

**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**

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**Reference No:** 12/01342/PP  
**Planning Hierarchy:** Local  
**Applicant:** Islay Energy Trust  
**Proposal:** Erection of Wind Turbine (61m to blade tip), erection of electrical switchgear kiosk and formation of crane hardstanding (as amended by further submissions dated 21<sup>st</sup> May 2013).  
**Site Address:** Land East of Glenegadale Lotts, Lotts, Isle of Islay

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**DECISION ROUTE**

Local Government Scotland Act 1973

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**(A) THE APPLICATION**

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

- Erection of One Wind Turbine (61m to blade tip);
- Erection of electrical switchgear kiosk;
- Formation of Crane Hardstanding;

**(ii) Other specified operations**

- Installation of 11kv underground grid connection
  - Offsite road improvements.
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**(B) RECOMMENDATION:**

Recommend that planning permission be granted subject to the conditions and reasons appended to this report.

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**(C) CONSULTATIONS:**

NATS (29.06.12) – No objections.

Highlands & Islands Airports (04.07.12) – No objections subject to conditions.

SEPA (12.07.12) – No comment.

Public Protection (14.08.12) – No objections subject to conditions.

MoD (24.08.12) – No objections subject to conditions.

Roads Engineer (23.07.12 & 09.05.13) – No objections subject to conditions.

RSPB (13.07.12, 19.09.12 & 11.04.13) – No objections.

Scottish Natural Heritage (27.07.12, 10.04.13 & 23.05.13) – No objections with additional detailed comments relating to LVIA.

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**(D) HISTORY:**

12/00248/PP – Erection of 50m anemometer mast for temporary 2 year period – granted 11.05.12

88/00857/MIN001 – Winning and working of peat at Castlehill Peat Moss – granted 07.12.88

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**(E) PUBLICITY:**

Regulation 20 / Schedule 3 advert published 05.07.12 / expired 26.07.12

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**(F) REPRESENTATIONS:**

Representations received from: None

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

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| <b>(i) Environmental Statement:</b>  | No  |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>  | No  |
| <b>(iii) A design or design/access statement:</b>  | No  |
| <b>(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | Yes – the application is accompanied by supporting information; notably this includes LVIA, transport route assessment, peat stability, and ornithological study results. |

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**(H) PLANNING OBLIGATIONS**

Is a Section 75 agreement required: No

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

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(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 5 – Development in Sensitive Countryside

STRAT DC 7 – Nature Conservation and Development Control

STRAT DC 8 – Landscape and Development Control

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 6 – Impact on Habitats and Species

LP ENV 9 – Impact on National Scenic Areas (NSAs)

LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)

LP ENV 12 – Water Quality and Environment

LP ENV 19 – Development Setting, Layout and Design

LP BAD 1 – Bad Neighbour Development

LP TRAN 1 – Public Access and Rights of Way

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

LP TRAN 5 – Off-site Highway Improvements

LP TRAN 7 – Safeguarding of Airports

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.**

- Scottish Planning Policy
- Scottish Government Advice Note on Onshore Wind Turbines 2012
- PAN 1/2011 – Planning and Noise
- Argyll and Bute Landscape Wind Energy Capacity Study March 2012
- Consultee Comments

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(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** Yes – negative screening opinion issued.

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

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

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

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**(O) Requirement for a hearing (PAN41 or other):** No

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

The application seeks planning permission for a single wind turbine of up to 61m in height to blade tip. The submitted application includes for a reduced 53m turbine specification in the event that the larger specification is considered unacceptable.

The applicant is the Islay Energy Trust who are a community-owned charity whose aim is to develop and operate renewable energy projects for the benefit of the community. There are no third party representations to the development, nor are there any objections to the proposal from statutory consultees.

The application site is located within an area of lower ecological value, this in part being due to extensive peat cutting in the immediate surrounds. The proposed development does not give rise to adverse impacts upon natural heritage, the historic environment or residential amenity.

The proposal is contrary to the 'Argyll and Bute Landscape Wind Energy Capacity Study' March 2012 (LWECS) which did not undertake any detailed assessment of landscape capacity for turbines over 50m in height in relation to Islay, on the basis there is no landscape capacity for turbines larger than 50m in the Islands. The LWECS does however indicate limited capacity for small/medium typology (35m – 50m) wind turbine development within the Moorland Plateau Landscape Character Type relating to the current application.

Notwithstanding the guidance within the LWECS and advice from SNH that the turbine height is excessive, the proposal for a 61m turbine is in this instance not considered likely to have a significant adverse impact upon the character or appearance of the wider landscape setting having regard to the comparability of the proposed turbine specification to small/medium typology development, the relative remoteness of the application site from sensitive receptors, and the expansive, relatively featureless moorland setting enclosed by a string backdrop of significantly higher land to the east. In this respect the proposal is not considered to have a significant adverse impact upon landscape character, scenic quality or general amenity and as such may be regarded as being consistent with the relevant provisions of policies STRAT DC 8, STRAT RE 1, and LP REN 1.

