

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the MAIN HALL, CORRAN HALLS, THE ESPLANADE, OBAN
on WEDNESDAY, 31 OCTOBER 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor Fred Hall	Councillor James McQueen
Councillor David Kinniburgh	Councillor Richard Trail
Councillor Robert G MacIntyre	

Attending: Charles Reppke, Head of Governance and Law
Richard Kerr, Principal Planning Officer
Arlene Knox, Senior Planning Officer
Rory Young, Applicant
Jan Barton, Applicant's Representative
Cameron Sutherland, Applicant's Agent, Green Cat Renewables
Antoinette Mitchell, Kilninver and Kilmelford Community Council –
Statutory Consultee
Seamus Anderson, Seil and Easdale Community Council –
Statutory Consultee
Bill Weston, Traffic and Development Manager – Statutory
Consultee
David Steele, Supporter
Bruce Davis, Supporter
John Everett, Supporter
Darran Mellish, Supporter
Julian Bell, Supporter
Duncan MacMillan, Supporter
Fiona Wylie, Supporter
Councillor Iain Angus MacDonald, Supporter
Stuart Reid, Objector
The Honourable Michael Shaw, Objector
Dr Margaret Brooks, Objector
Martin Hadlington, Objector
John Wilson, Objector
Dr Phil Moss, Objector
Lesley Addison, Objector
Eileen Colston, Objector
Helen Glennie, Objector
Christine Metcalfe, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Robin Currie, George Freeman and Alistair MacDougall.

2. DECLARATIONS OF INTEREST

None declared.

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

The Chair welcomed everyone to the meeting and introductions were made. Charles Reppke, Head of Governance and Law, outlined the procedure that would be followed and invited anyone who wished to speak at the meeting to identify themselves. Once that process had been completed the Chair invited the Planning Officers to set out their recommendations.

PLANNING

Richard Kerr, Principal Planning Officer, advised that this application was first considered by Members at the Planning, Protective Services and Licensing Committee held on 19 September 2012, when it had been resolved to continue consideration of the matter pending the convening of a discretionary local hearing in response to the number of third party representations received, both for and against the proposal. He advised that in addition to the Officer's report prepared for the September meeting, Members had before them a further supplementary report which clarified the stance adopted by Scottish Natural Heritage in their consultation response, provided further consultation responses from SEPA and the Council's Roads Engineers in response to additional information subsequently provided by the Applicant, and which detailed late representations received from third parties. He advised that the supplementary report now included amended reasons for refusal in the light of the final positions adopted by consultees. He advised that he intended to confine himself to a few introductory remarks and then would hand over to his colleague Arlene Knox who would take Members through the detail of the application, the consultation and third party responses, policy considerations, and the reasons why the application was being recommended for refusal by Officers. For the benefit of members of the public, he pointed out that the Councillors had the opportunity of acquainting themselves with the site and its surroundings and that representative viewpoints between Kilninver and Balvicar had been visited this morning to enable an appreciation of the relationship of the turbines with the surrounding area. In the first instance he reminded Members that as with the determination of all planning applications, the starting point in the assessment of the merits of the proposal had to be the Council's approved Development Plan, which comprised the 2002 Structure Plan and the 2009 Local Plan. Section 37 of the 1997 Planning Act required that planning authorities in dealing with applications for planning permission shall have regard to the provisions of the Development Plan, so far as material to the application, and to other material planning considerations. Section 25 augments that duty, by requiring that the determination shall be made in accordance with that Plan unless material considerations indicate otherwise. He advised that there were a number of development plan policies relevant to this case as set out in Section J of the report. Of these, the most significant was Policy LP REN 1 which related specifically to the development of wind farms. That policy was accompanied by a spatial strategy which mapped areas of search for windfarms and those areas which were subject to constraints. However, in line with the government's Scottish Planning Policy, such mapping was only required in respect of schemes with a generating capacity in excess of 20MW, so the 8MW scheme proposed

