection and it is likely that disturbance for residents across Loch Awe, including from low frequency noise, will be greater than anticipated in the applicant's Environmental Statement. Constant noise sources can lead to sleep disturbance, stress, anxiety, depression and other unwelcome health related consequences. The reliability of the application of ETSU-R-97 principles is questioned in this scenario, especially as subsequent WHO guidance has reduced applicable night-time thresholds, which is particularly relevant in a low ambient background location such as this. The applicant's noise study area at 3km

ignores the potential for impact on the community of Dalavich at 3.5km. Turbines at Carraig Ghael can be heard at Inverinan at greater than 3km, from behind hills rather than over water. Animal and human noise is regularly audible from the opposite side of the loch. The rotation of the blades against the sun may also be harmful for those subject to photosensitive epilepsy.

Construction impacts

- Experience with the construction of the Carraig Ghael wind farm to the west of Loch Awe was that access works were intrusive, both in terms of construction disturbance over more than two years and environmental damage. Although the turbines can be dismantled in the longer term permanent legacy would remain from foundations and access works.

Historic Environment

- The proposal will unacceptably degrade the setting of and the appreciation of Innis Chonnel (Ardchonnel) Castle, a scheduled monument standing on an island in Loch Awe, contrary to the aims of Scottish Historic Environment Policy.

Tourism & Recreation

- Loch Awe is widely known as one of Scotland's most beautiful and tranquil lochs. Visitors are attracted to the area by the unspoilt scenery and recreational opportunities. Inappropriate development detracting from the inherent qualities of the area would be to the detriment of this. Operators of local tourism businesses, who are mainly self-employed, have expressed their opinion that in combination with the impact of the existing windfarm at Carraig Ghael, the proposal will compromise one of the main reasons why Loch Awe is chosen as a holiday destination. The small community of Dalavich has at least fifteen people dependent upon tourism related employment and those jobs are important in ensuring a fragile but viable community can be sustained. The Dalvich Chalet Park will be particularly affected and will become less attractive as a 'get away from it' all destination. This view has been expressed by a number of chalet owners and visitors to the site.

Local Economy

- Dalavich's position and economic welfare as a sustainable community is very dependent on a careful balance with tourism interests and any adverse impact on the tourism economy as a result of people being less inclined to visit could seriously undermine this. The presence of the turbines will blight the area to the detriment of its well-being and with an adverse effect on property values. Jobs created in construction will not necessarily be local jobs and will in any event be short-term. Components may well be manufactured outside the UK and imported.

Comment: The economic implications of the development in terms of construction and operation along with indirect implications for the local economy are material planning considerations, but implications for property values are not.

Associated Community Benefits

- The prospect of community benefit has tempted some to support the application, but whilst there are expectations there are no guarantees as to what funds will be made available or what they will be used for. Any benefits to the area from community payments would be more than offset by the compromising effect the development would have upon tourism and the local economy.

Comment: The applicants have indicated at pre-application consultation stage a willingness to provide an element of community benefit by means of a local fund in the event that permission is granted, but the means of doing so is not disclosed as this is not a material consideration in the determination of this planning application.

Planning Policy & Guidance

- The proposal is contrary to the provisions of the Development Plan policies, is located within a 'Potentially Constrained Area' for wind farm development identified by the adopted local plan, and conflicts with the guidance set out in the 'Argyll & Bute Landscape Wind Energy Capacity Study'. The LWECs advises that existing wind farms are already a prominent feature from Loch Awe, that taller turbines are more likely to intrude on views and that opportunities for large typologies are very limited in this area. Development Plan policy requires that wind farm development will only be supported in defined constrained areas where there are exceptional circumstances, none of which pertain in this case. There is conflict with policies LP ENV 1, ENV 6 and REN 1 insofar as the proposal has unacceptable effects on the natural and human environment, including protected species, and has severe environmental, cumulative and technical impacts.

Precedent

- If approved the proposal will set a negative precedent which would make it difficult to prevent the continued encircling of Loch Awe by wind farms. A prospective additional wind farm at Ballimeanoch, on land immediately to the north of the Ardchnnel site is already being pursued by developers. .

Comment: Although all applications are to be considered on their individual merits, given the need to have regard to cumulative impact in the assessment of wind farm proposals the presence of consented sites will have a bearing upon the acceptability of subsequent proposals.

Efficiency of Technology

- Concerns have been raised about the efficiency of wind turbine technology, its intermittent nature, relative inefficiency and dependency on subsidy.

Comment: Matters expressed about the sustainability of wind power generally rather than the specifics of the proposal at hand are not material to the acceptability of this particular development.

Availability of other means of renewable generation

- Preference should be given to marine renewables and hydro power to produce the energy required by government targets. Without this so many onshore wind farms would be required that it would be inevitable that they would overwhelm the capacity of the environment to absorb such a scale of development.

Comment: Onshore turbines are an accepted part of the mix of generation sources being pursued by the government as part of its energy policy. The application requires to be determined on its individual merits, regardless of the capacity to generate electricity by other means.

Quality of the Environmental Statement

- Concerns have been raised regarding the quality of work undertaken as part of the Environmental Impact Assessment with suggestion of lack of objectivity, bias, lack of evidence and misrepresentation on the part of the applicants.

Landowner motives

- The application is being driven by a landowner more interested in financial gain than concern for the overall environment. Sir James McGrigor as environment spokesman for the conservative party in the Scottish Parliament should focus on hydro-electric production in favour of wind energy. In the event of an appeal he could be seen to be in an unfair position in terms of being in a position to influence the outcome.

Comment: Landowner motives are not a material planning consideration. In the event of an appeal it would be a matter for the landowner in his capacity as an MSP to ensure that probity and standards in public life are upheld.

Legal considerations

- In view of the ratified decision of the UN's Aarhus Convention Compliance Committee in respect of the UK's failure to comply with Article 7 (due to lack of a public involvement and Strategic Environmental Assessment in respect of the National Renewable Energy Action Plan), the consenting of any further wind farms until compliance with this recommendation has been achieved will constitute an illegal act at risk from applications for judicial review.

Comment: The implications of the UN Aarhus ruling are for consideration at government level rather than at the level of individual development proposals. No national moratorium has been put in place in response to that ruling and advice from the Scottish Government to planning authorities is that they should continue to determine applications placed before them. The comments expressed by the objector relate primarily to the merits of wind farm development in Scotland generally, rather than to the particular circumstances of the application at hand.

Grid connection

There is no information as to the intended electricity export route or the infrastructure required which will also impose visual and other environmental effects.

Comment: The means of connecting the development to the electricity network is subject to a separate consenting process and is not a material planning consideration.

Footnote to objections

Members should note that a Mr A Mitchell of Dalavich has submitted a particularly lengthy 109 page dossier of objection, including a critique of the applicant's Environmental Statement. Because of its length this is difficult to summarise comprehensively in the context of this report. The full content can be viewed on the Council web site at www.argyll-bute.gov.uk

In support of the proposal

Addressing the consequence of climate change

- The development will make an important contribution to the achievement of Scotland's renewable energy targets.
- The development will help meet the aspirations of Argyll & Bute's Renewable Energy Action Plan.
- Given what we know of global warming it would be folly not to take advantage of the abundant natural resources we have in this part of the world.

Local economy and financial benefits

- The local economy will benefit from income and employment associated with construction.
- The development will make hill land more accessible for agriculture and income will help investment at Ardchonnell Farm and will support rural diversification and the sustenance of rural communities through community benefit funding.

- Local communities will benefit from community funding in order to provide a lasting legacy.
- The level of community benefit on offer far exceeds that associated with previous proposals.
- The owner of the Portsonachan Hotel has stated that visitors to his premises do not comment adversely in respect of the existing wind farms which are visible from the hotel.

Comment; Whilst economic benefit in respect of the land-holding and direct and indirect economic benefit from the construction and operation of the wind farm are material considerations, the availability, extent and likely use of community benefit finance should not be allowed to influence the outcome of the application, given that consideration has to be confined to the land use planning merits of the proposal.

Planning policy considerations

- The site lies in a Broad Area of Search for turbines as identified in the 'Proposed Argyll & Bute Local Development Plan'.

Comment: Given the representation received in respect of the renewables content of the Proposed LDP, the emerging plan cannot be accorded any significant weight in the determination of the application at this stage of the plan-making process, as the outcome of the Examination into the plan and the Reporter's conclusions in this matter are as yet unknown.

Wider environmental considerations pertaining to wind farms generally

- Wind farms provide a source of green renewable energy which helps to address the effects of global warming.
- Not everyone finds the appearance of wind turbines offensive, as some see them as benign features which do not detract from their surroundings.
- The visual impact of wind turbines is reversible given that the turbines only have a limited life.

Local environmental considerations pertaining to the application site

- The use of an existing wind farm access route and proximity to the site at An Suidhe wind farm will lessen environmental impact.
- Access can be taken from a main road with little interference with the lochside.

- Views of the turbines along the length of the B840 and from habitation would be virtually non-existent.
- The site can be continued to be used for agricultural and recreational purposes.
- Upland managed hill ground is at threat from forestry and neglect regardless the introduction of wind turbines. A wind farm is the most logical use of the land allowing agricultural and recreational interests to continue as before. Anything which breaks the dreary monotony of sitka spruce plantation has to be welcome.
- Windfarms along with electricity pylons have already become a familiar part of the background to Loch Awe.
- Impacts on wildlife are minimal and are exaggerated by opponents. Experience with An Suidhe wind farm is that conditions for upland birds have improved.
- There is no evidence to demonstrate that turbines are to the detriment of the tourism economy. The development may help open up the area to activities such as hill walking and cycling.

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in this report, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement (ES):** Yes
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) A design or design/access statement:** Yes
- (iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**

Yes: Environmental Statement (2013), Planning Statement (2013), Pre-Application Consultation Report (2013).

(H) PLANNING OBLIGATIONS

Is a Section 75 (S75) agreement required: Due to the recommendation of refusal a legal agreement is not required.

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

'Argyll & Bute Structure Plan' (2002)

STRAT SI 1: Sustainable Development
STRAT DC 4: Development in Rural Opportunity Areas
STRAT DC 5: Development in Sensitive Countryside
STRAT DC 6: Development in Very Sensitive Countryside
STRAT DC 7: Nature Conservation & Development Control
STRAT DC 8: Landscape & Development Control
STRAT DC 9: Historic Environment & Development Control
STRAT RE 1: Wind Farm/Wind Turbine Development

'Argyll & Bute Local Plan' (2009)

LP ENV 1: Development Impact on the General Environment
LP ENV 2: Development Impact on Biodiversity
LP ENV 6: Development Impact on Habitats and Species
LP ENV 7 - Development Impact on Trees/Woodland
LP ENV 9: Development Impact on National Scenic Areas (NSAs)
LP ENV 10: Development Impact on Areas of Panoramic Quality
LP ENV 11: Development Impact on Historic Gardens & Designed Landscapes
LP ENV 12: Water Quality and Environment
LP ENV 13a: Development Impact on Listed Buildings
LP ENV 16: Development Impact on Scheduled Ancient Monuments
LP ENV 17: Development Impact on Sites of Archaeological Importance
LP ENV 19: Development Setting, Layout and Design
LP REN 1: Commercial Wind Farm and Wind Turbine Development
LP SERV 8: Flooding and Land Erosion
LP TRAN 4: New and Existing, Public Roads and Private Access Regimes
Wind Farm Policy Map

'Argyll & Bute Proposed Local Development Plan' (2013)

LDP 6 Supporting the Sustainable Growth of Renewables
SG LDP REN 1 Wind Farm and Wind Turbine Development over 50 m high
Wind Farm Policy Map

The consultation on the Proposed Local Development Plan ran from 4th February until 29th April 2013. The responses to this consultation have been reported to Council and all unresolved objections have been submitted to the Scottish Government who are to appoint Reporter(s) and hold an Examination of these issues. The Renewable Energy Policies and Wind Farm Policy Map are the subject of 24 representations on these matters, including SNH, the RSPB, various renewable energy companies and individuals. Given the fact that the relevant wind farm policy and map in the emergent LDP have been contested, they ought not to be accorded material weight in the determination of the application at this point in the plan-making process, given that there is no certainty that they will remain unaltered following Examination and Adoption of the plan.

Note: The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

- Scottish Planning Policy (2010)
- Scottish Government Advice Note on Onshore Turbines (2012)
- 'Argyll and the Firth of Clyde Landscape Character Assessment' SNH (1996)
- 'Argyll and Bute Landscape Wind Energy Capacity Study' SNH and A&BC (2012)
- 'Guidance on Siting and Designing Windfarms in the Landscape' SNH (2009).
- Planning Advice Note 1/2013 'Planning and Environmental Impact Assessment'
- Circular 2/2011 'Planning and Environmental Impact Assessment'
- Scottish Historic Environment Policy (2011)

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment (EIA): This proposal is a Schedule 2 EIA Development and an EIA has been required due to the potential for significant environmental impact.

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes

- (M) **Has a sustainability check list been submitted:** No, separate consideration of the proposal's degree of sustainability has been required as the concept is implicit within the EIA process.
-

- (N) **Does the Council have an interest in the site:** No.
-

- (O) **Requirement for a Hearing:** Given the extent of representation received from third parties both for and against the proposal it is considered that a discretionary local hearing would be appropriate.
-

(P) **Assessment and summary of determining issues and material considerations**

The application seeks the construction of wind farm comprising 15 wind turbines 111 metres to the blade tip along with access works and ancillary development. The site lies on elevated open moorland between Loch Awe and Loch Fyne, some 6.5km north-west of Inveraray. Access to the site would be from the A83(T) via an existing windfarm access which serves the operational site at An Suidhe. The proposed turbines lie within a 'Potentially Constrained Area' for wind farm development established by the adopted Local Plan. The proposed Local Development Plan indicates the area between Loch Awe and Upper Loch Fyne as being a 'Broad Area of Search' for turbines with a tip height of over 80m, but the renewables policy and accompanying wind farm policy map is the subject of objection which will be considered by Reporter in the Examination of the LDP prior to adoption. Accordingly, the relevant provisions of the emergent plan cannot be afforded any significant weight at this point in the plan-making process, due to the uncertainty as to what will survive into the adoption stage of the plan.

