

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
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18 September 2012

SUPPLEMENTARY AGENDA PACK 1

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

**WEDNESDAY 19 SEPTEMBER 2012 AT 10.30 AM IN THE COUNCIL
CHAMBER, KILMORY, LOCHGILPHEAD**

I enclose herewith supplementary planning report no 1 in respect of item 6 on the above agenda.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 6. MR RORY YOUNG: WINDFARM COMPRISING 9 WIND TURBINES (77 METRES TO BLADE TIP), CONSTRUCTION COMPOUND, SUBSTATION, FORMATION OF ACCESS TRACKS AND ANCILLARY WORKS: CLACHAN SEIL, ARGYLL (REF: 11/02447/PP)**

Report by Head of Planning and Regulatory Services (Pages 1 - 6)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Gordon Blair	Councillor Rory Colville
Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor George Freeman	Councillor Fred Hall
Councillor David Kinniburgh	Councillor Alistair MacDougall
Councillor Robert Graham MacIntyre	Councillor Donald MacMillan
Councillor Alex McNaughton	Councillor James McQueen
Councillor Sandy Taylor	Councillor Richard Trail

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Argyll and Bute Council
Development and Infrastructure

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/02447/PP

Planning Hierarchy: Local

Applicant: Mr Rory Young

Proposal: Wind farm comprising 9 turbines (77 metres high to blade tip), construction compound, substation, formation of access tracks and ancillary works.

Site Address: Clachan Seil, Argyll & Bute

SUPPLEMENTARY REPORT No. 1

A. SUMMARY

The purpose of this report is to update Members on: the agent's observations on Development & Infrastructure's report (dated 6th September 2012); further information received from the agent; a further Consultee response received from Historic Scotland; and further letters of representations which have been received following completion of the original report.

B. AGENT'S OBSERVATIONS UPON THE ORIGINAL REPORT

The agent has made observations on the report prepared by Development & Infrastructure (6th September 2012), which they have requested be considered and addressed prior to PPSL on the 19th September 2012. These observations are:

Firstly, Page 80, Section D – "*SNH also have concerns about other aspects of natural heritage, in particular white tailed eagles and marsh fritillary butterfly*" However, their actual letter states "*SNH have no concerns regarding ornithological interest at this time*". (Page 4)

Comment: SNH's consultation response dated 25th May 2012 section 1 – Summary states that: "*we also have concerns about other aspects of the natural heritage. We have included details of these below in section 3.2*". Section 3.2 Habitats and Species Impacts states under 3.2.1 Ornithological Interests that:

“Upon receipt of the ES we had residual concerns about the ornithological surveys and the reports it contained as these conflicted with reports and sightings from members of the public, especially in relation to a breeding pair of white tailed eagles. As a result SNH and RSPB made a site visit and determined that there were no breeding pairs of eagles on or within the near vicinity of the site. As such SNH have no concerns regarding ornithological interest at this time. We have received further information on the increasing presence of white tailed eagles in the general vicinity of the site. Bearing this in mind, there is a possibility that, should permission be granted, eagles, may start breeding/using the site before works begin”.

Development & Infrastructure have interpreted this advice from SNH as indicating that whilst SNH do not have concerns regarding ornithological interests ‘at this time’, they have quite clear concerns that should planning permission be granted there is a possibility that white tailed eagles may have started breeding/using the site ‘before construction works begin’. It has therefore been concluded that SNH do in fact have ornithological concerns.

Secondly, Page 83 – Section F – *“we regret that a more “in depth” analysis of public representation is not included in the report. As it stands, we feel that the report does not give the opportunity to the reader to form a fair representation of the local communities’ opinion on the project. We would request that the analysis provided by the applicant be included in the report, or a summary of this be prepared by the Council and included in the report”.*

Comment: Section F - Representations states clearly that:

“The applicant has submitted an analysis of the letters of representation in support of his application. This analysis is based on a total of 908 public comments, examines the objections and representations by type (standard letter or individual letter), breaks them down into geographical areas and provides percentage calculations on this basis (the full analysis is available on the Council’s website)”.

The report refers clearly to the analysis provided by the applicant – it summarises the content and directs readers to the Council’s website where the full document can be viewed. Due to the number of representations received and the applicant’s response to those representations it is not possible to report all correspondence ‘verbatim’. It is normal procedure to summarise the issues raised by third parties and list names and addresses, and likewise to summarise any response provided by an applicant.

It is not considered that any amendments are required to be made to the original report in light of the agent’s observations.

