

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

12/0021/LRB

**REFUSAL OF PLANNING PERMISSION FOR THE
ERECTION OF A WINDTURBINE**

**LAND SOUTH EAST OF CROISH HOUSE, CAOLES,
TIREE, PA77 6TS**

**PLANNING PERMISSION REFERENCE NUMBER
12/00619/PP**

8th January 2013

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is E and E MacKinnon (“the appellant”).

Planning application 12/00619/PP which proposed the erection of a wind turbine (“the appeal site”) was refused under delegated powers on the 18th October 2012.

The planning decision has been challenged and is subject of review by the Local Review Body.

DESCRIPTION OF SITE

The site is located in the east part of the island of Tiree and east of the community turbine at Croish House, Caolis, Isle of Tiree. Agricultural fields surround the site on all sides with the community turbine to the west some 550m. The nearest property is to the north at Croish House. The site is accessed off a minor road to the south off the B8069. The site is not designated for landscape, archaeological or nature conservation purposes. To the east at the coast is a RAMSAR, SPA and SSSI known as Sleibhtean agus Cladach Thiriodh which extends north and west along the coast. There are no listed buildings or SAMs in the immediate area.

SITE HISTORY

No history relevant to this appeal.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & 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 determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is the test for this planning application.

STATEMENT OF CASE

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

- Whether the material considerations asserted by the appellant are sufficient to outweigh the fact that the planning application is contrary to the current adopted development plan; or whether in fact the development plan remains the primary determining factor.

The Report of Handling (Appendix 1) sets out Planning Services assessment of the planning application in terms of policy within the current adopted development plan and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were covered in the Report of Handling which is contained within Appendix 1. As such it is considered that the Council has all the information required to determine this particular planning application. Given the above and that the proposal is small scale in nature, constitutes a Local Development, has no complex or challenging issues and has not been the subject of any public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

Landscape Capacity

The appellants state that the proposal is within the 'marginal farmland mosaic' landscape character type as per the SNH Argyll and Clyde Landscape Assessment 1996 and that according to the Landscape Wind Energy Capacity Study (WECS) there is capacity within this landscape character to site this turbine.

The council's Wind Energy Capacity Study does not specifically assess Tiree and it is not, in this instance, appropriate to solely rely on assessments taken from other parts of Argyll as the appellant has done. It is accepted that across Argyll there will be scope within this landscape character type to accommodate turbines but this must be done taking into consideration landscape, visual and cumulative impacts. In the case of siting smaller turbines the appellant fails to refer to chapter 7 of the WECS titled 'Guidance on the Micro-Siting of Smaller Turbines'. It is not appropriate when proposing turbines of this size to ignore this element of the WECS. It is appropriate to locate smaller turbines close to the property they are intended to serve as detailed within this chapter; however the issue in this instance is the micro-siting and cumulative impact with the existing community turbine and the effects this will have on the landscape.

Visual Impact

The appellant considers that the visual impacts are exaggerated by the Report of Handling, especially in relation to views from the ferry route, Gott Bay and eastern side of the island.

Views from the ferry approach from Coll to Tiree into the site will be significant as demonstrated by the appellants own submission of Zone of Theoretical Visibility (ZTV) and the photomontages. The applicants' own ZTV, referred to as a Zone of Visible Influence (ZVI), demonstrates that the turbine will be highly visible from the ferry route and even at 2km – 3km the turbine will be skylined and very visible. The ZTV is of poor quality and does not differentiate which parts of the turbine will be visible i.e. hub or blades. The ZTV does provide details that the turbine will be visible across much of the island including Gott Bay and the eastern side of the island. It is accepted that this is a theoretical piece of work that does not take into consideration vegetation but Tiree is extremely flat and visibility across long stretches of the island are good.

The photomontages are also of equally poor quality and make it difficult to carry out assessment. However, upon a site visit it is considered that the turbine will be significantly visible from the ferry route. The relevant photomontage does show the turbine to the right of the community turbine completely skylined and from this view it

will be difficult to associate the turbine with existing buildings. Another photomontage provides a view from the eastern side of the island which clearly demonstrates the significant visual impact of the turbine in conjunction with the community turbine where it is difficult to associate with existing built development. It is granted that some views of the turbine will be seen with Croish House and that this limits some impact however the assessment must take into consideration all key viewpoints and in particular those most used by members of the public.