The principal issues in this case are the consequence of the presence of the development on the landscape character of the site and for adjoining landscape character areas, visual impact and cumulative impact with other consented and proposed wind farm developments, and the disturbance, displacement and collision risk implications for protected bird species.

Serious concerns have been expressed by Scottish Natural Heritage as to the adverse landscape, visual and cumulative impacts of the development. The application has not prompted a formal objection on their behalf due to the absence of significant impacts upon national interests. However, their position is that the impact on the skylines and landscape setting of Loch Awe will be significant both in terms of consequences for the landscape character of the settled 'Rocky Mosaic' fringe to the loch, views from the loch, the lochside road, settlement and associated recreation and tourism assets, and will extend the influence of wind farms to further sections of Loch Awe currently unaffected by the presence of turbines. They also consider that impacts on a nationally important LBAP and UKBAP priority and Annex 1 habitat and the deterioration of habitat for wild birds (including six species listed on Annex I of the EU Birds Directive) will be contrary

interests of protected species. They have not however objected on ornithological grounds and invite the Council to reach its own conclusions in the matter in the context of its own policies.

The RSPB has also objected to the application on the grounds that it considers that the impacts on protected birds and other bird species is likely to be greater than expressed in the Environmental Statement, particularly given the pressure on golden eagle ranges as a result of the displacement associated with the cumulative impact of wind farms and forestry in upland areas, which is placing more pressure on peripheral open ground outside core territories.

144 representations I have been received from the public comprising 92 objections, and 52 expressions of support plus one general representation. Inveraray Community Council has no objection to the development and Glenorch & Innishail Community Council has supported it. Avich & Kilchrennan Community Council has objected strongly via a series of lengthy representations. No other consultees have raised objections.

A west facing site overlooking Loch Awe has been selected in order to limit the extent of visual influence which would otherwise be shed in an easterly direction towards sensitive locations such as Inveraray, the A83 corridor, the western side of Cowal and elevated vantage points within the National Park, and also to avoid development taking place close to summits and lochans of nature conservation value.

The site lies 1.3km north-west of the operational windfarm at An Suidhe. From vantage points to the west, particularly Dalavich and Loch Avich both sites would be visible together but with an element of separation; whilst from the north, the two would tend to coalesce with the proposed site in the foreground of the existing turbines. The turbines at An Suidhe are 80m to the blade tip whilst those proposed are 111m. The difference in rotor size, variation in rotation speed, the increase in tip height, and the fact that the proposed site is situated closer to the loch, would conspire to produce a marked contrast in scale between the turbines, despite the relatively close relationship between the sites, and this would lead to unwelcome consequences for cumulative effects and impact upon landscape character. This proposal does not share the locational advantages of the consented wind farm at An Suidhe, which appears more in scale with its landscape setting than larger turbines sited closer to the loch would. Also, in isolation, the existing development does not suffer from juxtaposition with another wind farm development of markedly different proportions with adverse cumulative consequences for their landscape setting.

The area around the northern section of Loch Awe is already influenced by wind farm development with Beinn Ghlas (16 turbines @ 61m to tip) to the north, Carraig Ghael (20 @ 125m to tip) to the west and An Suidhe (23 @ 80m to tip) to the east along with two smaller scale turbines at Blargour, so there are clearly cumulative impacts to consider in terms of the extent to which this landscape can absorb further large scale turbines successfully. Whilst the unpopulated areas with good wind resource either side of Loch Awe (along with Kintyre) have proven to have the best prospects in Argyll and Bute for being able to exploit wind energy without giving rise to significant adverse impacts upon

landscape character, there remains a need to ensure that further wind turbine development is appropriately sited and scaled to minimise its landscape, visual and cumulative effects. To do otherwise would undermine what has been achieved thus far in the careful siting of development in a manner which respects the carrying capacity of the receiving environment.

The scale of this development is such that in order to avoid unwelcome consequences for sensitive locations and landscapes to the east, the turbines have been pushed towards Loch Awe onto the lower slopes of the 'Craggy Upland' LCT where they would exert an influence over the smaller scale and settled 'Rocky Mosaic' LCT along the margins of Loch Awe. In this context they assume a skyline location on the land which forms the defining landscape containing the eastern side of the loch, which is experienced at relatively short range distances from vantage points across the loch. Accordingly, whilst the overall visual envelope of the wind farm has been contained, the consequences for Loch Awe and for communities and locations on the west side of the loch are that much greater than the influence exerted by the presence of the existing turbines at An Suidhe.

The 'Craggy Upland' LCT is identified as one with 'Medium' sensitivity to the larger turbine typologies by the *'Argyll and Bute Landscape Wind Energy Capacity Study'*, due to its expansiveness, its sparsely settled nature and the existing influence of forestry and wind farm development which reduces its sense of naturalness. However, the Capacity Study identifies that skylines formed by the hills on the edge of the 'Craggy Upland' will be more sensitive due to their visibility from the more settled loch shores and valleys, and to cumulative impacts from the presence of multiple developments. Importantly, it recommends that development should be sited so as to avoid land forming an immediate backdrop and setting to Loch Awe and its settled fringes and to Loch Avich.

In this case the west facing influence of the development impinges on the adjacent 'Rocky Mosaic' LCT. Members will be aware from previous decisions relating to windfarms affecting this LCT (including sites influencing the coast) that this is one which is particularly sensitive to inappropriately large-scale development, given the smaller scale nature of this LCT, the interplay between water and land and the role adjacent LCT's have in defining the landscape setting of water bodies, and the fact that settlement, transport routes, historic environment assets and so on tend to be concentrated on areas fringing the water within the 'Rocky Mosaic'.

The most significant influence exerted by the proposed scheme is a relatively short-distance one over the loch below, the western side of the loch (Kilmaha – Dalavich – Inverinan @ 3.5 to 6.5km), and on the gateway approach to Loch Awe as the road drops down from Loch Avich. This area encompasses loch-side communities, recreational assets such as cycle routes, walking areas, and waters used for angling and boating, and holiday accommodation, where sensitive receptors, including those with a focus on landscape assets and scenery, can be expected to be concentrated. Accordingly, whilst the visual influence of the site is relatively contained to the benefit of the wider area, the relatively close range landscape, visual and cumulative effects which it would exert over

the adjacent loch, and the landscape setting of the loch would detract markedly from the composition of elements which contribute to the scenic quality of the area, to a point where the proposal should be regarded as being unacceptable

The proposal is considered contrary to adopted development plan policy in terms of its inappropriate landscape, visual and cumulative impacts, particularly in relation to its relatively short-range impacts upon Loch Awe and its immediate landscape setting, and it fails to accord with guidance published by the Council in the '*Argyll & Bute Landscape Wind Energy Capacity Study*' (2012), Scottish Natural Heritage's '*Guidance on Siting and Design of Windfarms in the Landscape*'(2009) and Scottish Planning Policy.

In terms of ornithological concerns, the assessment of ornithological impacts has been informed by bird surveys undertaken by the applicants over considerable periods, by habitat surveys, and by modelling to predict the impact of development. In this way, mortalities and displacement can be predicted and impact on the conservation status of species can be assessed. Beyond that, it is difficult to substantiate the magnitude of effects anticipated by SNH and the RSPB, even if their concerns are well-founded. Without being able to reach a credible conclusion as to the significance of the environmental effects of the development on Annex 1 species and wild birds as a whole, it would be difficult as Planning Authority to adopt a defensible position. It is not considered that the magnitude of the risk presented by this development to birds of conservation importance is sufficiently certain as to amount to a significant environmental effect which would warrant an additional reason for refusal based upon ornithological interests.

(Q) Is the proposal consistent with the Development Plan: No.

(R) Reasons why planning permission should be refused: This proposal is inconsistent with the provisions of the Development Plan due to its adverse landscape, visual, and cumulative impact on the landscape setting of Loch Awe. All other material considerations have been taken into account, including the contribution which the development would make to renewable energy production and the expressions of support received from third parties, but these are not of such weight as to overcome the identified adverse impacts, which cannot be overcome by the imposition of planning conditions or by way of legal agreement.

(S) Reasoned justification for a departure to the provisions of the Development Plan: There is no justifiable reason for a departure to be made from the provisions of the Development Plan in this case.

(T) **Need for notification to Scottish Ministers or Historic Scotland:** There is no requirement for notification to Scottish Ministers.

Author of Report: Richard Kerr

Date: 4th April 2013

Angus Gilmour
Head of Planning and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 13/02835/PP

1. The application site is located on the west facing side of an upland plateau separating Loch Awe from Upper Loch Fyne, approximately 1.3km north-west of the operational but lesser scaled windfarm at An Suidhe. A west facing site has been selected in order to limit the extent of visual influence being shed in an easterly towards sensitive locations such as Inveraray, the A83 corridor, the western side of Cowal and elevated vantage points within the National Park, and to avoid development taking place close to summits and lochans of nature conservation value. The site lies within a 'Potentially Constrained Area' for windfarm development established by the adopted 'Argyll and Bute Local Plan' (2009) which establishes a spatial strategy for wind farm development with a capacity in excess of 20MW. The renewables policy and accompanying wind farm policy map within the 'Argyll and Bute Proposed Local Development Plan' (2013) is the subject of objection which has yet to be considered by Reporter in the Examination of the emergent plan and cannot therefore be afforded any significant weight at this point in the plan-making process. The Council has adopted guidance in the location of wind farms in the form of the '*Argyll & Bute Landscape Wind Energy Capacity Study*' (LWECS) (Scottish Natural Heritage/Argyll & Bute Council 2012). For the purposes of this study the proposal is located within the 'Craggy Upland' LCT, but in view of its west facing location it exerts a significant influence over the adjacent smaller scale and settled 'Rocky Mosaic' LCT along the margins of Loch Awe. The proposal does not share the locational advantages of the consented wind farm at An Suidhe, which appears more in scale with its landscape setting than the larger turbines which are proposed to be sited closer to the loch. Also, in isolation, the existing development does not suffer from juxtaposition with another wind farm development of markedly different proportions and rotational speed. This proposal viewed in combination with the existing turbines would not secure a cohesive development in scale with its landscape setting, and accordingly it would undermine landscape character to the detriment of the wider landscape setting of Loch Awe. The location and scale of the proposal and its cumulative impact with existing wind turbine development fails to satisfy Policies STRAT SI 1: Sustainable Development; STRAT DC 6: Development in Very Sensitive Countryside; STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (2009). It fails to accord with Scottish Planning Policy which requires that the scale and design of a wind farm should reflect the scale and character of the landscape. It also fails to satisfy guidance published by Scottish Natural Heritage concerning the siting of wind farms in the landscape, and the Council's LWECS guidance, which recommends that large scale turbines be located in the interior of the 'Craggy Upland' LCT specifically to avoid inappropriate intrusion upon the landscape setting of Loch Awe. All other material considerations have been taken into account, including the contribution which the development would make to renewable energy production and the expressions of support received from third parties, but these are not of such weight as to overcome the identified adverse impacts, which cannot be overcome by the imposition of planning conditions or by way of legal agreement.
2. Visibility of wind turbine development is already widespread across areas within 10km of the site with turbines at An Suidhe and Blarghour to the east of Loch Awe and Carraig

Ghael and Beinn Ghlas to the west. The proposed wind farm will be seen in conjunction with either Carraig Ghael or An Suidhe over much of the southern part of Loch Awe and from upland areas around the site and on the opposite side of the loch. The proposal would exert a continual presence on the eastern skyline above the loch, both when viewed along the length of the loch, and in closer quarter views across the loch. Dependent on the viewpoint, it may overlap with appear to sit adjacent to, and contrast with the lesser scale of, An Suidhe windfarm. This would entail a large scale change with a bigger proportion of the skyline becoming occupied by turbines. The new wind farm would be larger in scale and closer to Loch Awe than An Suidhe. The proposal would introduce the influence of turbines into additional areas not affected hitherto, including south-west Loch Awe, Loch Avich and the south facing slopes of the Craggy Upland LCT to the north and north-west, which are currently free from the influence of wind turbines. It will impinge on views from the water along the length of the loch, and on those views which are available from lochside roads and locations of recreational value, where the presence of the windfarm, the skylining of turbines and the movement of the rotors will intrude on the perception of the wider landscape setting of the loch to the detriment of visual amenity. The proposal will exert a major adverse visual influence over relatively short distances over the loch below, the western lochside, and on the gateway approach to Loch Awe as the road drops down from Loch Avich. This area encompasses loch-side communities, recreational assets such as cycle routes, walking areas, and waters used for angling and boating, and holiday accommodation, where sensitive receptors, including those with a focus on landscape assets and scenery, can be expected to be concentrated. Accordingly, whilst the overall visual influence of the site is reasonably contained, the relatively close range landscape, visual and cumulative effects which it would exert over the adjacent loch, and the landscape setting of the loch would detract markedly from the composition of elements which contribute to the scenic quality of the area. The Environmental Assessment acknowledges a range of 'major' visual impacts to the west of the application site including the settlements of Dalavich and Inverinan, the east Lochaweside road, the eastern end of the Kilmelford to Dalavich road via Loch Avich, recreational assets to the west of Loch Awe (such as NCR 76 and the picnic site at Kilmaha) and upon water-based loch users on the central and southern sections of the loch. This area is recognised as being sensitive to inappropriate influence by large scale development in the Council's '*Landscape Wind Energy Capacity Study*' not only because of the inherent qualities of its small scale landscape and its relationship with the loch, but also because it provides the settling for settlement, transport routes, historic, recreational and tourism assets. The location and scale of the proposal and its cumulative impact with existing wind turbine development fails to satisfy Policies STRAT SI 1: Sustainable Development; STRAT DC 6: Development in Very Sensitive Countryside; STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (2009). It also fails to accord with landscape and other guidance published by the Council and Scottish Natural Heritage concerning the siting of windfarms. All other material considerations have been taken into account, including the contribution which the development would make to renewable energy production and the expressions of support received from third parties, but these are not of such weight as to overcome the identified adverse impacts, which cannot be overcome by the imposition of planning conditions or by way of legal agreement.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/02150/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. SETTLEMENT STRATEGY & WIND FARM PROPOSALS MAP

As this proposal is over 20MW, the site is subject to spatial zoning for wind farm development by the Local Plan Wind Farm Policy Map, in terms of which it is located within a 'Potentially Constrained Area'. Within such areas, proposals are neither generally supported nor resisted, but fall to be considered on their individual merits taking account of the criteria based approach established by local plan Policy LP REN 1, along with all other material considerations. The proposal is located predominantly within 'Very Sensitive Countryside' as delineated by the Local Plan Proposals Maps and subject to the effect of Structure Plan Policy STRAT DC 6 with a short section of the access route to be improved from the A83(T) crossing areas of Rural Opportunity Area and Sensitive Countryside subject to the effect of Policies STRAT DC 4 and STRAT DC 5 respectively. Policy STRAT DC 6 generally restricts development in 'Very Sensitive Countryside' but does lend support to the development of specific categories of development on well-chosen sites, including renewable energy related development supported by Policies STRAT RE 1 and 2. In terms of renewables development Local Plan policy LP REN 1 sets out a criteria based approach to the assessment of renewable energy projects as well as requiring conformity with other relevant local plan policies.