here did not benefit from any mapping to indicate any presumption for or against the proposal. Accordingly, there was a need to revert to a criteria based assessment in terms of the various relevant interests set out in Policy LP REN1, including such matters as landscape and visual impact, cumulative impact with other developments, impacts upon communities, natural and historic environment considerations and other technical matters. Those matters which had to be regarded as legitimate planning considerations were set out in sections 187 to 191 of Scottish Planning Policy, which as a 2010 document post-dated the Council's 2009 Local Plan, although the matters requiring to be assessed in terms of Policy LP REN1 were consistent with the subsequent government position. SPP makes it clear that in coming to a conclusion on the merits of a planning application the Council should confine itself to material planning considerations, to the exclusion of those matters which were not legitimately related to the development and use of land. In particular, in the context of windfarm developments, he advised that Members would be aware that any community benefit advanced in support of proposals could not be regarded as a legitimate planning consideration and should be disregarded in the adjudication of the application. Beyond the Development Plan, he advised that it was necessary for Members to have regard to the views of consultees and third parties who had expressed both objection and support for the proposal. It was also necessary for Members to have regard to Council approved guidance and whilst this was to be accorded less weight than development plan policy, it still constituted a material planning consideration. He advised that the most significant document in that context was the Argyll & Bute Landscape Wind Energy Capacity Study 2012 jointly commissioned by the Council and Scottish Natural Heritage and latterly approved by the Council. He advised that the application site lay within the defined Craggy Coast and Islands Landscape Character Type which currently only accommodated two 32m high turbines on the island of Luing. The study concluded that sensitivity within this LCT should be regarded as being high for larger and medium scale turbines of between 35m and 130m, and to be high/medium for even small scale turbines of less than 35m. This proposal for turbines of 77m in height must therefore be regarded with a high degree of caution in the context of the conclusions of the approved landscape capacity study. He advised that Members who were new to this Committee might also like to note that a windfarm comprising 15 turbines 125m high within the nearby Raera forest was refused by this Committee on landscape impact grounds at the end of 2010. Finally, he advised that it was incumbent on Members to have regard to the need to adhere to the principles of sustainable development, which were embedded in national planning policy. One of the strands of this was the requirement that Members should take account of the benefits of development which can help mitigate the effects of climate change. Whilst the contribution which this 8MW scheme can make to arresting global warming is palpable, it was not of such magnitude as to warrant the setting aside of other legitimate concerns. Development which conflicts significantly with the interests of maintaining landscape character was inherently unsustainable, and ought to be refused, regardless of its potential contribution to the interests of the wider environment.

Arlene Knox, a Senior Planning Officer, based in the Major Applications Team, advised that the proposed site was located on farmland, approximately 9km south-west of Oban. The site lay to the south of Beinn Mhor, on a craggy stretch of land between Loch Seil and the west coast. The B844 was located to the south, and provided the existing access just past Loch Seil. Key features

