

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 18 JANUARY 2023**

Present: Councillor Kieron Green (Chair)

| | |
|---------------------------|--------------------------------|
| Councillor John Armour | Councillor Mark Irvine |
| Councillor Jan Brown | Councillor Andrew Kain |
| Councillor Amanda Hampsey | Councillor Paul Donald Kennedy |
| Councillor Daniel Hampsey | Councillor Liz McCabe |
| Councillor Graham Hardie | Councillor Luna Martin |
| Councillor Fiona Howard | Councillor Peter Wallace |
| Councillor Willie Hume | |

Attending: Stuart McLean, Committee Manager
Sandra Davies, Major Applications Team Leader
Howard Young, Area Team Leader – Helensburgh and Lomond
Arlene Knox, Senior Planning Officer
Emma Jane, Planning Officer
Raymond Kane, Traffic and Development Officer

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Audrey Forrest.

2. DECLARATIONS OF INTEREST

Councillor Paul Kennedy declared a non-financial interest in item 4 on the Agenda (Mr Graham Wylie: Variation of Condition Numbers 3, 4, 5 and 6 and Removal of Conditions 7 and 8 Relative to Planning Permission 20/01150/PP (Erection of Dwellinghouse). Access Arrangements: Rhu Lodge, Ferry Road, Rhu, Helensburgh (Ref: 21/02709/PP)), as he was acquainted with the Applicant. He advised that he would remain in the meeting but take no part in the consideration of this application.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 15 November 2022 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 23 November 2022 was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 9 December 2022 was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 21 December 2022 at 2.00 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 21 December 2022 at 2.30 pm was approved as a correct record.

f) The Minute of the Planning, Protective Services and Licensing Committee held on 21 December 2022 at 3.00 pm was approved as a correct record.

4. MR GRAHAM WYLIE: VARIATION OF CONDITION NUMBERS 3, 4, 5 AND 6 AND REMOVAL OF CONDITIONS 7 AND 8 RELATIVE TO PLANNING PERMISSION 20/01150/PP (ERECTION OF DWELLINGHOUSE). ACCESS ARRANGEMENTS: RHU LODGE, FERRY ROAD, RHU, HELENSBURGH (REF: 21/02709/PP)

At the PPSL Committee on 23 November 2022 it was agreed to continue consideration of this application and instruct Officers to make arrangements for the Committee to accompany Planning and Roads Officers on a site visit which subsequently took place on 12 January 2023.

The Area Team Leader advised that he had received an email from the Applicant on 17 January 2023 intimating that he would like to submit further amended plans to address issues raised within supplementary report number 3. The Applicant sought continuation of this application to the February PPSL Committee to give him time to submit these revised plans.

Decision

The Committee agreed to continue consideration of this application to the PPSL Committee in February 2023.

(Reference: Report by Head of Development and Economic Growth dated 8 November 2022, supplementary report number 1 dated 22 November 2022, supplementary report number 2 dated 10 January 2023 and supplementary report number 3 dated 16 January 2023, submitted)

Councillor Luna Martin joined the meeting during consideration of the foregoing item.

5. THE SCOTTISH GOVERNMENT ON BEHALF OF AECOM LIMITED (ON BEHALF OF RWE RENEWABLES UK ONSHORE WIND LTD): ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO CLACHAIG GLEN WIND FARM AND BATTERY STORAGE: APPROXIMATELY 20KM NORTH OF CAMPBELTOWN AND 1.8KM NORTH-EAST OF MUASDALE ON THE WEST COAST OF KINTYRE (REF: 22/00613/S36)

The Senior Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised that the Scottish Parliament had approved National Planning Framework 4 (NPF4) on 11 January 2023 and that it was the intention of Scottish Ministers to adopt and publish NPF4 on 13 February 2023 with NPF3 and Scottish Planning Policy superseded from that date. The status of NPF4 did not alter the Officer recommendation in the report as the revised Draft NPF4 was considered in the determination of the proposal and was referenced in the report.

In Scotland, any application to construct or operate an onshore power generating station, in this case, a renewable energy development with an installed capacity of over 50 megawatts (MW) requires the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Any ministerial authorisation would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this

process is one of a consultee along with various other consultation bodies. It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by the Scottish Government.

The proposed development site lies within the Upland Forest Moor Mosaic Landscape Character Type identified in the Argyll & Bute Landscape Wind Energy Capacity Study. In terms of the Local Development Plan proposals map, the proposed wind farm and access is located within the 'Rural Opportunity Area', 'Countryside Zone', and the 'Very Sensitive Countryside Zone'.