Members should be aware that the forthcoming Local Development Plan includes a review of renewables policy plus a proposed revision of the existing Wind Farm Policy Map. The current settled view of the Council is that this should include 'Broad Areas of Search' on either side of Loch Awe and in Kintyre as experience to date indicates that these areas in Argyll and Bute offer better prospects for being able to assimilate larger scale development. However proposed renewables policy and the accompanying spatial strategy have been the subject of extensive objection as part of the LDP public consultation process and accordingly they can be accorded very little weight at this stage in the plan making process due to the uncertainty as to the Reporters response following the Examination into the plan. Consequently until the LDP is adopted it is necessary to consider proposals for the time being in the context of the adopted development plan.

In this case, it has not been demonstrated that the scale and location of the proposal will integrate sympathetically with the landscape, without giving rise to adverse consequences for landscape character and visual amenity of its surroundings. For the reasons detailed below in this report, it is considered that this proposal does not satisfy development plan policy or associated guidance in respect of wind farm development.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of the SPP (2010); the Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policy STRAT DC 6: Development in Very Sensitive Countryside and STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1: Wind Farms & Wind Turbines of the 'Argyll & Bute Local Plan' (2009).

B. LOCATION, NATURE & DESIGN OF PROPOSED DEVELOPMENT

The proposal is for the erection of a 15 turbine wind farm and ancillary development on open hill ground 1.5km east of Loch Awe. The site lies approximately 6.5 km north-west of Inveraray and would be accessed through the existing windfarm at An Suidhe (1.3km to the south west), via an improvement of the access from the A83(T) which already serves that operational site. The site is most readily appreciated from the public road which runs along the west shore of Loch Awe where the turbines would be seen against the skyline of the land which encloses and defines the eastern side of the loch. From the lochside community of Dalavich the windfarm would be within 3.5 km.

The site comprises open, undulating and largely unimproved moorland forming part of the wider upland plateau separating Loch Awe from upper Loch Fyne to the east. The land has been used in the past for sheep grazing accessed by hill track from from Ardchonnell on East Loch Awe side, and contains a number of rocky knolls and a series of small lochans reflecting its glacial origins. The overall site measures 1,354ha, of which temporary land take during construction would be of the order of 21 ha reducing to around 10.5 ha once the development was operational. The site rises up from around 250m on its western side to reach a summit of 526m AOD at Beinn Bhreach on its eastern boundary. Levels along the length of the site fall gently from 430m to the south to 380m to the north. 75% of the site lies between 250m and 400m AOD, within which the turbines are to be sited at levels between 300 and 350m AOD.

Each wind turbine would have an electrical generation capacity of 3MW, providing a total maximum generating capacity of 45MW. The maximum vertical blade tip height of the turbines would be 111m with a hub height around 80m, the precise model of turbine having yet to be specified. Access to the site is not achievable from East Lochaweside, hence the need for a lengthy access route from the A83(T). In order to gain access with components of larger scale than those used in the construction of An Suidhe windfarm (80m to blade tip) the existing trunk road junction requires widening as would the existing route up to An Suidhe, involving localised increase in width, passing places and 0.23ha of tree trimming and felling within the plantation either side of the route. In all 12.5km of new access track would be required to serve the turbines beyond An Suidhe, including two single span bridges and 13 watercourse culverts. A control building and substation would be constructed at the southern end of the site on the road approach to the turbines, along with a temporary construction compound and laydown area. The turbines would comprise tubular towers supporting horizontal axis turbines with three bladed rotors, each with an external transformer at the turbine base. The turbines would be connected to the control building by on-site underground cabling. Power would be exported by a 132kv pole mounted overhead line in accordance with a consent to be granted separately by the Scottish Government under Section 37 of the Electricity Act 1989. Two temporary calibration masts would be required on proposed turbine locations during the course of construction, and the site would be served by one permanent 80m high wind monitoring mast. Up to five borrow pits are envisaged to provide an on-site source of construction aggregate. These would be the subject of separate mineral planning applications to the Council in the event of the windfarm being permitted. The development has a design life of 25 years after which the equipment would be dismantled or the site re-powered in the event of a further permission being granted. The anticipated construction period would be 16 months.

The general design of the turbines and ancillary structures follows current wind energy practice. Whilst the design of the proposal is appropriate for a wind farm of this scale, its intended location is not due to the adverse impacts detailed in this report, and therefore in terms of the overall sustainability of the proposal, it is considered that it would have unacceptably adverse landscape, visual, and cumulative impacts upon its surroundings.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP (2010) and Scottish Government's Specific Advice Sheet on Onshore Wind Farms (2012); Policy STRAT SI 1: Sustainable Development of the 'Argyll & Bute Structure Plan' (2002); and, Policies LP ENV 1: Development Impact on the General Environment and LP ENV 19: Development Setting, Layout & Design of the Argyll & Bute Local Plan (2009).

C. LANDSCAPE CHARACTER & LANDSCAPE IMPACT

The application site lies within the 'Craggy Upland' Landscape Character Type defined by the 'Argyll and the Firth of Clyde Landscape Character Assessment' (SNH 1996) and forms part of the upland area separating Loch Awe from Loch Fyne to the east. Whilst the Eredine Forest to the south and the Inverleiver Forest on the opposite side of Loch Awe have significantly impacted upon the character of this LCT, the area of and around the application site retains its original open and unplanted moorland character, with exposed hilltops, rocky knolls and scattered lochans and watercourses, which betray its glacial origins and its location between different water catchments. This LCT is already the subject of influence from wind turbines and the application site has a close relationship with the operational An Suidhe wind farm to the south-east.

Landscape designations

The site does not lie within nor does it immediately adjoin any designated landscape. There is no visibility of the proposed turbines from the Inveraray Designed Landscape to the east, including the castle grounds and the viewpoint at Dun-na-Cuaiche. Impacts on more distant vantage points within the LL&T National Park are assessed in the Environmental Statement accompanying the application as being '*Negligible*'. Likewise no impacts of significance are identified on the Scarba, Lunga and the Garvellachs National Scenic Area to the west or the regionally designated North Argyll Area of Panoramic Quality to the north. Since the pre-application stage the height of the proposed turbines has been reduced from 125m to 111m in an effort to avoid impact in an easterly direction towards the National Park, the Inveraray Designed Landscape and the Loch Fyne Areas of Panoramic Quality.

Conclusions of the applicant's Landscape Assessment (LVIA)

Whilst the site lies within the 'Craggy Upland' Landscape Character Type (LCT), the Zone of Theoretical Visibility analysis indicates that the development has potential to shed an influence over 13 LCT's, of which 7 merit detailed review. The Environmental Statement concludes in respect of these as follows.:

'Craggy Upland' LCT (east and west of Loch Awe) - an area of medium sensitivity experiencing a medium magnitude of change within 5km and a low magnitude of change beyond, producing a *'moderate'* impact within 5km and a *'minor'* impact for this LCT as a whole.

Steep Ridgeland and Mountains LCT (head and east of Loch Fyne) and High Tops LCT (north of Loch Awe and Loch Fyne) – high sensitivity locations experiencing a barely perceptible magnitude of change, producing a *'negligible'* landscape impact on both LCT's.

Loch Fyne Upland Forest Moor Mosaic LCT (west of Loch Fyne) – medium sensitivity location experiencing a barely perceptible magnitude of change, producing a *'negligible'* landscape impact.

North Loch Awe Craggy Upland LCT (north end of Loch Awe) – an area of high sensitivity experiencing a low magnitude of change, producing a *'minor to negligible'* landscape impact.

Rocky Mosaic LCT (central and northern Loch Awe shores, part of shore of upper Loch Fyne and part of Glen Aray) – High sensitivity locations experiencing a high magnitude of change, producing a *'moderate'* landscape impact to the west and a *'negligible'* impact elsewhere.

Open Hills LCT (elevated land predominantly in National Park including Munroes) – High sensitivity locations experiencing a negligible magnitude of change, producing a negligible impact on this LCT.

Comments on the validity of the conclusions of the applicant's LVIA can be found in the summary of Scottish Natural Heritage's response detailed at the end of this section.

Conformity with the recommendations of the 'Argyll & Bute Landscape Wind Energy Capacity Study'

The site lies within the 'Craggy Upland' Landscape Character Type (LCT) defined in the study. This includes areas on both sides of Loch Awe, but importantly excludes the more small scale settled margins of the loch which are classified as 'Rocky Mosaic'. The area of 'Craggy Upland' to the east of Loch Awe comprises an elevated area of moorland, plantation and wind farm to the north-west of Loch Fyne, which is characterised by its glaciated features including rock outcrops and lochans, its network of watercourses and general absence of development. The expansive relatively unpopulated nature of this area, along with an element of modification to the landscape associated with afforestation and wind turbine development, is such that it is considered by the study to have *'Medium'* sensitivity to large scale wind turbine development, with some residual potential to accept further wind farms without giving rise to unacceptable cumulative impact. However, further capacity is not to be found uniformly across this LCT given that there is recognition that that skylines formed by the hills on the edge of the 'Craggy Upland' will be more sensitive due to their visibility from the more settled loch shores and valleys and to cumulative impacts from the presence of multiple developments. It recommends that development should be sited so as to avoid land forming an immediate backdrop and setting to Loch Awe and its settled fringes and to Loch Avich.

The application site lies on the west facing side of this upland plateau where it forms the skyline in view from West Lochaweside (points from Ford to Inverinan), the loch itself and elevated vantage points further west, including the gateway approach to Loch Awe on the road descent from Loch Avich. The Zone of Visual Influence mapping accompanying the application indicates that within 10km potential visibility is mainly from the west and the north-west, especially along West Lochaweside, the shoreside settlements of Dalavich and Inverinan and locally elevated vantage points. At greater distance, topography tends to shield other transport routes and glens, although on the descent to Loch Awe from Loch Avich the development is prominent in views over Loch Awe and more distant visibility is attainable from summits including Ben Cruachan, Ben Lui and Ben Ime. The siting of the development to the west of this LCT does however benefit populated areas to the east such as Inveraray and Strachur which are screened from the development. Likewise settlement along East Lochaweside is substantially screened by topography and forestry, although some visibility of the site is attainable looking along the length of the loch from the southern end, both from the water and from the lochside road heading north out of Ford towards Eredine.

Loch Awe is already influenced by windfarm development within the 'Craggy Upland' LCT with operational sites as follows:

An Suidhe 1.3km to the south-west of the application site (23 turbines @80m to blade tip);
Carraig Ghael 10km to the north-west (20 turbines @125m to blade tip);
Beinn Ghlas 15km to the north-west (16 turbines @61m to blade tip);
Blarghour Farm 2km to the north (2 turbines @35m to blade tip);

whilst the consented but yet to be constricted A'Chruach windfarm 16km to the south (21 turbines @ 126.5m) will lie immediately adjacent to this LCT, exerting an influence within it.

A significant consideration in assessing the suitability of the 'Craggy Upland' LCT to large scale turbine development is the association it has with the adjacent 'Rocky Mosaic' LCT which runs along the central and northern fringes of Loch Awe. This LCT is particularly sensitive as it includes transport routes, historic assets, recreational assets associated with angling, boating, cycling and walking, and also provides the setting for lochside settlement. It is therefore the area where most receptors tend to be found and where visitors are likely to have a particular focus on the natural and scenic qualities of the landscape.

The 'Wind Energy Capacity Study' identifies that the immediate skylines formed by the hills on the edge of 'Craggy Upland' and visible from the more small scale and settled 'Rocky Mosaic' will be sensitive, particularly given that existing wind farms are already visible from Loch Awe. Cumulative effects from multiple developments, particularly where they contrast in scale or layout, are to be avoided. These could impact negatively on the perception of the wider landscape setting of Loch Awe as appreciated from the loch itself and from the road along West Lochaweside and where they could impinge inappropriately on views across the loch and detract from and the setting of lochside settlements.

