

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the PUBLIC HALL, ARDRISHAIG, ARGYLL  
on WEDNESDAY, 28 MAY 2014**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Alex McNaughton
Councillor Robin Currie	Councillor James McQueen
Councillor Donald MacMillan	Councillor Sandy Taylor
Councillor Roderick McCuish	Councillor Richard Trail

**Attending:** Charles Reppke, Head of Governance and Law  
Richard Kerr, Major Applications Team Leader  
Jean Gallaird, RWE, Applicant  
Jenny Gascoigne, RWE, Applicant  
Jamie McGrigor, MSP, for Applicant  
Iain MacAskill, Inveraray Community Council, Statutory Consultee  
Christine Metcalfe, Avich and Kilchrenan Community Council,  
Statutory Consultee  
Yvonne Boles, RSPB Scotland, Consultee  
Kelvin Nevison, Supporter  
John MacKay, Supporter  
Thomas Cairns, Supporter  
Sam MacDonald, Supporter  
Neil Martin, Supporter  
Martin O'Keefe (for Donald Wilson, Supporter)  
Catriona O'Keefe, Supporter  
Councillor Iain Angus MacDonald (for Councillor Duncan  
MacIntyre, Supporter)  
Mark Potter-Irwin, Objector  
Irene McClounnan, Objector  
Dr Liane Taylor, Objector  
Alan Mitchell, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Mary-Jean Devon, George Freeman and Robert G MacIntyre.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

The Chair welcomed everyone to the meeting and introductions were made. He outlined the procedure that would be followed and the Head of Governance and Law identified those who wished to speak.

### **PLANNING**

Richard Kerr presented the application on behalf of the Head of Planning and Regulatory Services. He advised that this was a major detailed application under the government's planning hierarchy for a 15 turbine wind farm on land at Ardchnell on the eastern side of Loch Awe, almost opposite the settlement of Dalavich. The proposed turbines would be 111m in height to the vertical blade tip and the site would be accessed from the A83 north of Auchindrain via an extension of an existing wind farm access route, which already served the operational An Suidhe wind farm, which lay to the south of the application site. With the aid of slides he highlighted the extent of the application site which was shown in red with the access track leading off to the A83 to the south. The An Suidhe wind farm could be seen to the south of the site in the open area enclosed by forestry. He also showed the site in the context of the adopted local plan. The site and its access lay within the white area, which denoted the land as being 'very sensitive countryside' for development management purposes. For the purposes of onshore turbines, he confirmed that the adopted local plan contained a map providing spatial guidance for the location of wind farms with a generating capacity in excess of 20 MW. The site lay within a 'potentially constrained area' as depicted in pink on this plan. He advised that this position was under review as part of the forthcoming Local Development Plan (LDP), which would, in time, replace the adopted 2009 local plan and which proposed extended areas of search on both sides of Loch Awe for turbines but only up to 80m in height. Given that the renewables policies of the proposed LDP were widely contested, he stated that they were due to be considered by the government Reporter who was to conduct the Examination of the plan. As there was no certainty as to whether they would survive as proposed, or could be modified or replaced by the Reporter, he confirmed that the draft plan could not be accorded material weight in the consideration of this application at this point in the plan-making process, and therefore the provisions of the adopted 2009 local plan must prevail in this case. He pointed out that Members would be aware that the local plan was augmented by guidance in the Council's 'Landscape Wind Energy Capacity Study' which identified the upland above Loch Awe as having

'Medium' sensitivity to large scale wind turbine development, with some residual potential to accept further wind farms without giving rise to unacceptable cumulative impact. However, he stated, that further capacity was not to be found uniformly across this landscape character type given that there was recognition that skylines formed by the hills on the edge of the 'Craggy Upland' would be more sensitive, due to their visibility from the more settled loch shores and valleys, and to cumulative impacts from the presence of multiple developments. He advised that the Study recommended that development should be sited so as to avoid land forming an immediate backdrop and setting to Loch Awe and its settled fringes and to Loch Avich. It also recommended that cumulative effects from multiple developments, particularly where they contrast in scale or layout, should be avoided given these could impact negatively on the perception of the wider landscape setting of Loch Awe as appreciated from the loch itself and from the road along West Lochaweside. With the aid of further presentation slides he showed the location of the site from the air with the operational An Suidhe wind farm to the south. He advised that the relationship of the site with Loch Awe and Loch Avich should be noted in the context of the various locations which Members had the opportunity to visit yesterday. He explained that the access to the site made its way up from the A83 through the area of forestry plantation and trailed off to the south as it reached open moorland to serve the existing An Suidhe turbines and would necessitate the construction of an additional spur to the north in order to serve the proposed turbine locations. He pointed out on a further slide that the site lay on the open ground in the centre of a photograph which had been taken from the West Lochaweside road north of Dalavich. It was situated toward the upper part of the light green area below the rocky crest along the skyline. The existing An Suidhe turbines lay along the skyline on the right hand side. These were 80m tall, rather than the 111m turbines currently proposed, and lay further away from this viewpoint. He stated that there would be a marked contrast in both height of the turbines and speed of rotation, with the lower turbines being furthest away in views available from West Lochaweside. He advised that upland moorland either side of Loch Awe was under pressure both from encroachment of forestry plantation as well the development of land for wind farms. Accordingly, residual undeveloped areas such as this application site have value as open areas free of forestry and turbines which help to sustain the foraging and breeding of upland birds. He stated that although the site was extensive, the proposed turbines have been positioned off the crest towards the western side of the site. He pointed out that the location of turbines towards the east of the site was abandoned in the early stages of the design process in order a) to avoid golden eagle interests along the ridge, and b) to avoid unwelcome visual influence being shed eastwards towards sensitive locations, such as the Inveraray Designed Landscape and the Loch Lomond and the Trossachs National Park. The consequence of this was that the proposal, in Planning's view, now shed significant and harmful influence over Loch Awe and the communities on the west side of the loch. He reported that the extent to which the proposal impinged upon the loch itself and its landscape setting was a primary consideration in Members' assessment of the acceptability of this proposal. He confirmed that the proposal had prompted 94 objections in all, principally from West Lochaweside along with an objection from the

Avich and Kilchrennan Community Council, which represented the community on that side of the loch. On the other hand, he reported that 58 expressions of support had been received from individuals plus support from the Inveraray and the Glenorchy & Innishail Community Councils. The representations were summarised in the original report to the April committee, plus a supplementary report issued subsequently. He then referred to further slides showing the layout of the proposed development, with the existing access route shown in purple at the bottom of the slide and the new lengths of access track depicted in black. In all some 12.5km of new access track would be required. He pointed out that the areas indicated in brown were potential borrow pit sites for the sourcing of construction aggregate on site and confirmed that if permission were to be granted for the wind farm these would become the subject of separate planning applications. On a further slide he pointed out that the eastern side of the site which had the higher elevation and the scattering of upland lochans was intended to remain free of development, for the ornithological and landscape reasons he already alluded to. He commented that whilst the overall site measured some thirteen hundred hectares, the temporary land take during construction would be 21 hectares, reducing to about half that once the site became operational. The site rose up from around 250m on its western side to reach a summit of over 500m on its eastern boundary. Levels along the length of the site fell gently from 430m to the south to 380m to the north. 75% of the site lay between 250m and 400m, within which the turbines were to be sited at levels between 300 and 350m above Ordnance datum. He referred to a slide which illustrated the type of turbine proposed, although the exact model would be the subject of a tendering process. It was a horizontal axis three bladed machine with a hub height of 80m and a blade tip height of 111m and stated that this should be contrasted with the smaller turbine model employed at the adjacent An Suidhe wind farm which had a tip height of 80m. Each wind turbine would have a generating capacity of 3MW, providing a total maximum installed capacity of 45MW. Each turbine would have an associated external transformer located in a 6m by 4m housing at the base of the turbine tower. A permanent meteorological mast 80m in height would replace the two temporary masts currently on site for the purposes of wind data collection. This would be located immediately adjacent to the southern end of the turbine array. A further slide showed the proposed substation and control building in plan form, with the external electrical equipment contained within a fenced compound to the rear of the control building and its associated parking area. Both the control building and this associated temporary construction compound would be located close to the entrance of the site at the southernmost end of the proposed turbine array. He pointed out the existing access point serving the operational An Suidhe windfarm, which would become the joint access point for both wind farms. It was located on the A83 trunk road on the Inveraray side of Auchindrain and would only require minor alteration to handle larger turbine components than those delivered in connection with the construction of An Suidhe. He confirmed that Transport Scotland in its capacity as Trunk Roads Authority had no objection to the use and improvement of this access point, subject to recommended conditions. He showed the existing access up to An Suidhe, which was largely through conifer plantation. Some limited tree removal and trimming was required to facilitate delivery

of larger components, and he confirmed that Forestry Commission Scotland had no objection to this subject to recommended conditions. He also showed the extent of the improvement works required at the junction and the extent of available visibility in either direction. He then presented a number of photos intended to give Members an impression of the application site and its immediate surroundings given that they had not had opportunity to visit the site itself. For the benefit of members of the public, he point out that Councillors had the opportunity yesterday to visit locations around Loch Avich and both sides of Loch Awe, so that the photomontages of representative viewpoints produced by the Applicants could be appreciated at first hand. He then commented on each of these photomontages in turn. Highlighting the site in the context of designations he confirmed that the site did not lie within or immediately adjacent to any national landscape or nature conservation designations. Referring to a slide showing the habitats across the site which were dominated by the purples of blanket bog and acidic grassland, he confirmed that Scottish Natural Heritage did not raise particular issues of concern related to peat disturbance, loss of habitat or impacts upon protected species. Referring to slides showing the extent of recorded golden eagle activity across the site, which was focussed on the rocky ridge to the east but which included flights over the turbine area, he advised that SNH had expressed concerns about the manner in which development would degrade the existing habitat for wild birds, and the RSPB had objected on the basis that the Applicant's Environmental Statement, in their opinion, underestimated the impacts on golden eagles. Given that recorded activity was towards the periphery of three established eagle ranges, he confirmed that both SNH and the RSPB considered the area of value for juvenile eagles looking to establish territory. This was in the context of reducing availability of unoccupied open moorland due to a squeeze as a result of both afforestation and wind farm development. He reported that SNH had recently commented on the Applicant's response to its consultation and would like it to be known that it disputed the Applicant's contention that the area was relatively unimportant to eagles, as their calculations appeared to be based on flights at collision risk height within 500m of a turbine location, rather than all flights across the site. Accordingly, he advised that the actual level of activity and the estimate of collision risk were under-represented by the Applicants in SNH's view. He went on to show a slide depicting recorded flight activity for other bird species, which did not raise particular concerns in this case. Overall, he indicated that whist SNH had clear concerns and adopted a cautious stance in response to the value the site may have for juvenile eagles, or for the establishment of new territories, it had not formally objected on ornithological grounds, although the RSPB had. He advised that Planning's overall conclusion was that the magnitude of the risk presented by this development to birds of conservation importance was palpable, but not sufficiently certain as to amount to a significant environmental effect which would warrant the application being refused on ornithological grounds. In terms of historic environment assets, he advised that these were not found within the site, being confined to the margins of the loch. He stated that the proposal would have influence over the settings of some of these sites but the anticipated effects have not prompted objection from either Historic Scotland or the West of Scotland Archaeology Service. He stated that the principal determining factor in