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**(Q) Is the proposal consistent with the Development Plan:** Yes

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**(R) Reasons why Planning Permission or Planning Should be Granted:**

The proposal for erection of a single wind turbine of up to 61m in height to blade tip will not have an unacceptable impact directly, indirectly or cumulatively on the economic, social or physical aspects of sustainable development, having regard to the criteria set out in policies STRAT RE 1 of the 'Argyll and Bute Structure Plan' 2002 and LP REN 1 of the 'Argyll and Bute Local Plan' 2009.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

n/a

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**(T) Need for notification to Scottish Ministers or Historic Scotland: No**

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**Author of Report:** Peter Bain **Date:** 03.06.13

**Reviewing Officer:** Richard Kerr **Date:** 03.06.13

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

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 12/01342/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 11<sup>th</sup> June 2012, supporting information and, the approved drawing reference numbers 1 of 7 to 7 of 7 unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

2. Notwithstanding the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, the wind turbine hereby permitted shall be operational within five years from the date of this approval following which, by virtue of there having been no start on the development hereby permitted, this consent will be considered to have lapsed. Development which has been commenced but which remains uncompleted and has not resulted in an operational wind turbine within this five year timescale (or otherwise agreed timescale) shall be fully restored in accordance with the requirements of the conditions attached to this permission.

*Reason: In order to reduce unnecessary blight over wind catchment areas and other potential sites which, cumulatively, may result in an adverse environmental impact, but individually might otherwise receive the benefit of planning permission.*

3. If, by reason of any circumstances not foreseen by the applicant or operator, the wind turbine fails to produce an electricity supply to a local grid for a continuous period of 12 months then it will be deemed to have ceased to be required and, unless otherwise agreed in writing with the Planning Authority, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the area of the site impacted by development shall be restored in accordance with the agreed scheme, all to the satisfaction of the Planning Authority.

*Reason: In accordance with the Council's policy to ensure that full and satisfactory restoration of the wind farm site takes place should it fall into disuse.*

4. The permission shall be for a period of 25 years from the commencement of the commercial operation of the development, the date of which shall be notified in writing to the Planning Authority. Within 12 months of the end of that period, unless a further planning application is submitted and approved, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the land reinstated in accordance with the applicant's statement of intentions and conditions listed below, to the satisfaction of the Planning Authority.

*Reason: In order that the Planning Authority has the opportunity to review the circumstances pertaining to the consent, which is of a temporary nature and in the interests of the visual amenity of the area.*

5. For the avoidance of doubt and notwithstanding the effect of Condition 1., this permission should not be construed as conferring consent for the working of any borrow pits within the application site, the provision of which would require to be the subject of separate applications to the Planning Authority for mineral planning consent.

*Reason: For the avoidance of doubt, and having regard to the need for separate planning permission.*

6. Notwithstanding the provisions of Condition 1, no development shall commence until details of the turbine model selected for installation on the site have been submitted to and approved in writing by the Planning Authority. The turbine model selected shall not exceed the blade tip height, hub height and rotor diameter hereby approved. Thereafter the development shall be implemented in accordance with the duly approved details.

*Reason: In order to ensure that the development adheres to the design parameters considered in the assessment of the proposal, and in the absence of the actual turbine model to be installed being specified in the application.*

7. The wind turbine(s) shall be finished in a matt light grey colour (RAL 7038) or such other colour as may be agreed in writing with the Planning Authority, and the colour and finish of the wind turbines shall not be altered thereafter without the written consent of the Planning Authority. No illumination shall be permitted, nor shall any symbols, signs, logos, or other lettering be applied to the turbines without the prior written approval of the Planning Authority.

*Reason: To reduce the impact of the turbines and minimise reflection in the interest of visual amenity.*

8. No development shall commence until details of materials, external finishes and colours for all ancillary elements, including transformers, switchgear/metering building, compound and fencing have been submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the duly approved details.

*Reason: In order to secure an appropriate appearance in the interests of amenity and to help assimilate the structures into their landscape setting.*

9. At least two months prior to the commencement of development, an Environmental Management Plan (EMP) detailing all mitigation and pollution prevention measures to be implemented during construction and the lifetime of the development shall be submitted to and agreed by the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This should address all aspects of the construction process which might impact on the environment, including in particular, excavations and other earthworks, a management/reinstatement scheme for peat areas, the construction works associated with upgraded watercourse crossings, the management of waste streams, the timing of works to avoid periods of high rainfall; along with monitoring proposals, contingency plans and reinstatement measures. The development shall be implemented in accordance with the provisions of the duly approved EMP or any subsequently agreed variation thereof.

*Reason: In the interests of pollution control and protection of the water environment.*

10. No development shall commence until, full details of the drainage proposals for the site and drainage for the storage areas and compounds, together with the provisions for the avoidance of sedimentation and pollution from construction works and the storage and use of oils and other potential pollutants, and measures for the monitoring and mitigation of erosion, have been submitted for the approval of the Planning Authority in consultation with the Scottish Environment Protection Agency. The scheme shall include details relating to the methods for collection and treatment of surface run-off using sustainable drainage principles. The development shall be implemented in accordance with the duly approved details.