The proposal is not in accordance with the recommendations of the '*Argyll and Bute Landscape Wind Energy Capacity Study*' (2012) which advises that:

'New wind farm developments should be sited to avoid intrusion on prominent skylines seen from Loch Awe. This could be achieved by selecting sites which are slightly dipped and contained to some degree by higher ground and where turbines would be seen on a relatively low even stretch of skyline'.

Layout, design and scale

The proposal does not adhere fully to the design principles detailed in SNH's guidance: *'Siting and Designing Wind Farms in the Landscape' (2009)*. The layout and design are a poor landscape fit which exacerbates the locational issues, resulting in locally adverse landscape and visual impacts. It also appears to have a poor relationship with existing wind farm at An Suidhe given that the larger scale turbines proposed are to be set closer to the loch, where they would contrast markedly in scale and rotation speed with the smaller existing turbines which are set back further from the loch. The relationship with the existing wind farm is such that whilst there would be some separation in views from the west, it would still result in turbines being strung out along a significant length of the defining skyline to the east of the loch, whereas from the north-west, the sites would begin to coalesce with the larger scale turbines set in the foreground of the existing smaller scaled turbines. The chosen location, layout and turbine size does not respect the smaller scale landscape to the west, and although it succeeds in shedding limited influence to the east, does so at a price of having a major impact in relatively close range views from the west. It therefore fails to respect key landscape qualities in accordance with SNH's published siting and design guidance.

The relatively small scale and often intimate landscapes of Argyll do not lend themselves to very large turbines, other than in locations where they are well removed from sensitive receptors and smaller scale landscape character types, particularly coastal and other scenic locations. Given the relatively close range at which the site can be experienced (3.5km from across Loch Awe) and its proximity to adjacent smaller scale and more sensitive 'Rocky Mosaic' LCT, large scale turbine development which would erode the character of the landscape setting of settled landscapes and those used for recreation, and which would be disproportionate to and reduce the apparent scale of the landscape, should be regarded as being inappropriate and harmful to the character of the landscape within which it is located, as well as to that of adjacent landscape character types. The development makes little concession to the proximity of settlement and recreational assets close by to the west and has little regard the extent to which degradation of the setting of Loch Awe by further large scale development will alter the perception of the wider landscape context of the loch, both for residents and for visitors to the area.

Scottish Natural Heritage's comments on the validity of the conclusions of the applicant's LVIA

Given the lack of conflict with National landscape designations, Scottish Natural Heritage has not formally objected to the proposal, but has cited reasons why it considers that the Council ought not to grant planning permission in the advice it has provided. It considers that that the impact of the location and scale of development proposed on the skylines and landscape setting of Loch Awe will be significant, both in terms of consequences for the landscape character of the settled 'Rocky Mosaic' fringe to the loch, views from the loch, the lochside road, settlement and associated recreation and tourism assets, and will extend the influence of wind farms to further sections of Loch Awe currently unaffected by the presence of turbines.

Specifically it identifies significant impacts in relation to the settlements of Dalavich and Inverinan, the road along the west side of Loch Awe, National Cycle Route 78, the road down from Loch Avich to Loch Awe, the road along the east side of Loch Awe in open sections, and Loch Awe itself. Although sited on the lower slopes of the 'Craggy Upland' LCT the proposal will exert an unwelcome influence on the 'Rocky Mosaic' LCT detracting from the landscape setting of the settled and recreationally important fringes of Loch Awe. Whilst there is some scope to mitigate impacts through design improvements these would not overcome the unacceptability of the development. The proposal fails to satisfy the guidance set out in the 'Landscape Wind Energy Capacity Study' (2012) insofar as it would not result in turbines being back clothed and would lead to turbines intruding onto prominent skylines when seen from open sections of Loch Awe. Scottish Natural Heritage concludes that the proposal would be out of scale with the receiving landscape, due to contrast in scale would not relate well to the nearby An Suidhe turbines, would as a consequence undermine landscape character, and will not therefore meet the requirements of Scottish Planning Policy.

Having due regard to the above it is considered that this proposal is inconsistent with the provisions of SPP and Scottish Government's 'Specific Advice Sheet on Onshore Wind Farms'; Policies STRAT SI 1: Sustainable Development; STRAT DC 6: Development in Very Sensitive Countryside; STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (2009). It also fails to accord with landscape and other guidance published by the Council and Scottish Natural Heritage concerning the siting of wind farms in the landscape.

D. VISUAL IMPACT

The proposal will contribute to visual impacts as a consequence of the presence of turbines, other site infrastructure and access tracks, the visual relationship it will have with relatively nearby turbines at An Suidhe and Blarghour and with other windfarm development in the wider area. Visibility of wind turbine development is already widespread across areas within 10km of the site with turbines at An Suidhe and Blarghour to the east of Loch Awe and Carraig Ghael and Beinn Ghlas to the west. The proposal will introduce the influence of turbines into additional areas not affected hitherto, including south-west Loch Awe, Loch Avich and the south facing slopes of the Craggy Upland LCT to the north and north-west. The proposed wind farm will be seen in conjunction with either Carraig Ghael or An Suidhe over much of the southern part of Loch Awe and from upland areas around the site and on the opposite side of the loch. Analysis of 19 representative viewpoints, agreed in advance with the Council and SNH on the basis of ZTV mapping, has been undertaken by the applicants so that the extent of the visual impact of the development upon its surroundings can be better appreciated. The conclusions of this analysis can be summarised as follows:

- Dalavich Jetty (3.5km west) high sensitivity loch side location experiencing a high magnitude of change producing a '*major*' impact with all 15 turbines seen on the skyline defining the loch and in conjunction with the nearby An Suidhe windfarm.

- Dalavich (3.7km west) high sensitivity settlement location experiencing a high magnitude of change producing a *'major'* impact with all 15 turbines seen on the skyline defining the loch and in conjunction with the nearby An Suidhe windfarm.
- East Lochaweside road (north of Ballimeanoch) (4.5km north) high sensitivity lochside/picnic/angling location experiencing a high magnitude of change producing a *'major'* impact with 5 hubs and 4 blade tips visible in the foreground of An Suidhe windfarm. This location also has visibility of Carrag Ghael windfarm to the west of Loch Awe.
- Inverinan (4.5km north) high sensitivity settlement and lochside locations with views focused down the loch towards the development (also representing road and national cycle route users), experiencing a medium magnitude of change producing a *'major'* impact with all 15 turbines visible on the skyline in the foreground of An Suidhe windfarm with 2 partly screened by topography.
- Kilmaha (6.5km south-west) high sensitivity elevated loch side picnic site with views north along the loch experiencing a medium magnitude of change producing a *'major'* impact with all 15 turbines seen on the skyline defining the loch and in contrast with the lesser scale of the closer An Suidhe windfarm.
- Loch Avich (6.8km north) high sensitivity location on scenic descent down to Loch Awe experiencing a medium magnitude of change producing a *'major'* impact with hubs and rotors of 7 turbines visible separate from, but larger in scale than, the nearby An Suidhe windfarm.
- Finchairn Castle (east of Ford) (12.1km south-west) – medium sensitivity location experiencing a medium magnitude of change producing a *'moderate'* impact with 15 turbines theoretically visible, partly back-dropped but breaking skyline at a focal point in the view, with some intervening forestry.
- Southern end of Loch Awe (east of Ford) (14.1km south-west) - high sensitivity road/water user view experiencing a medium magnitude of change producing a *'moderate'* impact with all turbines visible at a focal point in a scenic view along the loch.

The remaining viewpoints assessed are as follows, all of which are identified as being subject to *'minor'* or *'negligible'* impacts

- Dun east of Loch Nant (11.6km north);
- Dun Corr-Bhile (8.4km east);
- Beinn Dearg (5.2km south);
- Ben Cruchan (18.5km north);
- Ben Lochain and Beinn Ime (above Rest and Be Thankful) (20km and 23.7km east);
- Ben Mhor (Cowal) (21.7km south-east);
- Ben Lui (28km north-west);
- Cruach Scarba (31.7km west).

In addition, visual implications for other key assets are assessed as follows:

- Kilmelford to Dalavich road via Loch Avich - high sensitivity route providing gateway approach to Loch Awe where joint visibility with An Suidhe windfarm would be attained on the skyline when travelling east. This would entail a large scale change with a bigger proportion of the skyline becoming occupied by turbines. The new wind farm would be larger in scale and closer to Loch Awe than An Suidhe. This would produce a medium magnitude of change leading to a '*major*' visual impact between Kilmun and north of Dalavich on the descent to Loch Awe.
- Ford to Dalavich and Inverinan road – high sensitivity route along west side of Loch Awe. Initial stretch screened by trees but visibility from Arinechtan picnic site and Kilmaha viewpoint, where views are focused along the length of the loch and An Suidhe wind farm already visible. Close range views from Dalavich but partly filtered by buildings and trees. Further north trees restrict views which are available again from around Inverinan. There is a high magnitude of change in the vicinity of Dalavich at 3.5km and at Inverinan at 4.5km and '*major*' if intermittent visual impacts on this route as a whole.
- National Cycle Route 76 – off-road sections associated with road described above. High sensitivity route experiencing a high magnitude of change due to sustained visibility producing a '*major*' impact in conjunction with An Suidhe wind farm.
- B840 Ford to Claddich via east Lochaweside – principal views are over loch away from the site which is mainly screened by topography and trees. However significant northbound visibility of proposal on leaving Ford and southbound visibility around Balliemanoach A high sensitivity route experiencing a medium magnitude of change producing '*minor*' visual impacts.. Cumulative impacts associated with visibility of An Suidhe and Carraig Ghael wind farms.
- Views from the loch – Loch Awe is particularly valued as a tranquil and scenic location for boating and angling and therefore sees significant recreational use in the summer months. The proposal would exert a continual presence on the eastern skyline above the loch, both when viewed along the length of the loch, and in closer quarter views across the loch. Dependent on the viewpoint, it may overlap with appear to sit adjacent to, and contrast with the lesser scale of, An Suidhe windfarm. Carraig Ghael wind farm is also visible from the loch to the west. The proposal would exert a '*major*' visual impact on water-based receptors both on the open water and along the western and south-eastern shores of the loch.

The above assessment indicates a range of '*major*' visual impacts to the west of the application site including the settlements of Dalavich and Inverinan, the east Lochaweside road, the eastern end of the Kilmelford to Dalavich road via Loch Avich, recreational assets to the west of Loch Awe (such as NCR 76 and the picnic site at Kilmaha) and upon water-based loch users on the central and southern sections of the loch. Accordingly, whilst the impact on east Lochaweside are less, populated areas and more frequented routes around upper Loch Fyne are generally shielded, and more distant elevated vantage points only experience minor visual effects, the close range impacts to the west across Loch Awe are very significant. This area is recognised

as being sensitive to inappropriate influence by large scale development in the Council's '*Landscape Wind Energy Capacity Study*' not only because of the inherent qualities of its small scale landscape and its relationship with the loch, but also because it provides the settling for settlement, transport routes, historic, recreational and tourism assets.

The unwelcome visual influence the development will cast to the west is compounded by its juxtaposition with the nearby lesser scaled An Suidhe windfarm, which already exerts a presence over this area. Simultaneous visibility of the two sites will be attained at locations up and down the loch, and particularly in views across the loch. There will be a significant length of the defining skyline to the loch occupied by the two sets of turbines, and the contrast in scale and rotation speed will serve to emphasise the larger scale of the proposed turbines and their less favorable location set closer to the loch.

Scottish Natural Heritage's comments on the validity of the conclusions of the applicant's LVIA

SNH have identified significant adverse visual impacts when the proposal is viewed from Loch Awe, west Lochaweside and from the vicinity of Loch Avich. From Dalavich the scale of the development would be overwhelming, both vertically and in terms of its horizontal extent, particularly when viewed in combination with, and in contrast with, the scale and rotation speed of the adjacent An Suidhe turbines. The development will also introduce unwelcome visibility of turbines into the southern section of Loch Awe which is currently turbine free. No significant visual impacts are anticipated in respect of longer distance views including those from the Scarba Lunga and the Garvallachs National Scenic Area.

Applicant's response to SNH's stated position in respect of landscape and visual effects

A reduction in turbine numbers would threaten project viability and use of smaller turbines would lead to a requirement for a greater number to generate the same amount of electricity, resulting in cluttering the landscape. Additionally, there are problems with the continued availability of smaller turbine models. The decision to develop the western-most portion of the site was a reflection of the need to avoid ornithological interests to the east, to avoid the craggy summit of Beinn Bhreach and to avoid influence being shed towards the National Park, both of which are desirable from a landscape perspective. The existing layout is also optimised to avoid deep peat and sensitive ecological locations. The requirement to take account of turbulence means that the turbines cannot be sited closer to An Suidhe. It is conceded that the LWECS recommends that turbines be located in the interior of the 'Craggy Upland' LCT to avoid intrusion on Loch Awe, but to seek to address this turbine height has been reduced from 125m to 111m. In the knowledge that the windfarm will be readily visible from Dalavich, effort has been made in the layout to secure a uniform uncluttered appearance from this direction.

Having due regard to the above, it is considered that the proposal conflicts with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 6: Development in Very Sensitive Countryside; STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (2009). It also fails to accord with landscape and other

guidance published by the Council and Scottish Natural Heritage concerning the siting of windfarms.

E. CUMULATIVE IMPACT

The proposal gives rise to the potential for cumulative impacts in terms of combined, successive and sequential impacts in combination with existing turbines at An Suidhe (1.3km) Carraig Ghael (10km), Beinn Ghlas (15km), and Blarghour Farm (2km). In addition there is a consented site yet to be constructed at A'Chruach (21 @ 126.5m, 16km to the south) and undetermined applications at Glen Lonan (11 @ 121m, 17km to the north) and Musdale (16 @ 132m, 12km to the north).