this case was the acceptability of the proposal in terms of its visual effects, its influence on landscape character, and the extent to which it would give rise to inappropriate cumulative impacts as a result of the influence of multiple wind farms on Loch Awe and its landscape setting. He then went on to speak in detail to plans showing the extent of the visibility of the proposed turbines. He advised that visibility of the whole development in combination with An Suidhe wind farm was achievable from sections of the coast road between Inverliever and Inverinan, in particular from around the settlement of Dalavich, and from the gateway approach to Loch Awe via the minor road past Loch Avich. He stated that it was necessary for Members to consider whether the magnitude of those short range effects were such as to render the development unacceptable in landscape and visual terms, or whether the effect on this area was an acceptable price to pay for avoiding a wider visual envelope. He referred to 19 representative viewpoints agreed between the Applicants, Planning and SNH. He referred to Scottish Natural Heritage not objecting to the proposal as it did not significantly affect any national landscape designations and advised that it was their practice to limit themselves to advice to the Council in these circumstances. He stated that the absence of an objection ought not to be construed as an indication that SNH was in any way content with the application. He advised that their consultation response concluded that: this proposal would have significant adverse visual impacts when viewed from settlements and the minor road on the west of Loch Awe and parts of the minor road around Loch Avich; that it would have significant adverse visual impacts on National Cycle Route NCN78 and water and land-based recreational users in the western and south-western area of Loch Awe and parts of Loch Avich and their surroundings; that it would impact on the skylines and landscape setting of Loch Awe. It would have a significant adverse impact on the character of Rocky Mosaic landscape character type (LCT) and would introduce wind farm development in to the south of Loch Awe, one of the only remaining areas of Rocky Mosaic LCT in the Loch Awe basin which was free from theoretical wind farm visibility; and it was not in keeping with the Guidance on Development advice in the 'Argyll and Bute Landscape Wind Energy Capacity Study' (March 2012) (LWECS), nor Scottish Planning Policy. He stated that it was therefore SNH's position that in landscape terms the application ought not to be supported by the Council. With the exception of the RSPB and the Avich and Kilchrenan Community Council, he confirmed that none of the other consultees had objected to the application. In addition to the additional representations detailed in Supplementary Report No 1 including the support expressed by Mike Mackenzie MSP, he advised of further late representations. He confirmed that an additional objection had been received from Dr M Brookes of Clachan Seil and that expressions of support were received from Shona Wallace, Education Development Officer at Stirling Council and Tom Cairns of Regional Energy Ltd and from Innes Miller of Caithness. He stated that Councillor Duncan Macintyre had also expressed his support for the proposal on the following summarised grounds:

1. Development of renewables has not proven to be a constraint on the expansion of the business or tourism sectors even where wind turbine development has taken place in designated landscapes.

2. A secure and affordable energy supply is required to support a developed economy. If government targets on emissions are to be met there must be increased acceptance of onshore wind.
3. The Council's priorities in supporting economic development and arresting population decline require investment in rural communities.
4. The site lies in a Broad Area of Search in the forthcoming Local Development Plan and there does not appear to have been widespread objection and the proposal is supported by two community councils.

In terms of Planning's own conclusions on the merits of the proposal, he advised that overall there was a desire by the Council to support the development of renewables in line with its Renewable Energy Action Plan. However, the nature of Argyll was such that, in particular, landscape and ornithological considerations often came into play, and as more developments were consented, cumulative impact considerations assumed more importance. The drive towards increased generating capacity was leading to larger turbines which were more difficult to assimilate into the scenic landscapes of Argyll, particularly where their height was such that it had a diminishing effect on the apparent scale of the receiving landscape. Whilst the visual envelope of this proposal was relatively contained in visual terms, he stated that the area which was impacted upon was affected to a significant degree, due to the relatively close quarter views, the open views over water and the combination with the existing An Suidhe turbines. He advised that the primary issue in this case was therefore the extent to which the immediate landscape setting of Loch Awe could satisfactorily accommodate further wind turbines, along with An Suidhe, Carraig Ghael, Beinn Ghlas and Blargour Farm all being operational, A'Chruach being consented but not yet built further south, and with additional undetermined applications under consideration for Musdale and Glen Lonan to the north. He confirmed that Planning's conclusion was that the proposal did not share the locational advantages of the consented wind farm at An Suidhe, which appeared more in scale with its landscape setting than the larger turbines, which were also proposed to be sited closer to the loch. Also, in isolation, the existing development did not suffer from juxtaposition with another wind farm development of markedly different proportions and rotational speed. This proposal viewed in combination with the existing turbines would not, in Planning's opinion, secure a cohesive development in scale with its landscape setting, and accordingly, it would undermine landscape character to the detriment of the wider landscape setting of Loch Awe. Additionally, the proposal would exert a major adverse visual influence over relatively short distances over the loch below, the western lochside, and on the gateway approach to Loch Awe as the road dropped down from Loch Avich. This area encompassed loch-side communities, recreational assets such as cycle routes, walking areas, and waters used for angling and boating, and holiday accommodation, where sensitive receptors, including those with a focus on landscape assets and scenery, could be expected to be concentrated. Accordingly, he advised that whilst the overall visual influence of the site was reasonably contained, the relatively close range landscape, visual and cumulative effects which

it would exert over the adjacent loch, and the landscape setting of the loch would detract markedly from the composition of elements which contribute to the scenic quality of the area. He stated that the Applicant's own Environmental Statement acknowledged that there would indeed be major visual impacts on locations to the west of the site. It was not considered that the contribution which the development could make to help arrest the effects of climate change was of such magnitude that it could offset the locally harmful consequences of the proposal and accordingly the application was recommended for refusal for the reasons given in the main report. These reasons were founded on the shortcomings of the proposal in landscape, visual and cumulative impact terms and the consequent conflict with adopted development plan policy, government advice and the guidance given in the Council's Landscape Wind Energy Capacity Study.

## **APPLICANT**

Jean Gallaird gave a presentation on behalf of the Applicant. She advised that RWE recognised the site as an excellent location for a wind farm on account of high wind speeds, the absence of any statutory designations, the distance from residential properties and the opportunity to utilise existing infrastructure. She stated that the Planning Department recognised the potential of the wider area and it was subsequently identified as a Broad Area of Search for Turbines in the proposed Local Development Plan. She referred to the design of the wind farm and advised that there were six design iterations and the final layout was considered to be the best because it was unlikely to cause concern for the LLTNP, had no visibility from the main tourist routes of the A83 and the A816, had no visibility from Inveraray, Oban or Lochgilphead, and visibility would largely be confined to the local area around Loch Awe and would be very limited beyond that. She highlighted that the concentration of viewpoints on the west side of Loch Awe had resulted in a prediction of significant impacts at the village of Dalavich and a cycle route, however no significant impacts were anticipated upon any Areas of Panoramic Quality (APQ's), The Loch Lomond and Trossachs National Park (LLTNP), or National Scenic Areas (NSA's). She confirmed that consultation with the three community councils of Inveraray, Avich & Kilchrennan and Glenorchy & Innishail began in January 2013 and that this included notification of Pre-Application Consultation, public exhibitions (including notification in local press) in Inveraray, Dalavich and Portsonachan, newsletters, and attendance at scheduled Community Council meetings. She stated that whilst they appreciated that there have been objections, they considered that these should be considered in balance with the number of local letters of support and advised that they were pleased that both of the community councils for the area in which the scheme (and its transport route) were located had chosen to support the application. She added that the application had received overwhelming support from a range of local businesses including a hotelier and boat operator. She advised that no consultees had objected and that the only objection was from the RSPB who were not a statutory consultee. She stated that SNH were the statutory consultee for ornithology interests and that they did not object to the proposal on these grounds. She referred to the list of supporters and objectors in the report

of handling and noted the amount of local support. She highlighted that their other schemes have potential to benefit the area too and advised of an estimated £46.7m of total direct investment in Argyll comprising:- £20m spend during operations and maintenance phase; £17.6m in business rates; up to £5.6m in community benefit; £3.5m during construction; and an estimated 22 job years during the construction phase, and 7 (FTE) during the operation phase. She referred to spend in respect of the NOVAR II wind farm at Ross-shire and advised that the New Economics Foundation (NEF) Consulting, in using the local multiplier approach found that for every £1 that RWE invested in civil and electrical contracts, 52p was subsequently re-spent in the local economy and considering Scotland as a whole, each £1 of investment that was shown to have resulted in a total of 71p of additional spending. She confirmed that RWE were committed to ensuring that the benefits of investment were felt locally and to this end were holding a supply chain event on the 11th June. She asked the Committee to carefully consider the merits of approving Ardchnnel in the context of: there being a clear distinction between SNH raising concerns and SNH objecting. SNH have not objected to this development on the grounds of landscape and visual impacts because none of national significance are predicted (SNH guidance – Identifying natural heritage issues of national interest in development proposals); most of the objections relating to visual impact having cited an expected knock on effect on tourism. To put this in context, of the 200 things to do in Argyll and the Isles (listed on Visit Scotland website), 10 are within 10Km of Ardchnnel (9 being in Inveraray which has very limited visibility); and the proposed Local Development Plan being of limited weight but not providing a constraint to the principle of development on the site. She then advised that Jamie McGrigor of Ardchnnel Farm would now like to say a few words.

Jamie McGrigor advised that he was speaking solely as a Loch Awe side hill farmer. He stated that he has been working on the farm since 1964 and wished to continue. He commented that he was proud of the fact that his family gave employment to others on the farm and still did. He advised that hill farming was not easy and that farmers were encouraged to look at diversification and he referred to a number of diversification schemes he had undertaken including politics. He stated that agricultural ground was hard won and once lost to forestry etc could never be got back. He advised that so much of Loch Awe side was under afforestation. He confirmed that Ardchnnel Farm had been a main focal point for most of his life. He stated that the opportunity for RWE to erect turbines on the farm would be a form of diversification which would help to keep the land as an open space. He advised that Ardchnnel Farm was in immediate proximity to An Suidhe wind farm and stated that it did not detract from the beauty of the place and that the noise was very slight. He stated that the turbines blended in well with the heathery hills. He referred to being the Chair of Loch Awe Improvement Association and advised that he has always wanted to improve people's lives. He stated that the investment return on the community benefit would be five times greater than that of Carraig Ghael. He referred to comments about the possible collapse of tourism and stated that hundreds of visitors to Argyll took in walks up to turbines. He advised that perception was the key and that turbines were part of the scenery and that tourism continued to go on. In conclusion he

advised that he could see the income from the turbines securing the sustainability of the farm for many generations. He stated that he did not know of any farmer that did not believe that climate change was happening and advised that renewable energy did something to combat that.