considered in the determination of this proposal worth noting on the site and location plans included: Clachan Bridge; Phuilladobhain Anchorage; the Oban to Colonsay ferry route, Ardencaple House and Ardfad Castle to the west and Duachy Standing Stones to the east. She advised that planning permission was sought for the erection of 9, 77 metre high wind turbines with associated infrastructure, including access tracks and a control building. The turbines would have tapering cylindrical towers 55 metres high and 3 bladed rotors, with radii of 22 metres giving an overall height of 77 metres to vertical blade tip. Each turbine would have a maximum generating capacity of approximately 0.9 MW, giving a total nominal capacity for the wind farm of 8.1 MW. She advised that it was considered that the flat roofed design of the proposed substation building was unacceptable and would appear unsympathetic in the landscape. However, as it was only an ancillary aspect of the wider proposal, it was not considered an appropriate reason for refusal, as improvement to its design could be controlled by means of a planning condition should the Committee be minded to grant planning permission. She advised that this application had attracted a considerable level of representation. A total of 966 letters had been received, comprising 102 in support, including a late representation from Councillor Iain Angus MacDonald, 860 against including 2 late representations from Alan Reid MP and Councillor Duncan MacIntyre and 4 general comments. The grounds cited for and against the proposal were summarised in the main report and relevant supplementary reports. She advised that an extremely comprehensive consultation exercise was undertaken in respect of the proposal and its accompanying Environmental Statement. The key consultees whose advice contributed heavily in the balance towards Officers achieving their recommendation were: SNH, Historic Scotland, the West of Scotland Archaeology Service and the Area Roads Manager. SNH advised that the proposal would have significant adverse landscape and visual impacts on an area of Argyll's coastal landscape which was distinct, and recognised as being a resource of regional importance by virtue of its designation as an Area of Panoramic Quality. Furthermore, that the proposal would erode the existing quality of the 'Craggy Coast and Island' Landscape Character Type setting a precedent for further development of this type and scale in this sensitive landscape setting. SNH had been unable to identify any mitigation which would reduce or remove the negative impacts the proposal would have on the distinctive character and sense of place of this regionally important landscape setting. SNH's lack of formal objection did not indicate they were in anyway content with this proposal. Their current practice was only to formally object to proposals which significantly prejudiced national designations. SNH's advice was clear - they did not consider the proposed site appropriate for wind farm development. Historic Scotland's position is: whilst they had not objected - the impact of the proposal on the setting of Duachy Standing Stones would be significant, which, they considered could only be mitigated by the removal or relocation of the 3 turbines closest to the monument. The West of Scotland Archaeology Service objected due to the significant impact the proposal would have on the setting of the Duachy Standing Stones. The Area Roads Manager had objected due to the inadequacy of the approach road to the site to accommodate wind farm construction traffic, and in particular, the impact abnormal loads and HGV traffic would have on the structural integrity of the Kilninver Bridge, and the retaining wall at Barnacarry. Subsequently, measures were put forward by the Applicant to overcome these shortcomings. However, third party land would be required beyond the application site and outside the Applicant's control, in order to facilitate such measures. Furthermore, it was

likely that these measures would also involve works which would themselves require planning permission. Consequently, they could not be regarded as deliverable in the context of this application. Both Kilninver and Kilmelford Community Council and Seil and Easdale Community Council objected to the proposal. All other consultees were satisfied with the proposal subject to: relevant planning conditions and a Section 75 legal agreement. Scottish Planning Policy states that: *“wind farms should only be supported in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed”*. Furthermore, that: *“the design of any wind farm development should reflect the scale and character of the landscape and the location of turbines should be considered carefully to ensure that landscape and visual impact is minimised”*. As referred to by Richard: *“Section 25 of the Act requires proposals to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise”*. The detailed Policy Assessment of this proposal was contained within the main committee report. The principal issues in this case, which raised conflicts with the provisions of the development plan, were: the consequence of the presence of the development on landscape character; visual impact; built heritage and archaeological impact; and road traffic impact. She advised that this proposal lay close to the south-west of Loch Feochan, on the coastal edge within the ‘Craggy Coast and Islands’ Landscape Character Type as defined by SNH in its classification of landscapes in Argyll. She advised that the proposal lay within a sensitive and highly valued landscape character type where it occupied a prominent coastal location where it could be viewed from ferry and recreational boat traffic and other islands as well as from mainland roads, and in particular the road linking Seil to the mainland via the ‘Bridge over the Atlantic’. The value of the landscape within which this proposal was to be located had been accorded regional status by its designation as an ‘Area of Panoramic Quality’ by the adopted Local Plan. She advised that the ability of the various Landscape Character Types of Argyll to accommodate wind farm development had been assessed by the ‘Argyll & Bute Landscape Wind Energy Capacity Study 2012’. Although this document could not be accorded the same weight as the Development Plan, it was an important material consideration in the determination process. She advised that the proposal lay within the ‘Craggy Coast & Islands Landscape Character Type’ and in regard to the ability of this Landscape Character Type to accommodate wind farm development the study states: *“there is no scope to site the larger (80-130 metres) and the small – medium (35 – 80metres) within this character sub-type due to the significant adverse impacts that would be likely to occur on a wide range of landscape and visual sensitivities”*. At present the ‘Craggy Coast and Islands’ Landscape Character Type, and other coastal landscape character types in Argyll, are free of wind farm developments of the scale proposed. It was the view of Officers, and SNH that: if approved this proposal would establish an undesirable precedent for large-medium scale coastal edge wind farm development, in circumstances where the Landscape Capacity Study had concluded that the ‘Craggy Coast and Islands Landscape Character Type’ did not have the ability to absorb wind farm development of this scale satisfactorily. This proposal would introduce an inappropriately located wind farm into the sensitive and valued coastal landscapes of the Firth of Lorn, the lochs and islands around West Argyll, and the Atlantic islands coastal edge, which constituted an exceptional scenic resource, derived from the interplay between the land and the sea with its associated islands and skerries. Approval of the proposal would represent an unwelcome move away from the established location of approved wind farm