The applicants LVIA concludes that there will be '*minor*' significance cumulative impacts in respect of the 'Craggy Upland' LCT within which the application proposal is located, for in the event all of the above were to be consented then there would be six large scale windfarms within this LCT and a further two visible from within it. The conclusion is the extent of the LCT is such that it can accommodate this number of developments without landscape characteristics changing, despite greater visual influence. No cumulative impacts on other LCT's of consequence have been identified.

Notwithstanding this, the presence of multiple windfarms around Loch Awe is already evident to those frequenting the loch and travelling the lochside roads, and there is clearly an issue as to the number of windfarms which the landscape setting of Loch Awe can absorb successfully without multiple developments impinging to an unacceptable degree upon the natural and scenic qualities which make Loch Awe a favoured destination for tourists and those engaged in recreational pursuits such as angling, boating or cycling. The siting of a windfarm with turbines 111m high which exerts more visual influence upon the loch and the margins of the loch than wind farm development permitted hitherto, must be regarded of significance cumulatively, given that existing turbines are already visible from a number of the key locations reviewed in the LVIA, and particularly given the close relationship of the development with An Suidhe, which is only separated by 1.3km.

Scottish Natural Heritage considers that despite the close relationship with An Suidhe windfarm, in short range views from the west the proposed turbines larger in scale, set closer to the loch and with slower rotation speed than the existing turbines, will not secure a cohesive appearance, although coalescence will be more successful from more distant viewpoints. It does not identify other significant cumulative effects when other proposed but yet to be determined developments are taken into account.

Having due regard to the above it is considered that in terms of cumulative effects the proposal is inconsistent with the provisions of the SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 6: Development in Very Sensitive Countryside; STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (2009).

F. ECOLOGICAL IMPACT

Background

The applicants have carried out Phase 1 habitat and NVC surveys and an assessment of Groundwater Dependent Terrestrial Ecosystems (GWDTE's) to satisfy SNH and SEPA requirements. The site comprises extensive areas of blanket bog with areas of wet heath plus some mire and flush habitats supported by ground and surface water. Some acid heath and grassland is associated with the areas which are grazed.

Habitat

There are no habitats of international or national significance on the site. Blanket bog and wet heath has regional value as Local Biodiversity Action Plan (LBAP) priority habitat.

Protected Species

Bats - the site provides sub-optimal habitat with some recorded activity but no roosts present. Scottish Natural Heritage has recommended that mitigation is required for this species, including micro-siting to ensure 50m separation between blade sweep and watercourses. This has been contested by the applicants given the low levels of activity and the lack of predicted significant effects on this species.

Badger – no setts identified. Some activity associated with the access route but low usage.

Invertebrates – no significant butterfly or moth species present.

Otter – only occasional use associated with watercourses and lochans. Species protection mitigation to be included in Construction Method Statement.

Water vole – present with activity concentrated in the centre of the site. Population of district value. Species protection mitigation to be included in Construction Method Statement.

Red squirrel – only infrequent use of woodland on margins of access route.

Wildcat and Pine Martin - no evidence.

Reptiles – none of significance.

Freshwater Pearl Mussel – no suitable habitat and no evidence of this species being present but pre-construction check to take place. .

Fisheries – not significant for spawning. Brown trout stocked.

Impact of development

Construction impacts will result in the loss of 15ha of blanket bog and 8ha of various other habitat types. With mitigation these impacts will not be of significance for identified protected species. A small element of tree felling/pruning is required along the route of the An Suidhe

windfarm access and this will have minor localised consequences for the margins of some ancient woodland.

Mitigation can be achieved by micro-siting of works following checks by a resident Ecological Clerk of Works, by sedimentation controls, by minimising and by prompt reinstatement of disturbed areas. A Habitat Management Plan is proposed to be prepared and implemented post-consent in consultation with SNH and SEPA.

Scottish Natural Heritage advises that, in its opinion, the applicants have under-estimated the national value of blanket bog as a UK BAP Priority Habitat. Impacts from development on blanket bog are likely to be greater than envisaged in the Environmental Statement. The RSPB have expressed a similar view in the matter. SEPA have not objected in terms of impacts upon Groundwater Dependant Terrestrial Ecosystems GWDTEs.

In response, the applicants have pointed out that the loss of blanket bog habitat is 15.52ha (or 1.49% of the Study Area); not 23.72ha. as stated in the RSPB and SNH responses. The 23.72ha figure relates to *all* of the habitat loss. The loss of 15.52 ha. of blanket bog equates to 0.0015% of the Scottish resource and ought properly to be regarded as a loss at the district rather than the national level.

Although the extent of impacts may be greater than quantified in the applicant's ES, consultees are generally of the view that impacts can be minimised by the implementation of mitigation measures to be identified and approved in a Construction Environmental Management Plan, with submission and adherence being secured by means of planning condition in the event of permission being granted.

Having due regard to the above, from the point of view of ecological interests, it is considered that the proposal is consistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 7: Nature Conservation & Development Control of the 'Argyll & Bute Structure Plan' (2002) and Policies LP REN 1 – Wind Farms and Wind Turbines, LP ENV 2: Development Impact on Biodiversity and LP ENV 6: Development Impact on Habitats and Species of the 'Argyll & Bute Local Plan' (2009).

G. ORNITHOLOGICAL IMPACT

The site is not subject to any international designation in respect of wild birds. The closest designation is the Glen Etive and Glen Fyne European Special Protection Area for Birds (SPA) in respect of golden eagle, some 6.5km to the north-east.

Flight activity has been recorded by golden eagle, white tailed eagle, osprey, merlin, peregrine, hen harrier, red throated diver, geese and swans, including some flights at collision risk height. There are three golden eagle ranges to the north and east and flight activity associated with the site tends to be along the ridge east of the turbine locations. Of the 180 flights recorded only 28 were at potential collision risk height within 500m of a proposed turbine location. Given the lack of identified connectivity with the SPA the applicant's Environmental Statement concludes that no Habitats Regulations 'Appropriate Assessment' will be required.

Development gives rise to impacts on birds during construction due to disturbance and habitat loss, and during operation from potential collision. The species of particular importance in the context of this development are as follows:

Golden eagle – nearest nest site is over 4km away and ES concludes that habitat loss will be insignificant in terms of ranging and prey availability. Using modelling taking into account avoidance, predicted loss from three eagle territories amount to between 0.2% and 2.2%. On a precautionary basis collision risk is estimated at one incidence over the 25 year design life of the windfarm (although in practice there is no recorded death of an eagle from collision with a turbine in Scotland).

Red throated diver – nearest nest site is over 500m from construction area so ES does not identify impacts of significance in terms of disturbance or habitat loss, Collision risk will be negligible for this species.

Osprey – nearest nest site is 1.5km. No significant impact predicted on freshwater habitats providing food source. Collision risk will be the same as for golden eagle above.

White tailed eagle - nearest nest site is 2km. Collision risk will be the same as for golden eagle above.

Curlew – two pairs within the site may be temporarily displaced. Negligible impact from habitat loss and no flight activity recorded in the vicinity of the turbines.

Overall the ES concludes that the impacts upon birds frequenting the area around the windfarm will be negligible in terms of the favorable conservation status of NHZ populations, either as a result of collisions, habitat loss or construction disturbance.

Views of consultees and response by the applicants

Scottish Natural Heritage considers that impacts on a nationally important LBAP and UKBAP priority and Annex 1 habitat and the deterioration of habitat for wild birds (including six species listed on Annex I of the EU Birds Directive) will be contrary interests of protected species. SNH agrees with the applicant's Environmental Statement that the development will not have significant impacts at the level of NHZ14 (Argyll West & Islands) in terms of overall distribution and sustainability. However, it is considered that the area about the site is valuable in terms of the potential it offers for the establishment of new eagle territory beyond those which exist at present. Flight data shows high activity on the east side of the site which would normally be expected to relate to nest sites or areas of high prey density. Neither appears present in this case and therefore there is no reliable explanation for this level of activity. Development as proposed would be likely to render the opportunity for the establishment of new territory unsustainable. The proposal would contribute by way of attrition by windfarms and forestry to the degradation of habitats for wild birds generally contrary to Habitat Regulations objectives. No formal objection is raised and the Council is advised by SNH to consider the proposal against its own policies on Annex 1 species.

The RSPB adopts a similar stance to that expressed by SNH, objecting to the proposal on the grounds that the accompanying Environmental Statement underestimates the impact on protected bird species, especially golden eagle in terms of the attrition of upland areas by the introduction of afforestation and wind farms and the constraints posed by established territories, which together place additional pressure on residual open areas.

In reply to the consultation responses from SNH and the RSPB, the applicants have confirmed that the development will not pose a threat to the favourable conservation status of NHZ 14. Although the ornithological data indicates considerable usage of the eastern side of the study area this has to be viewed in the context of survey work over 2 years which equates to one flight per 20 hours which is not reflective of intensive usage. Modelling indicates that the area is relatively unimportant to resident eagles. The suggestion by SNH that an additional pair of eagles may be about to establish a new range is difficult to substantiate. The RSPB in different parts of its response suggests that under-estimated collision risks and displacement are of importance, whereas in practice both cannot be true. RSPB range loss calculations have been based on absolute habitat loss, whereas it is weighted loss that matters, and the data and modelling shows that the proposed wind farm is positioned in one of the least important areas for all three golden eagle ranges. In terms of habitat attrition, the NHZ population of breeding golden eagles has remained in a healthy expanding state despite landscape changes associated with forestry, and to a lesser extent wind turbine development.

Notwithstanding the above SNH's remains that there is the possibility of new birds trying to establish in the area (given the activity is towards the periphery of the 3 known ranges as predicted by modelling) and this is offered as an explanation for the area of high activity immediately recorded to the east of the wind farm, and over the site itself, which otherwise is quite distant from the nearest known nest site of the resident pair. Given that, in recent years, several previously vacant golden eagle ranges in Argyll have been known to be re-occupied, such a supposition is, in their view, is not without merit.

Conclusion on ornithological issues

It is evident that whilst the development clearly poses some risk to upland birds, including Annex 1 species, the positioning of the development away from the higher ground along the eastern boundary, from Beinn Bhreach and from the lochans which are mainly distributed across the eastern side of the site, reduces risks posed by displacement from disturbance or habitat loss and from collision risk. Both Scottish Natural Heritage and the RSPB have adopted a cautious stance in response to the value the site may have for juvenile eagles or for the establishment of new territories, which having regard to the extent of upland forestry and the introduction of wind farms on hitherto open ground, is understandable. Scottish Natural Heritage has not however objected on ornithological grounds having suggested that the Council should have regard to its own policies on Annex 1 species in reaching a conclusion as to the acceptability of the project in terms of its ornithological interests.

The assessment of ornithological impacts is informed by bird surveys undertaken by the applicants over considerable periods, by habitat surveys, and by modelling to predict the impact of development. In this way, mortalities and displacement can be predicted and impact on the conservation status of species within particular NHZ's can be assessed. Beyond that, it is difficult to substantiate the magnitude of effects anticipated by SNH and the RSPB, even if their

concerns are well-founded. Without being able to reach a credible conclusion as to the significance of the environmental effects of the development on Annex 1 species and wild birds as a whole, it would be difficult as Planning Authority to adopt a defensible position in the event of ornithological impacts being cited as a reason for refusal and this being contested on appeal. Only in situations requiring a Habitats Regulations 'appropriate assessment' would 'reasonable scientific doubt' automatically necessitate refusal of permission. In other cases such as this it is open to decision-maker to reach his/her own conclusions in the light of the available evidence. It is not considered that the magnitude of the risk presented by this development to birds of conservation importance is sufficiently certain as to amount to a significant environmental effect which would warrant the application being refused on ornithological grounds.

Having due regard to the above it is considered that the proposal is consistent, from the point of view of ornithological interests, with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 7: Nature Conservation & Development Control of the 'Argyll & Bute Structure Plan' (2002) and Policies LP ENV 2: Development Impact on Biodiversity, LP ENV 6: Development Impact on Habitats and Species and LP REN 1 – Wind Farms and Wind Turbines of the 'Argyll & Bute Local Plan' (2209).

H. HYDROLOGICAL & HYDROGEOLOGICAL IMPACT

The application site is subject to a variable depth of peat, mostly less than 1m but with some areas in excess of 2m. Four water catchments are affected by the development. No water supplies are abstracted from within the site but off-site there are hydro schemes and 12 private water supplies within 3km, and a further 13 within 8km (east Loch Awe and Glen Aray) which may receive water emanating from the site. These can be susceptible to pollution and sedimentation and changes in flows. Accordingly, 50m buffers are to be applied to watercourses, deep peat is to be avoided and water course crossings are to be minimised, by way of mitigation. A Peat Management Plan, a Peat Stability Statement and a draft Construction Method Statement have been submitted. Predicted residual impact on the water environment with mitigation in place is assessed as being '*minor/negligible*' during both the construction and operational phases.

SEPA has not objected to the development subject to various conditions to safeguard the water environment.

The Council's Environmental Health officers have not raised any objection in terms of construction or other impacts on private water supplies subject to adherence with an approved Construction Method Statement.

Having due regard to the above, it is considered that in terms of hydrology and hydrogeological impact the proposal is consistent with the provisions of: Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1 – Wind Farms and Wind Turbines of the 'Argyll & Bute Local Plan' (2009).

I. FORESTRY

The site is predominantly open moorland with no trees or woodland present. The access route from the A83(T) to the existing An Suidhe wind farm passes through woodland and commercial forestry. This is to be improved and extended in order to serve the application site. Delivery of larger turbine components than those utilised at An Suidhe will necessitate some localised widening of the existing access route which in turn will necessitate some localised pruning and felling of trees along the length of the route, affecting 0.23ha in all.