Furthermore the appellant states that in order to minimise the visual impact they would colour the turbine an appropriate off-white/grey. The council requires a turbine finish of RAL 9002, however the colour of the turbine is very much secondary to the siting to minimise visual impact.

The appellant states that it is difficult for the naked eye to see objects 2km-3km away but provides no proof of this statement. Tiree is particularly flat and on clear days objects at one end of the island can be seen at the other. This statement is onerous and without substance.

Cumulative Impact

The appellant states that they do not agree with the cumulative impact of this small turbine with the community turbine.

It should be noted that the statement regarding the '*lack of intelligence of the viewer*' within this section of the appellants' submission is unfortunate.

Chapter 7 of the WECS provides specific details of cumulative issues turbines can raise. It should be noted that one of the submitted photomontages shows a viewpoint demonstrating both this proposed turbine and the community turbine when viewed from the east looking west. This viewpoint presents an issue of scale. The smaller turbine in the foreground appears much larger given the fact that the larger turbine has scaled down the landscape and provided a sense of scale within this particular area of Tiree. The larger turbine clearly dominates views of this area and the smaller turbine, because it is so close and within the same viewpoint as the larger turbine, confuses the issue of scale.

In terms of clutter the appellant states that clutter is only likely to be perceived when viewing the two turbines together. Such long distance views of the wider landscape also provide views of other vertical structures including telegraph poles. Due to the siting of the turbine almost directly in line with the larger community turbine the sense of clutter afforded by this proposal is more readily seen by the viewer.

CONCLUSION

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

Although siting the turbine close to Croish House is positive and consistent with the general principles of the WECS it should be noted that the appellant has failed to consider the cumulative issues posed by this application. The turbine will confuse

the scale of the landscape when views of the community turbine and this one are taken together. When viewed from further afield the smaller turbine will raise issues of landscape clutter. The proposal is contrary to the existing adopted development plan and there are no material considerations of such weight that have been identified to justify the proposal. It is respectfully requested that the review be dismissed and the original refusal be upheld.

APPENDIX 1

Argyll and Bute Council
Development Services

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: 12/00619/PP

Planning Hierarchy: Local Development

Applicant: E and E MacKinnon

Proposal: Erection of 15kW wind turbine (21m to blade tip)

Site Address: Land South East of Croish House, Caolis

DECISION ROUTE

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

(A) THE APPLICATION

(i) **Development Requiring Express Planning Permission**

- Erection of wind turbine

(ii) **Other specified operations**

- Installation of cabling
-

(B) RECOMMENDATION:

It is recommended that the application is refused for the reasons appended below.

(C) HISTORY:

None relevant to this application.

(D) CONSULTATIONS:

Area Roads Manager

Report dated 15/5/12

Recommended that the application be deferred until the applicant had submitted a transport management plan to demonstrate how all plant, equipment and vehicles for

construction and operation would access the site without adversely impact on the road infrastructure. This information has not been submitted.

National Air Traffic Services (NATS)

Email dated 1/5/12

The proposal has the potential to adversely impact on the safeguarding criteria of NATS. With this in mind an extension of 8-10 weeks was requested but no further response has been submitted.

Public Protection Unit

Memo dated 15/5/12

No objection on basis of shadow flicker or noise.

Highlands and Islands Airports Limited

Email dated 1/5/12

No impact on safeguarding surfaces for Tiree airport.

Scottish Natural Heritage

Letter dated 21/5/12

No objection on the basis of ornithological impact as the SPA is some 700m away and the site does not sit on a flight path used regularly by SPA species Greenland White-fronted and Barnacle Geese.

West of Scotland Archaeology Service (WoSAS)

Letter dated 18/5/12

No comment.

(E) PUBLICITY:

The proposal has been advertised in terms of regulation 20, closing date 24/5/12.

(F) REPRESENTATIONS:

None

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

General Support Statement which describes the proposals.