*Reason: In order to prevent pollution of the water environment.*

11. Within six months of the wind turbine becoming fully operational, all temporary site offices, containers, machinery and equipment shall be removed, and the materials storage compounds/laydown areas shall be fully restored in accordance with a scheme detailing vegetation replacement techniques and timing, which shall be submitted to and approved in advance by the Planning Authority unless otherwise agreed in writing with the Planning Authority.

*Reason: In order to secure appropriate reinstatement of those areas disturbed by construction in the interests of amenity.*

12. Before the cessation of the planning permission, a decommissioning plan shall be submitted for the written approval of the Planning Authority in consultation with Scottish Natural Heritage. Within 12 months of the planning consent lapsing, unless any further permission has been granted for their retention for an additional period, the wind turbine and all ancillary structures shall be removed, and the turbine base and adjoining hard standings covered in soil/peat and re-seeded with appropriate vegetation in accordance with the requirements of the approved plan.

*Reason: To ensure that disturbed areas of the site are reinstated in a proper manner in the interests of amenity.*

13. No development shall commence until full details of a Restoration Method Statement and Restoration Monitoring Plan has been submitted for the approval of the Planning Authority, in consultation with Scottish Natural Heritage. The restoration method statement shall provide restoration proposals for those areas disturbed by construction works, including access tracks, hardstandings and other construction areas. Restoration of construction disturbed areas shall be implemented within 6 months of the commissioning of the wind turbine, or as otherwise agreed in writing with the Planning Authority. The monitoring programme shall include a programme of visits to monitor initial vegetation establishment and responses to further requirements, and long term monitoring as part of regular wind turbine maintenance.

*Reason: To ensure that disturbed areas of the site are reinstated in a proper manner following construction in the interests of amenity, landscape character and nature conservation.*

14. No development shall commence until the developer has provided the Planning Authority with details of the bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs on the expiry of this permission. No work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other financial provision is maintained throughout the duration of this permission.

*Reason: To guarantee the restoration of the site following cessation of the development.*

15. Prior to the delivery of any abnormal loads to site, written confirmation shall be provided to the Planning Authority that the developer has secured agreement from the Roads Authority(s) for the intended means of delivery for all types of abnormal load required in relation to the construction of the development as identified in the Route Access Study dated November 2012.



*Reason: In the interest of road safety.*

16. No development shall commence until such time as the junction of the private road serving the development and the B8016 has been widened in accordance with the specifications set out in either drawing no 247702-100F1.1, OR 247702-200F1.1 (both as included in the Route Access Study dated November 2012), OR an alternative specification agreed in writing in advance by the Planning Authority.

*Reason: In the interest of road safety, to ensure that an off-site junction improvement necessary for delivery of turbine components, and involves work which requires planning permission in its own right, is provided in advance of the development commencing.*

17. No development shall commence until a Noise Mitigation Plan detailing the proposed working methods and operating times to be employed during the construction phase, including any mitigation measures to minimise the effects of construction noise has been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved Noise Mitigation Plan.

*Reason: In order to minimise the effects of noise pollution during construction of the development in the interest of residential amenity.*

18. The level of noise from the operation of the development shall not exceed 35dB L<sub>A90</sub> when measured at any residential property in accordance with the methodology of ETSU-R-97 or any successor standards. The noise shall be broad-band with no discernible audible tonal and/or impulsive characteristics so as to cause nuisance to the occupants of any dwelling.

*Reason: In order to minimise the effects of noise pollution from operation of the development in the interest of residential amenity.*

19. In the event of a complaint being submitted to the Council in respect of noise emissions from the development by the occupier of an affected property, at the request of the Council the developer shall undertake an investigation of the complaint, carry out monitoring, prepare and submit a report to the Planning Authority for approval in writing, identifying any necessary remedial action in accordance with the methodology set out in "The Assessment and Rating of Noise from Wind Farms ETSU-R-97" produced by the Energy Technology Support Unit on behalf of the Department of Trade and Industry. Thereafter any remedial action identified in the approved report shall be implemented in accordance with a timescale to be agreed with the Planning Authority.

*Reason: In order to provide a mechanism for responding to unforeseen operational noise in the interest of residential amenity.*

20. Development shall not commence until details of aircraft warning lighting safety to be installed at the development have been submitted to and approved in writing by the Planning Authority, in consultation with the Ministry of Defence and Highlands and Islands Airports Limited. The duly approved aircraft warning lighting shall be installed concurrently with the installation of the wind turbine and thereafter maintained for the duration of the development.

*Reason: In the interests of air safety.*

21. Development shall not commence until such time as the developer has provided

written notification of the development to UK DVOF & Powerlines at the Defence Geographic Centre. Such notification shall include details of: a. the precise location of the development; b. date of commencement of construction; c. date of completion of construction; d. the height above ground level of the tallest part of the structure; e. the maximum extension height of any construction equipment; and, f. details of the aviation warning lighting to be fitted to the structure.

