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Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

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11 October 2012

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **AN CRIDHE, ARINAGOUR, ISLE OF COLL** on **THURSDAY, 18 OCTOBER 2012** at **1:00 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST (IF ANY)**

3. **GALLANACH GREEN GENERATION LTD: CONSTRUCTION OF 1 X 750KW WIND TURBINE (77M TO BLADE TIP), CRANE HARDSTANDING, CONTROL BUILDING, TEMPORARY CONSTRUCTION COMPOUND AND FORMATION OF VEHICULAR ACCESS: GALLANACH, ISLE OF COLL (REF: 11/01915/PP)**
   Report by Head of Planning and Regulatory Services (Pages 1 - 44)

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

Contact: Fiona McCallum Tel. No. 01546 604392

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Agenda Item 3

Argyll and Bute Council
Development Services

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

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Reference No: 11/01915/PP

Planning Hierarchy: Local Development

Applicant: Mr Neil Smith

Proposal: Construction of 1 No. 750kw wind turbine (77 metres to blade tip), crane hardstanding, control building, temporary construction compound and formation of vehicular access

Site Address: Gallanach, Isle of Coll

SUPPLEMENTARY REPORT NO. 1

(A) Background

Since the public release of the Report of Handling on 09/08/12 the Planning Service has received correspondence from third parties, the applicant and the applicants' agent. These are detailed below with a response to each point. None of the submitted correspondence is from new parties and each has submitted representation previously.

Additional Submitted Correspondence:
Mr Andrew Milton, Hill Cottage, Isle of Coll, PA78 6TB (removal of support) (19/08/12)

- Although Mr Milton's name is on the list of supporters, Mr Milton states that he would like his name removed. He does not state whether or not he objects to the proposal and has previously withdrawn his name from the petition of objections.

Mr Tony Oliver, Druim Dearg, Isle of Coll, PA78 6TE (additional comments) (13/8/12)

- Mr Oliver refers to specific text within section P of the Report of Handling. He questions the assessment of the height of the turbine in relation to the rocky outcropping within which it would sit.

Comment: The base of the turbine is indeed at a lower level than the highest part of the rocky outcrop. From Viewpoint 1 the hub of the turbine will sit below the highest part of the rocky ridge. The report goes onto describe the height as being above the highest point which it is. The critique has picked up on part of the report without taking account of the context.

- Mr Oliver refers to the lack of assessment on the views from beaches at Cliad and Gallanach. He considers that this will impact adversely on tourism.

Comment: The section in the report that Mr Oliver refers to considers tourist facilities but considers built facilities such as heritage centres, museums etc. The beaches on Coll are part of the physical fabric of the island and there are many dotted around the islands' coastline. Although beaches can be tourist attractions it is not considered that, given the number of beaches on Coll, that the overall impact on beaches near to the turbine will be significant to the islands' tourist economy.

- Further comment on comparing the landscape on Jura to Coll.

Comment: The section in the report that Mr Oliver is referring to describes how to apply the Wind Energy Capacity Study (WECS) for smaller islands not specifically covered in detail within the document. The landscape consultants who wrote the study refer to Coll as having similar landscape typologies to that of Jura and Islay. Clearly there will be local distinctions but the landscape character types, where applicable on both islands, can be considered as similar.

- Mr Oliver comments that the WECS states that the smaller islands cannot accommodate turbines over 50m but yet the report is supporting this one at 77m. He queries the agreement of the applicants' submission.

Comment: The WECS is a technical document supporting the adopted development plan, for guidance purposes. There may be instances where turbines larger or smaller in a specific landscape character type may be appropriate. In this instance it is considered that the proposal is appropriate for the specific landscape for reasons contained within Section P and appendix A of the Report of Handling.

- The officers' visit has been queried by Mr Oliver and he wonders whether the correct island was visited in regard to the officer assessment of the impact on local beaches. He also queries the use of 'Viewpoint 10 – Killinuaig Church'.

Comment: This critique appears to be flippant based on Mr Oliver's lack of agreement with the assessment and recommendation. Indeed, there are some unfounded and derogatory comments in his submission. The site has been visited twice by officers to assess the impact and implications of the proposal. It should be noted that Killinuaig Church was included in the assessment as it is an important site for tourists who often stop and access the beaches and it forms part of the historic environment assessment.

Mr Colin Scott, Skerray, Isle of Coll (on behalf of Protecting Coll Group) (21/8/12, 7/9/12)

- Mr Scott makes comment in relation to the applicants' email of 16/8/12 to Members. Mr Scott's submission refers to Development Coll's search for a site for a community turbine prior to abandoning the project. Mr Scott also queries some of the letters of support.

Comment: The Planning Authority is obliged to assess and determine the application that has been submitted. With regard to the supporting letters the Planning Authority can only accept those that are submitted and if signatories wish to have their names removed from this list then they are able to write to us requesting this.

- Mr Scott queries the omission of a RAMSAR site from the assessment.

Comment: We acknowledge that section F(i) mistakenly states that there is no RAMSAR site on Coll. We apologise for this error. The Site of Special Scientific Interest (SSSI) and the Special Protection Area (SPA) beyond and to the north east of the site is also a RAMSAR site. Ornithology has been assessed thoroughly and researched by SNH, RSPB and the Appropriate Assessment by the Planning Authority that concludes that no unacceptable impacts exist to ornithology. The RAMSAR site is also a SSSI and SPA for the same qualifying interests. Therefore the comment within Section F of the Report of Handling that there is no RAMSAR site on Coll should be amended.

Mr Neil Smith, Gallanach Farm, Isle of Coll (applicant email to Councillor Freeman) (13/8/12, 16/8/12)

- Mr Smith comments that S&SE has confirmed that, in addition to this proposal, there will be capacity for units up to 50kw and larger units can be connected in 2017 when additional capacity is released on the grid.

Comment: Availability, or otherwise, of grid capacity is not a material planning consideration.

- Mr Smith queries the number of representations and their place of residence of each signatory. He also comments that some of those who made direct representation also signed the petition.

Comment: Regardless of a persons' place of residence, anyone can comment on a planning application and their representation will be considered appropriately. For the avoidance of doubt the Planning Authority has now received 47 individual representations

plus a petition with 67 signatories. Of these there are 29 objections, 14 in support and 4 representations. Of the 67 signatures on the petition 18 have submitted their own representation. A further 1 has requested their name be removed from both support and objection lists. There were an additional 7 letters of support with no addresses. This totals:

- *78 signatures on objections*
- *21 signatures in support*
- *4 signatures in representation.*

The applicants' agent, Atmos Consulting, has submitted representation commenting on the Report of Handling specifically on the conditions and the proposed Section 75 agreement as recomended. This has been copied below for Members' information.

"The planning report for the Gallanach turbine application includes a proposed planning condition regarding goose mitigation. We feel that this condition is unnecessary and potentially fatal to the project in its current wording. We also feel that the related proposed Section 75 agreement is unwarranted. The condition is drafted as (see condition 5 of the Report of Handling)

The applicant is prepared to work with SNH, RSPB and the Planning Authority to agree a monitoring plan and would therefore accept the first three sentences of the proposed condition, down to "……monitoring Greenland white-fronted goose." I would also note that Greenland white-fronted geese are not European Protected Species (EPS). The EPS list derives from a different part of the Habitats Directive and includes animals, rather than birds. It would be more accurate to term the geese as a qualifying species of the Coll Special Protection Area. The suggested requirements to establish a land management agreement and monitor the turbine for any collisions derives from the RSPB consultation letter. We understand that RSPB is offering to undertake the weekly monitoring of the proposal that would be the core of the monitoring, which is welcome. While this monitoring is, in our knowledge, unprecedented for such a modest project the applicant is content to assist with a monitoring programme. However, the linkage to potential shut down of the turbine is not acceptable. As I mentioned on the phone to you recently there is a fundamental issue in linking the monitoring to potential shut down which poses a serious risk to the viability of the project. Lending institutions would be unlikely to invest in a project where there was, in their eyes, very great uncertainty about how long the turbine might be shut down. If the current wording is retained in the planning condition this will likely pose a fundamental hurdle to progress of the project. In our opinion sufficient information has been provided to be able to robustly conclude that effects will pass the tests in the Habitats Regulations regarding developments connected to a designated site and therefore no further mitigation is required. If the tests could not be passed because it could not be concluded 'beyond reasonable scientific doubt' that the SPA would NOT be impacted then consent could not be issued. The assessment in the application is endorsed by SNH in that the tests can be passed and that no further work is needed to allow the application to progress.

Neither SNH nor RSPB have objected to the project and the Appropriate Assessment demonstrates that the tests within the Habitats Regulations can be passed without the need for further monitoring or mitigation. This application has been unique on Coll in having to undertake and present detailed ornithological surveys. Unlike the other projects on the island that are close to the same SPAs this project has been clearly able to demonstrate that impacts will be minor. Having experienced the significant planning costs associated with the surveys it seems that as a result of undertaking this comprehensive work the applicant is now being asked to provide significant additional mitigation post consent. In our opinion it is opportunistic of the RSPB to seek the land management and collision monitoring mitigation. Atmos is not aware of any similar scaled project which has been subject to such levels of obligation for ecological mitigation. The applicant is willing to liaise with SNH, RSPB and the local authority to explore the possibilities for further land management improvements on the land in the control of Mr Neil Smith that may assist the geese and corncrake. However, it is not considered proportionate to

seek a Section 75 agreement to cover land management for geese where neither SNH nor RSPB have objected, particularly for a scheme of this size. Mr Smith has a long and positive history of working with SNH and RSPB to manage his land in a way that is sensitive to the geese and corncrakes that use his land and he is more than willing to continue this. Adding the legal burdens of a Section 75 agreement seem unnecessary and disproportionate.

We respectfully request that the condition is amended to simply retain the first three sentences and the Section 75 burden for goose related land management is removed.

