

**STATEMENT OF CASE  
FOR  
ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR ERECTION OF 20  
METRE HIGH (20 KW) WIND TURBINE (27 METRES TO BLADE TIP);  
LAND NORTH EAST OF ARDYNE FARM, TOWARD, ARGYLL.**

**APPEAL REF. NO. 12/00016/REFPLA**

**LOCAL REVIEW BODY REF. 12/00018/LRB**

**PLANNING PERMISSION APPLICATION  
REFERENCE NUMBER 12/01265/PP**

**24 December 2012**

## **STATEMENT OF CASE**

The planning authority is Argyll and Bute Council ('the Council'). The appellant is Messrs G D Young.

An application for planning permission (ref. 12/01265/PP) for the erection of a 20 metre high (20 kw) wind turbine (27 metres to blade tip) on land north-east of Ardyne Farm ('the appeal site') was refused under delegated powers on 21 September 2012. The planning application has been appealed and is the subject of referral to a Local Review Body.

### **DESCRIPTION OF SITE**

The wind turbine is proposed at the northern and highest part of a sloping field used for grazing purposes north-east of Ardyne Farm and west of the Chinese Lakes (ornamental pools within the Castle Toward Garden and Designed Landscape). The wind turbine would be located approximately 250 metres north-east of farm buildings within Ardyne Farm (the home of the applicant and screened from the proposed wind turbine by dense woodland) and approximately 170-180 metres north-west of the closest residential property Strathclyde Cottage which is located south-east of the turbine site across an open field. The site is located within Castle Toward Garden and Designed Landscape and also within an Area of Panoramic Quality.

### **SITE HISTORY**

A previous application (ref. 11/02335/PP) for the erection of a wind turbine (40 metres high to blade tip) on the same site was withdrawn on 9 February 2012 due to issues of scale, siting and poor quality of submission.

### **STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED**

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

### **STATEMENT OF CASE**

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether the surrounding Area of Panoramic Quality, Castle Toward Designed Landscape (including the Chinese Lakes) would be adversely affected by the proposal;
- Whether the amenity of Strathclyde Cottage will be adversely affected by the proposed wind turbine;
- Whether the quality of submitted photographic images and supporting information is conclusive to establish that there would be no impact on the amenity of Strathclyde Cottage and the surrounding area.

The Report of Handling [Production 1] sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations. It is understood that the owners of Strathclyde Cottage intend to submit their own statement and include relevant correspondence lodged during the planning application process. Other productions are listed in the Appendix.

## **REQUIREMENT FOR ADDITIONAL INFORMATION AND HEARING**

It is considered that no new information has been raised in the appellants' submission which would result in the Planning Department coming to a different determination of this proposal. The issues raised are either addressed in this statement or were covered fully in the Report of Handling which is contained in the Appendix. As such, it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

## **COMMENT ON APPELLANT'S SUBMISSION**

Having regard to the detailed reasons for requesting the review set out in part (7) of the appellants' submission the following summary points are noted in response to the appellant's comments:

### *1. Assessment against Policy LP REN 1 or LP REN 2 of the Argyll and Bute Local Plan.*

*The applicant's agent suggest that the department were incorrect to assess the proposed development against policy LP REN 1 'Wind Farms and Wind Turbines' of the Argyll and Bute Local Plan instead of assessing against the provisions of Policy LP REN 2 'On-Site Commercial and Domestic Wind Turbines.*

**Comment:** The fact that the turbine was not located in close proximity to Ardyne Farm and that no supporting information on electricity generation and demand was received during the planning process, resulted in an assessment against policy LP REN1. In this case, an assessment against either policy REN1 or REN2 would have resulted in a similar recommendation regarding impact on residential amenity, visual impact and Gardens and Designed Landscapes.