*Reason: In the interest of air safety.*

## **NOTE TO APPLICANT**

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- In the event that it becomes necessary to extend the time period specified by condition 2 in relation to the completion of the development then this should be undertaken by means of a formal application to vary the terms of the condition pursuant to Section 42 of the Act.
- Having regard to the provisions of condition 16 above it is noted that the required junction improvements with the B8016 public road shall require to be the subject of a separate application for planning permission. For the avoidance of doubt, the provisions of condition 16 prevent any aspect of the development commencing until such time as the necessary junction improvement with the B8016 has been provided in full.
- Regard should be had to consultation comments from the Ministry of Defence and Highlands and Islands Airports Ltd in relation to the provisions of conditions 20 and 21.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/01342/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy / Renewable Energy Policy**

The proposal relates to the installation of a commercial wind turbine by the Islay Energy Trust (IET), a community owned charity whose aim is to develop and operate renewable energy projects for the benefit of the community, and working with the community to reduce energy use and carbon emissions. The proposal is for a grid connected, community owned wind turbine which is designed to generate financial and socio-economic benefits to the local community. The project has the potential to realise considerable financial benefits with some £80-100k anticipated to be made available to a community fund in years 1-10. The fund will be administered by a newly created body and open to applications from Islay, Jura and Colonsay.

The Scottish Planning Policy (SPP) sets out the Scottish Government's commitment to increase the amount of electricity generated from renewable resources in its response to climate change. The SPP also recognises that there is potential for communities to invest in the ownership of renewable energy projects or, as in the case of the current proposal, to develop their own projects for local benefit and sets out that Planning Authorities should seek to be supportive of such endeavours.

When granting planning permission, the SPP cautions that Planning Authorities should include conditions for the decommissioning of developments, including their ancillary infrastructure, and for site restoration. Authorities should also ensure that sufficient finance is set aside to enable operators to meet their restoration obligations, and should consider financial guarantees through a section 75 agreement. Furthermore, section 186 of the SPP advises that a range of benefits are often voluntarily provided by developers to communities in the vicinity of renewable energy developments – these can include community trust funds. Such benefit should not be treated as a material consideration unless it meets the tests set out in Circular 1/2010 'Planning Agreements'.

The application site lies within an area designated as 'Sensitive Countryside' in the Argyll and Bute Local Plan wherein the provisions of STRAT DC 5 apply.

The provisions of policies STRAT RE 1 and LP REN 1 set out support in principle for wind turbine development in appropriate 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 provisions of policy LP REN 1 are accompanied by a spatial strategy which maps areas of search for wind farm development and those areas which are subject to constraint. However, in line with the Scottish Government's Scottish Planning Policy, such mapping is only relevant in respect of schemes with a generating capacity in excess of 20mw; accordingly the current proposal for 330kw does not benefit from any such mapping to indicate an initial presumption for or against the development.

Policy LP REN 1 also sets out that all commercial wind turbine development, regardless of scale, must address the following issues:

- Communities, settlements and their settings

*The proposal is not adjacent to or within a settlement and whilst it will have some limited impact upon the setting of the settlement of Glenegadale the turbine is located some 2km away and will be viewed as a relatively small element within an expansive moorland landscape, backdropped by rising ground to the east with existing powerlines running through the foreground of such views.*

- Areas and interests of nature conservation significant including local biodiversity, ecology and the water environment.

*The turbine will not impact adversely on ecology or sites designated for ecological reasons as confirmed by SNH and RSPB in their consultation responses. These issues are considered in section C below.*

- Landscape and townscape character, scenic quality and visual and general amenity.

*The proposed 61m turbine is contrary to the summary recommendations set out in the LWECS which advise that there is no landscape capacity for turbines larger than 50m in the Islands – it is noted however that no detailed assessment for turbines above 50m have been undertaken in relation to Islay. Based upon a detailed consideration of this application the proposal is not considered likely to have a significant adverse impact upon landscape character, scenic quality or general amenity and as such is consistent with the relevant provisions of policies STRAT DC 8, STRAT RE 1, and LP REN 1. These issues are addressed in detail in section E below.*

- Core paths, rights of way, or other important access routes.

*The proposal will not infringe on any existing rights of way or pathways. Impact on the roads infrastructure is assessed in section G below.*

- Sites of historic or archaeological interest and their setting.

*The proposal does not have any significant direct or indirect implications for the historic environment; these matters are addressed in section D below.*

- Telecommunications, transmitting and receiving systems.

*The proposal is not known to have any significant direct or indirect implications for the telecommunications infrastructure; these matters are addressed in section F below.*

- Important tourist facilities, attractions or routes.

*The proposal is not adjacent to or near any tourist facilities but will be visible from the Machrie Hotel and Golf Course (4.5km to the SW) and would be of some significance in terms of users of the A846 and B8016 between Port Ellen and Bowmore, and to a much lesser degree, users of the A847 from Bridgend to Port Charlotte.*

- Stability of peat deposits.

*The application is accompanied by a peat stability report suggesting that ground conditions are suitable for the proposed development without excessive excavation of peat; this matter is further addressed in section C below.*

Considering the above, and the further assessment below, the proposal is consistent with policies STRAT RE 1 and LP REN1.