Wind Turbine Noise Assessment by Dragonfly Environmental

Visualisations including zone of theoretical visibility, wireframes and photomontages

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: No

(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 and Bute Structure Plan 2002

STRAT DC 4 – Development in Rural Opportunity Areas

STRAT DC 8 – Landscape and Development Control

STRAT RE 1 – Wind Farm/Wind Turbine Development

STRAT SI 1 – Sustainable Development

STRAT RE 1 – Wind Farm/Wind Turbine Development

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 2 – Impact on Biodiversity

LP ENV 3 – Impact on European and Ramsar Sites

LP ENV 6 – Impact on Habitats and Species

LP BAD 1 – Bad Neighbour Development

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP REN 2 – On site Commercial and Domestic Wind Turbines

(i) 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.

SPP, Scottish Planning Policy, 2010

Annex to Planning Advice Note 45 : Renewable Energy Technologies

Micro Generation Domestic Turbines Briefing Note, 2010

Micro renewables and the natural heritage, SNH, 2009

Argyll and Firth of Clyde Landscape Character Assessment, SNH, 1996

Argyll and Bute Landscape Wind Energy Capacity Study, 2012

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

Reasons For Determining That The Proposal Does Not Constitute EIA Development (SCREENING OPINION):

The Local Planning Authority considers that the proposed development falls within Schedule 2 Paragraph 3(i) of the Regulations, but is of the opinion that the proposal does not constitute 'Schedule 2' development, having regard to the advice given in Circular 3/2011 and the selection criteria set out in Schedule 3 of the Regulations. The Local Planning Authority's observations on the selection criteria are as follows:

Characteristics of the development

The proposal involves the erection of 1 x 15.34m (hub height) wind turbine with a blade diameter of 11m. The proposed turbine is small scale in terms of the current industry standards, and the number of turbines is small compared with mainstream commercial schemes.

Location of the development

The site is located in the east part of the island east of the community turbine at Croish House, Caolis, Isle of Tiree. Agricultural fields surround the site on all sides with the community turbine to the west. The nearest property is to the north at Croish House. The site is accessed off a minor road to the south off the B8069. The site falls within Rural Opportunity Area (ROA) in the Argyll and Bute Local Plan 2009. The site is not designated for landscape, archaeological or nature conservation purposes. To the east at the coast is a RAMSAR, SPA and SSSI known as Sleibhtean agus Cladach Thiriodh which extends north and west along the coast. There are no listed buildings or other SAMs in the immediate area.

Characteristics of the potential impact

The scale and nature of the proposal is such that it will give rise to effects upon the immediate setting and have some visual impact in the wider setting, but has limited cumulative impact with existing wind turbine developments on Tiree, in terms of the wider environment. It has been confirmed by SNH that the proposal will not require an ornithological assessment.

It is considered that an assessment of the landscape, visual and the consequences of the operation of the development in respect of noise will need to be carried out in support of the proposal, but this can be undertaken outwith the Environmental Impact Assessment process. There are no novel, complex or inter-related characteristics of the development which are of such magnitude, or which could not be fully assessed through the normal planning application process, and it is not considered that the development represents 'Schedule 2 EIA development'.

Accordingly, the Planning Authority, under the powers conferred by Regulation 5 of the Environmental Impact (Scotland) Regulations, confirms that the development is not such as to require the submission of an Environmental Impact Assessment in support of any planning application.

(L) **Has the application been the subject of statutory pre-application consultation (PAC):** **No**

(M) **Has a sustainability check list been submitted:** **No**

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

(O) **Requirement for a hearing:** **No**

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

The proposal is located in the east part of the island west of Caolas and east of the existing community turbine. The site is within a Rural Opportunity Area (ROA) as per the adopted development plan. However, it is more appropriate to assess the application against LP REN2 as this makes for the provision of renewable energy development in suitable locations for up to two domestic purpose turbines. In this instance the turbine is to serve the requirements of a nearby property at Croish House. The principle of renewable energy is accepted in this location, subject to a range of site specific assessments being undertaken.