Forestry Commission Scotland note that only a small area of forestry removal is required to facilitate the development and do not object subject to conditions in the event of permission being granted.

Having due regard to the above it is considered that the proposal is consistent, from the point of view of forestry interests, with the provisions of Policy LP ENV 7 - Development Impact on Trees/Woodland of the 'Argyll and Bute Local Plan' (2009).

J. BORROW PITS

The ES states that up to five on-site borrow pits are likely to be required to provide a local source of construction aggregate, which will minimise the amount of material required to be imported to the site. These will be the subject of individual mineral consent applications in the event that planning permission for the windfarm is granted.

K. HISTORIC ENVIRONMENT

There are no designated historic environment assets on or adjacent to the site. There are the remains of some sheilings of local/regional importance, but given the unsettled and marginal farmland nature of the moorland the potential for unrecorded archaeological assets is considered to be low. There are 11 scheduled monuments within 5km of the site, six to the east of Loch Awe and five to the west, all related to the settled margins of the loch. The only listed building in the area is Dalavich Kirk (Grade C).

Possible assets on the site will be addressed by archaeological monitoring as works progress. Predicted effects on known historic environment assets are limited to '*minor*' impacts on the setting of Ardchnonell Castle and '*negligible*' effects on the settings of the various scheduled cairns, chapels, crannogs and enclosures, and the listed kirk.

Ardchnonell Castle is set on an island close to the eastern shore of Loch Awe where there will be some visibility of turbines from parts of the site and where all turbines will be visible when viewing the castle across the loch from the vicinity of Dalavich. Historic Scotland has been supplied at its request with additional graphics by the applicant and has concluded that the setting of the castle although affected, will not be impacted on to an extent which warrants an objection on their behalf. Historic Scotland has expressed its preference that Turbine 4 be repositioned or deleted in order to avoid unnecessary impacts on the setting of Ardchnonell Long Cairn, but has not objected in the event that it is retained and approved.

The West of Scotland Archaeology Service has no objection to the proposal subject to a mitigation strategy being required by condition in the event of permission being granted.

Having due regard to the above, it is considered that the proposal is consistent, from the point of view of impact upon historic environment assets, with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 9: Historic Environment & Development Control of the 'Argyll & Bute Structure Plan' (2002) and LP ENV 13a: Development Impact on Listed Buildings LP ENV 14; LP ENV 16: Development Impact on Scheduled Ancient Monuments; LP ENV 17: Development Impact on Sites of Archaeological Importance of the 'Argyll & Bute Local Plan' (2009).

L. TOURISM IMPACT

The degree to which wind turbines influence the decision as to whether tourists should visit or return to an area, is open to debate. Opinions and attitudes towards wind farms have been the subject of several public opinion surveys over the past 20 years. Generally, despite differences in findings, these point to wind turbines having little influence over those deciding whether to re-visit an area and therefore the consequences of wind farms in the landscape do not appear to be significant in terms of the future health of the tourism economy.

In dismissing an appeal for a windfarm at Corlarach in Cowal, the Reporter was persuaded that resource based tourism founded partly on landscape and scenery was important to Argyll and Bute, in the context of a local economy which is heavily dependent upon the tourism sector and its associated employment. Accordingly, development with significantly adverse landscape impacts has been recognised as having potential to devalue the attraction of Argyll as a tourism destination. In a recent appeal decision in Kintyre (11th July 2013) in respect of a single wind turbine, the Reporter made a cogent point with regard to reference made by the appellant to research on the relationship of wind farms and tourism. He took the view that available surveys and research relate to a pattern of wind farm development which has come about under a fully developed planning system. They provide no evidence of the effect on tourists (and the tourism industry) had there been no such system in operation, or if it had been operated less carefully – for example by permitting an obtrusive turbine in a fine landscape traversed by important tourist routes. The Reporter therefore gave little weight in deciding the appeal to the conclusions of surveys referred to by the appellant in support of his proposal.

What is clear, is that appropriately sited and scaled developments with limited consequences for landscape character, scenic quality and tourism assets have less potential to influence the decisions of those who might prove sensitive to developments than those forms of wind power development which are more prominently sited and of larger scale, such that they are less readily capable of assimilation in their landscape setting.

Loch Awe, both the loch itself and its lochside margins, is an area particularly favoured for quiet recreational pursuits in an area subject to little in the way of development or traffic, and which exhibits natural and scenic qualities. These activities include angling, boating, cycling and walking. Whilst it is reasonable to conclude that a proposal which will impinge on important views and the landscape and scenic qualities of an area which is valued as a recreational and tourism resource will not be in the interests of the tourism economy, it is not possible to be conclusive about the magnitude of the likely impacts upon the perceived qualities of the area and its attractiveness as a tourism and recreational destination, or to quantify them in a manner

which would warrant a specific reason for refusal based upon conflict with tourism economy interests.

Having due regard to the above it is considered that the proposal is consistent, in tourism impact terms, with the provisions of SPP and Policies STRAT SI 1: Sustainable Development; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (2009).

M. NOISE & AIR QUALITY

Technically, there are two quite distinct types of noise sources within a wind turbine – the mechanical noise produced by the machine and the aerodynamic noise produced by the passage of the blades through the air. The Report, *'The Assessment and Rating of Noise from Wind Farms'* (Final Report, Sept 1996, DTI), (ETSU-R-97) describes a framework for the measurement of wind farm noise, which should be followed to assess and rate noise from wind energy developments, until such time as an update is available. This gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable burdens on wind farm developers, and suggests appropriate noise conditions.

A further report produced by Hayes McKenzie for DECC entitled *"An Analysis of How Noise Impacts are Considered in the Determination of Wind Farm Planning Applications"* suggested that best practice guidance is required to confirm and, where necessary, clarify and add to the way ETSU-R-97 should be implemented in practice. This report also concludes that there is no evidence of health affects arising from infrasound or low frequency noise generated by turbines.

The most conclusive summary of the implications of low frequency wind farm noise for planning policy following on from the Hayes McKenzie report is given by the UK Government's statement regarding the finding of the Salford University Report into Aerodynamic Modulation of Wind Turbine Noise (September 2011). This study concluded that although Aerodynamic Modulation cannot be fully predicted, the incidence of Aerodynamic Modulation resulting from wind farms in the UK is low. Out of the 133 wind farms in operation at the time of the study, there were four cases where Aerodynamic Modulation appeared to be a factor. Complaints have subsided for three out of these four sites, in one case as a result of remedial treatment in the form of a wind turbine control system. In the remaining case, which is a recent installation, investigations are ongoing.

This site is well remove from residential receptors. The five closest properties being between 1.6 and 2.6km away. The applicants have conducted an analysis of construction noise impacts in accordance with BS 5528-1 and an analysis of operational noise in accordance with ETSU-R-97. The only construction related short-term inor impact identified is in respect of a single property close to the A83(T) which will be affected by road upgrading works. Operational noise immisions vary between 19 and 25dB(A) at low wind speeds and 27 – 33dB(A) at higher wind speeds. Predicted levels at all dwellings at all wind speeds can be achieved within ETSU-R-97 parameters.

The Council's Environmental Health officers are satisfied with compliance with ETSU-R-97 and that no residential properties will be exposed to levels breaching ETSU limits. They have recommended conditions to address construction and operational impacts in the event that permission were to be granted. No potential issues have been identified with regard to air quality although Environmental Health have recommended adherence to an approved Construction Method Statement to avoid dust becoming a problem to any residents in connection with intensive use of the site access route during the construction period

Having due regard to the above, it is considered that, in noise and air quality terms, in the proposal is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policies LP REN 1: Wind Farms & Wind Turbines of the 'Argyll & Bute Local Plan' (2009).

N. SHADOW FLICKER & ICE THROW (EQUIPMENT SAFETY)

Government guidance advises that if separation is provided between turbines and nearby dwellings (as general rule 10 rotor diameters), 'shadow flicker' should not be a problem. The ES confirms that the separation between the wind farm and the nearest residential property is greater than 10x rotor diameter (10 x 80m = 800 metres). Under accepted good practice and guidance, this will ensure that shadow flicker will not present a problem and Public Protection has not raised any concern in this regard.

Ice throw is not a matter which falls under the auspices of Planning or Public Protection. This said, companies supplying products and services to the wind energy industry are required to operate to a series of international, European and British Standards and the operator has a duty of care not to prejudice the health and safety of site operatives or other persons frequenting the site.

Having due regard to the above, in terms of shadow flicker and ice throw, it is considered that the proposal is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policies LP REN 1: Wind Farms & Wind Turbines of the 'Argyll & Bute Local Plan' (2009).

O. TELEVISION RECEPTION

Television reception can be affected by the presence of turbines although this has become less of a problem since the switchover from analogue to digital broadcasting. In this location due to poor reception properties tend anyway to rely on satellite signals so no measures are required to address any deterioration in conventionally broadcast signals.

Having due regard to the above it is considered that the proposal is acceptable, in terms of any potential impact on television reception, and is therefore consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1: Wind Farms & Wind Turbines of the 'Argyll & Bute Local Plan' (2009).

P. AVIATION MATTERS

The proposal does not have any identified conflict with civil aviation, military low flying or radar and there are no concerns raised by consultees in this regard. Infra-red aviation lighting would be employed so that in what is characteristically a 'dark' area, lighting would not be visible to the naked eye.

Having due regard to the above it is considered that, in terms of aviation interests the proposal is consistent with the provisions of Policy STRAT RE 1: Policy STRAT RE 1: Wind Farm/Wind Turbine Development 'Argyll & Bute Structure Plan' (2002) and Policies LP REN 1: Commercial Wind Farm and Wind Turbine Development and Policy LP TRAN 7: Safeguarding of Airports of the 'Argyll & Bute Local Plan' (2009).

Q. ELECTRO-MAGNETIC INTERFERENCE TO COMMUNICATION SYSTEMS

Telecommunications operators have been consulted to determine whether their systems would be affected by electro-magnetic radiation associated with electricity generation. Scottish Planning Policy and local plan policy highlights telecommunications interference as a material consideration in considering the acceptability of wind turbines.

No interference with UHF or microwave telecommunication links has been identified in this case and there have been no objections from relevant consultees. .

Having due regard to the above it is considered that, in terms of communications systems, the proposal is consistent with the provisions of Policy STRAT RE 1: Policy STRAT RE 1: Wind Farm/Wind Turbine Development 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan (2009).

R. ROAD TRAFFIC IMPACT

Access to the site will be from the A83 (T) between Auchindrain and Inveraray via the existing route serving An Suidhe wind farm. Some improvement of the bellmouth and widening of the access will be required to accommodate larger scaled components. The preferred delivery route for large scale components will be from Campbeltown Harbour via the A83, a route operating well under design capacity, although other construction traffic may emanate from either direction. During the 16 month construction phase there will be up to 75 people employed on the site. 7,000m³ of concrete will be imported with aggregate being sourced from borrow pits on site. 44 plant movements are anticipated per month plus abnormal loads. Overall, the development will entail some 30,000 vehicle movements of which 6,500 will be HGV's. Peak period movements are anticipated to be 84 per day. Impacts on the road network will be less than 2% (all vehicles) and 6% HGV's, so ought not to be regarded as significant in terms of route capacity. A Traffic Management Plan will be devised in consultation with the Trunk Roads Authority. Transport Scotland have not objected subject to conditions regarding abnormal load movements.

Having due regard to the above, it is considered that in access and traffic terms, the proposal is consistent with the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the 'Argyll & Bute Local Plan' (2009).

S. INFRASTRUCTURE

No requirement for public water or foul drainage connection is identified. The control building is to be served by a single septic tank/soakaway. Scottish Water has confirmed that they have water assets in the area that may be affected by the proposal. In the event of approval a condition would be required to secure a sustainable drainage strategy for the roads, turbine hardstanding areas, and the construction yard to ensure adequate protection of the water environment from surface water run-off.

Having due regard to the above it is concluded that, in terms of drainage and water supply, the proposal is consistent with the provisions of Policies LP SERV 1: Private Sewage Treatment Plants and Wastewater (i.e. Drainage) Systems, LP SERV 2: Incorporation of Natural Features/Sustainable Drainage Systems and LP SERV 4: Water Supply of the 'Argyll & Bute Local Plan' (2009).

T. WIND REGIME

In order to more accurately gauge the wind speed and direction, permission has previously been granted for the erection of two 80m meteorological masts which have been erected on site and are operational. These have been utilised to collect wind speed and direction data and although this is not included in the ES and there is no requirement for it to be provided in support of the planning application. The ES simply states that the wind speed has been assessed as appropriate for wind energy generation in terms of available wind resource.

Having due regard to the above it is considered that the proposal is consistent with the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

U. GRID NETWORK & CABLES

Connection to the National Grid is not a matter of land use policy, however, it should be considered 'in the round' as part of the planning application process. The Environmental Statement states that each turbine would be connected to the on-site sub-station by underground cabling and that the grid connection is likely to be via a pole mounted 132kv overhead line. This connection will be the subject of an application under Section 37 of the Electricity Act 1989 to the Scottish Government, which will be the subject of consultation with the Council as planning authority.

Having due regard to the above it is considered that the proposal is consistent with the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

V. COMMUNITY BENEFIT

Community Benefit is not considered to be a 'material planning consideration' in the determination of planning applications. In the event that permission were to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the application process.

W. DECOMMISSIONING

Should Members determine to grant planning permission for this proposal a requirement for decommissioning and site restoration should be included in the planning condition(s) and/or legal agreement, which will be triggered by either the expiry of the permission or if the project ceases to operate for a specific period. This will ensure that at the end of the proposal's operational life the turbines would be decommissioned and principal elements removed; the site would be restored to its former use leaving little if any visible trace of the turbines; the foundations, new tracks and hardstandings would be covered over with topsoil and reseeded; the cables would be de-energised and left in place, and any cables marker signs removed; and, the electrical substation building would be demolished to ground level with the foundation covered with topsoil and reseeded.