## **B. Location, Nature and Design of Proposed Development**

The application as originally submitted sought planning permission for one wind turbine with a maximum tip height of 67m to blade tip. At the time of submission, the applicant had still to undertake detailed modelling of the wind regime at the site with a view to finalising their turbine specification – in this respect they provided three different specifications based upon two different turbine models and a combination of tower heights – these proposals provided for an Enercon E33 turbine of either 53m or 67m to blade tip dependent on tower spec, or an Enercon E44 turbine also of 67m to blade tip. Having regard to the principles of the case law ‘Rochdale Envelope’ the details submitted in support of the planning application have been based upon the ‘worst case scenario’ respectively in relation to noise, transport assessment and landscape and visual assessment.

During the processing of the application the applicant has undertaken further technical assessment of the site and have subsequently confirmed that planning permission is sought for an Enercon E33 turbine mounted on a 44m tower (overall height 61m to blade tip). In the event that the Planning Authority were not minded to support this proposal it is requested that an alternative proposal of reduced height with the Enercon E33 turbine mounted on a lower 36m tower (overall height 53m to blade tip) be considered. Both turbine specifications would be finished in a matt light grey (RAL 7038).

The Enercon E33 turbine is a three bladed turbine with a rotor diameter of 33.4m with a clockwise variable rotation speed of 18 – 45 rpm and rated power output of 330kw. As mentioned above, the current application includes for two different tower specifications however these are both tapering, cylindrical structures similar in appearance with the exception of an 8.0m height difference. The applicant has expressed a preference for the taller turbine specification based upon a projected 4% higher energy yield and the structural stability of the development having regard to the wind conditions monitored at the site. In respect of the latter point the 44m tower is designed to a higher IEC Class A standard than the 37m tower which is IEC Class B. Measured turbulence intensity at the site indicates marginal conditions for the Class B tower; use of the higher Class A tower would lead to a lower technical risk and overall greater project security.

The proposed turbine will require a 12.7m diameter concrete foundation although this will be backfilled with crushed stone leaving only the diameter of the turbine uncovered; adjacent to this will be a 20m x 20m hardstanding area which shall also be finished in crushed stone.

The proposal also includes for a modest 2.7m x 2.7m x 2.5m GRP substation kiosk (colour to be confirmed by planning condition) to be located immediately to the west of the turbine.

The application site is located approximately 2km to the east of Glenegadale and the B8016 public road, 9km to the south east of Bowmore and 5.5km to the north of Port

Ellen. The proposal is located within a 400ha peat extraction site currently operated by Diageo to serve the whisky industry on Islay and which lies within expanse of peat moss and marginal farmland which stretches between the B8016 in the west and a range of substantial hills to the east which include Beinn Sholum, Beinn Uraraidh and Beinn Bhan.

The proposed turbine is located over 1km from the nearest residential property. The Council's Public Protection Officers have confirmed from noise data available for the Enercon E33 that noise levels are expected to be below 35 LA<sub>90</sub>, 10 mins and as such would be consistent with the guidance provided by the Scottish Government in Planning Advice Note (PAN) 1/2011 – Planning and Noise, which refers to standards published in 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). Whilst no objection is raised to the proposal, it is however advised that it would be prudent to attach planning conditions imposing a maximum noise threshold at residential property and a requirement for the developer to adequately investigate and take remedial action in event of a complaint being received.

Given that the proposed turbine is located in excess of 1km from residential property and 2km from the public road the effects of shadow flicker and ice throw are not considered likely to give cause for nuisance or danger to the public.

The proposal is considered to be compliant with the requirements of policy LP BAD 1.

## **C. Natural Environment**

The application site lies within an open moorland location in a locality which has been subject to extensive peat cutting activities and has lower ecological importance than other parts of the Island.

There are no natural heritage designations relating to the application site or its immediate surrounds. The application has been accompanied by ornithological survey work (incorporating breeding bird survey, breeding birds vantage point survey and non-breeding birds vantage point survey) undertaken to a methodology accepted by SNH. SNH and the RSPB have subsequently confirmed that they are satisfied that the proposal will not have a significant impact on raptors or Greenland white-fronted geese.

The application is accompanied by a peat stability study which advises that, based upon excavation of trial pits, the site of the proposed turbine is covered in a thin layer of peat (approx. 0.4m) which overlays clayey sand and gravels, with the bedrock lying approximately 3.5m below the existing surface which is expected to provide a suitable footing for the foundation slab.

The proposal is considered to be consistent with the relevant provisions of STRAT DC 7, LP ENV 2 and LP ENV 6.

## **D. Historic Environment**

The development is not located within the vicinity of any listed buildings, scheduled ancient monuments, other site sites of archaeological importance, or historic environment tourism destinations.

Having regard to the above, it is the consideration of Officers that the proposal does not have any significant direct or indirect implications for the management of the historic environment which merit further consideration in the determination of the current application for planning permission.

## **E. Landscape Character**

The proposal requires to be assessed having regard to the provisions of the 'Argyll and Bute Landscape Wind Energy Capacity Study' 2012 (LWECS). This guidance has lesser weight than policy but is still a significant material consideration in decision-making.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which includes a Zone of Theoretical Visibility (ZTV) and representations and analysis of the impact of the proposed development from key viewpoints.