The turbine itself is 15.34m to hub with an 11m blade diameter (21m blade tip). The turbine will serve the needs of Croish House. The nearest property is to the north and is approximately 120m away. The community turbine is approximately 550m to the east and is 75m to blade tip.

The proposal needs to be assessed against adopted Local Plan policy LP REN2 as the turbine is expected to generate electricity for the farm operation. This policy is generally supportive of wind turbines that are located close the buildings they are intended to serve and will not produce an excess of energy requirements for the property by 25%. The applicant has confirmed that the proposal is domestic and will be used for the purposes of Croish House with excess sold to the grid.

It must be demonstrated that the proposed development will not have an unacceptable adverse impact directly, indirectly or cumulatively on the following criteria as per Local Plan policy LP REN2:

§ ***areas and interests of nature conservation (including local biodiversity, ecology and the water environment)***

The proposed development is located some distance from the Tiree Special Protection Area (SPA), SSSI and RAMSAR site. SNH has not raised any concerns relating to the impact on the qualifying interests on any of these sites. It has been confirmed that the proposal will not have an adverse effect on the SPA qualifying species Greenland White-fronted and Barnacle Geese.

§ ***highly valued landscapes including Gardens and Designed Landscapes***

There are no historic gardens or designed landscapes in the area.

§ ***sites of historic or archaeological interest and their settings***

There are no listed buildings or Scheduled Ancient Monuments (SAMs) in the immediate area.

§ ***settlement character including conservation areas***

The turbine is in a rural location and not located near to any specific settlement nor is it in a conservation area.

§ ***visual, residential and general amenity***

The Council's Environmental Health Unit was consulted on the proposed development and offered no objections as the turbine will meet the required noise limits so as not to affect the nearest third party property which is some 220m to the south. Visual impacts are assessed below, but in summary the turbine raises significant scaling concerns when viewed in relation to the community turbine. In terms of shadow flicker Scottish Government guidance states that third party residential properties should be a distance of at least equal to 10 x the blade diameter. In this instance this figure would be 110m with the nearest third party property being some 220m to the south.

§ ***telecommunications, transmitting or receiving equipment***

The proposed development will not impact upon any telecommunications, transmitting and receiving systems.

The applicant states that the turbine is to serve an existing house. Croish House is a substantial property with some outbuildings. The area is generally remote until you crest the hill on which Croish House sits and you descend into the township of Caolis. The turbine, from key views along the road and from Caolis, will be seen in relation to the community turbine which provides an unfortunate scaling effect within the landscape. Additionally, the site is located on a rocky ridge and is significantly skylined from most local views.

All proposals are assessed against Local Plan policy LP ENV1 in this instance in terms of landscape impact. Small scale turbines should be located close to existing buildings so as to be seen in context with development and should certainly be sited close to the buildings they are intended to serve as per the Council's and SNH's guidance on the siting of small scale wind turbines. This approach is consistent with the council's recently adopted Wind Energy Capacity Study (WECS) document within which chapter 7 provides clear advice and guidance on the siting of small scale typology wind turbines. In this instance the turbines are considered small in scale and are sited close to existing development. However, on the approach from Caolas the turbine will be seen in a prominent part of the landscape and will dominate views from the eastern side of the island whilst also being seen in conjunction with the larger community turbine. The degrees of scale and distance from some viewpoints may at times give the impression of more than one community turbine and confuse the viewer resulting in the turbine having a much larger impact on the landscape than

originally considered. The siting will result in skylining from key locations along the main road travelling east and west, and potentially from long distance views from the ferry route and further afield at Gott Bay. It is considered that the views of the turbine would be significant when coupled with those of the community turbine. This has the effect of scaling the landscape diminishing its scale, which is a detrimental effect of the proposal.

According to the WECS and SNH's Argyll and Clyde Landscape Assessment 1996 the site falls within character type 16 Marginal Farmland Mosaic that has limited capacity for wind turbines. The landscape can be described as being of very low relief with occasional higher knolls. This landscape character type is a high sensitivity rating for turbines with little capacity. It is considered that, in this area of the island, the community turbine absorbs the vast majority of the landscape capacity and it is difficult for the landscape to successfully absorb further turbine development in the immediate vicinity. This is certainly the case for proposals that lie in the same visual envelope when viewed from the public roads and other public vantage points. With this in mind the proposal is not consistent with the findings of the WECS.

