

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: 12/01265/PP
Planning Hierarchy: Local
Applicant: Messrs G D Young
Proposal: Erection of 20 metre high 20 kw wind turbine (27 metres to blade tip)
Site Address: Land north-east of Ardyne Farm, Toward, Argyll

DECISION ROUTE

(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- erection of wind turbine (20kw); mounted on 20 metre high monopole, three 6 metre blades, 27 metres to blade tip height;
- associated concrete foundation (approx 5.5m x 5.5m x 1.0m);

(ii) Other specified operations.

- None.
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission **be refused** for the reason below.

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application (ref. 11/02335/PP) for the erection of a wind turbine (40 metres high to blade tip) on the same site was withdrawn on 9 February 2012 due to issues of scale, siting and quality of submission.

Other applications exist for Ardyne Farm but are not relevant to the wind turbine proposal.

(D) CONSULTATIONS:

Historic Scotland (response dated 3 July 2012): Concern raised regarding potential impact on Castle Toward Designed Landscape and alternative locations suggested.

Public Protection (response dated 2 July 2012): No objection in respect of noise and shadow flicker on basis of submitted information.

Roads (response dated 3 July 2012): No objections subject to advisory note regarding delivery of turbine components on site.

National Air Traffic Services (NATS) (response dated 21 June 2012): No safeguarding objections.

BAA Aerodrome Safeguarding: (response dated 26 June 2012) No safeguarding objections.

Glasgow Prestwick Airport (response dated 10 July 2012): No safeguarding objection.

Ministry of Defence (expiry date 11 July 2012): No response.

Royal Society for the Protection of Birds (expiry date 11 July 2012): No response.

(E) PUBLICITY:

The application was advertised under Regulation 20(1) Advert Statement (publication date 29 June 2012, expiry date 20 July 2012).

(F) REPRESENTATIONS:

Three letters/emails of objection have been received from

Mr and Mrs Iain Campbell, Strathclyde Cottage, Toward (letters dated 5 July 2012 and 5 August 2012); and

Mr Norman Foster, 'Seal Lodge', Ascog, Isle-of-Bute (email dated 23 July 2012).

The issues raised are summarised below:

- *Argyll and Bute Landscape Wind Energy Capacity Study contains advice that care should be taken to site small (20-35m) turbines where they do not dominate individual buildings, trees or other features;*

Comment: Refer to assessment below.

- *The proposed turbine would be visually dominant from Strathclyde Cottage. The proposed turbine would be approximately 170 metres from Strathclyde Cottage and sited uphill of this dwellinghouse; No consideration has been given to Strathclyde Cottage within 170 metres of the proposed turbine.*

Comment: The wind turbine would be highly visible from Strathclyde Cottage as the closest residential property and key visual receptor. Refer to assessment below.

- *Images taken from Strathclyde Cottage and surrounding area indicate unacceptable siting and scale of the proposed turbine in relation to the nearest residential property. No detailed visual impact assessment relating to Strathclyde Cottage has been submitted.*

Comment: Visualisations submitted appear to neglect Strathclyde Cottage and its setting. Despite repeated request for improved images, the applicant has failed to produce a realistic set of images to demonstrate the full impact of the proposed wind turbine on this residential property.

- *Strathclyde Cottage is closer to the proposed wind turbine than any of the buildings on Ardyne Farm.*

Comment: Strathclyde Cottage is located at approximately 170 metres to the south-east of the proposed wind turbine across an open field whereas Ardyne Farm and associated buildings are located some 250 metres to the west at a lower level and screened from the proposed wind turbine by dense woodland.

- *Argyll and Bute Local Plan Policy LP REN1 refers to various items that should be addressed including 'scenic quality and visual and general amenity', 'core paths, rights of way or other important access routes', 'important tourist facilities, attractions or routes';*

Comment: Policy LP REN1 of the Argyll and Bute Local Plan states for all commercial wind farms, regardless of scale issues relating to settlements and their settings, landscape character, scenic quality, visual and general amenity, core paths, rights of way or other important access routes (e.g. the Chinese Lakes), sites of historic interest and their settings, important tourist routes must all be satisfactorily addressed. It is considered that these issues have not been addressed in this submission.

- *No information on noise and shadow flicker;*

Comment: Following earlier requests, basic information on noise and shadow flicker has now been submitted.