For the purpose of the LWECS, the application site is located close to the western edge of an extensive area of Moorland Plateau landscape character type (LCT) 8; the proposed development will also exert a degree of influence over an adjacent area of Marginal Farmland Mosaic LCT 16 to the west.

At 53m or 61m both of the proposed turbine options would fall into the 'medium' turbine typology (50m – 80m) as defined in section 2.13 of the LWECS. In assessing this proposal it is however considered appropriate to give some weighting to the fact that the 53m turbine specification is at the extreme lower end of the 'medium' typology and therefore could be considered to have similar impact as a turbine at the upper end of the 'small/medium' typology (35m – 50m). Furthermore, it is also noted that the 61m turbine specification shares the same visual characteristics of the 53m specification using the same nacelle unit and rotor diameter but on a tower which is 8m taller – notably in this respect the increase in turbine height is not accompanied by any increase in the area of the rotor sweep (and significantly increased visual presence) which would ordinarily occur where developers use the advantage of additional tower height to install a higher output turbine with a larger rotor diameter. To assist in the comparison of impacts which might arise from the differing tower heights, the applicant has provided photomontage visualisations from key viewpoints for both the 53m and 61m turbine specifications.

There are no operational or consented wind turbines within this LCT and accordingly there has been no detailed consideration of potential cumulative impacts arising from the current proposal.

The Moorland Plateau LCT extends across the uplands and highest hills on Islay and northern parts of Jura. *"These hill ranges form the backdrop to a number of farmed and settled low-lying landscape types. The hills are irregular and interlocking, divided by glens, narrow river valleys and corries and saddles which often contain lochans. The highest summits contrast with areas of undulating plateau, and there are expanses of smooth gentler slopes. ... The vegetation is dominated by moorland and wet heath. Much of the area is unsettled, relatively inaccessible, exposed, semi-natural and often remote."*

*"The sense of remoteness and relative naturalness, emphasised by the inaccessibility and lack of settlement and the topographical diversity are key sensitivities. Further sensitivities include ... areas of more complex, smaller scale landforms. Nevertheless, the gentle slopes, the absence of smaller scale landscape*

*features such as settlement and the simplicity of landcover offers scope for development at the periphery of this character type."*

The LWECS does not provide a detailed assessment for turbines above 'small / medium' typology for landscape character types on the islands, including Islay. Within the summary of the LWECS it is stated that *"There is no scope to accommodate turbines above 50m height within the smaller scale, settled coastal/loch fringes and islands due to their increased landscape sensitivity to tall turbines"*. Section 2.24 of the LWECS in relation to The Islands however advises that:

*"That the study brief requires sensitivity assessments to be undertaken for the islands of Mull, Lismore, Bute, Islay and Jura. **It was necessary to prioritise funding for the study to address the main development pressures identified at the time of writing the brief and to fulfil the requirements of the Scottish Government planning guidance. For this reason it was decided that detailed assessment of turbines over 50m to blade tip within NSAs and islands should not be included in the study.** These assessments therefore focus on turbines up to 50m in height with smaller turbines between 12-20m high also being considered."*

In light of the above it is suggested that the summary recommendation within the LWECS in relation to development upon the islands is based more upon an assumption, rather than detailed assessment, of landscape capacity and anticipated lack of development pressure for larger typology development on the islands. On this basis it is considered that it would be unreasonable for the Council to refuse to consider the acceptability of a 'medium' or 'large' typology turbine on the islands based solely upon the summary recommendation of the LWECS.

Having regard to the Moorland Plateau LCT, the LWECS sets out *"this landscape is judged to be of high-medium sensitivity. This reflects the very limited scope in terms of area for this typology, as it is likely to be best accommodated at the very periphery of this character type, where the type forms the immediate backdrop to adjacent lower lying and farmed landscapes. This landscape has a Medium sensitivity for the small typology reflecting that there are likely to be slightly more opportunities to accommodate smaller turbines in similar locations which with careful siting are less likely to impact on the more remote and complex areas of landscape character."*

*"The Moorland Plateau character type is largely unsettled with no public roads, although parts of this landscape are visible from roads in adjacent character types. There are some coastal walks, and the ridgelines and hill profiles are a prominent feature in wider views. Visual sensitivity was concluded to be Medium for the small/medium (35m – 50m) typology, in large part due to the sensitivity of the ridgelines and coast from wider views and the sea. Visual sensitivity is reduced to Medium-low for the small typology because of the increased opportunities for turbines of this size to be less prominent, due to distance from roads and the opportunities for this height to be backdropped by rising ground."*

Key constraints within the Moorland Plateau LCT are identified as:

- *The diverse and at times complex topography of the landform, particularly the interior and the coast.*
- *The strong sense of remoteness, naturalness experienced in the interior of this area and on the coast.*
- *The visibility of skyline ridges and the more visually prominent higher hills seen in distant profile in adjoining character types and from the sea.*



- *The setting of Finlaggan and associated archaeological features.*

Opportunities within the Moorland Plateau LCT are identified as:

- *Areas of gently graded slopes, the undulating plateaux and shallow glens and the backdrop provided by rising ground in places.*
- *The periphery of this type, where there is a transition between this type and the lower-lying 'upland fringe' and farmed landscapes of the 'Moorland Plateau with Farmland' (LCT 8a), the 'Marginal Farmland Mosaic' (LCT 16) and the 'Coastal Parallel Ridges' (LCT 22).*
- *The simple land cover of this character type which includes extensive moorland and areas of conifer forest.*

The current application relates to a site which is located on the western periphery of the Moorland Plateau LCT within an expansive, featureless peat moss which forms a gently sloping transition between the higher hills to the east and the Marginal Farmland Mosaic to the west. It is considered that in terms of siting at least, the proposal is consistent with the LWECS recommendations for the marginally smaller small/medium turbine typology.

