

Ref:
AB1

ARGYLL AND BUTE COUNCIL
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OFFICIAL USE

26 September
2014

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedure)
(Scotland) Regulations 2013

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW	
Name	PAUL STAMPER
Address	TAIGH MHOR CREAGANTERVE MHOR KILMARTIN
Postcode	PA31 8RQ
Tel. No.	
Email	

(2) AGENT (if any)	
Name	COLIN INNES
Address	SHEPHERD AND WEDDERBURN LLP 1 EXCHANGE CRESCENT CONFERENCE SQUARE
Postcode	BH3 8UL
Tel. No.	0131 473 5104
Email	COLIN.INNES@SHEPWEDD.CO.UK

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application
(b) Date of Submission
(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

TAIGH MHOR, CREAGANTERVE
MHOR, KILMARTIN,
LOCHGILPHEAD, ARGYLL & BUTE,
PA31 8RQ

(6) Description of Proposal

ERECTION OF A SINGLE 60kW WIND
TURBINE (34.2 METRES HIGH TO
BLADE TIP)

(7)

Please set out the detailed reasons for requesting the review:-

PLEASE SEE SEPARATE DOCUMENT ENTITLED 'REASONS FOR
REQUESTIONG THE REVIEW'.

If insufficient space please continue on a separate page. Is this is
attached? (Please tick to confirm)



(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note: 3 paper copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	No additional documents
2	
3	
4	
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)

Colin Cairns

Dated

26 SEPTEMBER 2014

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604392/604269 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT* <mailto:planningreview@argyll-bute.gov.uk>
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)



SHEPHERD+ WEDDERBURN

REASONS FOR REQUESTING THE REVIEW

Introduction

The Applicant applied for planning permission for the erection of a single 60kW wind turbine (34.2 metres high to blade tip) at Taigh Mhor, Creaganterve, Kilmartin, Lochgilhead on 4 October 2013.

By decision notice dated 27 June 2014, the planning service refused to grant planning permission for the development for the two reasons set out in the decision notice. The reason for this review is that that planning permission has been refused for the development.

Reasons for requesting review

Landscape and Visual

The first reason for refusal stated that the Applicant's submission did not provide adequate information to allow a full appraisal of the potential effects of the proposal. The landscape and visual impact assessment submitted by the Applicant provided sufficient material for the planning service to consider the application, as evidenced by the consultees' ability to respond on the application. Indeed, the Applicant produced further visual material following Scottish Natural Heritage's (SNH) response on 8 January 2014, following which SNH did not submit any further response on the application.

The second reason for refusal makes reference to the Argyll and Bute Landscape Wind Energy Capacity Study (March 2012) and concludes that the "proposal would have a significant adverse impact on the landscape character, and would exert an unwelcome and inappropriate visual presence in the landscape as experienced by users of the A816...". We would comment that:

- The Capacity Study does not rule out turbines of this scale in this type of landscape.
- The scale of landscape and visual effects is extremely limited, as demonstrated by the ZTVs submitted with the Application.
- The effects are mitigated by the considerable tree cover in the area. This is particularly the case in the views from the north east and the south.
- The scale of the turbine is proportionate and compatible with the scale of the landscape in which it is situated and the landscape and visual impacts are exaggerated in the Report of Handling of 24 June 2014.

Cultural Heritage

The second reason for refusal states that the proposal: "...has potential to directly impact upon the visual amenity and settings of the settlement of Kilmartin and Carnassarie Castle, in addition to other sites of archeological importance in the locality" and "its presence would impact adversely on the scenic qualities of the wider landscape...and include the setting of archaeological sites as key features in the landscape." We would comment that:

- These conclusions run contrary to those of Historic Scotland, who have not objected to the proposal. In their response dated 22 May 2014, they conclude that: "the turbine will not break the skyline and would be seen against a backdrop of the trees and other vegetation on the hillside behind. Whilst there will still be an impact on the setting of the castle, we do not consider that the impact will be sufficiently adverse to warrant an objection from Historic Scotland."
- Further, West of Scotland Archaeology Service in their response dated 13 November 2013 confirmed that the extent of the effect of the turbine on the setting of the castle is unlikely to be of sufficient magnitude as to warrant a recommendation of refusal on archaeological grounds alone."

Local benefits

- We are advised that a proportion of the power generated by the development would be used to 'season' wood in a purpose built drying shed, thereby creating a much needed service for the community and offering the same for other companies.
- The grid connection is supported by CARES loan, whereby a proportion of the funds generated from the turbine operation would be handed to the community for charitable and community oriented projects.
- We are advised that a significant proportion of the energy generated would be used at the local site and a proposal is in place to offer surplus power to the nearest local property. Further, ground works and road construction contracts will be offered to local contractors, thereby securing jobs and monies into the local economy.

Shepherd and Wedderburn

26 September 2014