While we are on Conditions we would also mention that the project description (chapter 2 and Figure 2.1) identifies that the control building would be a GRP structure, very similar to the one beside the Tiree turbine. As such it is not appropriate to seek in Condition 4 natural stone/smooth cement or wet dash with a roof finish in natural slate of good quality substitute. I would propose that wording is revised for Condition 4 to "The control housing shall be of dark green matt finish, or other recessive colour as agreed in writing by the Planning Authority prior to works commencing.""

The concerns of the agent are noted. The requirements of condition 5 and the proposed Section 75 legal agreement arise from a request by RSPB, in a similar fashion to planning gain. Whilst the control building is small, it is considered that the traditional finishes proposed in condition 4 will achieve a more appropriate finish for the site. The Service recommendation remains as stated in the original report.

(B) RECOMMENDATION:

It is recommended that, **subject to the prior conclusion of a Section 75 Agreement**, the application is granted for the reasons detailed in the report of handling and also subject to the conditions recommended below.

Author of Report: **David Love** **Date:** 12/9/12

SF

Reviewing Officer: **Stephen Fair** **Date:** 12/9/12

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION 11/01915/PP

1. If, by reason of any circumstances not foreseen by the applicant or operator, the wind turbine, fails to produce electricity supply to a local grid for a continuous period of 12 months then it will be deemed to have ceased to be required and, unless otherwise agreed in writing with the Planning Authority, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the area of the site impacted by development shall be restored in accordance with the agreed scheme of restoration as per the supporting Environmental Statement, all to the satisfaction of the Planning Authority.

Reason: *In accordance with the Council's policy to ensure that full and satisfactory restoration of the wind turbine site takes place should it fall into disuse.*

2. No development shall commence or is hereby authorised until details of the colour finish to be applied to the turbine, rotors and mast have been submitted to and approved in writing by the Planning Authority. The development shall be implemented using the approved colour scheme and shall be maintained as such thereafter for the duration of the installation.

Reason: *In the interests of visual amenity.*

3. This planning permission shall be for a limited period, expiring 25 years from the commencement of the commercial operation of the development, the date of which shall first be notified in writing to the Planning Authority. Within 12 months of the end of that period, unless a further planning application is submitted and approved, the turbine and associated development shall be dismantled and removed from the site and the land reinstated in accordance with the applicant's statement of intentions as per the supporting Environmental Statement and conditions listed below, to the satisfaction of the Planning Authority.

Reason: *In order that the Planning Authority has the opportunity to review the circumstances pertaining to the consent, which is of a temporary nature and in the interests of the visual amenity of the area.*

4. The control building shall be faced in natural stone/smooth cement or wet dash render painted a dark grey colour (or other natural/recessive finish as agreed in writing by the Planning Authority) with the roof finished in natural slate or a good quality slate substitute, samples or full details of which shall be submitted for the prior written approval of the Planning Authority prior to building works commencing.

Reason: *In order to secure an appropriate appearance in the interests of amenity and to help assimilate the building into its landscape setting.*

5. Prior to the turbine becoming operational an ornithological monitoring programme should be developed and submitted for the approval of the Planning Authority in consultation with SNH and RSPB. This monitoring programme should provide an annual survey for collision-induced mortality. The survey should focus upon passage and wintering periods monitoring Greenland white-fronted goose. If monitoring indicates that collision mortality has been significant, as advised by SNH and RSPB, then appropriate mitigation measures should be implemented including the potential for a shutting down of the wind turbine over peak periods as informed by the survey work.

Reason: *In the interests of ecology and ensuring the protection of a European Protected Species (Greenland white fronted geese).*

6. At all times during the lifespan of the installation, the wind turbine approved shall be fitted with a 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms at the highest practicable point.

Reason: *In the interests of aviation safety.*

7. No development shall commence or is hereby authorised until the proposed access is formed in accordance with the Council's Standard Roads Drawing SD 08/004a; including visibility splays of 42 metres by 2.4 metres from the centre line of the proposed access with the bellmouth area surfaced in dense bitumen macadam for a distance of 5 metres back from the existing carriageway edge. Prior to work starting on site the bellmouth shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions over 1.0 metre in height above the level of the adjoining carriageway. The final wearing surface on the bellmouth shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions over 1.0 metre in height thereafter in perpetuity.

Reason: *In the interests of road safety.*

8. Prior to development commencing a method statement for an archaeological watching brief shall be submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: *In order to protect archaeological resources.*

9. The development shall be implemented in accordance with the details specified on the application form dated 27/09/11 and the approved drawing reference numbers:

Plan 1 of 5 (Location Plan at scale of 1:5000)
Plan 2 of 5 (Block Plan at scale of 1:1250)
Plan 3 of 5 (Road Junction Plan at scale of 1:1250)
Plan 4 of 5 (Wind Turbine Elevations at scale of 1:250)
Plan 5 of 5 (Kiosk, GRP and Crane Hardstanding at scale of 1:440, 1:100)
Supplementary Transportation Information submitted by letter dated 25th January 2012
All mitigation measures recommended in the submitted Environmental Statement in the interests of nature conservation, including those at table 6.7

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.

- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

- The Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development, please contact him direct on 01631 569160 to discuss the matter further.

- **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]

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Argyll and Bute Council
Development Services

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

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Reference No: 11/01915/PP

Planning Hierarchy: Local Development

Applicant: Gallanach Green Generation Ltd

Proposal: Construction of 1 x 750kw wind turbine (77m to blade tip), crane hardstanding, control building, temporary construction compound and formation of vehicular access

Site Address: Gallanach, Isle of Coll

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 1 x 750kw wind turbine (77m to blade tip)
- Formation of crane hardstanding areas using on-site materials
- Erection of control building
- Formation of vehicular access
- Temporary construction compound including concrete batching plant
- Road improvements

(ii) Other specified operations

- None

(B) RECOMMENDATION:

It is recommended that, **subject to a Discretionary pre determination Hearing and the prior conclusion of a Section 75 Agreement**, the application is granted for the reasons detailed in the report and also subject to the conditions detailed below.

(C) HISTORY:

None relevant to this application.

(D) CONSULTATIONS:

Area Roads Manager
Reports dated 24/10/11 and 26/1/12
The Area Roads Engineer initially objected on the basis that the applicant should provide details of the transportation of materials, parts and equipment required for the turbines. However, this has since been resolved with a requirement for planning conditions.

- Access at junction of public road should be constructed in accordance with Roads Services drawing SD 08/004a;
- Visibility splays measuring 42m x 2.4m should be provided and maintained with no obstacles obscuring visibility within 2m of the channel line of the public road.
- Details of all transportation of materials, parts and equipment required for erection of masts and proposals for mitigation against damage to the public road network, to be adhered as per letter dated 25/1/12.

Public Protection Unit
Memo dated 24/10/11
The noise generated by the turbines will not adversely impact on the nearest noise sensitive receptors and the distance from residential properties means that there will be no impact in relation to shadow flicker.

NERL Safeguarding
Emails dated 24/10/11 and 1/11/11
It is acknowledged that the proposal is likely to impact on the electronic infrastructure of NATS however they offer no objection to the proposal.

Highlands and Islands Airports Ltd
Email dated 20/10/11
No objection.

Historic Scotland
Letter dated 28/10/11
The proposal will not have an adverse impact on the setting of the Scheduled Ancient Monuments on Coll. The nearest are over 6km away to the SSW of the development site.

Scottish Natural Heritage
Letters dated 23/12/11, 20/01/12 and 09/07/12
SNH do not formally object but advise that the proposal will have a significant and adverse landscape and visual impact. It is SNH's opinion that the landscape assessment with the ES underestimates the impact of the development. SNH advise that this impact will be significant from various views, including the remoter upland and coastal areas, as well as transport routes to the east and centre of the island. The small scale of other built elements and natural features in the landscape will result in the turbine introducing a new and dominating reference point, which is incongruous in scale. The proposal will have an adverse effect on the 'sand dune and machair' landscape character, as well as the 'marginal farmland mosaic' landscape character type, both of which are sensitive to change. The height of the turbines relative to other structures in the landscape is a key consideration in terms of landscape 'fit', as different sensitivities come into play once wind turbines exceed the height of other common landscape features. The existing pattern of turbine development on Coll is domestic/small scale and primarily below 35m, and with careful siting and design this scale of turbine can be accommodated more successfully into the landscape without affecting the landscape character significantly. The proposal has the potential to be seen in context with other

existing turbines and have an overall significant cumulative impact on the landscape and visual impact.

SNH recommend that Argyll and Bute Council adopts a clear and positive strategy for further turbine development on Coll, which builds on and complements the existing pattern of small scale domestic turbines in the West of the island, and also retains some areas of Coll unaffected/where wind turbines are not defining features in the landscape. The East of the island is unlikely to be impacted on by proposed large scale off shore development and is also presently unaffected by any small scale turbine development, however this response was submitted prior to the erection of turbines at Grishipol and Cliad. The proposed application, if approved, will radically alter this and set a precedent for a new development pattern in this sensitive area.

SNH do acknowledge that the proposal will not have an adverse impact on any designated sites, ornithology or any other forms of wildlife. They acknowledge that the survey work informing the ornithological assessment within the ES is thorough and agree with the majority of the assessment work and its conclusions. They confirm that Greenland Whitefronted and Greenland Barnacle Geese were recorded adjacent to, and on the limited occasion, within the application footprint, and thus must confirm that the development could have a likely significant effect upon the SPA interests. Having assessed the Environmental Statement (ES), SNH confirm that they agree with the conclusions that the development will not have an adverse impact upon the integrity of the site.

It should be noted that Argyll and Bute Council has undertaken an Appropriate Assessment of the implication of the proposals for the site in view of the sites conservation objectives for its qualifying interests. The Appropriate Assessment concludes that the integrity of the SPA and SSSI will not be affected.

<u>Ministry of Defence</u>
Letter dated 10/10/11
No objection but the turbines should be fitted with aviation lighting for safety. The turbine should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms at the highest practicable point.

If the application is approved the planning authority are required to inform the Defence Infrastructure Organisation Safeguarding of the decision, date construction starts and ends, maximum height of construction equipment and the latitude and longitude of every turbine.