## **CONSULTEES**

### Inveraray Community Council

Iain MacAskill advised that he was speaking on behalf of the Inveraray Community Council. He confirmed that they had taken part in the consultation process and that the proposal was accepted throughout the Community Council area. He referred to RWE's attendance at Community Council meetings where they explained their proposal in detail and answered any questions that came up. He advised that the Community Council set up an online survey which was published through social media sites. He confirmed that there were 580 views of the survey and that 90% of the people that had responded approved of the proposal. He stated that over half of those who responded stayed in the Community Council area. He advised that all of the information given to the Community Council was made available to the wider community and he expected that if permission was granted that consultation would continue with RWE in respect of their transport management plan to ensure minimal disruption to the community. He stated that taking account of disruption this would be greatly overpowered by the long term economic benefits and he recommended support of the application. He advised of much needed regeneration work required in Inveraray which this proposal would assist. He referred to the additional jobs that would be created along with work for local contractors. He advised that he believed these benefits outweighed any negative impact the proposal would have. He referred to not only the construction industry but local hotels and guest houses benefitting from this proposal.

### Avich and Kilchrenan Community Council

Christine Metcalfe, on behalf of Avich and Kilchrenan Community Council, read out the following presentation:-

The Council Planning Officers have identified sound reasons for rejection of this application. To provide support for that recommendation I should like to address a few key issues.

It is worth remembering the sheer scale of what is proposed here. The application is for 15 turbines, each up to 111m high. The existing turbines at An Suidhe, clearly visible in many views, are only 80m to blade tip. There is also the ancillary infrastructure of 12km of new tracks and 5 borrow pits which have yet to be the infrastructure of 12km of new tracks and 5 borrow pits which have yet to be the subject of a planning application. This proposal will have major impacts on its own and major cumulative impacts. It appears that no alternative sites were considered. The ES recognises the extent of the significant landscape and visual impacts, although, despite the conjunction with An Suidhe, it claims no

significant cumulative impacts. That is not accepted. The local communities are also very concerned about noise impacts, an aspect that is considered to be under assessed in the ES. The applicants have also lodged a 65 page Planning Statement. That covers just about everything and anything almost to disguise the conclusions that should flow from the significant adverse effects recognised in paragraph 5.3 – the Conclusion. That conclusion should be that the development is contrary to the Development Plan, on account of significant adverse effects, and the application should be rejected. The Community Council submitted a detailed objection to this application, you will all be aware of the detail in that objection, and there is no need to repeat that detail in this presentation.

The Council Planning Officers have produced an excellent report on this application. They have recommended refusal and this Hearing is the related pre-determination Hearing. The absolute prime point in my presentation today is to strongly support that report and its recommendation. The very strong advice of SNH – really an objection bar the artificial control imposed on the SNH staff over the use of the word object – is summarised for Members. It is a stark assessment of the significant adverse effects of this proposal. The objection of the RSPB is set out. The RSPB do not often object to wind farms and, so, when they do, great weight should be given to what they say. The community council objection is summarised and the representations, for and against, are fully and fairly set out in considerable detail. The subsequent assessment and summary of the determining issues correctly identifies that the LVIA and cumulative LVIA and ornithology are key (even if a final, definitive conclusion is not reached on ornithology impacts despite the position of both SNH and the RSPB. The Appendix A “Planning and Land Use Assessment” is comprehensive and detailed, with all of this contributing to the recommendation to refuse planning permission. The report concludes that the proposal is not consistent with the Development Plan and that planning permission should be refused due to adverse landscape, visual and cumulative impact on the landscape setting of Loch Awe which cannot be overcome by the imposition of planning conditions or by way of legal agreement. Two comprehensive reasons for refusal are then set out. The community council would strongly endorse that recommendation and the two reasons for refusal.

N.B. Whilst on the subject of development plans, a relevant recently received notification from the Council, confirmed that Scottish Ministers have been made aware that a representation made in April 2013 concerning the Argyll & Bute LDP has not been resolved. A paragraph included in the response to the consultation related to Public Health: and I quote. “The UK government is signatory to the Rio Declaration which requires the Precautionary Principle to be invoked where there is uncertainty about the safety and wellbeing of humankind, animals and plant life. Compliance with this legal duty would mean the prohibition of wind turbines near to people’s dwellings and the introduction of a wide buffer zone until such times as the scientific evidence confirms that there is no risk to human health. Under present Broad Areas of Search, and within current and proposed plans, the Community of Dalavich and others, are expected to endure the unavoidable sight and sound of turbines, as any consented within the Wind Farm Policy map Broad Areas of Search

will be nearer than those already only too visible. This raises the problems of property blight, negative tourism effects and most importantly, the increasingly documented and reported adverse health effects to near neighbours from wind turbines.”

Recent and very unfortunate decisions have reinforced the need for the Council to be rigorous and consistent in the application of its policies on wind farms and then to be extremely robust in defending those decisions. The proposed Freisdail wind farm was comprehensively rejected by the Council, the developers appealed, and a Reporter from the DPEA overturned the Council decision and granted planning permission notwithstanding the clear breaches of policy and guidance. He did so without hearing any oral evidence whatsoever. His decision letter is very weak indeed and there is no detailed analysis of the effects from viewpoints. In the face of such adversity (the first such appeal decision to be lost), a perverse decision that is contrary to what the Council has been trying to achieve for over a decade, the Council must maintain its clear policy approach to wind farms and reject this Ardchnell proposal.

It is not easy to wrestle with the competing demands of national renewable energy electricity generation targets and protecting people, the environment and habitats from the encroachment of wind turbines or other developments onto sites where they are clearly unsuitable. As reported in the media, and confirmed by Karen Bradley MP, figures from the Department of Energy and Climate Change prove that enough renewable energy projects have already been granted planning permission to meet Britain's 2020 green targets and a new analysis shows all 1,000 projects still in the planning system are surplus to requirements. That being so, it provides an assurance to decision makers that there is no longer a need to grant further applications for wind turbines on unsuitable sites or in areas where the landscape has already reached capacity. Rejecting applications of this kind, which are contrary to the provisions of planning policy, actually demonstrates compliance with National Climate Change, Energy and Planning Policy. That such a valid rejection will impress affected residents and those tracking the need for a guillotine to be employed, is obvious. It has also been confirmed that about £35m has been awarded since the start of the financial year to the owners of 21 renewables projects — all of them in Scotland — because Britain's power network could not cope with the energy they produced. These compensation payments, paid for by the public through their electricity bills, will continue to increase as more wind farms are built. A 2009 report by Frontier Economics for the regulator Ofgem estimated the cost of this scheme would reach £2bn by 2020. This is entirely relevant for consideration during this Hearing as the wider economic and environmental effects of renewable energy proposals are rarely ever set out in the supporting documents for such applications. The Application should be refused in accordance with the recommendation. In terms of the economic impact of the wind farm many claims are made. However, there is little evidence of any significant local, permanent wind farm employment in Argyll and Bute and, at a national level, Ministers cannot provide any independent detail in terms of companies, locations or job numbers to substantiate their claims for the numbers working in renewables in Scotland. One activist has recently had confirmation that

future job creation announcements are counted as jobs!

This is a poor application on an unsuitable site. The application ES, for all that we have criticised it in the past, recognises that there will be significant adverse effects, and we consider that there will also be adverse cumulative effects. These significant adverse environmental effects are not capable of being mitigated away. Given that conclusion then the application is contrary to national and local planning policy and guidance and should be refused planning permission. The community council strongly endorses the recommendation of refusal that has been put in front of you. Finally, it is also worth noting this month's rejection by Scottish Ministers of a planning appeal for the Rowantree wind farm application near Fountainhall. The decision notice stated: "Scottish Ministers accept the Reporter's findings and agree with the reasoned conclusions with regard to impact on amenity due to noise and by the close visual relationship with nearby turbines impacting landscape." It would be almost impossible to find a more identical description of effects from the Ardchnell proposal which would be inflicted upon areas of Loch Awe and affected communities.

### RSPB

Yvonne Boles advised that she was the RSPB Conservation Officer for the Forth and Lomond Area and that her colleague Andy Robinson, the Conservation Officer for Argyll and Bute who provided the response to this application, was unfortunately unable to attend today. She stated that while she would not be able to address detailed questions on this case she would like to take this opportunity to provide a brief statement of their position on this application, emphasise their main concerns and respond to issues raised in the Committee Report. She stated that RSPB Scotland objected to this proposal on the basis of an incomplete assessment of cumulative impact on golden eagle which was an Annex 1 species (as listed in the EC Bird Directive) and advised that further assessment and consideration of mitigation measures was required. She commented that the proposal was located in an upland area where eagle territories were confined by neighbouring territories and pre-existing land uses (namely forestry and wind farms). This meant that the potential for impacts on this species, through displacement, affecting range viability, was a serious issue. Given other wind farms within this area, cumulative impacts were a concern and required serious consideration and full assessment. She stated that they were therefore relieved to see that this application was recommended for refusal but were concerned that the potential impacts on golden eagle, one of the most iconic species of wildlife present in Argyll, have not been properly assessed or given appropriate weight in the council's assessment. She stated that RSPB Scotland's principle objection to this application related to the lack of assessment of cumulative habitat loss, and effects on range viability for golden eagle in this part of Argyll. There were numerous other wind farms, existing and planned, which, together with forestry developments, meant that the potential for cumulative and in-combination impacts on golden eagle through displacement was a very serious concern and needed to be addressed. She advised that they have previously requested that Argyll and Bute Council, as the decision maker, undertake a cumulative assessment prior to any further wind farm applications being

determined for this area. This, she stated, was urgent and was not being addressed elsewhere. She reported that RSPB Scotland had an outstanding objection to the Council's Proposed Local Development Plan because the Wind Farm Policy Map did not adequately address cumulative pressures on golden eagle. She stressed that this was an obvious and serious omission and called into question the council's compliance with the Habitats Regulations. She added that no cumulative assessment of habitat loss had been undertaken, so the council could not adequately assess likely impact on golden eagle. She stressed that they therefore considered that the Council have not fully complied with their duties in relation to this Annex 1 species. She reported that the Habitat Regulations were reviewed in 2012 and new duties were introduced in relation to wild bird habitat which have implications for Local Authorities, including their functions in determining planning applications. In short, the amendments included the objective of preserving, maintaining and re-establishing habitat for wild birds in Scotland and a requirement that a competent authority must use all reasonable endeavours to avoid pollution or deterioration of habitats of wild bird in Scotland. She stated that these various requirements sat alongside measures being taken within the network of protected sites (Special Protection Areas or SPAs). In addition, she said that the Council also had a general duty to further the conservation of biodiversity through the Nature Conservation (Scotland) Act 2004 and it was not clear from the Committee report how this duty had been applied. She commented that the Planning Officer's Committee Report stated that the Applicant had provided a response to our objection. The report states that "The RSPB in different parts of its response suggests that under-estimated collision risks and displacement are of importance, whereas in practice both cannot be true". She confirmed that they have not seen this response from the Applicant or had an opportunity to respond but wished to emphasise that this statement from the application was misleading. She advised that while an individual bird can obviously not be displaced after having been killed by colliding with a turbine, it was certainly possible that an individual could be subject to both displacement effects and to risk of collision if displacement from the wind farm was not 100%. She stated that the cumulative collision risk figure for golden eagle was revised upwards from 7 to 8 to 15 to 16 over 25 years following submission of the application. This followed a query from SNH regarding the methodology used by consultants. She stated that they were only made aware of this increased figure having been copied into SNH's response of 18th March. As far as they were aware, this new assessment was not issued for consultation so no interested parties, other than SNH, have had an opportunity to comment. She stated that this information would presumably be a material consideration in the determination of this application and they considered that it should have been treated as Supplementary Environmental Information as defined under the EIA Regulations. She advised that Argyll and Bute Council should review the decision not to consult on this information before any decision is made on this application, as requested in their letter of 20th March. She commented that she hoped that these points and their overall position on the application would help the Council and the Committee and she urged the Council to undertake a cumulative capacity assessment for golden eagle across the area of Argyll and Bute before further wind farm applications were determined. She advised that this would assist greatly

in ensuring that wind energy development in Argyll was delivered in a way that was well planned and sustainable. In summary, she confirmed that RSPB Scotland objected to this proposal on the basis of an incomplete assessment of cumulative impact on golden eagle which was an Annex 1 species.