This proposal will add confusion within the landscape, contributing to a cluttered appearance. Proposals seen in conjunction with the community turbine should be of an appropriate scale so as to sit within the landscape and not add clutter to the area. In this instance the turbine adds to general clutter in the landscape and it is difficult to see how the proposal could be successfully amended within the applicants land holding without generating the same concerns.

The applicant intends to access the site using existing roads on the island and farm tracks. The turbine will not require any traffic mitigation measures but there have been no details of the transport of the turbine provided in the supporting documentation. The council's Area Roads Department has requested that the determination of the application be deferred until such time that the applicant submits further transportation details. This information has not been forthcoming as yet. This could be controlled by planning condition, but as the turbine generates conflict through cumulative impact, the proposal is not being supported.

There has been no objection from consultees or third parties with the exception of the Roads Department as detailed above. SNH responded that due to the proximity to the SPA, SAC and RAMSAR sites the proposal would likely have a significant effect on the qualifying interests of the SPA but will not have an adverse effect on the integrity of the site.

However, due to the cumulative impact and confusing visual relationship with the larger community turbine near the site, the proposed turbine is not considered consistent with the provisions of LP ENV 1, LP REN 2, LP TRAN 4 and the Wind Energy Capacity Study (WECS) of the adopted development plan.

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

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

1. On the approach from Caolas the turbine will be seen in a prominent part of the landscape and will dominate views from the eastern side of the island whilst also

being seen in conjunction with the larger community turbine. The degrees of scale and distance from some viewpoints may at times give the impression of more than one community turbine and confuse the viewer resulting in the turbine having a much larger impact on the landscape than would be the case of a single turbine in isolation. The siting will result in skylining from key locations along the main road travelling east and west, and potentially from long distance views from the ferry route and further afield at Gott Bay. It is considered that the views of the turbine would be significant when coupled with those of the community turbine. This has the effect of scaling the landscape and diminishing its scale, to its detriment.

According to the Wind Energy Capacity Study (WECS) the site falls within landscape character type (LCT) 16 'Marginal Farmland Mosaic'. This LCT has limited capacity for wind turbines. The landscape can be described as being of very low relief with occasional higher knolls. In this instance the turbine will sit on top of the landscape at a high point providing skylined views. This landscape character type has a high sensitivity rating for turbines with little capacity. It is considered that, in this area of the island, the community turbine absorbs the vast majority of the ability of the landscape to successfully absorb turbine development. With this in mind the proposal is not consistent with the findings of the WECS.

This proposal will add to clutter in the landscape. Proposals seen in conjunction with the community turbine should be of an appropriate scale so as to sit within the landscape and not create visual clutter. In this instance the turbine adds to clutter in the landscape, due to the cumulative impact of the turbine seen in conjunction with the existing community turbine.

The proposal is not consistent with the provisions of adopted Local Plan policy LP ENV 1 sub-section (c) in that the turbine does not protect, restore or enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Additionally, the turbine is not consistent with adopted Local Plan policy LP REN 2 in that the turbine will have an adverse impact directly on the visual amenity of the area.

(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: No

Author of Report: David Love Date: 20/08/12

Reviewing Officer: Stephen Fair Date: 15/10/12

**Angus Gilmour
Head of Planning**

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 12/00619/PP

1. On the approach from Caolas the turbine will be seen in a prominent part of the landscape and will dominate views from the eastern side of the island whilst also being seen in conjunction with the larger community turbine. The degrees of scale and distance from some viewpoints may at times give the impression of more than one community turbine and confuse the viewer resulting in the turbine having a much larger impact on the landscape than would be the case of a single turbine in isolation. The siting will result in skylining from key locations along the main road travelling east and west, and potentially from long distance views from the ferry route and further afield at Gott Bay. It is considered that the views of the turbine would be significant when coupled with those of the community turbine. This has the effect of scaling the landscape and diminishing its scale, to its detriment.