<u>Royal Society for the Protection of Birds (RSPB)</u>
Letter dated 19/12/11
Offer no objection to the proposal but suggests that the Council carry out an Appropriate Assessment to ensure that the proposal won't impact on the integrity of the SPA especially with regard to Whitefronted Geese. RSPB also generally support increase in renewable energy production. They also request the following is secured through planning conditions:

- A monitoring programme to be developed and agreed prior to the commencement of any works on site to survey for collision-induced mortality. Monitoring to focus upon passage and wintering periods monitoring particularly in relation to Greenland white-fronted geese. If monitoring indicates that collision mortality will be significant mitigation measures should involve temporary shutdown in peak periods. *

- Construction of the turbine should only occur outside of the main wintering periods (mid September till April inclusive) so as not to introduce moving obstacles during the winter season when birds are likely to be more susceptible to collision.
- The fields used for foraging by white-fronted geese (around Arnabost and to the east of Gallanach Farm) are areas managed for corncrake in the summer. Winter management of these should be supported and improved for the geese as part of a habitat enhancement package secured for the lifetime of the project. Fields closer to the turbines should be managed in a way that does not attract Greenland whitefronts any closer to the turbines and therefore potentially increase collision risk.

**RSPB Scotland staff on the island would be willing to undertake weekly surveys between the period's Mid-Sept to November and March to April which will inform the peak periods.*

West of Scotland Archaeology Service
Letters dated 14/11/11 and 5/7/12
If approved the developer should, prior to the commencement of works, undertake an archaeological survey of the site and agree a watching brief with WoSAS. This can be dealt with under a planning condition attached to any issued consent.

Coll Community Council
Letter dated 11/11/11
Forwarded several letters of representation (names and issues logged below) but offered no opinion from the community council.

(E) PUBLICITY:

Advertised under regulation 20, closing date 17/11/11. Application was subsequently re-advertised due to amendment under the same regulation with a closing date of 26/4/12.

(F) REPRESENTATIONS:

There have been 46 individual representations received on this planning application. In addition to this a petition of 68 signatories has been received with one subsequent written representation to remove a signatories own name from this list. There have also been 7 supportive submissions without addresses, not registered below, in support referencing a proposed community turbine which does not form part of this application.

Objection
Mrs Pat Graham, Garden House, Isle of Coll, PA78 6TB (26/10/11)
Mr Peter Coleshaw, Glendyke, Isle of Coll (2/11/11)
Mr Ian Anderson, 2a Octavia Place, Gibraltar Street, Oban (5/11/11, 11/4/12)
C.L. Evans, Heather Cottage, Arinagour, Isle of Coll, PA78 6SY (30/10/11)
Mr Frank Anderson, Cranaig, Isle of Coll, PA78 6TE (8/11/11)
Mrs Fay Anderson, Cranaig, Isle of Coll, PA78 6TE (7/11/11, 18/4/12)
Mr Julian Senior, The Minches, Shore Street, Arinagour, Isle of Coll, PA78 6YE (12/11/11)
Mr C. Scott, Skerray, Isle of Coll, PA78 6TE (10/11/11, plus further letters in July 2012)

- Petition of 68 signatories of those against the turbine including the submitter of the petition. Of the 68 names 2 are noted under their own submission and all of those 68 are resident on the island. 1 has since removed their name from the list of objectors.

Ms Aileen Cook, Torastan, Isle of Coll, PA78 6TE (8/11/11)
Mr Colin Kennedy, Highland Corrie, Arinagour, Isle of Coll (17/11/11, 16/4/12)

Miss Julie Clark, Ancaster Cottage, Arinagour, Isle of Coll (16/11/11, 9/4/12)
Miss L Carr, Grishipol, Isle of Coll, PA78 6TE (8/11/11)
Mr Ian Gillies, Isle of Tiree, Argyll (19/11/11)
Mrs Susan Lamont, Torosa, Cornaigbeg, Tiree (21/11/11)
Mr John Nind, Arinthluic, Isle of Coll, PA78 6TB (16/11/11)
Mrs Eileen Strange, Arinthluic, Isle of Coll, PA78 6TB (23/4/12)
Mr S Wellock, 2 Upper Square, Hynish, Isle of Tiree (12/12/11)
Ms Marie Luce Du Caju, Windy Gap, Isle of Coll, PA78 6TE (8/11/11)
Mr Tony Oliver, Druim Dearg, Isle of Coll (15/11/11, 19/2/12, 2/3/12)
Mrs Paula Smalley, Gardonlea, Arinagour, Isle of Coll (24/3/12)
Mr Ian Mills, Achamore, Isle of Coll (9/4/12)
Mr John McCann, Cnoc a Bhradain, Isle of Coll (14/4/12)
Mrs C Simpson, 9B Millpark Terrace, Soroba Road, Oban (15/4/12)
Dr Hazel Campbell, Katinas, 5 Main Street, Arinagour, PA78 6SY (25/4/12)
Mr Alistair Campbell, Katinas, 5 Main Street, Arinagour, PA78 6SY (25/4/12)
Mr Steven Dickison, Old Totamore, Isle of Coll PA78 6TB (25/4/12)
Mrs Terry Shervington, Achamore, Isle of Coll PA78 6TE (23/4/12)
Mr Mick Payne, Breachacha Farmhouse, Isle of Coll PA78 6TB (23/4/12)
Mrs Barbara Payne, Breachacha Farmhouse, Isle of Coll PA78 6TB (23/4/12)

Support
Ms Gillian Stevenson, Flat 3/1, 3 Queen Margaret Road, Glasgow (12/11/11)
Mrs Andrea Fisher, Flat B2, 241 Wilton Street, Glasgow (15/11/11)
Miss Nicola McInally, 282/2 Leith Walk, Edinburgh (16/11/11)
A Milton, Hill Cottage, Isle of Coll (21/11/11) – Remove name from petition (no. 68)
Mr Paul Wilson, Uchd Na Carn, Isle of Coll, PA78 6TE (18/11/11)
Mr James Wilson, Uchd Na Carn, Isle of Coll, PA78 6TE (28/11/11)
Ms Jennifer Wilson, Uchd Na Carn, Isle of Coll, PA78 6TE (18/11/11)
Ms Kat O'Brien, c/o Project Trust, Ballyhogh, Isle of Coll (17/11/11)
Mr K Oliphant, Coll Hotel, Arinagour, Isle of Coll (17/11/11)
Ms J Oliphant, Coll Hotel, Arinagour, Isle of Coll (17/11/11)
Mr Angus Kennedy, Cloiche, Isle of Coll, PA78 6TE (20/11/11)
Ms Jennifer Byram, Beinn Tioraidh, Isle of Coll, PA78 6TE (1/12/11)
Mr Peter Wilson, Totamore, Isle of Coll (24/2/12)
Mr Huw Roberts, Gallanach, Isle of Coll (23/2/12)

Representation
Mrs Fiona Carnie, Tigh Na Craig Byre, Isle of Coll, PA78 6TB (10/11/11)
The Protecting Coll Group, c/o Skerray, Isle of Coll, PA78 6TE (23/11/11)
Ms Melinda Cottrell, Druim Dearg, Isle of Coll Pa78 6TE (15/2/12)

(i) Summary of issues raised

- Too near to domestic properties and will have an adverse impact on residential amenity in terms of noise and shadow flicker.
  Comment: According to PAN 45 Annex 45 shadow flicker is assessed by multiplying the blade diameter by 10. Residential properties should be outwith this figure. In this instance the blade diameter is 44m meaning that properties should be 440m away. The nearest third party residential property is approximately 760m and therefore will not be affected by shadow flicker. The council's Environmental Health department has confirmed that there will be no adverse effect from shadow flicker.
- Adverse impact on the visual quality of the landscape.
  Comment: This is fully assessed in appendix A of this report.
- Impact on the island's road structure and residents' amenity when HGVs are in use.

Comment: The Council's Area Road Engineer has not raised any objection to this element of the proposal. The applicant will be responsible for making good any damage from the proposals under Section 96 of the Roads (Scotland) Act.

- Previous business plans of applicant have failed.
  Comment: This is not relevant to the processing of this planning application.
- Adverse impact on tourist industry.
  Comment: There is no substantive evidence to suggest that a single wind turbine will adversely impact on tourism to the island.
- The need for wind energy on Coll will be offset by the Tiree Array proposal.
  Comment: The application has been assessed on its own merits in line with the Town and Country Planning (Scotland) Act 1997 and subsequent acts. The Scottish Government has set national targets to increase renewable energy supplies.
- Adverse impact on wildlife
  Comment: SNH has confirmed that the proposal will not have an impact on wildlife, designated sites or ornithology.
- Proposed roads improvements would have an adverse impact on the character of the island.
  Comment: The council's Area Roads Engineer has not objected to the proposals and any minor improvements made to the roads will be a benefit to the island rather than having an adverse impact.
- Impact on nearby residents pet birds.
  Comment: This is not a material planning consideration.
- Bird survey submitted by applicant does not cover all species seen in the vicinity of the turbine site.
  Comment: SNH has commented that the proposal adequately addressed ornithological concerns. RSPB has confirmed similar findings.
- Adverse impact on seals.
  Comment: There is no evidence to suggest that on-shore wind turbines have any adverse impact on seals.
- Adverse impact on nearby RAMSAR site.
  Comment: There are no RAMSAR sites on Coll. There is however a SSSI to the north of the site and SPA to the east. SNH are the appropriate authority for such designated sites and have acknowledged in their consultation response that the proposal will not have an adverse effect on the qualifying interests of the SSSI or SPA.
- Frequent surges are occurring within the existing island electricity system and it is alleged that this is caused by the community wind turbine on Tiree.
  Comment: This concern is outwith the remit of the planning process.
- In 2008 Atmos Consulting undertook a community-led wind turbine feasibility study on behalf of Development Coll Ltd to identify sites. Although several sites were identified the project was abandoned by Development Coll Ltd and the community council.
  Comment: This concern is outwith the remit of the planning process, although it is noted that the study identified Gallanach as the suitable site.
- If the turbines are approved then the applicant should be legally bound to remove them after the expiry of their lifetime leaving the site in its natural state.
  Comment: There will be a requirement for decommissioning the turbines at the end of their lifespan if planning permission is granted.
- The council's policies state that skyline development should be avoided whilst these turbines will project above the skyline.
  Comment: Impact on the landscape and skylining are addressed in appendix A of this report.
- Devaluation of properties in vicinity of proposed turbines.