C. FURTHER INFORMATION

Area Roads - On the 11th September the agent advised that they are in dialogue with the Council’s roads engineers regarding appropriate mitigation measures to permit access of abnormal loads over Kilniver Bridge to gain access to the proposed wind farm site. They have provided photographs, specification of the type of crane/crane

carrier proposed and written methods of proposed mitigation for Kilninver Bridge, Balnacarry and Clachan Bridge. These details have been sent to the Area Roads Manager as a formal consultation by Development & Infrastructure (response awaited).

SEPA - On the 13th of September the agent sent Development & Infrastructure a copy of the results of the National Vegetation Classification Survey, as requested by SEPA. These details have been sent to SEPA as a formal consultation by Development & Infrastructure (response awaited).

Historic Scotland - On the 11th September 2012 the agent advised:

“further to the comments from Historic Scotland regarding the standing stones, we have indicated to Historic Scotland that we would be willing to re-erect the stones. However, as the unfenced stones are used by stock as scratching posts which damages the footings of the stones and then contributes to them being pushed over, we believe this is only sensible alongside fencing of the stones to protect them from damage. Fencing would impact the setting of the stones, perhaps rather more than the erection of the turbines. Historic Scotland seems unwilling to have the stones fenced but, of course, agricultural fencing does not require planning permission. In fact one of the stones, whose footings had been eroded by livestock was re-erected and fenced in November 2010 as in the attached photograph. We remain happy to re-erect the stones and fence the site so that the stones are protected from damage and are accessible to the public and would be content at this being a requirement as part of the planning permission”.

D. FURTHER CONSULTEE RESPONSE

Historic Scotland provided a further consultation response on the 13th September 2012:

Setting Impacts – they would reiterate the comments outlined in their previous letter that given the level of impact this wind farm would have on the setting of Duachy, Standing Stones, they recommend that the Council explores the possibility of mitigation. This could be achieved through the removal of turbines 1, 3 and 6, or their relocation, ideally to the opposite of the ridgeline.

Enhancement of the monument – the developer’s proposed enhancement of the monument’s condition would be a welcome outcome. For the avoidance of doubt, they do not believe that this would mitigate the impacts on the setting of the monument, but it could be considered as a compensatory measure for the adverse impacts on it.

In Historic Scotland’s view, the potential mitigation strategies (i.e. the removal or relocation of the turbines) should be explored in full. However, the potential enhancement of the monument would be a positive outcome, whether or not the Council is successful in achieving that mitigation. It should be noted that there will be

setting impacts on the monument, even if the mitigation being sought is successful, but just not of such significance to raise an objection from Historic Scotland.

If the Council is minded to explore this further, Historic Scotland would be happy to work with the Council in drawing up a suitable scheme and in exploring the enhancement of the monument, and they would also be happy to offer assistance drawing up a suitable planning condition to ensure that work takes place.

E. LETTERS OF REPRESENTATION

Since completion of the original report 2 further letters of representation in support of the proposal have been received from Councillor Michael Breslin and Lasta King, The Swallows, South Cuan, Oban, Argyll, PA34 4TU. The main issues raised in these letters of support may be summarised as follows:

- The lack of visual impact this development will have;
- Amendments to the proposal prior to submission;
- The need to utilise wind as a natural resource;
- Makes sense to use natural assets of West Coast of Scotland;
- Government's renewable energy targets;
- Progress the shift towards renewable energy;
- Community nature of the project;
- Income proposal would generate for the local area;
- Option for local people to invest in the scheme;
- Interesting investment model;
- Economic impact during and after construction.

Councillor Michael Breslin has also advised that the only issue he has is the roads one during the construction phase, but there may be ways round this that have not been explored.

Committee Services have also received a phone call from Mr A D Murison, 1 Neilson Close, Chandlers Ford, Hampshire, SO53 14P advising that he wishes his name and address to be removed from the list of objectors in respect of the above application. He advises that he has never made representation on this application and does not recall signing a petition. Until such time as the authenticity of this phone call is confirmed this letter shall not be removed from the total number of representations.

Therefore, at time of writing, a total of 958 representations have been received – 96 in support (including a supporting letter and analysis of representations from the applicant), 858 against, and 4 general representations.

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in this report, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all

letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

F. RECOMMENDATION

The above further information has been considered but does not change the recommendation in the original report dated 6th September 2012. This proposal is recommended for refusal for the reasons stated in said report subject to a Discretionary Hearing being held in view of the number of representations which have been received.

Author of Report: Arlene Knox

Date: 18.09.12

Reviewing Officer: Richard Kerr

Date: 18.09.12

Angus Gilmour

Head of Planning and Regulatory Services

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