- *Proposal will be a threat to tourism within the surrounding area and the visual impact to the landscape of the Clyde should not be abused.*

Comment: The site for the wind turbine is in a prominent location that could affect longer range views towards the Isle of Bute and other parts of the Area of Panoramic Quality.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement: N**
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N**
- (iii) **A design or design/access statement: N**
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: N**
- (v) **Supporting Information**

The application was originally submitted (13 June 2012) with very general information on the specification of the CF20 wind turbine but this was not site specific. Original visualisations were also deemed as unacceptable in terms of poor quality images and representative viewpoints. As a result, the applicant was requested to submit site

specific information on noise, shadow flicker and a series of images taken from viewpoints suggested by the department.

Revised visualisations were submitted on 24 July 2012 and contained both photomontage images and wireframe drawings.

The revised visualisations were then superseded by a further set of images and wireframe drawings on 27 July 2012 to include viewpoints from the Isle of Bute and to rectify an error in turbine sizing.

Additional information on noise assessment and shadow flicker was submitted by the agent on 27 July 2012 suggesting that there would be no significant adverse impact on the closest residential property in terms of noise or shadow flicker.

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: N

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N

(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 DC 5 Development in Sensitive Countryside;
STRAT DC 8 Landscape and Development Control;
STRAT DC 9 Historic Environment and Development Control;
STRAT RE 1 Wind Farm/Wind Farm Turbine Development.

Argyll & Bute Local Plan (2009)

LP ENV 1 Development Impact on the General Environment;
LP ENV 10 Development Impact on Areas of Panoramic Quality;
LP ENV 11 Development Impact on Historic Gardens and Landscapes;
LP ENV 19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles);
LP BAD 1 Bad Neighbour Development;
LP REN 1 Wind Farms and Wind Turbines.

(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.

Landscape Assessment for Argyll and the Firth of Clyde (1996)
Argyll and Bute Landscape Wind Energy Capacity Study (2012)
SPP, Scottish Planning Policy, 2010

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N

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

(M) Has a sustainability check list been submitted: N

(N) Does the Council have an interest in the site: N

(O) Requirement for a hearing (PAN41 or other): N

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

Site and Surroundings

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 and approximately 180 metres north-west of the closest residential property Strathclyde Cottage. The site is located within Castle Toward Garden and Designed Landscape and also within an Area of Panoramic Quality.

Policy

Structure Plan policy STRAT RE 1 encourages wind farm development where it is consistent with STRAT DC 7, 8 and 9. Proposals will be supported where there is no significant adverse impact on local communities, natural environment, landscape character and visual amenity, historic environment and telecommunications equipment.

Policy LP REN 1 of the Argyll and Bute Local Plan supports turbines in forms, scales and sites where the technology can operate efficiently, where servicing and access implications are acceptable, and where the proposed development will not have an unacceptable adverse impact directly, indirectly or cumulatively on the economic, social or physical aspects of sustainable development. The policy also states that for all commercial wind farms, regardless of scale issues relating to settlements and their settings, landscape character, scenic quality, visual and general amenity, core paths, rights of way or other important access routes (e.g. the Chinese Lakes), sites of historic interest and their settings, important tourist routes must all be satisfactorily addressed. Amongst other things, one issue that should be satisfactorily addressed should be the impact on landscape character, scenic quality and visual and general amenity.

Policy LP ENV 10 resists any development in or adjacent to an Area of Panoramic Quality where its scale, location or design will have significant adverse impact on the character of the landscape.

Policy LP ENV 11 states a presumption in favour of retaining, protecting, preserving and enhancing historic gardens and designed landscapes. Amongst criteria to protect such designations, planned historic views of and from the site or buildings within it must be fully assessed.

In the Argyll and Bute Landscape Wind Energy Capacity Study, the site lies at the edge of 'Rolling Farmland with Estates' (Character Type 13) but close to 'Steep Ridgeland and Mountain' (Character Type 1). For the purposes of this assessment the wind turbine will be assessed against the guidance on 'Rolling Farmland with Estates' type. The size of the proposed wind turbine is also classified in the study as a 'small' single turbine typology 20-35m.

The Rolling Farmland and Estates character type lies in a prominent location at the South Cowal peninsula tip at the edge of the Firth of Clyde. This landscape is principally characterised by the presence of designed landscapes with wooded policies, strongly enclosed pastures and a number of landmark historic and archaeological features. It is backed by the more extensive hill slopes of the 'Steep Ridgeland and Mountains' (1) landscape character types and provide a strong and scenic contrast with these simpler upland landscapes and the narrow sea lochs and basin of the Firth of Clyde. These landscapes are also important in the contrast they provide to the more developed urban edge of Glasgow to the east and the Inverclyde coast. There would be a medium landscape sensitivity for the small typology due to its better fit with the scale of the landform and settlement.