According to the Wind Energy Capacity Study (WECS) the site falls within landscape character type (LCT) 16 'Marginal Farmland Mosaic'. This LCT has limited capacity for wind turbines. The landscape can be described as being of very low relief with occasional higher knolls. In this instance the turbine will sit on top of the landscape at a high point providing skylined views. This landscape character type has a high sensitivity rating for turbines with little capacity. It is considered that, in this area of the island, the community turbine absorbs the vast majority of the ability of the landscape to successfully absorb turbine development. With this in mind the proposal is not consistent with the findings of the WECS.

This proposal will add to clutter in the landscape. Proposals seen in conjunction with the community turbine should be of an appropriate scale so as to sit within the landscape and not create visual clutter. In this instance the turbine adds to clutter in the landscape, due to the cumulative impact of the turbine seen in conjunction with the existing community turbine.

The proposal is not consistent with the provisions of adopted Local Plan policy LP ENV 1 sub-section (c) in that the turbine does not protect, restore or enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Additionally, the turbine is not consistent with adopted Local Plan policy LP REN 2 in that the turbine will have an adverse impact directly on the visual amenity of the area.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **12/00619/PP**

- (A)** 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

- (B)** The reason why planning permission has been refused.

As detailed in decision notice.

Appendix 2

Highlands and Islands Airports Limited consultation response

HIAL consultation
response DL

Stirling, Carol

From: olandi, planning [planning.olandi@argyll-bute.gov.uk]
Sent: 01 May 2012 15:47
To: Maclean, Diane; Stirling, Carol
Subject: FW: Plan App 12/00619/PP - Erect Single Wind Turbine Land SE of Croish House Caolis Tiree

From: Anne Phillips[SMTP:APHILLIPS@HIAL.CO.UK]
Sent: Tuesday, May 01, 2012 3:46:59 PM
To: olandi, planning
Subject: Plan App 12/00619/PP - Erect Single Wind Turbine Land SE of Croish House Caolis Tiree
Auto forwarded by a Rule

Your Ref: 12/00619/PP
HIAL Ref: 2012/0154/TRE

check ref 629

Dear Sir/Madam,

PROPOSAL: Erect Single Wind Turbine (21m to blade tip)
LOCATION: Land SE of Croish House Caolis Tiree

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for **Tiree Airport**.

Therefore, Highlands and Islands Airports Limited would have no objections to the proposal.

Anne Phillips
Operations Manager
Highlands and Islands Airports Limited
Head Office, Inverness Airport, Inverness IV2 7JB
☎ 01667 464244 (DIRECT DIAL)
✉ safeguarding@hial.co.uk 🌐 www.hial.co.uk

National Air Traffic Safety consultation response

NATS consultation
response. DL

Stirling, Carol

From: olandi, planning [planning.olandi@argyll-bute.gov.uk]
Sent: 01 May 2012 08:08
To: Maclean, Diane; Stirling, Carol
Subject: FW: Your Ref: Our ref: 12/00629/PP w(f)14239 Croish House

From: MAGENNIS, Laoise on behalf of NERL Safeguarding[SMTP:NERLSAFEGUARDING@NATS.CO.UK]
Sent: Tuesday, May 01, 2012 8:08:21 AM
To: olandi, planning *check ref isn't 619*
Subject: Your Ref: Our ref: 12/00629/PP w(f)14239 Croish House
Auto forwarded by a Rule

The proposed development has been examined by our technical safeguarding teams. In the timeframe given to us we have been unable to thoroughly investigate the effects of the proposed development on our Operations, however, the relevant teams are being consulted.

Based on our preliminary technical findings, the proposed development does conflict with our safeguarding criteria. Accordingly, NATS (En Route) Plc objects to the proposal.

We will notify you within 8-10 weeks of the results of our operational assessment. Only if this assessment shows the impact to be acceptable will we be able to withdraw our objection.