### *2. Landscape and Visual Impact and Submitted Images*

*The agent suggests that extensive visualisations were taken and submitted following advice provided by the Case Officer. These visualisations indicate the low visual impact of the proposed turbine.*

**Comment:** Notwithstanding the agent's comments, the department sent a Regulation 24 letter dated 28 June 2012 [Production No.2] requesting additional and improved photographic images to replace the very poor quality images originally submitted. The agent responded on 27 July 2012 with a revised set of images (including new viewpoints from Bute as requested) but also alerted the department to an error in turbine sizing in the originally submitted images. It is interesting to note that these images may have been taken by the applicant himself and

not by the agent. The original list of viewpoints were provided to another agent from Mint Energy for the original scheme and these were intended as a general but not site specific list.

It should be noted that the original set of visualisations sent with the agents appeal statement were then superseded by additional information and due to their incorrect turbine sizing, causing further confusion for the department, consultees and affected parties. Their inclusion within the agent's statement should be merely to illustrate the poor quality selective viewpoints chosen by the applicant to demonstrate that the site was not visible from a range of general viewpoints originally suggested by the department to the agent for the first application (ref. 11/02335/PP). Some of these are not the same as submitted during the planning process and contain further misleading information. Despite the agent's comments on the suitability of these amended images, the following comments are made:

Viewpoint A – Submitted following discussions regarding lack of views from Toward Memorial Hall to Ardyne site;

Viewpoint B – Submitted following discussions regarding previous views from Castle Toward Estate. This view submitted but not agreed with planning officer. Other locations available;

Viewpoint C – Submitted following discussions regarding lack of context for Strathclyde Cottage. Image an improvement on previous submissions and presumably based on objectors photo taken from the same location;

Viewpoint D – Meaningless. This was supposed to represent an image taken from the rear of Strathclyde Cottage to include the property and the turbine site. A wholly unacceptable image considering the scale on the corresponding wireframe drawing;

Viewpoints E and F – Taken from approaches to Chinese Lakes following previous poor quality submission. The approach paths to the Chinese Lakes contain many clearings and it is easy to use existing screening to help hide the site from view, as demonstrated in these images. Considered to be wholly unacceptable images considering the scale on the corresponding wireframe drawing and potential high visual impact of proposed wind turbine from a number of vantage points along the approach paths to the Chinese Lakes of from Ardyne Farm Car Park;

Viewpoint G – Meaningless. This was supposed to represent an image taken from the stretch of road between Killellan Farm and Auchafour Farm. An unacceptable image considering the scale on the corresponding wireframe drawing;

Viewpoint H – Image taken from the stretch of road between Killellan Farm and Auchafour Farm. Illustrates sky-lining of proposed wind turbine;

Viewpoint A Port Bannatyne / B Ardbeg – Images requested by department in addition to an objection from Bute but only wireframe images submitted. It is interesting to note that three wind turbines (15kw) at Ardbeg Farm, Port Bannatyne are clearly visible from both the application site and surrounding area of Toward. These turbines, which are smaller (approximately 6 metres) than the proposed wind turbine, are 15.6 metres to hub height and 20.9 metres to blade tip.

Visualisations Part III have been submitted as part of the agent's appeal statement but were not submitted for consideration during the application process. Comments on these new images are as follows:

Viewpoints A and B – Chinese Lakes. Useful images and wireframes but images were requested from approaches to Chinese Lakes.

Viewpoint C- presume taken close to Strathclyde Cottage but still does not provide a suitable context.

Viewpoint D – image of Strathclyde Cottage only.

In terms of visual impact on the surrounding Castle Toward Designed Landscape, Historic Scotland (in their consultation response dated 3 July 2012 – [Production No. 4]) expressed the same concerns for the smaller wind turbine as they had for the larger 40 metre turbine (ref. 11/02335/PP). Historic Scotland considers that the site of the wind turbine occupies a prominent location and it would have been beneficial to see some visualisations of key views as part of the submission. Historic Scotland also suggests that the applicant continue to explore alternative options for the turbine.

It is interesting to note the guidance on the micro-siting of smaller turbines contained in the Argyll and Bute Landscape Wind Energy Capacity Study (2012) and the agent's interpretation of this document. Whilst the agent has now submitted information on electricity generation and relationship to Ardyne Farm, this was not done throughout the planning application process. Irrespective of policy LP REN 1 or LP REN2 assessment, the following guidance was crucial in the assessment of the scheme as submitted.