## **SUPPORTERS**

### Kelvin Nevison

Kelvin Nevison advised that he lived at Ardchnonnell Cottage directly opposite Dalavich with his wife and has done so for the last 12 years. He stated that he had no problems with any of the existing (completed) wind farm projects or any that may have pipeline status and, in fact, after a while, they hardly noticed the existing ones. He advised that their house would be the closest to the proposed Ardchnonnell wind farm site and by now they were well used to the scope of works involved and the sound of the hydraulic pecker. From their point of view, the benefit far-outstripped the short term works programme. He stated that the intended site access route, once completed, would provide additional facilities for visitors including those with disabilities given the relative low gradients. He advised that the enhanced views from An Suidhe wind farm access roads were quite special. He advised that the Community Benefit awards at 10% of the contract sum were clearly the most generous on offer when compared with similar organisations and so far, many local organisations were attracting benefits and indeed, new administrative skills were being learned to secure a successful completion of application documents. He stated that particularly worthy of note, was the participation of Glenorchy and Innishail Community Council, in which the site was located. He said that it has been an unexpected surprise that a local company has been able to expand their organisations staff numbers due to increased workloads and stated all credit to Euan Anderson for his attention to a good business opportunity. Finally, he asked where would this project be without the skills and commitment of the RWE Innogy's commercial department and expressed many thanks for a job well-done. He stated that the decision was now one clearly for the elected officials.

### John MacKay

John MacKay advised that as someone who was born in Glen Aray, and has lived all his life within this area he would like to speak in support of this planning application. He stated that his wife and he moved to Lochaweside where they lived for 42 years and for 35 of these years until his retirement he worked on Ardchnonnell Farm for Sir James McGrigor. He advised that their elder son continued an association with Ardchnonnell and that the farm and its surroundings have been a huge part of his life and of his family for many years. He advised of particular points he would like to make. He confirmed that he had read various objections to this scheme which claimed it would have a negative impact on the area's tourism industry. He stated that tourism came in many shapes and forms and in his view the proposal could in fact benefit tourism. He advised that over the years the farm hill track has been a popular walk and new tracks would open up wider areas for walking visitors. He added that it would

make it much easier for visitors to access the many kinds of wildlife and flora and for the many locals who enjoy fishing the Hill Lochs. He said he was certain that the existing wind farm at An Suidhe had done nothing to limit animal and birdlife – in fact it had definitely enhanced numbers of red grouse, golden plovers and meadow pipits. He said that he sincerely believed the turbines themselves would become part of the landscape and possibly a tourist attraction in their own right. He advised that as someone who has spent more time on Ardchnell Hill than anyone, he read the RSPB's response with interest. He stated that the RSPB mentioned the possibility of eagles nesting on the site but the areas mentioned were simply not suitable. He commented that in the last 40 years he had seen absolutely no evidence of any eagles nesting or even any attempt to nest on the site. He advised that there was no viable golden eagle nesting sites on the hill. He stated that Ardchnell had adapted to meet the change in agriculture over the last 40 years – of which there have been many. He said that farming practises needed to keep developing and expanding and that this development would make it possible to continue to reinvest in improvements and in new ventures for future generations of families to continue to live and work on this farm and for locals and the many visitors to enjoy. He stated that the alternative was that Ardchnell could become another farm which was given over to forestry and the existing rich habitat would be blanketed by trees and lost forever. In conclusion, he stated, that over the years he has spoken to many people visiting Mid Argyll and when in conversation has sought their views about the area. He advised that almost all people spoke about the natural beauty, the lochs and glens and on a bad day a few complained about the midges, the rain, fish farms, timber extraction, wind farms, fuel costs and cost of living. He said that he pointed out to them that this was how we were, it was what we were, and it was Scotland at work.

#### Thomas Cairns

Thomas Cairns confirmed that he had submitted a letter of support for this proposal. He advised of first working in Loch Awe in 1992. He noted a key concern for objectors was the visual impact and stated that most of the time you could not see anything because of the mist and that Loch Awe was misty a lot of the time. He stated that this was a local problem and not a national problem and given that the Loch Awe area already had wind farms it would be better to concentrate them here rather than have them taken up by other rural areas.

#### Sam MacDonald

Sam MacDonald advised that he was here today to support the planning application to erect 15 wind turbines in Ardchnell. He said it gave him great pleasure to speak on behalf of this proposal because he had been a strong advocate for wind power generation since the early 90's and should declare an interest since he was responsible for the construction of the Beinn Ghlas wind farm at Taynuilt in 1999 in partnership with National Wind Power. He stated that wind farming was suggested to him by the environmental consultant Dr Simon Lawrence who knew of his disappointment at not being given planning permission to plant forestry on Barguilean Farm. He indicated that was in March 1993, some 21 years

ago. Today he advised that their 14 Turbines were a visible and familiar landmark in the district and the children of Taynuilt primary school tagged them as "The Angels on the Hill". He stated that their planning application took over six years of careful, methodical and exhaustive investigation and research. Beinn Ghlas was finally commissioned in May 1999 and has won many plaudits for the care that was taken with the North Lorn environment. He believed they were told that Beinn Ghlas set a standard for other wind farms in Scotland to follow. He commented that nothing much had changed locally since the wind farm was built. He advised that to the amazement of the owners of local hotels tourism didn't collapse, birds didn't fall out of the sky or collide with the turbine blades, fears about dreadful noise and headline grabbing tabloid banners such as "My Wind Farm Hell" proved unfounded, and astonishingly increased in value even when in sight of the turbines. He confirmed that jobs were created following the construction of Beinn Ghlas and advised that young William Dawson from Taynuilt became a turbine service engineer, went on to establish his own company and then employed more than 40 workers installing and servicing turbines all over Scotland, the UK and Europe. He stated that today Dawson Energy has become one of the global names in operational support services for the wind energy sector. The shock and horror of it all for those doomsayers who cast doubt on what he was initiating all those years ago. Love them or loath them, he stated that these majestic machines far from simply industrialising the landscape had actually added another set of manmade features to the modest range of hills in the North Lorn area. He confirmed that he was proud of what they had achieved, excited and encouraged by other wind farm development on neighbouring farms. He commented that he was surprised and disappointed that this project at Ardchnell may be turned down on the grounds of its visual impact. He confirmed that Taynuilt's community supported the Beinn Ghlas proposal from the outset and remained so. Modest as it was, he said that the £8,000 contributed each year to the local community council has produced more than £100,000 of local investment in support of a range of projects for schools and sports facilities since the wind farm was built. With a repower of Beinn Ghlas scheduled for 2018 with only 12 turbines the contribution to Taynuilt and Lochavich Community Council would have been an additional £35,000 a year but this contribution will now be split by Argyll and Bute Council in their wisdom and shared with other community councils diluting what he had hoped would be increased resources to his own village. In addition he advised that a sum of £20,000 would be given annually as an endowment to secure the continued maintenance and development of his brother Angus's Memorial Garden at Barguilean until 2048 and confirmed that several thousand visitors were now welcomed every year to this beautiful location. He confirmed that they took many visitors up the 2.5 kilometres road to see the Beinn Ghlas turbines. Some of them are vehemently disapproving of wind farming. So they park the car under a turbine, turn off the engine, wind down the windows and wait for comments. He stated that it was always the same: "But we thought the turbines were reported to be noisy...and all we can hear is the wind". He confirmed that he was supporting this proposal at Ardchnell because it clearly met all the planning criteria and because he did not want his great grandchildren to curse his generation for not trying hard enough to address the degradation of our planet. He advised that during one week

in February this year mighty industrialised Germany was utilising 30% of its energy supply sourced exclusively from renewables. He stated please stop biting your finger nails so nervously over landscape issues; approve Ardchnnell Wind Farm quickly, and keep the majestic angels waving their arms on the hills.

#### Neil Martin

Neil Martin advised that he was representing George McNaughton and Sons, a local civil engineering contractor involved in renewables over the last 12 years which had been particularly helpful to the business during the economic downturn. He advised that in 1992 the business employed 29 members of staff and that this had risen to 48 employees with 12 – 15 working directly in renewable projects. He stated that 26% of the business' turnover was due to the renewable energy sector. He referred to other wind farm sites the business had been involved with and stated that this application would help the Argyll economy by keeping people in work and creating new jobs.

#### Martin O'Keefe

Martin O'Keefe read out a letter of support from Donald Wilson, proprietor of Loch Awe Boats. Mr Wilson stated that the proposed wind farm would bring much needed investment to the area. Reference was made to tourism not being impacted upon by wind farms. He advised that visitors to the area had stated that they did not object to this proposal and that the development would not prevent them from returning to the area. He commented that wind farms were a familiar and accepted part of the background and that it was believed that the local economy would benefit during construction by way of employment and local spend. Reference was made to community benefit totalling £225,000 per year which would be shared across the 3 Community Council areas which would generate growth in local businesses. He advised that this benefit was five times greater than what was available from other wind farms in the area. It was noted that an existing access track would be used and comment was made that the construction of extra hill roads would assist the management of the hill farm. Reference was also made to Planning Advice Note 73.

#### Catriona O'Keefe

Catriona O'Keefe advised that she was born and bred in the area and ran a self-catering business on the west side of Loch Awe. She stated that when Carraig Ghael was finalised in February 2013 her first season of guests that year were asked for their views on it. On the basis of comments made she believed consent of this wind farm would not affect her business in the future.