Having due regard to the above, as decommissioning could be controlled by condition/Section 75 Legal Agreement, it is considered that the proposal is acceptable in that regard in terms of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1: Wind Farms & Wind Turbines of the 'Argyll & Bute Local Plan' (2009), SPP and the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

X. SCOTTISH GOVERNMENT POLICY & ADVICE

The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth (SPP). The current target is for 100% of Scotland's electricity and 11% of heat demand to be generated from renewable sourced by 2020 (2020 Routemap for Renewable Energy in Scotland).

SPP advises that wind farms should only be supported in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Furthermore, that the criteria for determining wind farm proposals varies depending on the scale of proposal and its relationship to the characteristics of the surrounding area, but usually includes: landscape and visual impact, effects on the natural heritage and historic environment, contribution of the development to renewable energy generation targets, effect on the local and national economy and tourism and recreation interests, benefits and disbenefits for communities, aviation and telecommunications, noise and shadow flicker, and cumulative impact. Finally, that the design and location of any wind farm should reflect the scale and character of the landscape and the location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised.

For the reasons given above, the turbines proposed are out of scale with the receiving environment to the detriment of landscape and visual amenity interests, both of which are cited in SPP as valid material considerations in the assessment of the acceptability of wind farms.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

Y. SCOTTISH GOVERNMENT RENEWABLE ENERGY TARGETS & ARGYLL & BUTE'S CONTRIBUTION

In assessing the acceptability of wind farm proposals, it is necessary to have regard to the macro-environmental aspects of renewable energy (reduction in reliance on fossil fuels and contribution to reduction in global warming) as well as to the micro-environmental consequences of the proposal (in terms of its impact on its receiving environment).

Installed onshore wind energy generation capacity in Scotland in 2013 was 6.5GW and is expected to continue to grow in response to the Scottish Government target of meeting 100% of demand from renewable sources by 2020. As a consequence, planning authorities have to consider more frequently turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed (Scottish Government's Specific Advice Sheet on Onshore Wind Farms).

The application proposal has an installed capacity of 45MW with the ability to serve 16,352 households per year and avoiding 44,665 tonnes of CO₂ emissions per year. In terms of the carbon balance calculation for the site the payback time allowing for energy consumption in the production transport and installation of the components and ancillary works would be 23.5 months out of a design life of 25 years. Whilst the capacity of the proposal would add to Argyll & Bute's contribution to Scotland's renewable energy commitments, it is not considered that the macro-environmental benefits of the proposal in terms of renewable generating capacity are such as to warrant the setting aside of the other development plan policy considerations identified above which have prompted the recommendation for refusal.

APPENDIX C - REPRESENTATIONS RELATIVE TO APPLICATION NUMBER: 13/02835/PP

OBJECTIONS

A F Dalton	Maolachy House Lochavich Taynuilt Argyll And Bute PA35 1HJ	05/02/2014	O
Adam Greenwood	10 South View Lower Withington Macclesfield SK11 9DZ	04/02/2014	O
Adrian Shaw	Full Address Not Given	20/01/2014	O
Adrienne Watson	18 Dalavich Taynuilt Argyll And Bute PA35 1HN	18/02/2014	O
Agnes Fleming	Full Address Not Given	15/01/2014 and 27/01/2014	O
Alan Mitchell	8 Dalavich By Taynuilt Argyll PA35 1HN	24/03/2014	O
Andrea Lea	Crawford House Spetisbury Blandford Dorset DT11 9DP	05/02/2014	O
Andrew McCallum	37 Dalavich Taynuilt Argyll And Bute PA35 1HN	14/02/2014	O
Andrew Rose	Drimbuie Kilchrenan Taynuilt PA35 1HF	05/02/2014	O
Angela Rose	Drimbuie Kilchrenan Taynuilt PA35 1HF	05/02/2014	O
Anne E Nield	6 Charleston Grove Great Sankey Warrington WA5 1ZL	31/01/2014	O
Anne Petley	Salmon's Leap Eredine Dalmally Argyll PA33 1BP	31/01/2014	O
Barbara Todd	4 Dalavich Taynuilt Argyll And Bute PA35 1HN	02/04/2014	O

Belinda Donachie	20 U74 And U75 Dalavich Village Roads Dalavich Argyll And Bute PA35 1HN	03/03/2014	O
Chrissie Sugden	45 Dalavich Taynuilt Oban PA35 1HN	26/02/2014	O
Christine M Turner	9 Wood Cottages Woodley Stockport Cheshire SK6 1RP	05/02/2014	O
Dalavich Social Club	Per I McClounnan Kames Cottage Dalavich Taynuilt PA35 1HL	18/02/2014	O
David C Gill	Cairndubh Lochside Inverinan PA35 1HH	14/02/2014	O
David Rennie	1 Westerton Farm Steadings Dollar Clackmannanshire FK14 7PQ	18/02/2014	O
David Watson	18 Dalavich Taynuilt Argyll And Bute PA35 1HN	18/02/2014	O
David Wilkinson	12, Arena, Botley Rd West End Southampton SO30 3HG	31/01/2014	O
David Winter	20 Orchard Road Melbourn Royston Herts SG8 6HL	06/02/2014	O
Elizabeth Bridget Lewis	Blairhullichan Kinlochard Stirling FK8 3TN	04/02/2014	O
Elizabeth Lowrey	21 Dalavich Taynuilt Argyll And Bute PA35 1HN	02/04/2014	O
Floris Greenlaw	Knockchoille Kiltarlity Beauly IV4 7JL	27/03/2014	O
Frank and Esther Beaumont	Shangri La, Cabin 21D Dalavich Chalet Park Taynault PA35 1HS	04/02/2014	O
G H Dalton	Maolachy Lochavich Taynuilt Argyll And Bute	05/02/2014	O

	PA35 1HJ		
G M Lindsay	2 Whinfield Gardens Kinross KY13 8BF	25/03/2014	O
G Richards	40 U74 And U75 Dalavich Village Roads Dalavich Argyll And Bute PA35 1HN	05/02/2014	O
Gillian Stolton	22 Dalavich Taynuilt Argyll PA35 1HN	06/02/2014	O
GM Lindsay	2 Whinfield Gardens Kinross KY13 8BF	28/01/2014	O
Gregor Lowrey	21 Dalavich Taynuilt Argyll And Bute PA35 1HN	02/04/2014	O
Greta Roberts	8 Main Road Waterside Kilmarnock KA3 6JB	25/03/2014	O
Hannah Winter	20 Orchard Road Melbourn Royston Herts SG8 6HL	06/02/2014	O
Harry Kent	32 Forestry Cottages Eredine Dalmally Argyll And Bute PA33 1BS	14/02/2014	O
Heather Chapple	Only Email Address Provided	31/01/2014	O
Irene McClounnan	Kames Cottage By Taynuilt PA35 1HL	14/02/2014	O
Irene McIntosh	69 Oakridge Crescent Paisley PA3 1RT	14/02/2014	O
J Christine Willis	Nerelstone Lochwinnoch Renfrewshire PA12 4DS	25/03/2014	O
J Dalton	Maolachy LochAvich Taynuilt PA35 1HJ	09/02/2014	O
J H Gill	Cairndubh Inverinan Argyll PA35 1HH	14/02/2014	O
James Tait	Arnprior Quad Castlemilk Glasgow	14/02/2014	O

Jane Wilding	Tulich Farm Kilmelford Oban PA34 4XA	05/02/2014	O
Janet Stott	Snelson Stores Cottage Mill Lane Snelson SK11 9BN	01/02/2014	O
Jean Louis Butre	President European Platform Against Windfarms	28/03/2014	O
Jo Allen	Cairndubh Inverinan PA35 1HH	06/02/2014	O
John Fleming	3 Dalavich Taynuilt Argyll And Bute PA35 1HN	14/02/2014	O
John Meltzer	Cabin 27 Dalavich Chalet Park Dalavich PH35 1HS	05/02/2014	O
John Seddon	Kilmaluag Cottage Glenbarr Argyll And Bute PA29 6UZ	25/03/2014	O
Jonathan Peter Metcalfe	Taigh A Luana Lochavich Taynuilt Argyll And Bute PA35 1HJ	28/03/2014	O
K G Nield	6 Charleston Grove Great Sankey Warrington WA5 1ZL	31/01/2014	O
K Richards	40 U74 And U75 Dalavich Village Roads Dalavich Argyll And Bute PA35 1HN	05/02/2014	O
Karen Mitchell	20 Meadows Road Lochgilphead Argyll And Bute PA31 8AF	14/02/2014	O
Kieron Goulden	Fingal Cottage Lochdon Isle Of Mull PA64 6AP	22/01/2014	O
Lauren Todd	Kames Cottage Taynuilt Oban PA35 1HL	14/02/2014	O
Len Ross	3 Forestry Cottages Eredine Argyll And Bute PA33 1BS	18/03/2014	O
Linda Shaw Stewart	No Address Given	25/03/2014	O
Maiken Meltzer	27 Dalavich Chalet Park Dalavich	04/02/2014	O

	Argyll And Bute PA35 1HS		
Mark Hamilton	1 Kilvaree Connel Oban PA37 1RN	02/02/2014	O
Mark Potter-Irwin	45 Dalavich Taynuilt Oban Argyll PA35 1HN	24/02/2014	O
Martin Nicholls	3 Newmills Avenue Balerno Edinburgh EH14 5SZ	06/02/2014	O
Maureen Tait	Arnprior Quad Castlemilk Glasgow	14/02/2014	O
Michael Todd	4 Dalavich Taynuilt Argyll And Bute PA35 1HN	02/04/2014	O
N Frodsham	Cabin 21 Dalavich Argyll And Bute PA35 1HN	06/02/2014	O
Neil Harrison	Cabin 10 Forest Cabin Site Dalavich Taynuilt PA35 1HN	06/02/2014	O
Nicola Frodsham	Cabin 21C Loch Aweside Forest Cabins Dalavich Taynuilt Argyll And Bute PA35 1HN	06/02/2014	O
Nigel A R Willis	Nervelstone Lochwinnoch Renfrewshire PA12 4DS	25/03/2014	O
Nigel J Petley	Salmon's Leap Eredine Dalmally Oban PA33 1BP	31/01/2014	O
Oliver Swann	Summerleaze Farm East Knoyle SP3 6BY	05/02/2014	O
Pete Carruthers	7 Leanach Cottages Culloden Moor Inverness IV2 5EH	01/04/2014	O
Peter Gray	Cuil-na-Sithe Kilchrenan Argyll PA35 1HF	02/04/2014	O

PS Metcalfe	No Address Given	24/02/2014	O
Rebecca Dalton	Fell Lane Penrith CA11 8AA	04/02/2014	O
Rhona Knox	Cuil-na-Sithe Kilchrenan PA35 1HF	02/04/2014	O
Richard Donachie	20 U74 And U75 Dalavich Village Roads Dalavich Argyll And Bute PA35 1HN	03/03/2014	O
Richard Todd	14 Dalavich Taynuilt Argyll And Bute PA35 1HN	02/04/2014	O
Robert Legg	Cabin 3 Dalavich PA35 1HN	05/02/2014	O
Rory Malik	No Address Given	06/02/2014	O
Scott Fleming	3 Dalavich Taynuilt Argyll And Bute PA35 1HN	14/02/2014	O
Sheila M Clark	11 Dalavich Taynuilt Argyll And Bute PA35 1HN	14/02/2014	O
Shona Todd	14 Dalavich Taynuilt Argyll And Bute PA35 1HN	02/04/2014	O
Simon Chapple	Email Address Only Provided	31/01/2014	O
Simon Morris and Kim Fullalove	St Lucia Chapel Road Beaumont Cum Moze Clacton On Sea Essex CO16 0AR	03/02/2014	O
Stephanie Rennie	1 Westerton Farm Steadings Dollar Clackmannanshire FK14 7PQ	18/02/2014	O
Susanna Wilcox	C/o Loch Avich Estate	06/02/2014	O
T Dalton	Maolachy Lochavich Taynuilt PA35 1HJ	09/02/2014	O
Thomas Donachie	20 Dalavich Dalavich PA35 1HN	03/03/2014	O
Tony Blades	12 Hill Top Court North Cowton Northallerton DL7 0HU	06/02/2014	O

VCK Metcalfe	No Address Given	24/02/2014	O
Victoria Berryman	Tyas House Merrydale Slaithwaite Huddersfield HD7 5UZ	28/03/2014	O

