

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

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30 October 2012

SUPPLEMENTARY AGENDA PACK 1

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

WEDNESDAY 31 OCTOBER 2012 AT 11.30 AM

IN THE MAIN HALL, CORRAN HALLS, OBAN

I enclose herewith supplementary planning report number 2 for item 3 on the above agenda.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

3. **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 - 8)

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. 2

A. SUMMARY

The purpose of this report is to update Members on further documentation which has been received since the proposal was originally reported to the PPSL Committee on the 19th September 2012.

B. CLARIFICATION OF SNH's POSITION

SNH have submitted a written statement clarifying their consultation responses to the Clachan wind farm proposal in the light of their previous response to the Raera wind farm proposal.

SNH considered the issues and made a response to Raera wind farm in August 2010. Since then SNH has reviewed its approach and the types of responses they make. This was formalised further in October 2011. Had Clachan wind farm been considered by SNH in 2010 they may well have used the word "object" in their response. However, it is only in cases where developments lie within designated areas, such as SSSI, SAC, SPA, NSA etc that the word "object" has a statutory significance in that it requires a local authority, should they disagree with SNH's advice, to refer a case to Scottish Government for final approval or the holding of an Inquiry.

SNH's preferred mechanism, to assist planning and regulatory authorities reach a decision, is to offer advice only responses, leaving the recipients to determine

whether that advice supports the case for approval, modification or refusal of any permission being sought. The landscape impacts of Clachan and Raera are similar. Both schemes have the potential to dominate and have adverse landscape impacts on sensitive coastal edge scenery.

SNH concur with Development & Infrastructure's view that both schemes go against the guidance given in the "Argyll and Bute Wind Energy Capacity Study" (March 2012). So in conclusion, they do not consider that there are inconsistencies in terms of their advice regarding these two developments. Their advice consistently raises the adverse impacts on Argyll's highly valued coastal landscapes and makes clear that neither scheme is supported by SNH.

SNH has a remit to give advice to help partners and stakeholders achieve good development in appropriate locations in terms of the natural heritage. SNH do not believe the Clachan Seil development meets this criterion. However, it is for the Council to determine this application and decide whether or not it merits permission. SNH hope that the advice, given in their response dated 25 October will enable the Council to make a fully informed decision when undertaking that process.

C. OTHER RELEVANT CONSULTEES

Area Roads Manager - objected to this application due to the inadequacy of the approach road to the site to accommodate wind farm construction traffic, and in particular, the impact abnormal loads and HGV traffic would have on the structural integrity of the Kilninver Bridge, and the retaining wall at Barnacarry.

Subsequently, measures were put forward by the applicant to overcome these shortcomings, including a temporary bridge over the river Euchar to accommodate the construction traffic, rather than utilising the existing Kilninver Bridge. However, in order to facilitate this, third party land would be required beyond the application site and outside the applicant's control. Notwithstanding this, a separate planning application would also be required for such a structure.

At time of writing, no further clarification has been received from the applicant regarding this matter. However, a matter as crucial as access to the site by construction vehicles, is something which one would have expected to have been addressed far earlier on in the development process. The mitigation proposed cannot be regarded as deliverable in the context of this application and the recommended roads reason for refusal stands.

SEPA (8th October 2012) have now confirmed that they continue to object to the proposal unless conditions are attached to any grant of planning permission to secure the continued protection of Ground Water Dependent Terrestrial Ecosystems.

D. LETTERS OF REPRESENTATION

Since completion of the original report and supplementary report 1, five further letters of representation in support of the proposal have been received from: Mr David

Steele, Wind Towers (Scotland) Limited, PO Box 9263, Campbeltown, Mr Clive Brown, Otters, Ardfern, Lochgilphead, John Everett, 6 Fellside Gardens, Durham City, DH1 1AB, Keren and Mike Cafferty, 54 Easdale Island, Oban, Argyll, PA34 4TB and Maitland Mackie CBE, LLD, FrAgs, DBA, MAhonsEcon, BSc Ag., Westertown, Rothienorman, Aberdeenshire, AB51 8US.

The main issues raised in these letters of support may be summarised as follows:

- *Climate Change*
- *Visual Impact*
- *Economic Benefit*
- *Employment Opportunities*
- *Landscape Impact*
- *Community Benefit*
- *Decreasing capability of fossil fuel supply to meet demand*
- *Serious obligation to find new sources of energy*
- *Most cost effective way to deliver renewable energy*
- *Top grade wind power site*
- *Renewable energy targets*
- *Efficiency*
- *Subsidy ROC support payments*
- *Ownership*
- *Decommissioning*
- *Environmental impact*
- *Ornithological Impact*

Alan Reid MP has written to express his objection to the proposal on the grounds that the area is one of high scenic quality. The development would impact adversely on views available from both the land and the sea. He notes that shortcomings have been identified by SNH, SEPA and the Council's roads engineers. He refers to the government advice that windfarm developments ought not to be sited within 2km of communities. Whilst he recognises that this is advisory rather than mandatory he points out that most of Clachan Seil would be within this distance. In view of the above considerations he would wish to see the application refused.