Comment: This concern is outwith the remit of the planning process.

- All available capacity within the electricity system is currently allocated to other projects as per Atmos Consulting report dated 2008. The proposal is dependent on those projects relinquishing their allotted capacity.
  Comment: This concern is outwith the remit of the planning process. However the planning authority understands that the applicant has the relevant capacity reserved in the grid for the project.
- The council should draw up a strategic plan for the location of wind turbines in consultation with the community to agree specific sites for such proposals.
  Comment: The council has an overall strategy for the area through the adopted development plan, small wind turbine guidance and the recently approved Wind Energy Capacity Study (WECS). All these documents combined provide a strong framework to deliver appropriate development in the right places. In this instance the WECS does not specifically cover Coll but makes reference to landscape character types on Jura and Islay that are present on Coll.
- The applicant has sold building plots in the vicinity of the turbines without telling the buyers of the application.
  Comment: This concern is outwith the remit of the planning process.
- Coll Community Council recently undertook a study of renewables on the island and their "Feedback from Island on the Local Development Plan for Coll" illustrated a general support for small scale renewable proposals but a general division of opinion for large scale projects.
  Comment: This study does not form part of the development plan and has no stature in terms of the planning legislation. Therefore, cannot form part of the assessment of this planning application.
- The area between the road and coast should be kept clear of development.
  Comment: Issues of landscape and visual impact are addressed in Appendix A of this report. Albeit located between the road and coast, the turbine would rarely be intervisible with the coast from any key views along the road.
- Is the output of the turbines 750kw or 900kw.
  Comment: The turbine has an output of 750kw.
- Scottish Government issued a statement to Communities Against Turbines in November 2011 saying that wind farms would only be built in the right places and those that do not meet the strict criteria would be refused.
  Comment: The Council's adopted Local Plan provides guidance on the visual and landscape impact whilst consultees provide specialist input regarding access, ornithology, ecology, landscape and visual impacts to assist in ensuring turbines are sited appropriately. In particular the recently adopted WECS provides specific advice on the landscape character types found on Coll through assessment of those found on Jura and Islay. The WECS goes on to make an assessment of different turbine typologies impact on those landscape character types.
- The proposal takes too much capacity on the electricity grid whereas this should be spread across smaller proposals providing a more even distribution of access to the grid network. This would allow small businesses and crofters to take advantage of opportunities of electricity generation.
  Comment: This concern is outwith the remit of the planning process but will have been partly addressed by the reduction of the scheme from two turbines to one.
- Disturbance of peat bogs releases CO2.
  Comment: It is commonly accepted that the release of CO_2 in the construction phase of wind turbine development is outweighed by the off-setting of their operational phase. There have been no adverse comments from statutory consultees relating to this element of the proposal.

- The construction of the magnets within the turbines causes significant ecological damage in their places of origin.
  Comment: This is outwith the remit of the planning system to consider.
- Vibration from the turbines will have an adverse impact on residential properties.
  Comment: Vibration has been considered in the applicant supporting statement and the Council's Environmental Health department has not raised any concerns regarding this element of the proposal.
- Adverse impact on health.
  Comment: Impact on human health has been considered in terms of noise, vibration, ice throw and shadow flicker. All of these issues are considered in depth in Appendix A of this report.
- Community benefit from the development is not a material planning consideration.
  Comment: Agreed.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link http://www.argyll-bute.gov.uk/content/planning/publicaccess.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement: Yes

Environmental Statement (not formally required as the development is not considered schedule 2 under Environmental Impact Assessment (Scotland) Regulations 2011) covering the following issues:

- The proposal
- Policy overview
- Noise
- Landscape and visual assessment
- Ecology
- Ornithology
- Cultural heritage
- Hydrology
- Other issues

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: Yes

(iii) A design or design/access statement: No

(iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: Yes

Letter Responding to Petition Objection to Proposal

Details

The applicant, upon hearing of a petition against the development, has submitted a letter outlining a response to this petition. In this letter the applicant offers to

build an additional wind turbine when SSE makes further transmission capacity available in 2017 as an offer to the community council.

Please note that this additional turbine does not form part of this application and would need to be assessed on its own merits if it was brought forward as an application.

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: Yes

The proposed development is recommended for approval partly on the basis that the fields used for foraging by white-fronted geese (around Arnabost and to the east of Gallanach farm) are managed for White fronted Geese in the winter as well as the existing management of the land for Corncrakes in the summer. Winter management of these should be supported and improved for the geese as part of a habitat enhancement package secured for the lifetime of the project. Fields closer to the turbines should be managed in a way that does not attract Greenland White fronted Geese any closer to the turbines and therefore potentially increase collision risk.

(ii) Reasons for refusal in the event that the legal agreement is not concluded within four months

In the absence of a Section 75 Agreement to underpin the proposal the application proposes to have a potential adverse impact on the SPA White fronted Goose population by displacing foraging Whitefronted Geese onto fields that could potentially raise the collision risk with the proposed turbine. The lack of a habitat enhancement package makes this more likely as it would be important to attract these geese to adjacent fields rather than the area the turbine will sit in. This would have an adverse effect on the SPA and its qualifying species. Therefore this would be contrary to adopted Local Plan policy LP ENV 6 and would warrant that the application be refused.

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

<u>Argyll and Bute Structure Plan 2002</u>

STRAT DC 5 – Development in Sensitive Countryside
STRAT DC 7 – Nature Conservation and Development Control

STRAT DC 8 – Landscape and Development Control

STRAT RE 1 – Wind Farm/Wind Turbine Development

STRAT SI 1 – Sustainable Development

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 2 – Impact on Biodiversity

LP ENV 6 – Impact on Habitats and Species

LP ENV 8 – Development Impact on Local Nature Conservation Sites

LP ENV 19 – Development Setting, Layout and Design

LP BAD 1 – Bad Neighbour Development

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP REN 1 – Wind Farms and Wind Turbines

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

Planning Advice Note 2/2011 – Planning and Archaeology

Annex to Planning Advice Note 45 - Renewable Energy Technologies

Argyll and Firth of Clyde Landscape Character Assessment, SNH, 1996

Argyll and Bute Wind Energy Capacity Study, 2012
Assessing the Cumulative Impact of Onshore Wind Energy Developments, SNH, March 2012

Assessing the Impact of Small Scale Wind Energy Proposals on the Natural Heritage, SNH, February 2012

Assessing Connectivity with Special Protection Areas (SPAs), SNH, March 2012

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: **Yes**

Original proposal for 4 turbines screened previously. Negative screening opinion issued 29th June 2010 confirming EIA not required.

(L) Has the application been the subject of statutory pre-application consultation (PAC): **No**

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: Yes

It is recommended that due to the significant number of representations received and complex issues raised in relation to this application a discretionary hearing is held. This is consistent with the Council's guidance on Discretionary Hearings.

(P) Assessment and summary of determining issues and material considerations

The proposal is located at Gallanach Farm on the Isle of Coll. The turbine will be to the west of the farm within a grouping of rocks and north of the B8072. The surrounding land is characterised by large rocks and agricultural uses. To the north are a beach and the ocean. The nearest property is the applicant's at Gallanach Farm approximately 500m to the east. The nearest third party residential property is to the south east approximately 760m away. The site is not designated for landscape, archaeological or nature conservation purposes but is adjacent a Local Nature Conservation Site. The Argyll and Firth of Clyde Landscape Character Assessment 1996 describes the land as 'marginal farmland mosaic'.

The turbine itself will measure 77m to blade tip and 55m to hub. It will have an output generating capacity of 750Kw and will be a commercial enterprise exporting electricity to the national grid and therefore subject to assessment through Local Plan policy LP REN1.

Concerns have been raised by Scottish Natural Heritage in relation to the visual and landscape impact. There are no adverse impacts on human health in terms of noise and shadow flicker due to the distance of the turbine to existing residential properties. The proposal has been assessed in terms of impacts on ecology and neither SNH nor RSPB have raised objections to this element of the proposal, whilst RSPB has raised some concern. It is considered appropriate to attach a monitoring condition in respect of ornithology for an annual monitoring statement to assess the ongoing impacts of the turbine. Additionally, a Section 75 agreement is proposed for the management of nearby fields to reduce collision rates.

The council's recently adopted Wind Energy Capacity Study (WECS) does not specifically cover Coll but does provide comment that the landscape character types found on the island are comparable to those found on Jura and Islay. Therefore is it is considered appropriate to assess the turbine against those landscape character types. The WECS does not specifically comment on Coll but it is appropriate to consider landscape character types 16, 22 and 25 described on Islay and Jura and are also found on Coll. According to the WECS these LCTs do not have capacity for a medium sized turbine however that assessment is based on Jura and Islay. The applicant has provided a significant amount of landscape and visual information to inform the assessment. It is clear from the Landscape and Visual Impact Assessment (LVIA) that the turbine will have limited localised impact on key views and this is confirmed through the submission of photomontages. The site sits within an area of rocky outcropping in a transition area between Sand Dunes and Machair and Marginal Farmland Mosaic landscape character types and shows elements akin to the Coastal Parallel Ridges character type. These transition areas are less sensitive to change and can accommodate turbine developments more easily. In this instance the site is unique in that it sits within an area of rocky outcropping without being high above the current

highest point of the rock formation. Whilst that a positive recommendation is not consistent with the advice of WECS, given the uniqueness of the site and the development proposal it is considered that the site can accommodate the turbine without unduly adversely impacting on the landscape and visual setting.

There have been no other comments from consultees that cannot be dealt with via suitably worded planning conditions. There have been a significant number of representations to the application but these have been discussed above and it is considered that the valid planning related comments have been dealt with through the applicants' amended submission and through the processing of this application.