developments in upland areas inland, where they did not exert such a degree of influence over the appreciation of coastal landscapes. In light of the negative impact this proposal would have on Landscape Character and the Area of Panoramic Quality, as well as the undesirable precedent it would set it was considered contrary to the provisions of: Scottish Planning Policy, Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Development Plan Policy; and the approved Landscape Capacity Study. She advised that in determining the proposal's visual impact, the layout of the wind farm was assessed from a series of key viewpoints. The Zone of Theoretical Visibility map indicated fairly widespread visibility across the settled eastern coasts of Seil, within the Firth of Lorn and the Mull coast, but with more limited visibility inland to the east. She advised that the predominant blue/green colour on the ZTV map indicated areas where 7-9 tips would be theoretically visible. It was considered that the impact on key views from certain locations would be particularly detrimental, given the disproportionate scale of the turbines relative to their landscape setting and the overall sensitivity of the receiving environment. She then referred to a number of photomontages showing where the wind turbines would be visible from each of the view points. She advised that in terms of Cnoc Dhumhnuill it was considered that in terms of visual impact, although its influence was not widespread, in terms of certain key viewpoints the impact would be significant particularly given the sensitivity of receptors experiencing such views. In light of the negative visual impact this proposal would have it was considered contrary to the provisions of: Scottish Planning Policy, Scottish Government's Specific Advice Sheet on Onshore Wind Farms; and Development Plan Policy. She advised that the development was situated with the nearest turbine being approximately 560m from Duachy Standing Stones Scheduled Ancient Monument, where 7 hubs and partial towers and 2 tips would be visible. It was considered that this proposal would have a significant adverse impact on this important historic environment asset and its setting. She advised that the proposal would also have an adverse impact on the setting of the Category A listed Clachan Bridge. It was considered that the visibility of the development within the landscape backdrop of the bridge, a key tourism asset and a widely photographed structure, in the context of both the wider setting and the appreciation of the bridge, would be unacceptable. It was considered that the proposal would also have an adverse impact on the setting of the category B listed Ardencale House and setting of the Scheduled Ancient Monument Ardfad Castle with all 9 turbines theoretically visible. In light of the adverse impact the proposal would have on the historic environment of Argyll it was considered contrary to the provisions of: Scottish Planning Policy, Scottish Government's Specific Advice Sheet on Onshore Wind Farms; and Development Plan Policy. She advised that the proposal would involve an unusually large number of construction vehicle movements and the conveyance of abnormal loads along the B844 a route which was sub-standard in width and alignment. The road infrastructure along this route was also subject to known deficiencies, including the structural condition of the Kilninver Bridge and the road retaining wall at Barnacarry, and it did not lend itself to intensive construction activities involving movements of heavy goods vehicles and abnormal loads. In view of the geometry of the road, which did not lend itself to the swept path of large vehicles, there was the prospect of serious damage to these structures occasioned by collision as a result of the transportation of abnormal loads or the weight of construction vehicles, which would present a serious threat to continued accessibility by road, as the failure of either of these structures would be likely to precipitate closure of the route with the consequent isolation of Seil, Easdale and