A letter of objection has also been received from **Councillor Duncan MacIntyre**, Ward 5 Oban North and Lorn. The main issues raised in the letter of objection may be summarised as follows:

- *Iconic site in an Area of Outstanding Natural Beauty*
- *This application should be determined on its planning merits in the light of existing Argyll & Bute Council policies, irrespective of matters such as community benefit, renewable energy targets and so on.*
- *Planning approval 10/01914/PP (Isle of Luing) consented 2 turbines of 45m maximum and a subsequent request (8th December 2011) for the height to be increased to 54m was refused with reference to SNH statement(6th January 2011) as follows - "if the proposed turbines were to be of a scale*

exceeding the current proposals(45m to tip) then we believe the impacts may exceed the threshold of what we would consider acceptable to the landscape scale and sensitivities”.

- *There is also reference to “concerns that larger turbines will not present a suitable “fit” in the small scale landscape “– the application here is for 9 turbines of a height well in excess of 45m and 54m but to a height of 77 metres.*
- *There has been a full and comprehensive assessment and consultation on this application taking into account Argyll and Bute Structure Plan; Argyll and Bute Local Plan; EU, UK Government and Scottish Government policy; National Planning Framework; Scottish Planning Policy(SPP), Advice and Circulars; National Waste Management Plan; Environmental Impact of the proposal; Design of the proposal and its relationship to its surroundings; Access and Infrastructure; Planning History; Views of Statutory and Other Consultees; Legitimate Public Concern and Support expressed on “Material Planning Issues.*
- *Adverse Impact on Category A listed Clachan Bridge (Bridge over the Atlantic)*
- *Significant adverse impact on Landscape Character,*
- *Adverse Visual Impact*
- *Adverse Impact on Area of Panoramic Quality*
- *Benefits, whether climate change related or community must be justified against existing policies and balanced against environmental considerations*

A letter of support has been received from **Councillor Iain Macdonald** who has indicated his wish, subject to the Chairman’s agreement, to present a case verbally on behalf of the supporters to the proposal at the hearing.

Therefore, at time of writing, a total of 966 representations have been received – 102 in support (including a supporting letter and analysis of representations from the applicant), 860 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

E. AMENDED RECOMMENDATION

The above further information has been considered and the recommendation has been amended accordingly to delete the ground of refusal associated with Scottish Environmental Protection Agency’s objection, on the basis that this could be addressed by way of a condition in the event of an approval. This proposal continues to be recommended for refusal for the reasons set out overleaf.

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 11/02447/PP

1. The proposal lies close to the south-west of Loch Feochan, located on the coastal edge within the 'Craggy Coast and Islands' Landscape Character Type (ref 'Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012' - SNH/Argyll & Bute Council) which is intended to guide SNH and the Council on the strategic implications of further wind farm developments in the landscape. The proposal lies within a sensitive and highly valued landscape character type where it occupies a prominent coastal location where it would be viewed from ferry and recreational boat traffic and other islands as well as from mainland roads, and in particular the nearest road which links Seil to the mainland via the 'Bridge over the Atlantic'. The value of the landscape within which the development is to be located has been accorded regional status by being designated as an Area of Panoramic Quality by the Council's approved local plan.

The scale of development proposed in this sensitive coastal location is contrary to the recommendations of the LWECS, which states: *"there is no scope to site the larger (80-130 M) and the small – medium (35m – 80m) within this character sub-type due to the significant adverse impacts that would be likely to occur on a wide range of landscape and visual sensitivities"*. At present the 'Craggy Coast and Islands' landscape character type, and other coastal landscape character types in Argyll, are free of wind farm developments of the scale proposed. If approved, this development would establish a precedent for large-medium scale coastal edge wind farm developments in circumstances where the LWECS considers that sensitive coastal landscapes do not have the capacity to absorb developments on this scale satisfactorily. The proposal would introduce an inappropriately located wind farm into the sensitive and valued coastal landscapes of the Firth of Lorn, the lochs and islands around West Argyll, and the Atlantic islands coastal edge which constitutes an exceptional scenic resource, derived from the interplay between the land and the sea with its associated islands and skerries. The site therefore constitutes part of Argyll's prime landscape resource, valued for its inherent character and qualities and for the role which it plays in the local tourism economy. The introduction of a development of the scale proposed would impose itself upon its landscape setting to the detriment of landscape character. Approval of the proposal would represent an unwelcome move away from the established location of approved wind farm developments in upland areas inland, where they do not exert such a degree of influence over the appreciation of the coast and those landscapes which are characterised by the contrast between the land and the sea.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected benefits which a development of this scale would make to the achievement of climate change related commitments.