In conclusion it is considered that although SNH has raised concerns but these concerns are mitigated through the distance and isolation, where scaling the turbine is more difficult, transitional landscape character between marginal farmland mosaic, sand dunes and machair and the site being within a slither of coastal parallel ridge. Long distance views from the road along from Arinagour are broken up by road alignment and the undulations in the landform. Furthermore, the turbine sits at a height not significant above the existing landform. Whilst viewing the turbine from the east travelling west, views are broken up by the undulations in the road and the rocky landforms which break up the longevity of views until you are close to the turbine site. Key views from the west looking east are long term and sometimes seen in conjunction with the existing turbines at Grishipol but this is mitigated by the turbine not exceeding the highest point of the rocky ridge and by the direction of travel along the road. Views from the seaward side will be limited as this is not used as a regular ferry route but may be used intermittently by private boats.

The site sits on a transitional area between the sand dunes and machair and marginal farmland mosaic landscape character types on a rocky ridge similar to Coastal Parallel Ridges which is less sensitive to change than the individual landscape character types mentioned. This area of Marginal Farmland Mosaic is quite unique in that it is characterised by rocks and outcroppings and not generally used for more than rough grazing. These areas consistency accept and absorb development for housing, small scale domestic turbines, farm developments and electricity/telegraph poles.

Third party concerns have been addressed through the applicants' submission and other consultee concerns can be addressed through planning conditions. With this in mind the proposal is recommended for approval subject to the reasons and conditions below.

(Q) Is the proposal consistent with the Development Plan: Yes

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(R) Reasons why planning permission or a Planning Permission in Principle should be granted

1. The turbine will assist in the aim of sustainable development by providing renewable energy to the national grid. This is consistent with Structure Plan policy STRAT SI 1.
2. The proposal will not have an overly adverse impact on the landscape through careful siting and existing manmade intervention into the landscape. The proposal will not inflict long term views on road users given the undulating nature of the road network and landform which consistently breaks up key views and prevents longevity of views along the main road network. The proposal sits within a unique rocky mosaic transitional area between the Sand Dunes and Machair and Marginal Farmland Mosaic landscape character types similar to the Coastal Parallel Ridges character type. These transition areas are less sensitive to change as per the Wind Energy Capacity Study. There are not so many turbines located in the proximity of the proposal as to there being an

unacceptable cumulative impact; however this turbine coupled with those already approved leave very little landscape capacity for further development. The proposal has been assessed for impacts on landscape, ecology, historic and natural environment and human health. In all these regards the turbine is consistent with the aims of the adopted Local Plan specifically policies LP REN1, LP ENV1, LP ENV 2, LP ENV 6, LP ENV 8, LP ENV 19, LP BAD 1 and LP TRAN4

3. The proposal conforms to the relevant development plan policies and that there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

4. The recently adopted Wind Energy Capacity Study (WECS) comments that the smaller islands do not have capacity for turbines in excess of 50m. In this instance however it has been demonstrated that the turbine is in a unique location as represented by the applicants' Landscape and Visual Impact Assessment (LVIA). The turbine sits in a transition between the landscape character types of Sand Dunes and Machair and Marginal Farmland Mosaic in a less sensitive area of rocky outcrop. The intricate nature of the landscape and the lack of views to the coast result in the turbine sitting in the landscape and not providing a scale reference that would otherwise diminish the landscape.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

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Author of Report: **David Love** **Date:** 27/7/12

Reviewing Officer: **Stephen Fair** **Date:** 01/08/12

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 11/01915/PP

1. If, by reason of any circumstances not foreseen by the applicant or operator, the wind turbine, fails to produce electricity supply to a local grid for a continuous period of 12 months then it will be deemed to have ceased to be required and, unless otherwise agreed in writing with the Planning Authority, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the area of the site impacted by development shall be restored in accordance with the agreed scheme of restoration as per the supporting Environmental Statement, all to the satisfaction of the Planning Authority.

Reason: *In accordance with the Council's policy to ensure that full and satisfactory restoration of the wind turbine site takes place should it fall into disuse.*

2. No development shall commence or is hereby authorised until details of the colour finish to be applied to the turbine, rotors and mast have been submitted to and approved in writing by the Planning Authority. The development shall be implemented using the approved colour scheme and shall be maintained as such thereafter for the duration of the installation.

Reason: *In the interests of visual amenity.*

3. This planning permission shall be for a limited period, expiring 25 years from the commencement of the commercial operation of the development, the date of which shall first be notified in writing to the Planning Authority. Within 12 months of the end of that period, unless a further planning application is submitted and approved, the turbine and associated development shall be dismantled and removed from the site and the land reinstated in accordance with the applicant's statement of intentions as per the supporting Environmental Statement and conditions listed below, to the satisfaction of the Planning Authority.

Reason: *In order that the Planning Authority has the opportunity to review the circumstances pertaining to the consent, which is of a temporary nature and in the interests of the visual amenity of the area.*

4. The control building shall be faced in natural stone/smooth cement or wet dash render painted a dark grey colour (or other natural/recessive finish as agreed in writing by the Planning Authority) with the roof finished in natural slate or a good quality slate substitute, samples or full details of which shall be submitted for the prior written approval of the Planning Authority prior to building works commencing.

Reason: *In order to secure an appropriate appearance in the interests of amenity and to help assimilate the building into its landscape setting.*

5. Prior to the turbine becoming operational an ornithological monitoring programme should be developed and submitted for the approval of the Planning Authority in consultation with SNH and RSPB. This monitoring programme should provide an annual survey for collision-induced mortality. The survey should focus upon passage and wintering periods monitoring Greenland white-fronted goose. If monitoring indicates that collision mortality has been significant, as advised by SNH and RSPB, then appropriate mitigation measures should be implemented including the potential for a shutting down of the wind turbine over peak periods as informed by the survey work.

Reason: *In the interests of ecology and ensuring the protection of a European Protected Species (Greenland white fronted geese).*

6. At all times during the lifespan of the installation, the wind turbine approved shall be fitted with a 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms at the highest practicable point.

Reason: *In the interests of aviation safety.*

7. No development shall commence or is hereby authorised until the proposed access is formed in accordance with the Council's Standard Roads Drawing SD 08/004a; including visibility splays of 42 metres by 2.4 metres from the centre line of the proposed access with the bellmouth area surfaced in dense bitumen macadam for a distance of 5 metres back from the existing carriageway edge. Prior to work starting on site the bellmouth shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions over 1.0 metre in height above the level of the adjoining carriageway. The final wearing surface on the bellmouth shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions over 1.0 metre in height thereafter in perpetuity.

Reason: *In the interests of road safety.*

8. Prior to development commencing a method statement for an archaeological watching brief shall be submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: *In order to protect archaeological resources.*

9. The development shall be implemented in accordance with the details specified on the application form dated 27/09/11 and the approved drawing reference numbers:

Plan 1 of 5 (Location Plan at scale of 1:5000)
Plan 2 of 5 (Block Plan at scale of 1:1250)
Plan 3 of 5 (Road Junction Plan at scale of 1:1250)
Plan 4 of 5 (Wind Turbine Elevations at scale of 1:250)
Plan 5 of 5 (Kiosk, GRP and Crane Hardstanding at scale of 1:440, 1:100)
Supplementary Transportation Information submitted by letter dated 25th January 2012
All mitigation measures recommended in the submitted Environmental Statement in the interests of nature conservation, including those at table 6.7

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.

- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

- The Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development, please contact him direct on 01631 569160 to discuss the matter further.

- **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/01915/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposal is for the erection of 1 x 77m (to tip) wind turbine with an output generating capacity of 750Kw located on land at Gallanach Farm, Isle of Coll.

As per the adopted Argyll and Bute Local Plan 2009 the site is designated as 'sensitive countryside'. Policy LP REN 1 for commercial wind turbine proposals makes allowance for the erection of turbines on suitable sites regardless of development control zone so long as set criteria can be satisfactory addressed. This criterion includes impacts on communities and their settings, nature conservation, landscape and townscape character, core paths, rights of way etc, historic environment, telecommunications, tourism and peat deposits. Each of these has been assessed in details below.

Considering the above, the principle of wind turbines in the sensitive countryside development control zone is considered acceptable subject to further detailed assessment. The proposal raises no conflicts in terms of the existing settlements nor does it undermine the settlement strategy.

B. Location, Nature and Design of Proposed Development

The proposal is located at Gallanach Farm on the Isle of Coll. The turbine will be to the west of the farm within a rocky area north of the B8072. The surrounding land is characterised by large rocks, rocky and rugged land, alongside agricultural uses. To the north is a beach, sand dunes and ocean. The nearest property is the applicants at Gallanach Farm approximately 500m to the east. The nearest third party residential property is to the south east approximately 760m away. The site is not designated for landscape, archaeological or nature conservation purposes but is adjacent a Local Nature Conservation Site. The Argyll and Firth of Clyde Landscape Character Assessment 1996 describes the land as 'marginal farmland mosaic'.

The turbine itself will measure 77m to blade tip and 55m to hub. It will have an output generating capacity of 750Kw and is proposed as a commercial enterprise selling electricity to the national grid. The proposal is subject to assessment through Local Plan policy LP REN1.

The proposal will sit to the west of Gallanach Farm within a rocky ridge landform. Views from the east and north will be broken up by the landform and bends in the road. Views from the south and west (seaward) will be more prominent and open.

The principle policy is adopted Local Plan policy LP REN1 which requires proposals to be assessed against the following criteria. In addition to this they must also be consistent will all other relevant development plan policies.

- Communities, settlements and their settings
  The proposal is not adjacent to or within a settlement and will have little or no impact on the setting of Arinagour. It is possible that there will be some very long distance views when approaching Arinagour by ferry but the turbine will be a significant distance away and therefore any such impacts will be negligible. From nearer viewpoints there are some other manmade structures viewed in association with the turbine.
- Areas and interests of nature conservation significant including local biodiversity, ecology and the water environment.

The turbine will not impact adversely on ecology or sites designated for ecological reasons as confirmed by SNH and RSPB in their consultation responses. The LNCS is designated for the sand dunes and the proposal will not adversely impact on the qualifying interests of the designation.