Luing. She advised that the Applicants have explored options to secure appropriate access and have discussed these with the Roads Engineers. Whilst engineering solutions were available these would involve third party land for road improvements outside the road corridor and beyond the Applicant's control, most notably for the installation of a temporary road bridge adjacent to the existing Kilninver Bridge, which should be noted would require planning permission in its own right. A section 75 legal agreement involving third party landowners would be required to secure such improvements, and in the absence of agreement by those parties the engineering solutions identified must be regarded as being theoretical rather than deliverable. In the absence of any satisfactory mitigation being advanced for the risk presented to the route by the type of traffic associated with the proposal, the development did not benefit from an identified satisfactory means of access for either construction or for decommissioning purposes, contrary to the provisions of Development Plan Policy. She advised that the sensitive coastal edge within which the site was located formed part of Argyll's most valued prime landscape resource, with recognition of this being given by its designation as an Area of Panoramic Quality. In light of this proposal's potential adverse landscape and visual impacts, and the importance of landscape as a tourism asset in Argyll, it was likely that the proposal would have some adverse consequences for tourism. Studies commissioned to assess the sensitivity of tourists to the presence of wind farm developments have not produced entirely consistent responses. However, in recent Scottish Ministers appeal decisions for Corlarach and Black Craig wind farms, in both cases, the Reporters accorded weight to the extent of the importance of tourism on the local economy in Argyll and Bute. Whilst not a reason for refusal, it was considered that due to the adverse impact this proposal would have on the landscape, it would give rise to consequent adverse implications for tourism resources. Notwithstanding, the contribution this proposal could make towards combating climate change, development giving rise to inappropriate environmental consequences could not be viewed as sustainable, she advised that this proposal was inconsistent with the provisions of the Development Plan. She advised that all 'other' material considerations had been taken into account but, were not of such weight as to overcome the significant adverse impacts of the scale and location of the development upon Landscape Character, Visual Impact, Built Heritage & Archaeology; and, Road Traffic Impact which could not be overcome by relevant planning conditions or by way of a legal agreement. She advised that there was no justifiable reason for a departure from the provisions of the Development Plan in this case and that it was therefore recommended that planning permission be refused for the reasons set out in Supplementary Report 2.

APPLICANT

Jan Barton advised that she was a Traffic and Landscape Architect and with the aid of a series of slides spoke about the landscape and visual impacts of the proposal. She referred to a map showing wind projects in scoping, planning, approved/under construction and built in area surrounding Clachan Seil and advised they were separate and distant from Clachan Seil and that there was no visual cluttering or overlapping of other developments and therefore no cumulative grounds to refuse the application. She advised that during the design evolution the overall impact was minimised by substantial mitigation work before the application was submitted and she advised on the process that was undertaken. She advised that the proposal was for medium sized turbines for a

medium sized landscape. She advised that consideration was given to the local landscape character type and that the turbines would be nestled into the moorland and that they would look like a single row of turbines due to their spacing. She advised that at the time of the preparation of the Environmental Impact Statement the Argyll and Firth of Clyde Landscape Character was used and highlighted on a map that the site was within a Craggy Upland Character type. She advised that since approval of the Argyll and Bute Landscape and Wind Energy Capacity Study (LWECS) the site was now described as being within a Craggy Coast and Islands Landscape Character type and that this new Landscape Character type was considered highly sensitive. She advised that the presence of Beinn Mhor increased the height and scale of the landscape and that the turbines would hug the terrain enclosing the site and tucking it away. She advised that SNH allowed for modest medium typed proposals. She advised that the Islands of Luing, Shuna and Kerrera were more sensitive and that they were lumped together with this site area. She advised that the presence of forest land diminished the sensitivity of the area compared to Luing, Shuna and Kerrera. She advised that the LWECS was not listed in the report of handling as a material consideration though noted that Arlene Knox had said so in her presentation. She advised that it was still a very generalised document and did not allow for local site characters. She advised that this was a medium and not significant development. She advised that SNH were not objecting as there were no national landscape designations being affected by the proposal. She referred to the site being within an Area of Panoramic Quality and advised that this was a local designation in the Local Plan and had no designation in Policy. She referred to the links between the land and the sea and advised that none of these character types would be impacted on by the proposal and the overall scenic value would not be undermined. She referred to the Zones of Theoretical Visibility (ZTV) and advised that actual visibility would be greatly reduced because of screening from vegetation and the built environment. She advised that the turbines being visible was not necessarily a bad thing and referred to comfortable views and uncomfortable views. She advised that the ZTV showed very limited visibility from the mainland and that the site was very contained. She referred to each view point in turn with the aid of slides and concluded that the vast majority of views were comfortable.