#### Councillor Iain Angus MacDonald

Councillor MacDonald advised that he had been asked to speak in support of this application on behalf of Councillor Duncan MacIntyre. He referred to the fact that some people loved wind farms and others loathed

them. He advised that whatever the decision made today one party would leave feeling justice had not been done and that there was no middle ground. He stated that the PPSL Members were being asked to test two versions of reality, one being the Applicant and Supporters' version and the other being the Objectors' version and that it would be up to them to decide which version of reality was most plausible. He referred to SNH not making an objection and that their response could only be treated as an advice note. He stated that he believed the economic benefits arising from the proposal would cancel out any adverse impact by a long shot. He referred to community benefit totalling £225,000 per annum and rates to the Council of £9,000 per annum. He advised that empowering communities and embracing new technologies should be allowed to happen. He added that wind farms had a limited lifespan and that to refuse this application would result in a loss of confidence by inward investors to Argyll and Bute if we were seen as being over cautious and risk adverse. He asked the Committee to take this risk and approve the application and let the community go free.

## **OBJECTORS**

### Mark Potter Irwin

Mark Potter Irwin advised that he has lived in Argyll for 43 years and has had family and work associations with West Loch Awe for all that time and that he moved to Dalavich from Craignish two years ago. He stated that he was not, in principle, against renewable energy but was strongly opposed to Ardchnell as being one of too many wind farms proposed in the Loch Awe area and the most outrageously positioned of them all. By way of introduction he advised that he needed to explain about the situation their community found itself in. He stated that for almost a year and a half the communities of Dalavich, Inverinan and the Loch Awe Cabin site have had this ill thought out project hanging over their heads. He added that the anxiety and stress caused by the level of the forces ranged against them in the shape of RWE, one of the biggest power producers of Europe, a Conservative MSP, who should have known better, and the residents of Inveraray and East Loch Awe most of whom have shown no understanding of their plight and appeared to only have financial gain as their objective. He stated that the final insult came in the shape of a letter of support from Mr Mike MacKenzie MSP that was, he advised, nothing more than a political attack on Argyll and Bute Council and displayed total ignorance of the community's concerns and the distress they felt. The wellbeing, financial security and visual amenity of the only concentrated community on the West of Loch Awe seemed to have been sidelined and dismissed. He said that he hoped that by making their submissions of objection these wrongs could be heard and maybe addressed. He advised that fortunately they had received words of support for their situation from Mr Michael Russell MSP which he read out because, he believed, they were relevant. He reported that Mr Russell, at the Dalavich Improvement Group AGM 31/05/13, stated his willingness to appeal on behalf of Dalavich to the appropriate Minister. He also stated that he would be prepared to approach Argyll and Bute Council and said that the 'application constituted unacceptable cumulative impact' and that we should 'involve our Community Council in order to

oppose the development'. Since then, he advised that Mr Russell has been kept fully informed of events and the support received by Avich & Kilchrenan Community Council. He referred to an email response from Mr Russell to the community's request for support and advice. Mr Russell advised that it was vital the Council was contacted urgently to advise that the community was opposed and to ask them about the procedure for formal objection. He then advised that the objectors should then get a village petition based on valid objections and should also contact SNH and SEPA, particularly about landscape issues but also about any errors or omissions in their considerations as statutory consultees. He also stated in his email that if the local Community Council was also prepared to oppose that would be important and that the local press should know what the community was against. He also read out a final email response from Mr Russell regarding the results of an initial planning meeting at Kilmory. Mr Russell stated that he agreed that the community should still make its view known at every opportunity so that Councillors did follow through on the recommendation. He advised that it was substantial progress - well done. He also stated that it proved that not all wind farms were done deals, which was a message that needed to be wider known in Argyll adding that there was too much speculative application by companies which upset communities particularly in cases where, in reality, the likelihood of getting permission was less than 50/50.

He then read out the following objection which had been submitted by from Mark Hamilton and, which he stated, was echoed by many of the community:-

"I consider the impact of the development, when seen from the cabin park and surrounding area, would be unacceptable due to the siting and scale of the turbines position supported by the following:- In assessing the An Suidhe application (01/01318/DET), both SNH and the Inquiry Reporter noted a "significant" visual impact on the area around Dalavich with SNH describing the impact as "unacceptable". The Council's report of handling, whilst recognising the significant impact, concluded that the landscape had the capacity for "one windfarm of this scale", thereby recording that a larger or more prominent development would likely have been considered unacceptable. The visual impact of the proposed development alone is significantly greater than the existing turbines at An Suidhe; the visible size (the perceived height in the landscape due to foreshortening) when viewed from Dalavich would be around 3 times that of the existing turbines. Further, due to greater proximity and being viewed partially against a backdrop of land (not solely sky) the turbines would have greater visual contrast with the surrounding landscape, thereby increasing their visibility still further. The cumulative impact of the two phases of development (the sites being adjacent, the new application is effectively for an extension) would far exceed the capacity noted in the Council's previous assessment of the area and result in disjointed ribbon development. More recently the Council issued guidance on the development of wind farms (Argyll and Bute Landscape Wind Energy Capacity Study March 2012). It does state that turbines should be: placed well into the interior of the Craggy Upland plateau... The scale and placing of turbines does not respond to the nearby settlement and developing tourist amenities in Dalavich. The substantive risk is this

development will ruin the vital tourist trade in this area”.

He asked the Committee to refuse the application.

#### Irene McClounnan

Irene McClounnan advised that she was speaking on behalf of cabin owners and local businesses in Dalavich who objected to the proposed development due to the significant, detrimental visual impact which would unacceptably reduce the amenity of the landscape within and around the cabin site and village; concerns over visual flicker and noise transmission on the wellbeing of the site users and villagers; the impact on opportunities to see birds of prey in the area, and the consequential economic impact of these issues on both cabin owners and the local communities. The first point she addressed was the Visual Impact Assessment. She advised that they considered that the visual impact of the development, when seen from the cabin park and surrounding area would be unacceptable due to the siting and scale of the turbines and that the cumulative impact of the proposed and existing arrays would be turbines of different scales and rotation speeds causing an inharmonious and encroachment arrangement. She asked the Committee to note that their position was supported by Scottish National Heritage and the Council's own report of handling which described the proposals as contrary to policy. She stated that the Applicant's submission recognised the significant visual impact when seen from Dalavich but stated that this had been mitigated by trying to arrange the turbines evenly within the group and reducing their size from 125m to 111m; a 12% reduction from a high starting point but still more than 40% taller than the turbines installed at An Suidhe which Dalavich had to look at everyday. She confirmed that the objectors did not accept that such mitigation made their proposition to place large scale turbines in the proposed location in front of Dalavich acceptable. The next point she made on behalf of cabin owners and small businesses was that they were concerned about the potential of the development to impact the wellbeing of tourists using their businesses. She stressed that owners were concerned by recent research on the impact of flicker from turbines on people with photosensitive epilepsy. She commented that the turbines were intended to be sited to the east of Dalavich, with blades breaking the horizon thereby interrupting direct sunlight around sunrise for much of the year, an effect which would be doubled by the reflective nature of the loch which was normally calm around sunrise. She said that they understood that this may cause a significant risk to owners, guests, local residents and others using the area for recreation - such as anglers on the shoreline who were affected by this condition. Further, she advised that the area around Dalavich was remarkably quiet and sound transference so high that you could often hear people talking across the still loch. She stated that audio impact would reduce the amenity of a landscape where people come to escape noise and to relax. In addition, she advised that the timber construction of the cabins did not provide as much accentuation as a masonry construction and therefore the peace of cabins was particularly vulnerable to external noise levels. She pointed out that the turbines at An Suidhe could sometimes be heard in the village and along the shore and commented that larger turbines installed closer and in direct line of sight

to open areas of shore and landscape must be more audible. She advised that they understood that residents living a comparable distance from Carraig Ghael array were experiencing significant disturbances to sleep etc. which they report was due to low frequency noise. She stressed that they were concerned that with much of the space between Dalavich and the proposed site being water (rather than land which dissipated noise) the audio impact from this array would be worse. The third point she made was about the Wildlife. She stated that birds of prey, such as ospreys, white tailed and golden eagles were often seen hunting along the loch and the landscape near the site which, she said, was an extraordinary sight for visitors. She added that the loss of additional open landscape opposite Dalavich must run the risk of impacting hunting ranges and that deterring them from settling and hunting in the locality would diminish the experience of the area, and the overall amenity of the landscape and locality. The final point she made was regarding Sustainable Economic Development. She stated that Dalavich consisted of over 120 properties; both permanent residences and holiday homes with the two communities being mutually dependant to support local facilities, such as the village shop, and local employment in managing the site, grounds, and guest rentals etc. She advised that around half the cabin owners, a number of which were resident in Argyll, relied on rental income either full or in part for their livelihood. She added that after a number of years of neglect, the cabin site has, over recent years seen investment with new cabins built and improvements made to others. She also advised that the site has been designated as a Potential Development Area and additional cabins have recently been consented. She stated that new people have established small businesses based on increasing numbers, such as the boat hire which reopened last year. However, she stressed that the economy of Dalavich remained fragile with many amenities (like the community centre) relying on volunteers to remain open. The main attraction for both owners and visitors was the landscape of the loch and the local countryside, and the peace and quiet afforded by the area's remoteness from main roads and other such infrastructure. She reported that the loch, shore, open areas and local scenic walks were well used amenities for residents, holidaymakers, angler's, etc with the prime views being across the loch directly towards the proposed site. She stressed that they were concerned that the reduction in amenity described previously would impact people's decisions to visit and to invest in the area, and a number of regular visitors have confirmed this would likely be the case, even being moved to object to the application. She stated that reducing the amenity of the landscape and cabin would undermine recent developments in buildings, amenities and services, and would therefore jeopardise the sustainable economic development of this fragile community and the wider population who relied on it. She advised that the community of Dalavich owned and managed the village Community Centre and the land along the shore where the boat hire business was run from. She stated that 4 years ago the Community Centre was nearly closing and through a lot of hard work from community volunteers was now in a viable position. She reported that their village had over 3,500 visitors each year and their restaurant within the Community Centre has been open for the last 3 years and has built up a good reputation providing 4 sustainable jobs for local people allowing them to stay in their own community. She stated that personally

as a business owner who caretaked and cleaned cabins for a living and employed 7 locals, she was concerned about the impact this wind farm would have on her and other local businesses. She commented that the Applicant had stated that permanent employment would be created after construction was completed. However, she advised that their very recent experience of the Carraig Ghael wind farm which was completed over a year ago was that currently there were no permanent jobs for local people. She stated that consideration had to be given to the fragile economic position of Dalavich and the detrimental effect this wind farm would have on the sustainability of their community and the 16 local jobs that could be impacted by this with the reduction of visitors to the area. She asked the Councillors to reject this application on the basis of detrimental impact to the amenity of the area, the wellbeing of the site users, and consequential impact on sustainable economic development.