- Landscape and townscape character, scenic quality and visual and general amenity.
  This is assessed in detail below. Landscape and visual impacts are two of the primary determining factors to assessing this case.
- Core paths, rights of way, or other important access routes.
  The proposal will not infringe on any existing rights of way or pathways. Impact on the roads infrastructure is assessed below.
- Sites of historic or archaeological interest and their setting.
  The proposal is not near any Listed Buildings or Scheduled Ancient Monuments as confirmed by Historic Scotland. WoSAS has asked for a watching brief planning condition to ensure the recording of any archaeological remains and this is included in the recommended planning conditions.
- Telecommunications, transmitting and receiving systems.
  There has been no objection from consultees to this element of the proposal. The MoD has asked for an aviation safety light to be fitted to the turbine and this has been included in the conditions.
- Important tourist facilities, attractions or routes.
  The proposal is not adjacent to or near any tourist facilities and impact on routes used by visitors is assessed below.
- Stability of peat deposits.
  The proposal will not impact on any significant peat deposits as it makes use of a rocky landform.

Considering the above and further assessment below the proposal is consistent with LP REN1.

D. Built Environment

The proposal is in an area with very few properties. There are a small number of properties at the Arnabost junction and more can be found intermittently from this point towards Sorisdale at the very end of the island. Houses come in a variety of shapes and sizes but generally conform to traditional single and one and a half storeys. The nearest third party property is approximately 760m to the south west of the proposed site.

Further evidence of human intervention in the landscape evidenced by post and wire fences, telegraph poles and wind turbine which are dotted across the landscape.

E. Noise and Amenity

The proposal has included details of noise and impacts on residential amenity. The nearest property is the applicants' at Gallanach Farm to the east. The nearest third-party residential property is to the south west approximately 760m away. The Council's Environmental Health officer has not raised any objections and confirms that the proposal will be within acceptable noise limits of 35dB. In terms of shadow flicker the annex to Planning Advice Note 45 states that turbines should be outwith 10 times the blade diameter. In this instance the blade diameter is 44m and therefore properties outwith 440m will not be impacted by shadow flicker. Environmental Health confirm the turbine raises no shadow flicker issues. With this in mind the proposal is consistent with adopted Local Plan policy LP BAD1.

F. Biodiversity.

The proposed site is approximately 850m from the North East Coll Loch and Moors SSSI designated for wintering Greenland Whitefronted Geese, breeding bird assemblage, habitats and plants. The SSSI forms the basis for the Coll SPA designated for its internationally important numbers of wintering Greenland Whitefronted and Barnacle Geese. Both of these species are listed as Annex 1 species within the EC Birds Directive.

It is known that the fields to the south of the site regularly hold feeding Whitefronted Geese. The majority of the surrounding fields at Arnabost entered into management agreements with RSPB for corncrakes and hold good numbers of breeding waders as well as providing good grazing for geese in winter. The Coll corncrake SPA is approximately 6km from the turbine location. The whole of Coll held 121 birds (calling males) in 2011 representing approximately 9.6% of the UK population.

SNH and RSPB have not raised objections to the proposal confirming that the proposal will not impact on the SPA species of corncrakes, Greenland Whitefronted and Barnacle Geese. However, RSPB has requested conditions be attached to any consent requiring:

- A monitoring programme to be developed and agreed prior to the commencement of any works on site to survey for collision-induced mortality. Monitoring to focus upon passage and wintering periods monitoring particularly in relation to Greenland white-fronted goose. If monitoring indicates that collision mortality will be significant mitigation measures should involve temporary shutdown in peak periods. Peak periods will be determined through the survey work.

- Construction of the turbine should only occur outside of the main wintering periods (mid September till April inclusive) so as not to introduce moving obstacles during the winter season when birds are likely to be more susceptible to collision.

- The fields used for foraging by white-fronted geese (around Arnabost and to the east of Gallanach farm) are managed for corncrake in the summer. Winter management of these should be supported and improved for the geese as part of a habitat enhancement package secured for the lifetime of the project. Fields closer to the turbines should be managed in a way that does not attract Greenland whitefronts any closer to the turbines and therefore potentially increase collision risk.

It should be noted that these conditions have been replicated above in the conditions section of this report. However, it is considered that the third condition is not appropriate to attach but to instead should be controlled by means of a Section 75 agreement.

The ES confirmed the presence of other protected species namely bats and otters. SNH has confirmed that neither species will be adversely impacted this proposal. The applicant has proposed specific mitigation work under table 6.7 of the ES which is adequate for the level of otter and bat activity recorded and the construction work proposed.

G. Landscape Character

As per the SNH Argyll and Clyde Landscape Assessment 1996 the site can be described as ‘marginal farmland mosaic’. This landscape is typically characterised by:

- Undulating, uneven landform with rocky outcrops on the lower margins of the upland moor
- Indented rocky coastline with some small sandy bays

- Diverse patchy mix of moorland, grassland, peaty marsh and woodland
- Typically geometric fields, divided by broken stone walls on upper slopes and wire fences or straight drainage ditches on the valley floor.
- Some conifer plantations and deciduous woodland associated with larger farms and estates on sheltered valley slopes.
- Many scattered small settlements and isolated farms and cottages,
- Archaeological sites.

The site can be described as an indented rocky coastline with some small sandy bays. The document goes on to provide guidance and advice on the siting of wind farms and communication masts but not single wind turbines.

Although the Wind Energy Capacity Study (WECS) does not specifically provide guidance on Coll it does state that the smaller islands (Coll, Colonsay and Tiree) do not have the capacity to successfully absorb larger typology turbines i.e. >50m. Furthermore the landscape character types (LCTs) found on Coll are comparable to those found on Jura and Islay and therefore it is appropriate to draw some comparisons.

In this instance the site sits within a transition area between LCTs Sand Dunes and Machair and Marginal Farmland Mosaic and within a small area of Coastal Parallel Ridges. The site itself could be described as Coastal Parallel Ridges but not of significant enough area to be a separate landscape character type in its own right. The rocky ridge contains the characteristics of that landscape character. According to the WECS the Marginal Farmland Mosaic is a sensitive low relief landscape characterised by its small scale and intricate rocky knolls. The landscape has a high sensitivity to small-medium turbines (35m-50m) and therefore few opportunities for development for larger typologies. Sand Dunes and Machair is described as low-lying and combines stretches of sandy beach, tidal flats and low rocky outcrops with dunes. This LCT has a high sensitivity to small-medium turbines and describes it as an open landscape that is sparsely settled and that visibility is likely to be extensive and sustained. Coastal Parallel Ridges are described as a series of low rocky ridges and elongated glens. Sensitivity can be described as high-medium for medium turbines and therefore can be expected to be high for larger typologies. It should be noted that the WECS provides this assessment based on those found on Islay which are more sensitive given national landscape designations on Jura.

In this instance it is considered that the landscape in this part of Coll is relatively unique by there not being extensive long views over the sand dunes and machair landscape character type and by the rocky outcropping in the marginal farmland mosaic having a feeling of intimacy and yet being quite large in reality. The relative height and level of the turbine mean the scale is more readily accepted in to this transitional landform than may otherwise exist if sited in only one of the main character types.

<u>Sensitivity of the Location</u>

The recently approved Argyll and Bute Landscape Wind Energy Capacity Study does not assess Coll in any detail. It does provide guidance on the siting of smaller scale turbines (up to 50m to blade tip) but not for larger turbines. The study comments that larger typology wind turbines will not generally be suitable for island locations. The applicant however has carried out a detailed landscape assessment of the islands' landscape character type and has come to the conclusion that, in this instance, a larger typology is appropriate. Indeed, it is possible that in some instances a larger typology turbine is acceptable in areas where they are not generally acceptable. Therefore, notwithstanding the comments with the WECS, it is considered appropriate to rely on a localised assessment of the landscape impact.

The turbine will be located within a transitional area between Marginal Farmland Mosaic and Sand Dunes and Machair. These transitional areas are less sensitive to change than either of those landforms in its own right. The site does not sit on the sand dunes which is a particularly sensitive landscape character but does not necessarily sit on land that could be referred to as marginal farmland mosaic either. The land is a rocky mosaic and shares common features with the Coastal Parallel Ridges LCT. Development is often scattered throughout this rocky landscape including tall structures such as telegraph poles – often on the highest point of the landscape, and a number of existing wind turbines further afield. The turbine itself will be set within the landscape and not on any particularly sensitive point. The rocky ridge adjacent to the site will be set just below the hub height of the turbine thus reducing the overall impact on the rocky outcrop and the wider landscape character.

Although the landscape has some smaller manmade interventions which may appear scaled against the size of the turbine it should be noted that there are very few views where direct scaling occurs. The coast itself is not intervisible with the turbine from any key views on the public road. The turbine will be set within the large appearing landscape and not necessarily provide a scale which would diminish the landscape.

The applicant has provided the council with some background information which informed the site selection of the turbine. The local community-run development company, Development Coll, commissioned Atmos Consulting to carry out a study for a community wind turbine. This study was island-wide with no restrictions laid to the consultants on siting. The resulting study demonstrated the proposed site to be the most appropriate in terms of landscape, visual, biodiversity and amenity across the island.

Visual Impact

The ZTV demonstrates that views of the 55m hub will only be seen in localised forms. The immediate area surrounding the turbine will have more pronounced views of the turbine with limited views from the east and west ends of the islands. Some very long distance views are possible from the ferry but these will be unlikely to impact on the visual amenity of the area. Views of the blade tips (77m) will extend over longer distances but remain intermittent due to their rotating nature and the effect of the adjacent undulating landform. The ZTV demonstrates views across Coll will be limited to the main area immediately around the turbine and along part of the coastal road along the northwestern part of the island. It should be noted though that ZTVs are theoretical and do not take account of shifting landform, in the case of sand dunes, undulating road networks or vegetation cover. They represent a worst case scenario of visibility.