These landscapes are highly visible variously from Bute, the densely settled Inverclyde coast and from the Firth of Clyde. Visual sensitivity would be high-medium for the small typology, reflecting greater opportunities to site turbines towards the lower height band of this typology to minimise visual intrusion.

An Area of Panoramic Quality designation covers the western part of Toward Point. Castle Toward is an Inventory listed designed landscape. Sensitivity in terms of landscape values would be medium for the small typology where smaller turbines could reduce effects on the special qualities of the designated area.

The Proposal

This application is for the erection of a single CF20 wind turbine (20kw), mounted on a 20 metre high monopole with three 6 metre blades and 27 metres to blade tip height. The tower will be constructed from galvanised steel with a grey colour and similar colour for the blades. The wind turbine will require a concrete foundation pad of 5.5 x 5.5 x 1.0 metres.

Assessment

Following withdrawal of the previous application, the applicant has reduced the height of the proposed wind turbine from 40 metres high to blade tip to the currently submitted smaller wind turbine of 27 metres high to blade tip.

A useful tool for assessing the visual impact of turbines is to incorporate the information in the Landscape Assessment for Argyll and the Firth of Clyde (1996), undertaken by Environmental Resources Management on behalf of Scottish Natural Heritage. For the purposes of this document, the application site is located within "*Rolling Farmland with Estates*", where it is important to conserve historic parklands and estates, giving particular consideration to key views from local roads and public rights of way. The impact of tall structures in the landscape is highlighted with growing pressures for transmission masts, power lines and wind farms. Such tall structures can be extremely visually intrusive in areas with a natural character and distinctive landform, particularly when they break the skyline.

In the more recent Argyll and Bute Landscape Wind Energy Capacity Study (2012), it is suggested that small typology wind turbines should avoid areas with a more distinct land cover pattern including designed landscapes, wider policy plantings and strong enclosure pattern. They should be sited on higher hill slopes well away from the more visually prominent and diverse coastal edges and also set back slightly from farm buildings and other settlement to avoid overwhelming their scale. The setting of historic buildings and settlement, designed landscapes and archaeological features remains sensitive even to small turbines. Multiple turbines of this size would quickly clutter the limited extent of these landscapes and careful monitoring of cumulative landscape and visual effects would be necessary. There is, however, increased scope to assimilate turbines <20m high providing these are sited so they are visually associated with existing buildings. Smaller turbines should be sited in accordance with the guidance set out in section 7 of the study.

In this case, the wind turbine would be located in a sky-line location when viewed from Strathclyde Cottage (visualisations viewpoints 'A' -171m, C and D), along the C10 north of Blairanboich Cottage (visualisations viewpoint H) and from paths leading to the Chinese Lakes (visualisations viewpoints E and F), that would not have rising ground as a backdrop. Additionally, the recent removal of large areas of conifer plantation from the surrounding hillside removes further potential areas to backdrop and assimilate the turbine into its rural surroundings.

The wind turbine would however be less visible when viewed from the south from Toward Sailing Club towards Ardyne Point (visualisations viewpoint 'A' -1514m) due to rising ground to the north where any potential adverse visual impact could be mitigated by using a darker colour for the pole, turbine and blades. It is also unlikely that the wind turbine would have a significant adverse visual impact when viewed from vantage points on the Isle of Bute that are approximately 3-4 km to the south where rising ground to the north of the wind turbine would provide a suitable backdrop (wireframe images A. Port Bannatyne and B. Ardbeg).

It is however the view and general consideration of the proximity and setting of Strathclyde Cottage and paths leading to the Chinese Lakes that raise the most significant concern in terms of visual impact. Whilst some natural regeneration has taken place around the paths leading to the Chinese Lakes, there are open areas providing wide panoramic views across the field toward the Kyles of Bute, Isle of Bute and Arran and the South Cowal peninsula tip. These views would be interrupted with the presence of a large, slow moving, industrial structure in the landscape that would be at least twice the height of the tallest mature tree nearby. This is considered unacceptable in terms of inappropriate siting and scale where other less sensitive locations may exist for either this particular model or a smaller model.