We would like to take this opportunity to draw your attention to the legal obligation of local authorities to consult NERL before granting planning permission for a wind farm. The obligation to consult arises in respect of certain applications that would affect a technical site operated by or on behalf of NERL (such sites being identified by safeguarding plans that are issued to local planning authorities). In the event that any recommendations made by NERL are not accepted, local authorities are further obliged to notify both NERL and the Civil Aviation Authority ("CAA") of that fact (which may lead to the decision made being subject to review whether by the CAA referring the matter for further scrutiny or by appropriate action being taken in the courts). As this further notification is intended to allow the CAA sufficient time to consider whether further scrutiny is required, we understand that the notification should be provided prior to any granting of permission. You should be aware that a failure to consult NERL, or to take into account NERL's comments when deciding whether to approve a planning application, could cause serious safety risks for air traffic.

If you have any queries regarding this matter you can contact us on the telephone number given at the bottom of this letter.

Yours faithfully

Laoise Magennis
Technical Administrator
On behalf of NERL Safeguarding Office
01489 444687

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NATS means NATS (En Route) plc (company number: 4129273), NATS (Services) Ltd (company number 4129270), NATSNAV Ltd (company number: 4164590) or NATS Ltd (company number 3155567) or NATS

Area Roads Engineer consultation response

Operational Services
Oban, Lorn and the Isles Area

OBSERVATIONS ON PLANNING APPLICATION

Our Ref:
Contact: Brian Rattray
Tel: 01546 604682

Planning Application No: 12/00619/PP Dated: Received:
Applicant: E & E MacKinnon
Proposed Development: Erection of 15kw wind turbine (21m high to blade tip)
Location: Land south east of Croish House, Caolis, Isle of Tiree
Type of consent: Planning Permission
Ref. No(s) of Drg(s) submitted: Series of plans

RECOMMENDATION: Deferred

Proposals Acceptable	Y/N
1. General	
(a) General Impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N
(d) Drainage Impact/Flooding Assessment Required	N
(e) Sustainable Drainage System (SUDS) Provision	N
2. Existing Roads	
(a) Type of connection (Road Junction/Footway Crossing)	
(b) Location(s) of Connection(s)	
(b) Sight-lines 25m x 2m	
(d) Pedestrian Provision	

Proposals Acceptable	Y/N
3. New Roads n/a	
(a) Widths	
(b) Pedestrian Provision	
(c) Layout (Horizontal/Vertical alignment)	
(d) Turning Facilities (Circles/Hammerheads)	
(e) Junction Details (Locations/radii/sightlines)	
(f) Provision for P.U. Services	

Proposals Acceptable	Y/N
4. Servicing and Car Parking	
(a) Drainage	
(b) Car parking Provision	
(c) Layout of Parking bays/Garages	
(d) Servicing Arrangements/Driveways	

5. Signing n/a

(a) Location	
(b) Illumination	

Item Ref.	COMMENTS

Item Ref.	CONDITIONS/ REASONS
	A transport management plan should be submitted detailing all plant, equipment and materials required for the construction and operation of the proposed turbine. The TMP should include method statements and any mitigating measures proposed to protect the road network.

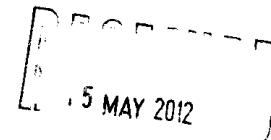
Notes for intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road openings Permit (S56)*	Not Required

*Relevant Section of the Roads (Scotland) Act 1984

Signed: _____
Network & Environment Manager

Date:



SNH consultation response



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

planning.oland@argyll-bute.gov.uk

Your ref: 12/00619/PP
Our ref: CONS/REN/WF/MCT/SSWT

21st May 2012

Dear Mr Love

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

Proposal: Erection of 15 kilowatt wind turbine (21 metres high to blade tip)
Site Address: Land South East Of Croish House, Caolas, Isle of Tiree, Argyll And Bute
Grid Reference: 108142 748589

Thank you for your electronic consultation dated 1st May 2012 inviting comment from Scottish Natural Heritage (SNH) with regard to the above renewable energy development.

1. SNH Position

We have **no objection** to the proposed turbine.

2. SNH Appraisal of the Proposal

The proposed turbine development is not within any designated site, but lies just over 700 m away from the coast, which carries multiple designations as described below.