#### Dr Liane Taylor

Dr Liane Taylor advised that she has lived in the village since 2007. She stated that the World Health Organisation's definition of health included all aspects of wellbeing. She stressed that everyone had a right to rest, repose and enjoy their environment. She stated that people were faced with a reduction in their quality of life and being trapped in a situation beyond their control with little prospect of improvement. In order to assess this indirect effect of the Ardchnnell wind farm proposals on the health of the villagers of Dalavich, she reported that she had written a health questionnaire which was circulated to all the residents and that there were 37 respondents within 4 days. She confirmed that the questions were: 1. Have the proposals affected your wellbeing? 67 percent said yes; 2. Do you think the proposals are making you more anxious and or depressed? 67 percent said yes; and 3. Do you think that the proposed wind farm at Ardchnnell could harm the psychological and physical health of the village? 75 percent said yes. She stated that significant detriment to the wellbeing of Dalavich residents had already occurred in the consultation process. She advised that the direct harm on health from wind farms came from noise, shadow, flicker and electromagnetic radiation and reported that a Wind Farm Syndrome was identified as far back as 1985. She reported that current data stated that it was essential that wind farms and human habitation were separated by 2 km and preferably 3km and advised that the shore to shore distance across the loch from Dalavich to Ardchnnell was 1 km and that houses were 3 km from the proposed site. She referred to ETSU GUIDELINES (the assessment and rating of noise from wind farms) which were published in 1996. She advised that they referred to turbines of 50 metres and not the 111 metres proposed now. Background noise assessed at 38 db did not apply to a quiet rural setting but an industrial one. High wind speeds over 6 m/second were known to elevate turbine noise above 43 db. Wind speeds locally often exceeded this and could reach over 35.5 m/second. She stated that audible sound would be amplified by Ardchnnell's location on the Loch. She said this was because cooler air near the surface of the lake was denser and bent the sound waves, funnelling them and amplifying them. She stated that this refraction caused additional sound. The different turbine elevations also produced an infrasound, equivalent to the noise of a domestic refrigerator.

She advised that the ETSU Guidelines were not only out of date but irrelevant to the Ardchnnell project with respect to Dalavich Village. She stated that unnatural noise present day and night would be alien to the community's peaceful environment and impossible to desensitise from. She added that noise disrupted sleep and caused insomnia and that sleep deprivation affected daytime mood and functioning. She also said that long term sleep deprivation could lead to chronic stress and lowered immunity which in turn has been shown to increase the risk of cancer and chronic infection. She also reported that an increase in heart disease and suicides has been reported from close habitation to wind turbines around the world and that tinnitus deafness and migraines were also risks from chronic noise. She stated that in winter when the sun was low, light pulsed due to the blades rotating. She also said that the flicker hazard was of profound concern in light-induced epilepsy. She stated that if wind farms were a new drug, they would be withdrawn from the market till their side effects could be thoroughly investigated and their safety established. She asked the Councillors to object to the proposal.

#### Alan Mitchell

Alan Mitchell advised that he wished to voice his concerns principally about two of the decisions made in the recommendation for refusal report and that these related to the Historic Environment and Bats. He advised that he would first preface what he was going to say by saying three truths about the proposed wind farm at Ardchnnell. He stated that Loch Awe was a very beautiful location. Referring to policy STRAT DC 7 he stated that Loch Awe was rich in its natural environment and historic environment. He also stated that there was no imperative to construct a wind farm at Ardchnnell and that all the benefits that are claimed about having a 15 turbine wind farm would accrue elsewhere. He advised that he felt the setting for the Historic monuments had been very much underplayed and he wished to take issue with the impact assertions made by RWE. He referred to Ardchnnell Castle, sometimes known as Innis Chonnel Castle. He advised that this was a Scheduled Monument, a ruined 13th Century castle standing on the island of Innis Chonnel just off the east shore of Loch Awe and opposite the village of Dalavich. He advised that Historic Scotland has stated that this monument represents one of the most important castles in Argyll and was central to our understanding of medieval Gaelic lordship. He advised that RWE has stated that although the castle was visible from the loch's western shore, views from this area were substantially less relevant to the castle's cultural significance, as the castle was much less visible and formed a substantially less striking feature in the landscape. Where it was visible it was generally seen as an inconspicuous feature in the wider landscape. He advised that he could not agree more. He then stated that RWE went on to say that at this distance it was also impossible to discern any structural detail and that these views did not therefore contribute to the appreciation of either its function or its aesthetic value. He explained that part of the reason for this was that the walls were covered in ivy and there was untended growth alongside the castle. He stated that with this vegetation cleared, which he advised should be on a scheduled monument, the castle would stand out properly. He quoted RWE as saying "Furthermore, with the loch and the forested hills beyond, the

castle forms an attractive highland scene giving it a distinct sense of peace that contributes to its aesthetic and associated value". He advised that once you have visited this castle and take in its form and features and state of preservation you could then more fully appreciate what fantastic building it was and how it sat well in its backdrop. He stressed that Ardchnnell Castle was of great importance historically and locally and he read out advertising leaflets for the Boat Hire business at Dalavich Jetty and Ardchnnell House, both of which commented on the scenic beauty of the area, the magnificent views overlooking Loch Awe and all the outdoor activities that could be enjoyed. He reported that it had been described and recognised how the Castle currently sat in the landscape and stated that with 15 turbines of 111m to blade tip height the dominance that those turbines would impose on the landscape would totally detract from the historic landscape that Ardchnnell Castle comfortably sat. He quoted from a Scottish Government document regarding Built and Cultural Heritage. He also quoted Argyll and Bute Structure Plan policy STRAT DC 9 regarding Historic Environment and Development Control. He stated that his material objection was that Ardchnnell wind farm would clearly affect the setting of the scheduled monuments that lay within the very broad area of visible impact it would create. He advised that it could be seen that the proposal was not consistent from the point of view of impact upon historic environment assets, with the provisions of policies STRAT RE1: Wind Farm/Wind Turbine Development and STRAT DC 9: Historic Environment and Control of the Argyll and Bute Structure Plan (2002) and LP ENV 16: Development Impact on Scheduled Ancient Monuments.

Mr Mitchell then went on to address his concerns regarding bats. He advised that bats were protected and appeared on the list in the Scottish Biodiversity Plan. He stated that LUC on behalf of RWE noted what they described as low levels of activity and could find no roosts. He advised that there were 168 recorded passes during the study period and that these passes were above all 16 anabat (bat activity recorder) locations so it was clear that the bats were foraging across a wide area within the proposed wind farm boundary. He said that bats were noted to fly up to 14km from their roosts. He confirmed that the Bat Conservation Trust (BCT) supported the development of sustainable energy but, in line with the Eurobats resolutions, stressed that it was imperative that the possible harmful effects on bats and other wildlife (both direct and indirect) were taken into account before deciding on the siting of wind turbines, large and small. He stated that bat and wind turbine research was ongoing however, the BCT in its Scoping and Method Development Report section 2.25 said that so date there was insufficient information on the migratory behaviour and flight behaviour of bats at height and around turbines to make a full assessment of which species may be most at risk from wind turbines. He said that Betts (2006) made an initial estimate of collision risk, not considering migratory behaviour and the 6 species found most at risk included both the soprano and common pipistrelles that were found foraging on site. He stated that LUC's report did not draw conclusions about weather patterns and bat behaviour, only best guesses. He advised that it did not make reference to the range of flight heights of bats nor to research on the attractiveness to insects to the heat from the turbine nacelle. He stated that LUC did not give likely death estimates for

bats, unlike the Ornithology report which gave estimated of between 2 to 4 killings of the most protected birds. He stated that LUC concluded that bat activity was low and they did not discuss whether or not this might be because there was a limited population and by inference a fragile bat community. He referred to the response by RWE to the concerns raised by SNH. He stated that bats did not reproduce easily and therefore could not make up the numbers being killed. He said that LUC in RWE appendix 8.43 section considered Kames River and plantation edge over 500m away not a constraint to the assessment but failed to say the same about other locations in the survey area. He advised that BCT and Natural England recommended a buffer zone of only 50m as best minimum practice. He referred to RWE not accepting the recommendation of 50m buffer zone. He advised that bats were present whether there was a roost nearby or not and it was his interpretation that because there was no evidence of nearby roots that it was okay to risk foraging bats. He stressed that bats did not reproduce easily. He advised that the Habitats Regulation said "it is an offence to recklessly disturb in a way that would affect their local distribution or abundance, or affect their ability to survive, breed or rear young". He stated that there was no caveat to this that if there were only a few bats this did not apply. He said that he found LUC's report flawed, lacking breadth of study, omitting or failing to recognise findings from other studies on bats and wind turbines. He stated that RWE showed disregard for accepted 50m spacing as standard procedure and a disregard for the need to protect the bats at the proposed Ardchnonnel site. He asked that the application be refused because there remained a lack of clear scientific report on bats. He asked that if the application was accepted and because there was a population of bats at the site, that the licence that SNH requested be endorsed.

The Chair ruled and the Committee agreed to adjourn the meeting at 12.50 pm for lunch.

The meeting reconvened at 1.35 pm.

## **MEMBERS' QUESTIONS**

Councillor Colville sought clarification from Planning on the areas of search in the new Local Development Plan and the maximum height proposed in these areas for wind turbines. Mr Kerr advised that in the new Local Development Plan there were suggested areas of search but at this stage they could not be given any significant weight because they were being contested by the wind farm industry, individuals and consultees. He stated that it was the intention to widen the area of search from that contained in the existing Plan but there was no guarantee at this stage that they would prevail. He confirmed that intended enlarged area of search would be for turbines with a tip height proposed over 80m and not up to 80m as he had mistakenly mentioned in his earlier presentation.

Councillor Colville referred to page 37 of the Agenda pack and the text under the heading "Applicant's response to SNH's stated position in respect of landscape and visual effects". He referred specifically to the statement "The requirement to take account of turbulence means that the

turbines cannot be sited closer to An Suidhe”, and asked the Applicants if this was because of the turbulence created by the existing wind turbines or expected turbulence from the proposed new turbines. They replied that it would probably be due to both and stated that landform also contributed to turbulence.

Councillor Colville referred to the height of the proposed turbines and asked the Applicants why they could not be reduced to 80m, the same size as the An Suidhe wind turbines. They replied that this was due to technical and financial reasons. They stated that a lot of turbine suppliers had withdrawn smaller turbines from the market and that they also hoped to maximise the generating potential of the site. They confirmed that the height of the proposed turbines was originally 125m but this had been reduced. They added that the Ardchnell site was lower than the An Suidhe site.

Councillor Colville asked the Applicant if in a perfect world where ownership of Scotland was by the public would they have still chosen this site and they replied yes. They stated that this was an ideal site due to the high wind speeds, no statutory landscape designations, no impact on nearby statutory landscape designations and good access.

Councillor McNaughton referred to the height of the proposed turbines and asked Planning how much lower the Ardchnell site was than the An Suidhe site. Mr Kerr confirmed that the highest ground level at the Ardchnell site was 500m with the turbines sited between 300 and 350m. Referring to slides and in consultation with the applicants he reckoned the ground level of the An Suidhe turbines to be of the order of 100m higher.

Councillor McNaughton commented that the proposed turbines appeared quite a bit higher on the photomontages. Mr Kerr advised that the An Suidhe turbines were set a lot further back from Dalavich than the Ardchnell turbines so the effect of horizontal and vertical differences contributed to the final appearance from particular viewpoints.