The ZVT which accompanies the application is based upon the original submission for a 67m turbine and as such provides as an indication of higher visibility than would occur from the subsequently reduced proposal. The ZVT indicates that the turbine will in theory be visible from the A846 and B8016 between Port Ellen and Bowmore, from the northern portion of the Oa peninsula to the south of Port Ellen, and from the A847 between Bridgend south of Port Charlotte on the eastern coast of the Rhinns.

Representative viewpoint analysis has demonstrated that at distance the turbine will, where visible, appear as a very small feature within an expansive landscape setting.

Viewpoint 2, provides a representation of the turbine looking due east from the B8016 within the upper portion of the Glenegadale settlement area, and is representative of the view which might be afforded from the windows and curtilage of residential properties in this immediate locale; although for the main part development tends to be sited with principle living apartments facing west to take advantage of panoramic coastal views. Most of the turbine would be clearly visible some 2.2km away. There are a number of vertical features within this view in the form of the various 11kV overhead lines in the foreground. The turbine would be partially back dropped by higher ground to the east although both the 53m and 61m turbine hubs would be located against the skyline along with the majority of the rotor sweep. The applicant's LVIA advises that the turbine, although larger than the existing vertical structures in the view will not significantly impinge upon the key long views of road users, which are orientated to the north/south along the road and as such predicts a '*medium*' magnitude of change to the view with a '*moderate*' significance of effect. The effect of the additional tower height of the 61m turbine specification is perhaps most noticeable from this location projecting the rotor sweep almost entirely above the back cloth of the hills to the east but is not significantly different in terms of magnitude of impact.

Supplementary Viewpoint SVP01 provides a representative view of the turbine (looking SE) when travelling south on the B8016. At this point the turbine is some 5.3km distant with the hub height of both the 53m and 61m turbine specifications visible just above the uneven skyline. The turbine will be seen across the rushy pasture and moorland and viewed within the context of expansive, featureless

foreground which merges into the undulating backdrop of the hills to the east. The additional height of the 61m turbine specification again slightly increases the prominence of the development from this location increasing the profile which would be visible against the skyline but again not to any significant degree.

Supplementary Viewpoint SVP02 provides a representative view of the turbine (looking NE) when travelling north on the B8016. The chosen viewpoint shows the turbine at its most visible from a slightly elevated location although it is noted that to the south of Glenegadale there is a greater degree of undulation in the landform which would reduce the visibility of the turbine and, in some cases would screen it entirely. The turbine is almost 3km distant from the viewpoint within an expanse of gently undulating moorland and rushy pasture with smaller scale settlement evident in close proximity to the B8016 in the foreground, and the existing 11kV overhead lines in the mid distance. From this more elevated viewpoint, the hills further to the east are reduced in scale and no longer provide the strong back cloth to the turbine which is evident from most other locations. Both the 53m and 61m turbine specification will appear prominently on the skyline from this viewpoint and as a feature which is larger in scale than existing vertical elements in the landscape. As noted above however, the receptor's perception of the turbine against the skyline will vary with the undulation of the land and will lessen with the increasing presence of the hills further to the east upon the approach to Glenegadale which will assist with the perception of depth in the landscape and understanding of the scale of the turbine and that its location is well removed to the east of the smaller features of settlement in proximity of the B8016 in the foreground. Again the additional height of the 61m turbine specification evidently increases the prominence of the development by increasing the profile against the skyline from this location. Again, whilst the increased height between 53m and 61m is evident in direct comparison, individually the impact of the higher turbine specification is not significantly different in magnitude.

Viewpoint 3 provides a similar representation looking due east from the A846 within the lower settlement area for Glenegadale from a distance of 3.8km. From this lower lying, more distant location the hub height of the 53m turbine specification would be just below the uneven skyline provided by the hills to the east; the hub height of the 61m turbine specification would be just above the skyline and slightly more prominent accordingly. Whilst existing buildings within the upper settlement area of Glenegadale would be visible in the foreground the turbine appears sufficiently removed from these with sufficient perception of depth in the landscape to avoid a direct comparison in the large scale nature of the turbine and small scale settlement features.

Supplementary Viewpoint SVP03 further assists with the understanding of the impact of the turbine when travelling north on the A846 – from this location it is evident that the turbine will be viewed as a small feature against the backdrop of higher land.