Having due regard to the above, it is considered that this proposal would have a significant adverse impact on Landscape Character, would adversely affect a number of key views and would degrade designated scenic assets including the 'Area of Panoramic Quality' in which the site is situated. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable

Development; STRAT DC 5: Development in Sensitive Countryside, Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2009) and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

2. The Zone of Theoretical Visibility maps indicate fairly widespread visibility across the settled eastern coasts of Seil, within the Firth of Lorn and the Mull coast but with more limited visibility inland to the east. Of the representative viewpoints selected for detailed assessment, the applicant's Landscape and Visual Impact Assessment concludes that there would be 'significant' impacts on: Viewpoint 1: B844 Clachan Seil; Viewpoint 5: Whinbank; Viewpoint 14: Puilladobhrain Anchorage; and Viewpoint 18: Duachy Standing Stones. It is, however, considered that the assessment underestimates the magnitude of effect from some of the closer viewpoints to the proposal including: Viewpoints 2: from the Tigh-an-Truish Pub (this view includes the iconic "Atlantic Bridge"); Viewpoint 7: B844 at Meall Ailein and Viewpoint 10: from the Colonsay-Oban ferry. From the cluster viewpoints at locations 1 - 5, and other shorter range viewpoints 7 (on the approach to Seil and an essential part of the initial experience of visiting this intricate and highly scenic locality), 10 (from the Colonsay ferry), 14 (anchorage and coastal walk) and 18 (scheduled ancient monument), the proposal secures a poor fit with the landscape in terms of its domination of scale, coupled with the effect of blade rotation which will exacerbate the visual intrusion on sensitive skylines above Clachan Sound. It would also appear discordant when seen from the Firth of Lorn, which is valued as a sailing destination from which coastal landscapes are experienced, in a context where no other development of this scale and character is visible. From the ferry route and from other offshore locations, development of the scale proposed would compete with and diminish the scale of the flattopped Beinn Mhor with its pronounced cliff edge, which forms a key focal feature in views towards the mainland coast.

The development is out of scale with the receiving coastal environment and intrudes upon views within and the appreciation of this relatively small scale landscape to the detriment of landscape character and sensitive visual receptors. The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected benefits which a development of this scale would make to the achievement of climate change related commitments.

Having due regard to the above, the proposal conflicts with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2009) and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

3. The development is situated with the nearest turbine being approximately 560m from Duachy Standing Stones Scheduled Ancient Monument, where 7 turbine towers and rotors will be visible. This would represent a significant adverse impact on this important historic environment asset and its setting. The proposal would also have an adverse impact on the setting of the Category A listed Clachan Bridge. It is considered that the visibility of the development within the landscape backdrop of the bridge, which is a key tourism asset and a widely photographed structure, in the context of both the wider setting and the appreciation of the bridge, would be unacceptable. The proposal would also have an adverse impact on the setting of the category B listed Ardencaple House with all 9 turbines theoretically visible. Although there is intervening vegetation this cannot be regarded as providing a permanent screen and the proposal would represent a highly visible modern intrusion in the setting of Ardencaple House which would be unacceptable.

The introduction of structures of the scale proposed and their attendant motion in the landscape would impinge upon the setting of the Duachy Standing Stones in particular, and other historic environment assets in general, to the detriment of the legibility of the historic landscape context of these historical and archaeological assets.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected benefits which a development of this scale would make to the achievement of climate change related commitments.

The proposal will have an adverse impact on the historic environment of Argyll and is therefore inconsistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 9: Historic Environment & Development Control of the 'Argyll & Bute Structure Plan' (adopted 2009) and LP ENV 13a: Development Impact on Listed Buildings LP ENV 14; LP ENV 16: Development Impact on Scheduled Ancient Monuments; LP ENV 17: Development Impact on Sites of Archaeological Importance of the 'Argyll & Bute Local Plan' (adopted 2009).

4. The proposal will involve an unusually large number of construction vehicle movements and the conveyance of abnormal loads along the B844 a route which is sub-standard in width and alignment. The road infrastructure along this route is also subject to known deficiencies, including structural condition of the Kilninver Bridge and the road retaining wall at Barnacarry, and it does not lend itself to intensive construction activities involving movements of heavy goods vehicles and abnormal loads. In view of the geometry of the road, which does not lend itself to the swept path of large vehicles, there is the prospect of serious damage to these structures occasioned by collision as a result of the transportation of abnormal loads or the weight of construction vehicles, which would present a serious threat to continued accessibility by road, as the failure of either of these structures would be likely to precipitate closure of the route with the consequent isolation of Seil, Easdale and Luing.

In the absence of any satisfactory mitigation being advanced for the risk presented to the route by the type of traffic associated with the proposal, the development does not benefit from an identified satisfactory means of access for either construction or for decommissioning purposes, contrary to the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the Argyll & Bute Local Plan.

Author of Report: Arlene Knox
Reviewing Officer: Richard Kerr

Date: 30.10.12
Date: 30.10.12

Angus Gilmour
Head of Planning and Regulatory Services