Councillor McCuish referred to section G of the report of handling regarding planning's assessment of the ornithological impact and asked the RSPB if they agreed with a number of conclusions reached by the Planners. Ms Boles advised that she could not give an answer as she did not know the detail of this particular application. She stated that RSPB's objection was due to the lack of assessment carried out on the cumulative impact on Golden Eagles. She confirmed that in February a white tailed eagle had been killed by a turbine.

Councillor McCuish asked the Applicant why the turbines had to be so big. They replied that from their point of view they were relatively small. They stated that big blades were more effective.

Councillor McCuish asked if they could have got away with a smaller turbine. They replied they did not know if anyone could have supplied a smaller turbine and that they could not say for sure if this would have been economically viable. They advised that they had tried to balance the environmental impact with the scheme viability and economic viability.

They stated that turbine heights were now going up to 150m and that the proposed turbines had been reduced from 125m to 111m. They stated again that the site was not within a designated landscape area and did not impact on any designated landscape areas.

Councillor Trail referred to the statement made that 7 FTE jobs would be created during the 25 year lifespan of the wind farm and asked if this related to RWE jobs or was an accumulation of the net worth of the local economy. The Applicant confirmed that the amount of FTE jobs would actually be higher at 22. They advised that considering the capacity of Argyll to fill these jobs they expected that 7 would specifically be within RWE and that other jobs could be within haulage firms, turbine manufacturers etc.

Councillor Trail stated that the report of handling seemed quite relaxed about the levels of noise from the turbines and commented that he had heard someone say they could hear the An Suidhe turbines at Dalavich and asked Planning if they knew if this would be possible. Mr Kerr advised that in his experience you could not under normal circumstances hear turbines from that distance. He advised that he could support the view that you really needed to be standing fairly close to them to be able to hear them. He referred to the direct drive An Suidhe turbines without gearboxes which had limited mechanical noise just aerodynamic noise from the swish of the blades. He stated that the industry standard for better or worse was a national standard supported by the Scottish Government for the assessment of wind farm noise and confirmed that this development satisfied this standard which was a position that had to be accepted. He referred to noise propagated across water often being audible at a greater distance than otherwise and mentioned the issue of low frequency noise. Nonetheless he stated that the noise aspects of this scheme met established industry standards.

Councillor Currie asked the Applicant if they would agree with him that they had not presented a very good case today. He stated that they seemed to concentrate on public opinion and community benefit. He advised that he would have expected them to have presented their case in planning terms with reference made to the planning policies in respect of visual impact and landscape impact. The Applicants confirmed that they could see why he would have reached that conclusion. They referred to the planning report and reasons for refusal and advised that they could not have known what concerns people would have raised on the day. They added that they had noted what had been said by objectors and would be addressing this in their summing up. They stated that there would be no impact on landscape designations and that the nearest property was over 3km away from the site.

Councillor Kinniburgh noted that Inveraray Community supported the application and would put up with any disruption to road traffic during the construction phase. He also noted that Glenorchy and Innishail Community Council supported the application and that Avich and Kilchrenan Community Council objected on visual impact grounds. He asked if the residents of Inveraray would have been supportive if they had been able to see the turbines.

As Mr MacAskill was no longer present to answer this question the Applicant replied that it was difficult to say if a community impacted on visually was more or less impacted than a community impacted by transport. She confirmed that both communities would be impacted on but Inveraray Community Council supported the proposal. She stated that temporary traffic lights would be a very apparent impact but in the case of turbines on a hill you may see them locally but they would not be that apparent in day to day life.

Councillor McCuish referred to the broad areas of search not yet adopted and asked Planning what weight had been placed on these when reaching their decision. Mr Kerr advised that the status of the Local Development Plan was an important issue. At the moment, he advised that the decision should be dependent on the provisions of the adopted 2009 Local Plan which had very limited preferred areas of search which this site did not fit into. He advised that the proposed Local Development Plan was seeking to widen out areas of search but that these were contested. He advised that areas of search were something to prompt developers to look at areas or disregard areas and did not mean they would necessarily find a suitable site within these areas. He stated that the Landscape Capacity Study was a much finer grained document which looked at areas in more detail and guided you towards what you could be expected to be acceptable in landscape terms and what would be unlikely to be acceptable. He advised that if the Local Development Plan Spatial Plan was approved this would not mean that any individual site would be okay as the Landscape Capacity Study would still need to be taken account of.

Councillor McCuish asked if this application was refused could Planning be faced with this application again if the policy situation changed. Mr Kerr advised that if it was refused today it could come back in the same form if the outcome of the Local Development Plan changed the policy position. However, in terms of Ardchnonnel, capacity identified within the Craggy Upland Landscape Character type was in the interior and not the edge of the area.

Councillor McCuish asked if this advice had been provided to the Applicants at the pre application stage and Mr Kerr replied yes. He referred to the current Spatial Plan where the majority of the plan was potential constrained areas with only two small areas of search.

Councillor McCuish referred to the visual impact and commented that there was already significant visual impact with An Suidhe and other nearby wind farms. He asked Planning how they had measured this cumulative impact. Mr Kerr stated that as An Suidhe was already there so this was not a pristine landscape. He advised that this was a double edged sword as you could argue that the landscape had been disfigured already. He stated that you could take the view that it created an opportunity to put another one next to it, or take the contrary view that there was only limited capacity on Loch Awe and cumulative impact would be a disincentive to accepting another wind farm so close to it, which was the approach Planning had taken.

Councillor Colville referred to the following response from SNH – “This development will have significant impacts on a nationally important LBAP and UKBAP priority and Annex 1 habitat”. He asked what an Annex 1 habitat was and how important it was. Mr Kerr replied that this was the highest European designation for habitat protection. He stated that SNH had felt that the Applicant’s Environmental Statement had underplayed the significance of deep peat and the ecological value of it. The Applicant explained that the disturbance of peat released greenhouse gases which had been acknowledged in the Environmental Statement. They advised that once the wind farm was operational they anticipated the pay back would be less than two years.

## **SUM UP**

It was noted that a number of Supporters had already left the meeting.

## **Planning**

Richard Kerr confirmed that the Council had a positive stance towards Renewable Energy projects established by its Renewable Energy Action Plan. He stated that this was evidenced by the number of wind farms already consented in Argyll which have been determined to be suitable in terms of scale, location and relationship with previously consented turbines. He advised that the Council’s approach to the consideration of onshore commercial scale wind farms was established by development plan policy, which included spatial guidance to identify more and less preferable areas, and a criteria based approach to the assessment of proposals, established by policy LP REN 1, along with published guidance in the form of the Landscape Wind Energy Capacity Study jointly commissioned by the Council and SNH. He stated that this study did not carry the same weight as policy, but was a detailed, credible and valuable tool which provided both prospective developers and the planning authority with advice as to the capability of particular landscape types to absorb different scales of turbine development. As part of the drive to meet the government’s renewable energy targets, he advised that the Council hoped to be able to extend its identified broad areas of search as part of the forthcoming Local Development Plan, and it was possible that these may include additional areas around Loch Awe. However, he stated that its overall proposals have been contested by both members of the public, consultation bodies and the wind farm industry, so they could not be accorded material weight in the determination of this application at this point in the plan-making process, as it would be for the local plan Reporter at the Examination into the plan to determine the final content of its renewables policy. Accordingly, he confirmed that it was necessary to determine the application in accordance with the 2009 adopted local plan, taking into account other material considerations, including the guidance expressed in the Capacity Study, published government advice, consultee responses and views expressed by the public, all of which have been rehearsed today. He confirmed that in this case there were no technical impediments to the proposal in terms of issues such as access, noise, aviation or telecommunications. Ornithological concerns have been raised by Scottish Natural Heritage and an objection has been received

from the RSPB. He advised that these were principally founded around the value the site has for juvenile eagles prospecting to establish new territories. The spread of afforestation and the loss of other open land to wind farm development meant that open ground for use by upland birds for foraging and breeding was a diminishing asset, and ornithological interests therefore were precautionary in the positions. However, he advised that in this case whilst the implications for eagles and other upland birds were palpable, they were not such that they would legitimately warrant refusal of this application on ornithological grounds. He advised that the determining factor in this case was therefore the extent to which the development was acceptable in terms of its implications for landscape character, its effect on the visual amenity of Loch Awe and its surroundings, and the cumulative impact the development has with other consented development. He stated that SNH had provided advice in its consultation response on all of these issues. It had not objected as it would only do so where national designations were prejudiced, and had therefore confined its response as to one of advice to the Council in reaching its own decision. SNH had however concluded that the proposal was unacceptable in terms of its location, its scale, its relationship with the adjacent but smaller scaled An Suidhe wind farm and its cumulative impact upon the landscape setting of Loch Awe. In reaching its decision it had regard to the Landscape Capacity Study, which recognised that there remained some capacity on the uplands above Loch Awe to accommodate further turbines, but that this was not found uniformly across the area. It guarded against development on those areas which would exert influence over more settled loch shores and valleys. In particular it recommended that development should be sited to avoid land forming an immediate backdrop to Loch Awe and Loch Avich. He stated that this development did precisely that. It cast an unwelcome short range influence over Loch Awe and over West Lochaweside as a result of its location on the landscape containing and defining the loch in views from the west, both as a result of its scale, its turbine height, and its juxtaposition with the smaller turbines at An Suidhe. He advised that whilst the visual envelope of the development was relatively contained, with the principal influence being exerted on locations to the west of the loch, from those locations where it would be experienced it would exert major adverse effects in terms of its landscape and visual implications, as the applicant's own Environmental Statement acknowledge. He stated that this was too high a price to pay at the expense of the landscape setting of Loch Awe and to the detriment of the loch side communities and visitors who would experience the development. He advised that Loch Awe was an important freshwater loch valued for its recreational potential, its tranquillity and the relative absence of development. Its surroundings lent themselves to the exploitation of the available wind resource, but developments have to be sited and be proportioned so as not to overwhelm the loch and its landscape setting, and have to be distributed so that they did not lead to the sprawl of turbines along lengthy skylines, or lead to the encirclement of the loch, or give the impression that the surroundings of the loch were characterised by wind turbine development. He confirmed that it was Planning's, in line with the guidance provided by the Capacity Study and the advice given by SNH that this development was unacceptable in terms of its landscape, visual and cumulative effects,

and he commended to Members the reasons for refusal set out in the report before them. Finally he stated that he would like to take the opportunity to remind Members that whilst economic benefit associated with the construction and operation of the site did constitute material considerations for them to weigh in the balance in reaching a decision, the availability of community benefit in terms of financial payments by the developer over the life of the wind farm did not amount to a valid material planning consideration, and accordingly they should not regard this as an influencing factor in reaching their decision on this matter.