EXPRESSIONS OF SUPPORT

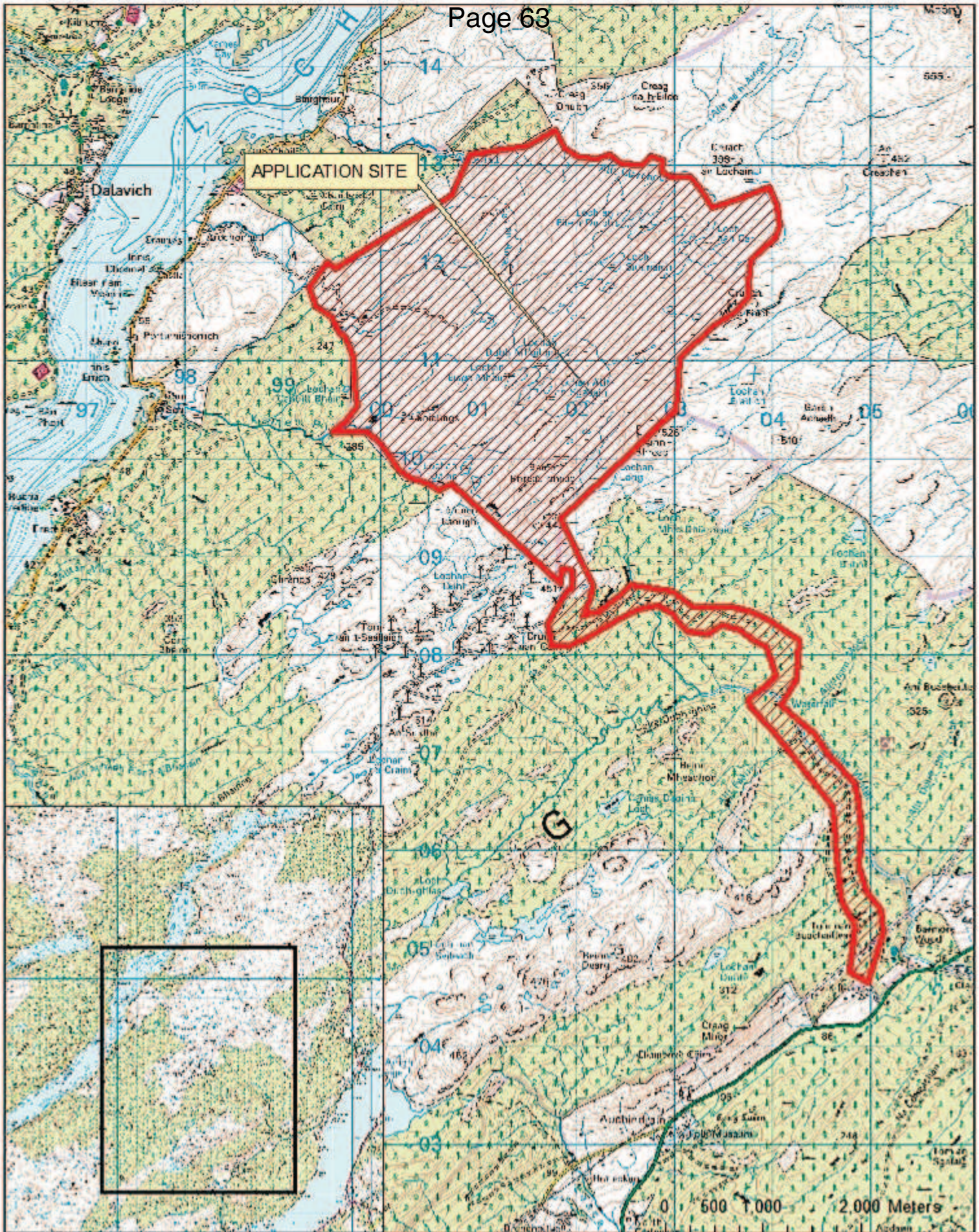
Alasdair P Chrystal	3 Manse Crescent Inveraray Argyll And Bute PA32 8YY	19/03/2014	S
Angus Douglas	Awe Service Station Bridge Of Awe Taynuilt Argyll And Bute PA35 1HT	19/03/2014	S
C A MacIntyre	Ardchonnell Croft East Lochaweside Dalmally Argyll And Bute PA33 1BW	28/03/2014	S
Callum Macfarlane Barrow	No address supplied	10/04/14	S
Catherine Nevison	Ardchonnell Cottage By Dalmally Argyll PA33 1BP	07/03/2014	S
Catriona O'Keefe	Blarghour Farm By Dalmally PA33 1BW	31/01/2014	S
Charles McGrigor	Upper Sonachan Farm By Dalmally PA331BJ	11/02/2014	S
D A Jones	Alltshillach Lochawe Dalmally PA33 1AW	17/01/2014	S
D Ford	High Balantyre Farm Inveraray PA32 8XJ	19/03/2014	S
David Fellowes	Inistrynich By Dalmally Argyll And Bute PA33 1BQ	18/02/2014	S
David Parker	Achnakeep, Portsonachan PA33 1BJ	11/04/14	S
Donald Campbell	Accurrach By Inveraray Argyll And Bute PA32 8XJ	21/03/2014	S
Donald Clark	The Library Main Street	12/03/2014	S

	Inverary Argyll		
Donald Wilson	Lochawe Boats Hill House Ardbrecknish Dalmally Argyll And Bute PA33 1BH	28/03/2014	S
E P Bowden Smith	Braevallich Farm By Dalmally South Loch Aweside Argyll PA33 1BU	21/03/2014	S
EML McGrigor	Achlian Farmhouse Cladich By Dalmally Argyll	12/03/2014	S
Frances O'Hagan	Ferguson House Newton Inveraray PA32 8UH	16/01/2014	S
Gavin Nevison	7 Valley View Gardens Crossroads Keighley BD22 9HE	07/03/2014	S
George McNaughton	Site 20 Kilmory Industrial Estate Lochgilphead Argyll And Bute PA31 8RR	25/03/2014	S
Isabella Crawford	Blarghour House by Dalmally South Loch Awe-side PA33 1BW	24/01/2014	S
J A R N McGrigor	Ardchonnell Farm By Dalmally Argyll And Bute PA33 1BW	14/03/2014	S
Jane MacKay	20 Glen Aray View Inveraray Argyll And Bute PA32 8TW	30/01/2014	S
Jim McMillan	Royal Bank House Church Square Inveraray PA32 8TY	11/03/2014	S
Joan Howarth	Ronlas House Bridge Of Awe Taynuilt Argyll And Bute PA35 1HT	19/03/2014	S
Joanne Hunter	Kintail Eredine Village By Dalmally PA33 1BP	06/03/2014	S
Jock Hunter	Kintail Eredine Village By Dalmally PA33 1BP	06/03/2014	S

John Buchanan Jardine	Whitehouse Stronmilchan Dalmally Argyll And Bute PA33 1AS	19/03/2014	S
John MacDonald	Three Bridges Track From A819 To Sallachry Inveraray Argyll And Bute PA32 8XJ	18/03/2014	S
John R MacKay	20 Glen Aray View Inveraray Argyll And Bute PA32 8TW	30/01/2014	S
Kelvin K Nevison	Ardchonnell Cottage Lochaweside By Dalmally Argyll And Bute PA33 1BW	31/01/2014	S
Kenneth Black	Craig Gardeners Cottage Dalmally Argyll And Bute PA33 1AR	31/01/2014	S
Kirsty Macaren	Church Cottage Portsonachan Dalmally Argyll And Bute PA33 1BJ	14/02/2014	S
Kris Clark	C/O The George Hotel Inveraray Argyll And Bute	28/03/2014	S
Leslie Servant	Allt-An-Dubh Inverawe House Access Road Inverawe Argyll And Bute PA35 1HU	22/03/2014	S
Lorna McGrigor	Upper Sonachan Dalmally Argyll PA33 1BJ	12/03/2014	S
Lorne Nelson	Kilmaronaig Connel Oban Argyll And Bute PA37 1PW	21/03/2014	S
M MacLean	7 Chalmers Court Inveraray Argyll PA32 8UB	21/01/2014	S
Malcolm MacKay	Electric Cottage Inveraray Argyll And Bute PA32 8XJ	19/03/2014	S
Mark Fellowes	Inistrynich Dalmally Argyll PA33 1BQ	20/03/2014	S

Martin O'Keeffe	Blarghour By Dalmally PA33 1BW	31/01/2014	S
Mary Lady McGrigor	Upper Sonachan By Dalmally Argyll And Bute PA33 1BJ	27/02/2014	S
Maryanne Macfarlane Barrow	No address supplied	10/04/14	S
Michelle Brown	25/5 East Trinity Road Edinburgh EH5 3DL	11/02/2014	S
Michelle Fellowes	No Address Provided	19/03/2014	S
Name Illegible	Upper Sonachan By Dalmally Argyll And Bute PA33 1BJ	14/02/2014	S
Niall Iain MacLean	7 Chalmers Court Inveraray Argyll PA32 8UB	21/01/2014	S
P Buchanan Jardine	Whitehouse Stronmilchan Dalmally Argyll And Bute PA33 1AS	19/03/2014	S
Roderick Mackay	Druim Breac A819 North Of Inveraray From Police Station To Access Road To Accurrach Farm Inveraray Argyll And Bute PA32 8XJ	23/03/2014	S
Sandra Miller	7 Relief Land Inveraray PA32 8UA	17/02/2014	S
Sarah Bowden Smith	Braevallich Farm By Dalmally South Loch Aweside Argyll PA33 1BU	21/03/2014	S
Sarah McGrigor	No Address Given	12/03/2014	S
Sibylla McGrigor	No Address Given	12/03/2014	S

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Committee Plan Relative to Planning Application 13/02835/PP



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ARGYLL AND BUTE COUNCIL

PROCEDURE NOTE FOR USE AT

- | | |
|--|--------------------------|
| (1) Statutory Pre Determination Hearing | <input type="checkbox"/> |
| (2) Pan 41 Hearing | <input type="checkbox"/> |
| (3) Council Interest Application | <input type="checkbox"/> |
| (4) Discretionary Hearing | X |

HELD BY THE PLANNING, PROTECTIVE SERVICES & LICENSING COMMITTEE

1. The Director of Customer Services will notify the applicant, all representees and objectors of the Council's decision to hold a Hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not. Statutory consultees (including Community Councils) will be invited to attend the meeting to provide an oral presentation on their written submissions to the Committee, if they so wish.
2. The Director of Customer Services will give a minimum of 7 days notice of the date, time and venue for the proposed Hearing to all parties.
3. The hearing will proceed in the following order and as follows.
4. The Chair will introduce the Members of the Panel, ascertain the parties present who wish to speak and outline the procedure which will be followed.
5. The Director of Development and Infrastructure's representative will present their report and recommendations to the Committee on how the matter should be disposed of.
6. The applicant will be given an opportunity to present their case for approval of the proposal and may include in their submission any relevant points made by representees supporting the application or in relation to points contained in the written representations of objectors.
7. The consultees, supporters and objectors in that order (see notes 1 and 2), will be given the opportunity to state their case to the Council.
8. All parties to the proceedings will be given a period of time to state their case (see note 3). In exceptional circumstances and on good case shown the Panel may extend the time for a presentation by any of the parties at their sole discretion.

Ref: ABH1/2009

9. Members of the Panel only will have the opportunity to put questions to the Director of Development and Infrastructure's representative, the applicant, the consultees, the supporters and the objectors in that order.
10. At the conclusion of the question session the Director of Development and Infrastructure's representative, the applicant, any consultees present, the supporters and the objectors (in that order) will each be given an opportunity to comment on any particular information given by any other party after they had made their original submission and sum up their case.
11. The Chair will ascertain from the parties present that they have had a reasonable opportunity to state their case.
12. The Panel will then debate the merits of the application and will reach a decision on it. No new information can be introduced at this stage.
13. The Chair or the Committee Services Officer on his/her behalf will announce the decision.
14. A summary of the proceedings will be recorded by the Committee Services Officer.
15. If at any stage it appears to the Chair that any of the parties is speaking for an excessive length of time he will be entitled to invite them to conclude their presentation forthwith.

NOTE

- (1) Objectors who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all objectors.
- (2) Supporters who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all supporters.
- (3) Councillors (other than those on the Panel) who have made written representations and who wish to speak at the hearing will do so under category (1) or (2) above according to their representations but will be heard by the Panel individually.
- (4) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing.

Ref: ABH1/2009

The Director of Development Services' representative – not more than half an hour

The Applicant - not more than half an hour.

The Consultees - not more than half an hour.

The Supporters - not more than half an hour.

The Objectors - not more than half an hour.

- (4) The purpose of the meeting is to ensure that all relevant information is before the Panel and this is best achieved when people with similar views co-operate in making their submissions.
- (5) Everyone properly qualified as a representee recorded on the application report who wishes to be given an opportunity to speak will be given such opportunity.
- (6) The Council has developed guidance for Councillors on the need to compose a competent motion if they consider that they do not support the recommendation from the Director of Development and Infrastructure which is attached hereto.

I:data/typing/planning/procedure note

COMPETENT MOTIONS

- Why is there a need for a competent motion?
 - Need to avoid challenge by “third party” to local authority decision which may result in award of expenses and/or decision being overturned.
 - Challenges may arise from: judicial review, planning appeal, ombudsman (maladministration) referral. All appeal/review processes have rights to award expenses against unreasonable/unlawful behaviour.
- Member/Officer protocol for agreeing competent motion:
 - The process that should be followed should Members be minded to go against an officer’s recommendation is set out below.
- The key elements involved in formulating a competent motion:
 - It is preferable to have discussed the component parts of a competent motion with the relevant Member in advance of the Committee (role of professional officers). This does not mean that a Member has prejudged the matter but rather will reflect discussions on whether opinions contrary to that of professional officers have a sound basis as material planning considerations.
 - A motion should relate to material considerations only.
 - A motion must address the issue as to whether proposals are considered consistent with Adopted Policy or justified as a departure to the Development Plan. Departure must be determined as being major or minor.
 - If a motion for approval is on the basis of being consistent with policy reasoned justification for considering why it is consistent with policy contrary to the Head of Planning’s recommendation must be clearly stated and minuted.
 - If a motion for approval is on the basis of a departure reasoned justification for that departure must be clearly stated and minuted. Consideration should be given to holding a PAN 41 Hearing (determined by policy grounds for objection, how up to date development plan policies are, volume and strength of representation/contention)
 - A motion should also address planning conditions and the need for a Section 75 Agreement.
 - Advice from the Scottish Government on what are material planning considerations is attached herewith. However, interested parties should always seek their own advice on matters relating to legal or planning considerations as the Council cannot be held liable for any error or omission in the said guidance.

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance

Ref: ABH1/2009

- Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - A National Park Plan
 - The National Waste Management Plan
 - Community plans
 - The Environmental impact of the proposal
 - The design of the proposed development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory and other consultees
 - Legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.