It is acknowledged that the proposal will have some impact on visual amenity as per the consultation response by SNH who have raised concerns. The proposal, having been amended to a single turbine, will now have less visual impact along the B8071. Views travelling along the road from Arinagour heading north will be limited by the alignment and undulations in the road. There are very few viewpoints where the turbine would be scaled against the smaller features in the landscape. The turbine will not be so high as to dominate the surrounding landform. It is also considered that this view is at the end of a long intimate glen that has a feeling of considerable size when within it – mainly due to the lack of open views to the ocean. With this in mind the turbine does not, along this view, provide a sense of diminishing scale to the traveller. Rather it adds an element of manmade intervention into the landscape that, due to the road, alignment, distance away from viewpoints relative level set alongside rocky knolls and the feeling of size within the glen, does not hint at an end point.

Further views will be expected travelling north east along the same road. As noted from the second viewpoint (figure 5.4c) the turbine will be visible from the main road, however as demonstrated by the viewpoint the turbine is only marginally higher than the highest point in the landscape and, from this view, is not any higher than existing telegraph

poles. Again the landscape has a distinct feeling of size at this point due to limited views of the open ocean. It is not considered that the turbine will act as an end point. There are very few views of the coast at this point and due to the undulating nature for the landform this is maintained when travelling north. Views are completely obscured when travelling from further north due to the enclosed and intimate nature of the landform.

When travelling west from the eastern part of the island views are obscured generally by the road alignment and the undulating landform. This is more pronounced than when travelling north west from Arinagour. This is demonstrated by viewpoint 5 of the applicants' submission taken from Bousd. This demonstrates that the turbine is barely visible and due to the intricate nature of the views from this part of the island it is unlikely that the turbine will dominate views for any significant time along this road.

The only other significant views of the turbine are those from the western part of the island. This area contains both Breachacha Castles and Breachacha Steading and the RSPB nature reserve. Although this is popular with visitors the road does not serve a significant portion of the islands' population. According to Viewpoint 2 of the applicants' submission the turbine will be visible and fairly prominent but views are limited of being inland with no across coastal viewpoints. Views are stretched across the landscape beyond the turbine and therefore the turbine doesn't provide a point of scale.

Coupled with existing manmade structures in the landscape including existing turbines at Grishipol, telephone masts etc the additional impact of one turbine as proposed will be minimal. It must also be acknowledged that the turbine hub does not rise above the highest part of the landscape and therefore maintains an acceptable setting alongside the rocky ridge within which it is set. It should be noted that the landscape is quite complex looking north along the B8071 but whilst travelling north east back along the same road the landscape has a more simplistic appearance and it is from this position that the most significant views are seen. It is not considered that the turbine will provide a scale on the landscape which will adversely impact on the area.

Long distance views by visitors will be impacted when travelling by air or boat and will be seen on a clear day on the approach to Coll. However, it is unlikely that the turbine will draw the attention when considered against the views of Arinagour and the coastline of Coll. Views from the north western side of the island will be significant but this is not a route regularly used by passenger ferries. Viewpoint 4 of the applicants' submission demonstrates that views from the ferry will be limited by distance and that views will be drawn towards the pier and the coastline in the foreground instead.

The coastal areas of Coll are very popular with visitors and islanders. In addition to this the sand dunes and machair landscape character type is particularly sensitive to new development. However, it should be noted that views of the turbine from the coastal areas will be extremely limited as demonstrated by the ZTVs in the applicants' submission. Despite the applicant not submitting any viewpoints from the coastal beaches an officer visit confirmed that views of the turbine will be very localised from beach locations with limited views from within the nearby sand dunes. The applicant has provided a wireframe in Viewpoint 10 from Killunaig Church which is in a transitional area between the machair and marginal farmland mosaic. This wireframe demonstrates that the turbine will only have limited views from this important landscape area and the undulating nature of the dunes will provide significant cover from views of the turbine.

<u>Cumulative Visual Impact</u>
There are no turbines existing on the east side of Coll and this turbine will produce a new feature into the north west centre of the island. There are three turbines at Grishipol that can be seen in limited views from the road junction at Arnabost to the west. There will be some limited cumulative views at this location but not in the same direction of view. The only other cumulative view will be looking beyond Grishipol to the east where

the Grishipol turbines will be seen in the foreground and this turbine in the background. However, the distance between the two sites is significant and they will clearly be interpreted as two sites. Furthermore the difference in size and the distance between means they are not visually significantly different to one another from key viewpoints along the road. It should also be noted that this turbine sits within the landscape when viewed in relation to the turbines at Grishipol and therefore does not 'tower' over the existing turbines when seen in the same view.

Local Plan policy LP REN1 requires proposals to satisfactorily address issues of landscape impact and it is considered that although views travelling north will, at times, include the turbines at Grishipol and the proposed turbine, the resultant effect is acceptable. Additionally, the landscape takes a simpler form when viewed from southerly positions allowing the turbine to sit in the landscape easier than the more complex views north travelling from Arinagour. It is considered that the single turbine will not have a significant adverse effect on the landscape.

H. Future Capacity

It has been suggested by SNH that the council adopts a strategic overview of turbines on Coll to ensure a consistent approach across the island and maintain a cohesiveness of small scale/domestic turbines. The east of the island is currently unaffected by turbine development, mainly due to the sparse population and the presence of various designations which would ordinarily prevent turbine development and due to the condition of the road infrastructure, whilst the west is becoming characterised by small scale (up to 35m blade tip) turbines. It is considered that this should generally remain the case, although it is considered there is an opportunity for the single larger turbine currently proposed. It is highly unlikely that any landscape capacity exists after the development of this turbine for turbines above 35m and that further developments should seek to complement the existing built environment and build on the requirements of individual properties and businesses to continue addressing climate change. The limited opportunity for this turbine neither creates a precedent for further large turbines nor precludes the further provision of smaller typology turbines elsewhere on Coll.

It is considered that this turbine and those at Grishipol take up the landscape capacity for turbines in this area of the island. Further turbines should be limited to domestic supplying electricity direct to the needs of the property and not commercial off-set projects. They should certainly be located close to existing developments and seen in conjunction with the property they are expected to serve.

I. Road Network, Parking and Associated Transport Matters.

The Council's Area Roads Engineer has not raised any objection subject to conditions as detailed in section D above. The applicant will be responsible for the maintenance and repair of public roads damaged during the construction process. Some minor re-alignment of the islands roads will be required including some stretches of the B8071. In addition to enabling turbine delivery and installation will make the routes safer and provide a general benefit to all users of these roads.

The site will be accessed at a point between Gallanach Farm and the junction at Arnabost. The access track will run off the main road to the turbine site in a discrete route. A borrow pit is proposed for rock and a concrete batching plant is temporarily proposed to save the importation of concrete to the site. The access track will remain after the turbine is operating to allow for maintenance and decommissioning access.

It is considered that the proposal is consistent with adopted Local Plan policy LP TRAN4 subject to consistent with the relevant conditions below.

J. Economic Benefit

The proposal will provide a 750kw turbine to the national grid which will go a small way toward achieving Scotland's carbon reduction targets. In addition, the application information states that the proposal would supply the equivalent of 389 UK homes with electricity and displace approximately 18,500 tonnes of CO2 (figures are based on halving the amounts quoted for the original 2 turbine proposal).

Installation of the turbine would create a short term economic benefit for suitable contractors and long term financial return to the applicant and landowner.

The applicant has proposed a community benefit fund of £10,000 per annum for the lifetime of the Feed in Tariffs (FITs) and providing the funds, land and support for a community turbine with the management being handed over to the community if this is desirable to the community. However, no additional turbine is proposed as part of this application and would need to be assessed on its own merits if an application for such were ever submitted. Community benefit is not a material planning consideration.

K. Infrastructure

The applicant intends to connect to the national grid and it is understood that capacity has been reserved. The original submission of 2 x 750kw turbines may have used up the entire outstanding grid capacity for both Tiree and Coll, however since the proposal has been amended to 1 x 750kw turbine this is no longer the case. Whilst his is not a material planning consideration per se, it was of concern to a number of members of the community.

L. Other Key Policy Matters

In assessing any application associated with the generation of renewable energy it is necessary to have regard to macro environmental consequences as a material consideration. Government and Development Plan policy supports renewable electricity generation in principle, in the interests of addressing climate change, provided that development does not impinge to an unacceptable degree upon its surroundings or the environment. As part of the decision making process, it is necessary to consider whether the advantages associated with the production of electricity from renewable sources, consequent CO2 savings and the contribution which a development might make to the tackling of global warming. In this case, the turbine size at 750kW is limited, and therefore the development will make a small but limited positive contribution the equivalent of around 15 smaller 50kw turbines (approximately 15m – 18m hub height).

M. Other Scottish Executive Advice

Historic Scotland and WoSAS have not objected to the proposal confirming that the turbine will not adversely impact on the setting of any listed buildings or SAMs. WoSAS has asked for a condition for a Written Scheme of Investigation to ensure the preservation of any archaeological finds. This has been attached as planning condition. Therefore the proposal is consistent with Local Plan policy LP ENV13a and LP ENV16.

N. Conclusion.

Although the proposal is not consistent with the provisions of the newly approved WECS which indicates a general presumption against higher turbines on Coll and Tiree, it is considered that the proposal is within a transitional landscape. In this instance the turbine is considered a medium typology and sits within a rocky landscape not much higher than the existing landform. The sand dunes and machair landscape does not afford long distance, low lying views and often sits high enough to mask the coastline

whereas the marginal farmland mosaic is low lying but does not form a complex landscape that would be diminished by the presence of the turbine. Key views will see the turbine set within the landscape and the lack of intervisible views of the coast from most public vantage points or roads due to the undulating landform will assist the turbine to not provide a point of scale and thus not diminish the intricate landscape. The applicant has provided a full LVIA which demonstrates through the ZTV that the turbine will only have localised visual impacts and that further afield locations such as Arinagour will not be adversely affected. Cumulative impacts only feature from views west to east when seen in conjunction with the turbines at Grishipol from the south west, however views of both developments will be limited and fleeting whilst the existing turbines will appear strongly in the foreground and will act to diminish the size of the proposed turbine. The resultant effect is considered acceptable.