*“Turbines of between 20m and 35m are going to be one of the tallest structures in any Argyll and Bute landscape. They are going to be taller than most buildings and trees. They are still, however, similar in height to some taller pylons and communications masts. Understanding scale, and the relative proportions of features in the landscape, is therefore important in siting this typology. Landscape scale is made up of two factors, the scale of the landform and the scale of the pattern of land use. Care should be taken to site small (20m -35m) turbines where they do not dominate individual buildings, trees or other features.....Turbines which are more than 20m in height are taller than most trees and large farm buildings, and are therefore likely to have wider visibility than those turbines less than 20m in height.”*

### 3. Impact on Strathclyde Cottage

Throughout the planning process, the images submitted were considered unsuitable in providing an accurate context of Strathclyde Cottage in relation to the proposed wind turbine. Indeed, good quality images submitted by the objectors themselves were forwarded to the agent to provide suitable comparison viewpoints but any additional images submitted by the agent (or applicant) were still considered to be sub-standard and taken from heavily screened areas and not representative of the surrounding open landscape. Strathclyde Cottage is located on relatively open land in full view of the proposed wind turbine yet none of the submitted images to date provide an accurate image of this residential property within the surrounding landscape and site of the proposed wind turbine [Production No. 3]. As late as 13 September 2012 (application determined and refused 21 September 2012), the agent was informed that the department did not possess an accurate photographic image of Strathclyde Cottage in relation to the proposed wind turbine site. It almost appears from the submitted information for this application (and previously withdrawn scheme ref. 11/02335/PP) that Strathclyde Cottage did not exist within this landscape.

Both applicant and agents had been advised of the department's serious concern regarding the siting of a wind turbine so close to another residential property and had suggested either reducing the scale of the wind turbine and/or relocating it further away from Strathclyde

Cottage. A better example of an on-site wind turbine can be seen at nearby Killellan Farm where an 11kw turbine is mounted on an 18 metre high lattice tower, two blades, 25 metres to blade tip height (ref. 10/00173/PP) is located close to the farm buildings it is intended to serve, and not in a divorced location with adverse visual impact on another non-related domestic property.

In addition to this statement (and statements from objectors), Members will hopefully get a chance to visit the site and view the location of Strathclyde Cottage in relation to the proposed wind turbine site and perhaps to view the three wind turbines at Ardbeg Farm, Bute for comparison purposes.

## **CONCLUSION**

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The attached Report of Handling [Production 1] clearly details why planning permission could not be supported due to the scale and location of the proposed wind turbine in close proximity to the closest residential property, Strathclyde Cottage. The divorced siting of the wind turbine in close proximity to this residential property is considered to lead to an unacceptable loss of amenity which is contrary to adopted Structure Plan and Local Plan policies.

Additionally, the location and scale of the wind turbine is likely to have the potential to adversely affect the surrounding Area of Panoramic Quality including the Castle Toward Designed Landscape.

On the basis of all of the above, the department considers that the applicant's agents were properly advised during the course of this application as to what was required to be submitted in respect of necessary supporting information and the sensitive nature of the proposal. This was not done during the planning process and the department feels that it was correct to recommend refusal based on the actual proposal itself and very poor quality and misleading supporting information and accordingly refuse the application under the terms of Argyll and Bute Structure Plan policies STRAT DC 5, STRAT DC 8, STRAT DC 9, STRAT RE 1; and to Argyll and Bute Local Plan policies LP ENV 1, LP ENV 10, LP ENV 11, LP ENV 19, LP BAD 1 and LP REN 1 (including *Argyll and Bute Landscape Wind Energy Capacity Study(2012)*).

Taking account of all of the above, it is respectfully requested that the appeal be dismissed.

## **APPENDIX**

**Production No.1** Report of Handling dated 20 September 2012;

**Production No. 2** Regulation 24 letter to agent dated 28 June 2012;

**Production No. 3** Photographs of the appeal site taken from the eastern fringes close to Strathclyde Cottage indicating open and prominent nature of the site and surrounding landscape;

**Production No. 4** Consultation Response from Historic Scotland dated 3 July 2012.