Cameron Sutherland advised that he was here to speak as the Applicant's Agent, Green Cat Renewables and that further to what had been heard from the Landscape Architect, he wished to briefly touch on some of the other technical points of concern or perceived to be of concern for this project and outlined why it was believed that these should not be an impediment to this development proposal. He spoke about access and advised what the key points to note were. Having had no adverse comments from the Area Roads department in relation to the proposal at the scoping stage, he advised that the application was submitted in November 2011. He advised that it was only in July 2012 that a roads objection was received because the department had not been given the traffic impact assessment provided with the Environmental Statement. It was not until 21 August that Green Cat Renewables received a roads objection on the grounds of the poor state of the Kilninver Bridge, slippage risk near Barnacarry and the difficulty in using Clachan Bridge as part of any access. In respect of Clachan Bridge he advised this access would not be required. He advised that a full access survey was undertaken and mitigation measures proposed including the Applicant repairing the Kilninver Bridge or contributing to the building of a new bridge, reducing vehicle movements by having an onsite borrow pit and

onsite batching plant, and the erection of a temporary bridge which was a suggestion made by the Area Roads department. He advised of dialogue between Green Cat and the Area Roads department. He advised that a site visit was undertaken and planning conditions drafted including mitigation for the potential Barnacarry slippage. He advised that a Planning Officer intervened on 25 October who indicated that no mitigation could be acceptable. He advised that an alternative access had been found which Rory Young would provide more information on during his presentation. He advised that contrary to the Planning Officer's intervention access could be conditioned to comply with LP TRAN 4 and LP TRAN 5. Mr Sutherland then went on to talk about the objection made by SEPA regarding the risk effect on ground water dependent terrestrial ecosystems. He advised that further information had been provided which demonstrated that the risks were not significant and that SEPA had further responded to advise that the proposal could go ahead subject to planning conditions therefore this was not a reason to refuse the development and that the proposal therefore complied with STRAT RE1, STRAT DC7, LP REN1, LP ENV2 and LP ENV 6. Mr Sutherland also spoke about concerns raised about Ornithology and read out the statement submitted by SNH and the statement within the Planning Officer's report. He advised that contrary to the Planning Officer's report the clear message was that SNH currently had no concerns and that pre construction survey would be advisable and desirable. Mr Sutherland also talked about the key reasons for distance stand off to turbines which were safety, noise and visual amenity. He advised that this project did not require a 2 km buffer and the areas of search were intended for projects of greater than 20MW and that the minimum separation distance of greater than 800 m met all the technical constraints. He advised that noise levels measured were low at the nearest properties and constraints were predicted to be met at all properties at all wind speeds with no mitigation required. He advised that if suitable noise conditions were applied there was no reason to expect noise problems throughout the project lifetime. In terms of shadow flicker Guidance has consistently indicated that shadow flicker should not normally cause problems beyond 10 rotor diameters. He advised that for this project 10 rotor diameter boundary was the technical constraint in layout design and that all residential properties were greater than 18 rotor diameters from the nearest turbine. In summary he advised that access to the site and ecological constraints could be suitably mitigated. He advised that Ornithology was currently of no concern and it was expected to require pre-construction survey and that residential amenity could be maintained with suitable planning conditions.

Rory Young advised that he and his family were the Applicants and that his family had farmed in Argyll for three generations and that they wished to generate an income to prolong the use of the farm and consent of this wind farm would generate an income to allow the farm to continue. He advised that consultation was undertaken throughout the process and that as a result of this consultation the number of turbines were reduced from 11 to 9. He advised that Historic Scotland have clearly stated they do not object to this development though they have concerns and have suggested the removal or relocation of 3 of the turbines. He referred to the comments by Historic Scotland and West of Scotland Archaeology about the Duachy standing stones and he referred to pictures of these showing that only 1 of the 4 was still standing and another was partially buried. He advised that he has offered to stand the fallen stones back up and to improve the link stock fencing to stop them from falling over again. He advised that he has also offered to erect a sign to potentially enhance the