This area of Coll, although popular with visitors, is sparsely populated and therefore there are few sensitive receptors for the turbine to impact. The applicants' submission has provided details of the potential impacts on residential amenity and the councils' Public Protection Service has confirmed that the turbine will not adversely impact on third party property.

It is recommended that, considering the above, that the application is approved subject to the reasons and conditions found elsewhere in this report.

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APPROPRIATE ASSESSMENT BY ARGYLL AND BUTE COUNCIL

THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED

CONSTRUCTION OF 1 X 750KW WIND TURBINE (77M TO BLADE TIP), CRANE HARDSTANDING, CONTROL BUILDING, TEMPORARY CONSTRUCTION COMPOUND AND FORMATION OF VEHICULAR ACCESS
LAND AT GALLANACH FARM, ISLE OF COLL

It is considered by Scottish Natural Heritage that the above proposal (our reference 11/01915/PP) has the potential to have a significant effect on the qualifying interests of the North East Coll Lochs and Moors SSSI and Coll Special Protection Area (SPA). As a consequence Argyll and Bute Council is required to carry out an appropriate assessment in view of the sites conservation objectives for the sites qualifying species.

This assessment is detailed below.

Characteristics of the development

The proposal involves the erection of a 77m (tip height) wind turbine on land at Gallanach Farm, Isle of Coll. The proposed turbine is 'medium' scale in terms of the current industry standards, and the number of turbines is small compared with mainstream commercial schemes.

The turbine itself will measure 77m to blade tip and 55m to hub. It will have an output generating capacity of 750Kw and will be commercial enterprise selling electricity to the national grid. The proposal will sit to the west of Gallanach Farm within a rocky ridge and set within this area of rocks.

Location of the development

The proposal is located at Gallanach Farm on the Isle of Coll. The turbine will be to the west of the farm within a grouping of rocks and north of the B8072. The surrounding land is characterised by large rocks and agricultural uses. To the north is a beach and ocean. The nearest property is the applicants at Gallanach Farm approximately 500m to the east. The nearest third party residential property is to the south east approximately 760m away. The site is not designated for landscape, archaeological or nature conservation purposes but is adjacent to a Local Nature Conservation Site and the SSSI and Coll SPA is located to the east. The Argyll and Firth of Clyde Landscape Character Assessment 1996 describes the land as 'marginal farmland mosaic'.

Potential impacts on the qualifying interests

The proposed site is close (approximately 850m) to the North East Coll Loch and Moors SSSI designated form wintering Greenland Whitefronted Geese, breeding bird assemblage, habitats and plants. The SSSI forms the basis for the Coll SPA designated for its internationally important numbers of wintering Greenland Whitefronted and Barnacle Geese. Both of these species are listed as Annex 1 species within the EC Birds Directive.

It is known that the fields to the south of the site are regularly hold feeding Whitefronted Geese. The majority of the surrounding fields at Arnabost have entered into management agreements with RSPB for corncrakes and hold good numbers of breeding waders and provide good grazing for geese in winter. The Coll corncrake SPA is approximately 6km from the turbine location. The whole of Coll held 121 birds (calling males) in 2011 representing approximately 9.6% of the UK population.

Affect upon integrity of the site

The survey work informing the ornithological assessment within the ES is thorough. RSPB confirm that Greenland Whitefronted and Greenland Barnacle Geese were recorded adjacent, and on

POSITIVE ABOUT DISABLED PEOPLE

limited, within the application footprint, and this must confirm that the development could have a likely significant effect upon the SPA interests. However, having scrutinised the Environment Statement, RSPB agree with the conclusion of the assessment, and confirm that the development will not have an adverse impact upon the integrity of the site.

In terms of all birds species, including the Greenland Whitefronted and Greenland Barnacle Geese only, RSPB and SNH are satisfied that the development will not increase the risk of mortality via turbine collision, or direct and indirect habitat loss. The Council supports these conclusions provided that construction work is undertaken outwith the winder period, October to April.

It is therefore concluded that the proposal will not have a significant adverse impact upon the integrity of the SPA.

SF

25 July 2012

……. Date ……..

Stephen Fair
Area Team Leader

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Argyll & Bute Council

Committee Plan Relative to Planning Application 11/01915/PP

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Ref: ABH1/2009

ARGYLL AND BUTE COUNCIL

PROCEDURE NOTE FOR USE AT

(1) Statutory Pre Determination Hearing	☐
(2) Pan 41 Hearing	☐
(3) Council Interest Application	☐
(4) Discretionary Hearing	**X**

HELD BY THE PLANNING, PROTECTIVE SERVICES & LICENSING COMMITTEE

1. The Director of Customer Services will notify the applicant, all representees and objectors of the Council's decision to hold a Hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not. Statutory consultees (including Community Councils) will be invited to attend the meeting to provide an oral presentation on their written submissions to the Committee, if they so wish.

2. The Director of Customer Services will give a minimum of 7 days notice of the date, time and venue for the proposed Hearing to all parties.

3 The hearing will proceed in the following order and as follows.

4 The Chair will introduce the Members of the Panel, ascertain the parties present who wish to speak and outline the procedure which will be followed.

5. The Director of Development and Infrastructure's representative will present their report and recommendations to the Committee on how the matter should be disposed of.

6. The applicant will be given an opportunity to present their case for approval of the proposal and may include in their submission any relevant points made by representees supporting the application or in relation to points contained in the written representations of objectors.

7. The consultees, supporters and objectors in that order (see notes 1 and 2), will be given the opportunity to state their case to the Council.

8. All parties to the proceedings will be given a period of time to state their case (see note 3). In exceptional circumstances and on good case shown the Panel may extend the time for a presentation by any of the parties at their sole discretion.

9. Members of the Panel only will have the opportunity to put questions to the Director of Development and Infrastructure's representative, the applicant, the consultees, the supporters and the objectors in that order.

10. At the conclusion of the question session the Director of Development and Infrastructure's representative, the applicant, any consultees present, the supporters and the objectors (in that order) will each be given an opportunity to comment on any particular information given by any other party after they had made their original submission and sum up their case.

11. The Chair will ascertain from the parties present that they have had a reasonable opportunity to state their case.

12. The Panel will then debate the merits of the application and will reach a decision on it. No new information can be introduced at this stage.

13. The Chair or the Committee Services Officer on his/her behalf will announce the decision.

14. A summary of the proceedings will be recorded by the Committee Services Officer.

15. If at any stage it appears to the Chair that any of the parties is speaking for an excessive length of time he will be entitled to invite them to conclude their presentation forthwith.

NOTE

(1) Objectors who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all objectors.

(2) Supporters who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all supporters.

(3) Councillors (other than those on the Panel) who have made written representations and who wish to speak at the hearing will do so under category (1) or (2) above according to their representations but will be heard by the Panel individually.

(4) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing.

Ref: ABH1/2009

The Director of Development Services' representative – not more than half an hour
The Applicant - not more than half an hour.
The Consultees - not more than half an hour.
The Supporters - not more than half an hour.
The Objectors - not more than half an hour.

(4) The purpose of the meeting is to ensure that all relevant information is before the Panel and this is best achieved when people with similar views co-operate in making their submissions.

(5) Everyone properly qualified as a representee recorded on the application report who wishes to be given an opportunity to speak will be given such opportunity.

(6) The Council has developed guidance for Councillors on the need to compose a competent motion if they consider that they do not support the recommendation from the Director of Development and Infrastructure which is attached hereto.

I:data/typing/planning/procedure note

Ref: ABH1/2009

COMPETENT MOTIONS

- Why is there a need for a competent motion?
  - Need to avoid challenge by "third party" to local authority decision which may result in award of expenses and/or decision being overturned.
  - Challenges may arise from: judicial review, planning appeal, ombudsman (maladministration) referral. All appeal/review processes have rights to award expenses against unreasonable/unlawful behaviour.
- Member/Officer protocol for agreeing competent motion:
  - The process that should be followed should Members be minded to go against an officer's recommendation is set out below.
- The key elements involved in formulating a competent motion:
  - It is preferable to have discussed the component parts of a competent motion with the relevant Member in advance of the Committee (role of professional officers). This does not mean that a Member has prejudged the matter but rather will reflect discussions on whether opinions contrary to that of professional officers have a sound basis as material planning considerations.
  - A motion should relate to material considerations only.
  - A motion must address the issue as to whether proposals are considered consistent with Adopted Policy of justified as a departure to the Development Plan. Departure must be determined as being major or minor.
  - If a motion for approval is on the basis of being consistent with policy reasoned justification for considering why it is consistent with policy contrary to the Head of Planning's recommendation must be clearly stated and minuted.
  - If a motion for approval is on the basis of a departure reasoned justification for that departure must be clearly stated and minuted. Consideration should be given to holding a PAN 41 Hearing (determined by policy grounds for objection, how up to date development plan policies are, volume and strength of representation/contention)
  - A motion should also address planning conditions and the need for a Section 75 Agreement.
  - Advice from the Scottish Government on what are material planning considerations is attached herewith. However, interested parties should always seek their own advice on matters relating to legal or planning considerations as the Council cannot be held liable for any error or omission in the said guidance.

Ref: ABH1/2009

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on City of Edinburgh Council v the Secretary of State for Scotland (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.

2. The House of Lord's judgement also set out the following approach to deciding an application:

   - Identify any provisions of the development plan which are relevant to the decision,
   - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
   - Consider whether or not the proposal accords with the development plan.
   - Identify and consider relevant material considerations for and against the proposal, and
   - Assess whether these considerations warrant a departure from the development plan.

3. There are two main tests in deciding whether a consideration is material and relevant:

   - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
   - It should fairly and reasonably relate to the particular application.

4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:

   - Scottish Government policy, and UK Government policy on reserved matters
   - The National Planning Framework
   - Scottish planning policy, advice and circulars
   - European policy
   - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance

- Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
- A National Park Plan
- The National Waste Management Plan
- Community plans
- The Environmental impact of the proposal
- The design of the proposed development and its relationship to its surroundings
- Access, provision of infrastructure and planning history of the site
- Views of statutory and other consultees
- Legitimate public concern or support expressed on relevant planning matters

6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.