The submitted LVIA also includes key viewpoint analysis from locations on the Rhinns, the Oa, the Machrie Hotel which satisfactorily demonstrate that where the turbine is visible that it would be a relatively small scale element within extensive landscape/coastscape views. For the main part the development is backclothed by significantly higher land to the east with no discernible increase in landscape or visual impact arising from the proposed 8m height difference between turbine specifications.

SNH in their consultation comments dated 23<sup>rd</sup> May 2013 have advised that, having considered the landscape and visual impacts of the proposed 53m turbine that the

landscape can accommodate a development of this scale at the proposed location. This turbine height is considered to be near to the 'small/medium' typology (35-50m) for which the proposed location is highlighted as having some limited capacity within the LWECS.

SNH have however also advised that the proposed 61m turbine specification is considered to have a significantly greater impact on the landscape than the 53m turbine for the following reasons:

- *The smaller turbine height increases opportunities for back clothing. Both the 53m and 61m turbine break the skyline from some viewpoints, but the smaller turbine is less likely to dominate or overshadow the foreground pattern of development along the coastal edge and has a better scale relationship with other built elements visible in the foreground landscape.*
- *The visual and landscape impacts increase with turbine size. The 53m turbine creates a better fit, because it is more closely associated with the landscape scale, and has a better scale relationship with the existing visible isolated and scattered farm buildings. In addition the smaller the turbine, the better it relates to the scale of the prominent hill landform.*
- *The smaller turbine will help to reduce the visual impact associated with variations in type and size between the proposed turbine and existing and proposed domestic small turbines. Key cumulative issues are likely to relate strongly to the potential to clutter the landscape and visual relationship with other turbines. The larger the size of turbine. The more unlikely it is to be able to accommodate a number of turbine in a single view of recognisable tract of landscape without them becoming a dominant feature. It is also harder to accommodate turbines in sequential views, for example travelling along a road.*

Whilst Officers are in agreement with SNH that the 61m turbine will have a greater impact upon landscape than the 53m turbine, it is not considered that the proposed 8m height difference in this particular instance will be readily discernible or significant having regard to the high degree of separation of the proposed turbine from sensitive receptors, including settled areas and transport routes, the expansive, relatively featureless moorland landscape within which it is situated, and the back cloth provided by higher land to the east. It is further noted that, at the time of writing, there are no existing or consented smaller scale turbine development at properties in the immediate locality. In this respect the proposal is not considered likely to have a significant adverse impact upon landscape character, scenic quality or general amenity and as such is consistent with the relevant provisions of policies STRAT DC 8, STRAT RE 1, and LP REN 1.

## **F. Aviation and RF Interference**

The application site lies within and would infringe upon the protected surfaces for Islay Airport, however Highlands and Islands Airports Ltd have not raised objection to the proposal subject to planning conditions requiring installation of an obstacle warning light and prior notification of development work commencing. The MoD have also not raised objection subject to imposition of planning conditions relating to air safety.

The proposal is considered to be consistent with the provisions of LP TRAN 7.

The supporting statement accompanying the application confirms that potential interference with microwave fixed links and other RF services have been assessed by the applicant in consultation with all relevant agencies and that no objection has been raised to the proposal in this pre-application correspondence.

The supporting statement also advises that the potential for TV interference has been explored using the BBC online self-assessment tool which advises that no TV interference is predicted as a result of the development.

#### **G. Road Network, Parking and Associated Transport Matters.**

The application is accompanied by a route access study which confirms the ability to deliver the proposed turbine components to site via the existing Calmac Ferry links via either Port Ellen or Port Askaig involving traffic management and minor alteration to the public highway (downtaking of signage), the widening of the existing junction off of the B8016 and localised road widening within the verge of the existing private approach road to the site. The Council's Roads Officers have not raised objection to the access proposals.

The applicant has not included the proposed junction improvements within the current application site as until such time as a final decision is made on whether to approach from Port Askaig or Port Ellen and it would be intended to undertake a test run with an empty trailer representative of the most onerous component in advance of this decision being made. The improvement of a junction onto the public highway is 'development' requiring the benefit of planning permission. In this instance the land required for junction improvement works is located both outwith the application site boundary and within the control of a different land owner. It would not be procedurally competent for the Council to grant planning permission for such junction improvement works within the confines of the current application and it is instead advised that the current application be approved subject to a negative suspensive planning condition requiring all such off-site highway improvements to be completed in advance of the wind turbine development being implemented. There is no practical impediment to the works required but land has to be acquired or agreement reached with the landowner. The onus would thereafter remain on IET to secure sufficient control over land required for the necessary junction improvements and to make a subsequent application for planning permission for this element of the development. It is noted that the Council's Roads Officers have not raised objection to either of the proposals for improvement of this junction as set out in the route access study which would indicate that obtaining such further planning permission is a feasible proposition.

Having regard to the above the proposal is considered to be consistent with the provisions of policies LP TRAN 4 and LP TRAN 5.

#### **H. Infrastructure**

The proposal includes for the provision of an onsite substation within a modest GRP kiosk. The details accompanying the application advise that the development will be directly connected, via the substation, to the local 11kV distribution network by underground cable.