The proposed wind turbine would not only be readily viewed from Strathclyde Cottage but create an incongruous moving structure within the immediate landscape that could not be mitigated by screening. The owners of this cottage have submitted images from within and around their dwelling that demonstrates clearly the proximity and also the inability of the submitted supporting information to include this building as the closest visual receptor and the visual dominance that the proposed wind turbine would present. Unfortunately, the visualisations and wireframe images submitted by the agent do not provide representative viewpoints to demonstrate the significant visual impact the wind turbine would have on this residential property. Visualisations (A, C and D) taken from the approach to and close to Strathclyde Cottage show the turbine in a very prominent position some 180 metres north-west of this residential property. Accordingly, this is considered to be unacceptable and, on the basis of all the above, it is considered that the proposal would have an adverse impact upon the Area of Panoramic Quality, Castle Toward Designed Landscape including Strathclyde Cottage.

The applicant's agent has submitted a noise assessment which Public Protection find acceptable in terms of distance from Strathclyde Cottage and other noise sources. In terms of industry standards, Public Protection considers the information submitted on noise and shadow flicker acceptable and accordingly offers no objections.

However, notwithstanding comments on shadow flicker, it is considered that the proximity of the wind turbine to Strathclyde Cottage and the presence of a moving object within full view of habitable rooms within this dwelling and from its immediate curtilage would represent a 'bad neighbour' element with unacceptable adverse effects on the amenity of the occupants of Strathclyde Cottage.

On the basis of the foregoing, it is considered that the proposal does not accord with policy LP BAD 1 in that it would constitute a bad neighbour development to the occupants of the nearby residential property.

Conclusion

Notwithstanding the slight reduction in height of the wind turbine, the supporting information fails to pay due respect to the proximity and setting of Strathclyde Cottage as the closest visual receptor at 180 metres from the proposed wind turbine. The quality and accuracy of the submitted visualisations do not suitably demonstrate the potential impact of the proposed wind turbine on Strathclyde Cottage where a better range of viewpoints have been suggested by the department and objectors. Accordingly, the submitted visualisations do not offer sufficient weight to support this wind turbine in this sensitive location. As a result, the scale and siting of the proposed wind turbine is considered to be located prominently at the highest part of the grazing field resulting in an unacceptable visual impact on Strathclyde Cottage and also affecting various path systems to and from the Chinese Lakes within the Castle Toward Designed Landscape. Additionally, the siting of the wind turbine in such a prominent location would result in an adverse visual impact on the surrounding Area of Panoramic Quality.

On this basis, it is considered that the proposal would be contrary to 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.

(Q) Is the proposal consistent with the Development Plan: N

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

Not applicable, application being recommended for refusal.

(S) Reasoned justification for a departure to the provisions of the Development Plan
N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: N

Author of Report: Brian Close

Date: 14 September 2012

Reviewing Officer: David Eaglesham

Date: 20 September 2012

**Angus Gilmour
Head of Planning & Regulatory Services**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF: 12/01265/PP

- 1 For the purposes of the document titled 'Argyll and Bute Landscape Wind Energy Capacity Study, March 2012, the application site is located within "*Rolling Farmland with Estates*". This particular character type lies in a prominent location on the edge of the Firth of Clyde and characterised by the presence of a designed landscape with wooded policies, strongly enclosed pastures and a number of landmark historic and archaeological features.

In this particular case, the proposed wind turbine would be located in a sky-line location on a prominent knoll that would not have rising ground as a backdrop when viewed from the closest receptor Strathclyde Cottage, from paths leading to the Chinese Lakes or from the C10 north of Blairnboich. From these collective viewpoints, the proposed wind turbine would have a significant visual impact that would be to the detriment of the landscape character of the surrounding area.

On the basis of the foregoing, it is considered that the proposal would have an adverse impact upon the Area of Panoramic Quality and would be contrary to the policies On this basis, it is considered that the proposal would be contrary to 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, and LP REN 1 (including *Argyll and Bute Landscape Wind Energy Capacity Study(2012)*).

2. It is considered that the siting, scale and close proximity of the wind turbine to Strathclyde Cottage and the presence of a such a large slow moving object within full view of habitable rooms within this dwelling and from its immediate curtilage, would represent a 'bad neighbour' development with unacceptable adverse effects on the amenity of the occupants of Strathclyde Cottage.
Accordingly, it is considered that the proposal would be contrary to Argyll and Bute Structure Plan policy STRAT RE 1 and to Argyll and Bute Local Plan policies LP BAD 1 and LP REN 1.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 12/01265/PP

(A) Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

Location Plan (scale 1:50,000);
Site Plan (scale 1:25,000);
Elevation Drawing CF20 model (scale 1:100)

- ### (B)
- Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No but revised visualisations and wireframe images were submitted during course of application.