2.1 Natural Heritage Interests Affected – designated sites

Sleibhtean Agus Cladach Thiriodh Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. These sites regularly support internationally important wintering populations of Greenland white-fronted goose, barnacle goose, ringed plover, turnstone, sanderling, purple sandpiper and ringed plover. The site also regularly supports an internationally important breeding assemblage of waders. Corncrakes are also known to use some of the fields in the Caolas area.

2.2 SNH Assessment on the Likely Impacts of the Proposal on European Interests

The site's status as an SPA means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the "Habitats Regulations") apply. See <http://www.snh.gov.uk/docs/A423286.pdf> for detailed legislative guidance.



Scottish Natural Heritage, Cameron House, Albany Street, Oban, Argyll PA34 4AE
Tel 0300 244 9360 Fax 0300 244 9361 www.snh.org.uk

Dualchas Nàdair na h-Alba, Taigh Chamshron, Sràid Albany, An t-Òban, Earra- Ghàidheal
PA34 4AE
Fòn 0300 244 9360 Fax 0300 244 9361

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recycled paper

The proposed turbine site lies over 700 m from the boundary of the SPA. Our records and knowledge of the target SPA species' (Greenland White-fronted and Greenland Barnacle geese) movements show that the proposed turbine site is not close to any regular Greenland White-front feeding areas. It is close to a field that is occasionally used by moderate numbers of Barnacle Geese, but we do not foresee any threat to these Barnacle geese as the turbine in this location does not lie on a regular flight path.

In our view, it is unlikely that the proposal will have a significant effect on any of the qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.

If you would like any further advice on this proposal then please do not hesitate to contact me.

Yours sincerely,



Christina Bell
Operations Officer
Mull, Coll and Tiree,
christina.bell@snh.gov.uk

Environmental Health consultation response

Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid



Memo

Development and Infrastructure Services
Director: Sandy Mactaggart

Municipal Buildings, Albany Street,
Oban, Argyll, PA34 4AW

Planning and Regulatory Services

Date: 15th May 2012

To: Planning Services
Municipal Buildings, Oban

Your Ref: 12/00619/PP

From: Paul Reynolds
Oban, Lorn & The Isles

Our Ref: PR/KC
Extension: 7919

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
PROPOSAL: ERECTION OF 15 KW WIND TURBINE (21 METRES HIGH TO BLADE TIP)
SITE ADDRESS: LAND SOUTH EAST OF CROISH HOUSE CAOLIS ISLE OF TIRRE
GRID REFERENCE: 108142 748589

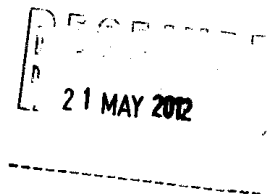
DESCRIPTION OF PROPOSAL: - as above

COMMENT: - The applicant has provided data on the operation of the proposed wind turbine which identifies that noise levels and shadow flicker will not have an adverse effect upon the nearest sensitive domestic property.

CONCLUSIONS: - Notwithstanding the above, I have no objections to the application.

A handwritten signature in black ink that reads 'Paul Reynolds'.

PAUL REYNOLDS
ENVIRONMENTAL HEALTH OFFICER
OBAN, LORN AND THE ISLES



WoSAS consultation response

Our ref: 7/3/2/12/00619
Your ref: 12/00619/PP
WoSASdoc: 12_00619
Date: 18 May 2012
Contact: Paul Robins
Direct dial: 0141 287 8335

Development Services
Argyll & Bute Council
Lorn House
Albany Street
Oban
PA34 4AR

WEST of SCOTLAND
ARCHAEOLOGY
SERVICE



WOSAS CONSULTATION

20 India Street, Glasgow G2 4PF
Tel: 0141 287 8330
Fax: 0141 287 9529
enquiries@wosas.glasgow.gov.uk

Dear Madam,

Archaeological Consultation on Planning Applications: No Archaeological Issue Raised

No substantive archaeological issue is raised by the undernoted planning application(s), sent recently to the West of Scotland Archaeology Service for comment:

12/00619/PP

**Erection of 15 kilowatt wind turbine (21 metres high to blade tip),
Land South East Of Croish House Caolis Isle Of Tiree Argyll And
Bute.**

Thank you for requesting our comments.

Yours faithfully

West of Scotland Archaeology Service