This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and third party opinion expressed to the Scottish Government.

It is recommended that the Council raise an objection to this Section 36 consultation on Landscape & Visual Grounds for the reasons detailed in the report of handling and that the Scottish Government be notified accordingly. The Committee were also asked to note that an objection from the Council would instigate the requirement for a Public Local inquiry to be held.

Decision

The Committee agreed on behalf of the Council, as Planning Authority to object to this proposal for the following reason and that the Scottish Government be notified accordingly:

1. Landscape & Visual Impact (including cumulative)

Argyll & Bute Council assesses development proposals with the aim of protecting conserving and where possible enhancing the built, human, and natural environment. A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form, and design. Argyll & Bute Council will resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The proposed site lies within the *Upland Forest Moor Mosaic* LCT identified in the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS). This landscape has some characteristics which reduce sensitivity to large scale wind energy development including a generally simple landform and land cover and an expansive scale. However, these uplands already accommodate a number of operational and consented wind farms which limits scope for further wind farm development whilst minimising effects on more sensitive landscape and visual receptors within the Kintyre coasts, West Loch Tarbert, and the islands of Gigha and Arran.

This proposal would have significant adverse effects on the character of the *Upland Forest Moor Mosaic* LCT. It would also significantly and adversely affect the character of the Sound of Gigha between Gigha and Kintyre. There would be relatively limited views from the settled east and west coasts of Kintyre but with more extensive visibility

occurring across the Sound of Gigha, Gigha and from the more sparsely settled upland area immediately surrounding the proposed development.

A consent for 14 turbines between 115.5m and 126.5m applies to the site. This proposal comprises 12 turbines between 185m and 200m. The principal change between the consented and proposed scheme is the greater degree of intrusion associated with the substantially larger turbines now proposed on views from the Sound of Gigha and from the eastern side of Gigha, and also in close views from a section of the Kintyre Way. The visible aviation lighting fixed to 8 of the proposed turbines would also be likely to extend the duration of significant adverse visual effects experienced from these same locations. In views from Gigha and the Sound of Gigha the proposal would be significantly larger than other operational and consented wind farms and would form a key focus in views towards the Kintyre peninsula, detracting from the scenic character of water, settled coastal fringe and uplands.

The potential cumulative effects of this proposal with the Sheirdrim and Narachan application-stage wind farms are additionally of concern as together these schemes would dominate views to the east from the north-eastern part of Gigha. Lighting of the Narachan wind farm and this proposal could extend the duration of significant adverse cumulative effects during hours of darkness.

Argyll & Bute Council therefore objects to this proposal on landscape and visual grounds. There could be scope to mitigate the effects of this proposal through a reduction in the size of turbines and possible omission/reposition of more prominent turbines (for example Turbines 1 and 3 which are particularly prominent in views from the west). Further mitigation of visible aviation lighting should also be considered through the installation of an Aircraft Detection Lighting System once approved by the CAA which would significantly reduce the duration of lighting.

Having due regard to the above it is concluded that the proposal will have significant adverse landscape and visual impacts (including cumulative) and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; of the Argyll & Bute Local Development Plan; SPP (2014); NPF3; Policy 4 – Natural Places and Policy 11 – Energy of Revised Draft NPF4; the Onshore Wind Policy Statement, (2022); and guidance contained in the Argyll & Bute Landscape Wind Energy Capacity Study 2017.

Notes for the Energy Consents Unit

Battery Storage – Whilst, the provision of battery storage meets the requirements of policy, Officers are concerned that no consideration has been given to the Landscape & Visual Impact of this battery storage facility. This is a large facility of 27 shipping containers proposed to be located in a rural landscape. Before a decision is reached on this proposal by the ECU it is the view of Argyll & Bute Council that the impacts of this needs to be considered.

Noise – Argyll & Bute Council would be grateful to receive clarification from the Applicant in respect to the points raised by the Noise Consultant on residential receptors and fixed limits.

(Reference: Report by Head of Development and Economic Growth dated 4 January 2023 and supplementary report number 1 dated 17 January 2023, submitted)

6. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A report providing an update on the recent decision by The Planning and Environmental Appeals Division in relation to Planning Appeal Reference PPA-130-2084 in respect of the construction of Creag Dhubh Wind Farm at Creag Dhubh, North East of Strachur Village, was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth dated 21 December 2022, submitted)