## **Applicant**

Jean Gallaird referred to Mr Kerr indicating that within the potential areas of search the proposed maximum height of turbines would be 80m. She stated that the height proposed was between 50m and 79m and that maybe over 80m would be acceptable. She referred to the question raised about whether or not they would come back with their application following adoption of the new Local Development Plan if this application was refused today. She stated that this was never a tactic they envisaged as they thought the proposed Local Development Plan would have been adopted by now. She referred to Scottish Planning Policy which stated that the ideal area of search should be 2km away from settlements. She confirmed that the Ardchnnell site was 3km from the settlement of Dalavich. She stated that the Environmental Health Officer had no objection to the development. She advised that she had noted the RSPB's concerns about cumulative impact and advised on what SNH had said about that. She stated that it was standard procedure to be asked to produce a Habitat Management Plan as a planning condition which, she advised, they would be happy to comply with if this proposal was granted. She added that she had noted that ornithological interests would not warrant refusal. She stated that development of this site would assist the Scottish Government in reaching their target of energy produced by 100% renewables by 2020. She concluded by saying that the Ardchnnell site was windy and was not a designated landscape or an ecologically significant designation and that there had been no objection on that basis from SNH. She confirmed that the site would be more than 1.6km from the nearest property and 3km from the settlement of Dalavich where the wind farm would be visible.

## **Consultees**

### Avich and Kilchrenan Community Council

Christine Metcalfe advised that this was a poor application on an unsuitable site. She said that the application Environmental Statement, for all that they have criticised it in the past, recognised that there would be significant adverse effects, and stated that they considered that there would also be adverse cumulative effects and that these significant adverse environmental effects would not be capable of being mitigated away. Given that conclusion, she stated that the application was contrary to national and local planning policy and guidance and should be refused planning permission. She confirmed that the Community Council strongly endorsed the recommendation of refusal. Finally, she said that it was

also worth noting this month's rejection by Scottish Ministers of a planning appeal for the Rowantree wind farm application near Fountainhall. The decision notice stated: "Scottish Ministers accept the Reporter's findings and agree with the reasoned conclusions with regard to impact on amenity due to noise and by the close visual relationship with nearby turbines impacting landscape." She advised that it would be almost impossible to find a more identical description of effects from the Ardchnnell proposal which would be inflicted upon areas of Loch Awe and affected communities. She referred to comments about local businesses choosing to invest in renewables and stated that for every job created others were lost. She advised that she had listened to a lot of predictions for the future and stated that as far as Beinn Ghlas was concerned this had been diminutive in scale to everything that had followed.

### RSPB

Yvonne Boles confirmed that RSPB's principle objection to this application related to the lack of assessment of cumulative habitat loss, and effects on range viability for golden eagle in this part of Argyll and that in combination impacts on golden eagle through displacement was a very serious concern which needed to be addressed. She advised that the Planning Officer's report stated that the Applicant had provided a response to the RSPB objection and confirmed that they had not seen this response from the Applicant or had an opportunity to respond. She referred to the cumulative collision risk figure having already increased and stated that they had not seen how this new figure had been assessed and that they had not been able to draw the same conclusions as SNH. She stressed that RSPB Scotland objected to this proposal on the basis of an incomplete assessment of cumulative impact on golden eagle which was an Annex 1 species and an iconic part of Argyll's wildlife. As the Supporters present had nothing further to add the Chair invited the Objectors to sum up.

### **Objectors**

#### Mark Potter-Irwin

Mr Irwin advised that regardless of proposed changes to the Local Development Plan he thought the Craggy Upland Landscape Character type (LCT) would still apply and that development should be sited within the interior of this LCT and not on the edge of it. He referred to the sound being dismissed and stated that this was quite important and said that that ETSU standard did not apply to all situations. He stated that he knew for a fact that turbine noise could be heard on a calm day on Loch Awe.

#### Dr Liane Taylor

Dr Taylor advised that the views of the Dalavich community should not be discounted.

#### Alan Mitchell

Mr Mitchell referred to the conclusions of the survey by the boat hirer and advised that he assumed the people were referring to the Carraig Ghael wind farm which had smaller turbines and was set further away. He advised that the proposed turbines would be 1/3 higher again on the skyline. He stated that it would affect tourism and advised that he did not believe people when they said that wind farms did not affect tourism. He referred to this development being a block of concrete. He referred to the wildlife and the eagles. He quoted Structure Plan Policy DC7 and stated that this proposal would result in a significant adverse effect on local communities, the natural environment, the landscape character and visual amenity, and the historic environment.

The Chair asked all parties to confirm if they had received a fair hearing and they all confirmed this to be the case.

## **DEBATE**

Councillor Trail stated that he had found this a hard hearing as the findings were very evenly balanced. He advised that he was normally fairly tolerant of engineered structures such as pylons and turbines in the environment as he was able to block them out. He referred to the issue of jobs and the local economy and stated that Argyll was nothing without jobs and job opportunities for young people. He said that overall Scotland was engaged in trying to reach its renewable energy targets. However, he advised that against that was the local settlement of Dalavich looking across the water at turbines which would be right up there and in their face as they would be much larger than An Suidhe. He stated that he was minded to refuse this application due to the fact that the proposed turbines would be spaced out across the horizon.

Councillor Colville advised that living in Kintyre he was conscious of the economic benefits of wind farms and stated that some of the original wind farms in Kintyre were only generating 600 – 800kw and not even 1mw. He stated that the generating capacity of this proposed wind farm would be the equivalent of 50 turbines at Cour wind farm. He stated that he recognised the need for renewables and wind energy but had to take account of the Planning recommendation and the site visit undertaken. He advised that the turbines would have an effect visually. He stated that he was sympathetic to the Applicant but considered the turbines to be too big. He referred to where everyone would be in 5 years time through technology changes and advised that consideration had to be given regarding the landscape and habitat loss.

Councillor Taylor stated that this was a difficult decision and that he had been swayed during the course of the hearing. He advised that visual impact was important and that for him wind farms were not unattractive however they were best as a discreet development and not an ever present feature in the community. He stated that he was concerned about the impact and was minded to support the Officer recommendation but may be swayed yet by his other colleagues.

Councillor Currie advised that in terms of what the Planning Committee could do and could not do, they had to take account of planning policy. He stated that this application was contrary to policy and that it would take

a lawyer to come up with a competent motion. He advised that in his mind this was not a difficult decision to make as the proposal was contrary to so many planning policies. He stated that Councillor Macdonald was completely wrong when he said you either loved or loathed wind farms and this was not the case. He stated that you could have them but only in certain areas. He stated that it was all down to planning policy and that he was not the person to come up with a competent motion to approve.

Councillor McNaughton and advised that this was a real dilemma for him. He stated that he would like to support this but felt it was impossible for him to come up with a competent motion to say otherwise. He advised that it was not possible to take financial benefit into consideration. He stated that cumulative visual impact was very serious and that he would reserve judgement.

Councillor MacMillan advised that he felt the same as Councillor McNaughton. He stated that the application was totally against planning policy and there would be problem finding a competent motion.

Councillor McQueen confirmed that he supported the planning recommendation to refuse the application.

Councillor McCuish advised that he was disappointed with where this Committee decision was going. He stated that SNH had advised there was capacity on Loch Awe. He referred to the new areas of search being looked at. He referred to protecting the community and stated that if we did not start to diversify there would be no community left to protect. He stated that he fully understood both sides of the argument. He referred to comment about a block of concrete and stated that the biggest block of concrete in Argyll was the successful Cruachan Dam.

Councillor Kinniburgh referred to the comment made that you either loved or loathed wind farms and advised that he neither loved nor loathed them. He believed they had a place but they needed to be in the right place. He stated that he did not see a divided community here. He referred to Inveraray Community Council and Glenorchy and Innishail Community Council supporting it and Avich and Kilchrenan Community Council objecting to it and that he could see why this had happened. He advised that he was disappointed that the Applicant had told the Committee everything that was good about the turbines and given all the reasons for accepting them but had not told the Committee anything about how the visual impact could be accepted. He advised that he supported the planning recommendation and moved that the application be refused. He asked if anyone would second him. Councillor McQueen confirmed that he would second Councillor Kinniburgh's motion. As there were no amendments this became the decision of the Committee.

## **DECISION**

Unanimously agreed to refuse planning permission for the following reasons:-

1. The application site is located on the west facing side of an upland

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

way of legal agreement.

2. Visibility of wind turbine development is already widespread across areas within 10km of the site with turbines at An Suidhe and Blarghour to the east of Loch Awe and Carraig Ghael and Beinn Ghlas to the west. The proposed wind farm will be seen in conjunction with either Carraig Ghael or An Suidhe over much of the southern part of Loch Awe and from upland areas around the site and on the opposite side of the loch. The proposal would exert a continual presence on the eastern skyline above the loch, both when viewed along the length of the loch, and in closer quarter views across the loch. Dependent on the viewpoint, it may overlap with appear to sit adjacent to, and contrast with the lesser scale of, An Suidhe windfarm. This would entail a large scale change with a bigger proportion of the skyline becoming occupied by turbines. The new wind farm would be larger in scale and closer to Loch Awe than An Suidhe. The proposal would introduce the influence of turbines into additional areas not affected hitherto, including south-west Loch Awe, Loch Avich and the south facing slopes of the Craggy Upland LCT to the north and north-west, which are currently free from the influence of wind turbines. It will impinge on views from the water along the length of the loch, and on those views which are available from lochside roads and locations of recreational value, where the presence of the windfarm, the skylining of turbines and the movement of the rotors will intrude on the perception of the wider landscape setting of the loch to the detriment of visual amenity. The proposal will exert a major adverse visual influence over relatively short distances over the loch below, the western lochside, and on the gateway approach to Loch Awe as the road drops down from Loch Avich. This area encompasses loch-side communities, recreational assets such as cycle routes, walking areas, and waters used for angling and boating, and holiday accommodation, where sensitive receptors, including those with a focus on landscape assets and scenery, can be expected to be concentrated. Accordingly, whilst the overall visual influence of the site is reasonably contained, the relatively close range landscape, visual and cumulative effects which it would exert over the adjacent loch, and the landscape setting of the loch would detract markedly from the composition of elements which contribute to the scenic quality of the area. The Environmental Assessment acknowledges a range of 'major' visual impacts to the west of the application site including the settlements of Dalavich and Inverinan, the east Lochaweside road, the eastern end of the Kilmelford to Dalavich road via Loch Avich, recreational assets to the west of Loch Awe (such as NCR 76 and the picnic site at Kilmaha) and upon water-based loch users on the central and southern sections of the loch. This area is recognised as being sensitive to inappropriate influence by large scale development in the Council's 'Landscape Wind Energy Capacity Study' not only because of the inherent qualities of its small scale landscape and its relationship with the loch, but also because it provides the settling for settlement, transport routes, historic, recreational and tourism assets. The location and scale of the proposal and its cumulative impact with existing wind turbine development fails to satisfy Policies STRAT SI 1: Sustainable

Development; STRAT DC 6: Development in Very Sensitive Countryside; STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (2002) and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (2009). It also fails to accord with landscape and other guidance published by the Council and Scottish Natural Heritage concerning the siting of windfarms. All other material considerations have been taken into account, including the contribution which the development would make to renewable energy production and the expressions of support received from third parties, but these are not of such weight as to overcome the identified adverse impacts, which cannot be overcome by the imposition of planning conditions or by way of legal agreement.

(Reference: Report by Head of Planning and Regulatory Services dated 4 April 2014 and supplementary planning report number 1 dated 14 May 2014, submitted)