monument and that Historic Scotland have welcomed this. He advised that an agricultural shed and fencing were more visually intrusive and that the setting already included man made structures. He advised that Historic Scotland did not think the proposal would have any significant impact on the setting of Clachan bridge. He advised that he had carried out a detailed analysis of objections received and that relatively few comments had come from local residents. He also questioned the validity of postcard style objections which were first distributed even before the application was submitted and that many of the objectors would have had no knowledge of this application at the time of filling out the postcard and that this appeared to be part of an anti wind farm campaign. He advised if these postcard type comments were disregarded then 55% of the representations received were from objectors and 47% were from supporters. He advised that he commissioned his own survey and questions were asked of locals in the three Community Council areas. He advised that the questions were scripted and that the survey was carried out by independent consultants. He referred to mitigation having been looked at to offset impact and that the turbines had been reduced and moved further away. He advised that onsite noise monitoring had been carried out. He referred to the possibility of a new bridge or repair to the existing bridge and that the wind farm would bring a solution to a long term problem and that the terms of this had been agreed with Roads however Planning had raised concerns as third party land owners would be required to give permission. He advised he had not had the chance to contact land owners but did know that locals were keen for new bridge to be built. He advised that he had spoken to two land owners to gain permission to access the site from the A816 through the Raera Forest which would mean there was no longer a need to cross the Kilninver bridge. He referred to comments about the high impact on Tourism and that he was keen to continue to sustain Tourism by allowing the use of an old area of land for a car park and providing self guiding tours around the farm with signs erected around the farm highlighting local historic information and publicising local services available in the area. He advised that the offer of one of the turbines as a community turbine had been turned down by the Community Council. He advised that a community wind turbine would generate an income of £80,000 per year and that a representative from Abundance Generation was here to speak about the benefits of investing in a community wind turbine. He advised that Clachan Community Wind Farm were keen to keep much of the revenue achieved in Argyll and Bute and that he had signed a Memorandum of Understanding with Wind Towers. He also advised that 8 letters of support had been submitted by 8 Argyll based firms which collectively employed 375 people. He advised that Julian Bell from the Agricultural College would speak later and demonstrate how Clachan Community Wind Farm could benefit the area.

The Chair ruled and the Committee agreed to adjourn the meeting at 1.10 pm for lunch . The meeting reconvened at 1.45 pm.

CONSULTEES

Kilninver and Kilmelford Community Council

Antoinette Mitchell spoke on behalf of the Community Council representing the Kilninver and Kilmelford area. She advised she would do her best to represent the whole of the community and advised of the process undertaken by the Community Council to give the community the opportunity to be involved in

making their views known including holding special meetings and issuing letters. She advised that once the application became live the Community Council issued flyers asking the community to respond to the Community Council to help with the response that would be submitted in respect of this application. The community were also encouraged to submit their own individual representations to the Council. She advised that a meeting of the Community Council was held in February 2012 to discuss the application and that the Applicant, Mr Rory Young, was present at this meeting. A number of questions were raised which Mr Young was unable to answer and he confirmed at this meeting that he would contact the Chair at a later date with answers. Mrs Mitchell advised that the Community Council were still waiting on these answers from Mr Young. She advised that the community were given every opportunity to submit their views to the Community Council and that the Community Council's response was based only on the views submitted to them by the community. They asked the community to make comments on the application itself and not about wind farms in general. She advised that none of the Supporters of this application have stated that the location of this wind farm is the reason for their support. She advised that the majority of the Supporters lived the furthest away from the site. She advised that 90% of the community that responded to the flyer issued by the Community Council did not support this application and that it explained a lot that the developer lived elsewhere. She advised that those living in the area were dismayed at the contents of the Environmental Impact Assessment which denied the existence of bats. She advised that the studies carried out in some cases were done at the wrong time of the year and at the wrong time of the day and for too brief a time. She advised that it was generally believed that Argyll and Bute had already met their 2020 target of energy from renewable resources such as wind farms and asked why was another wind farm needed in this area. She advised that the proposal would have an adverse impact on an Area of Panoramic Quality and that the site was next to an area designated as 'very sensitive countryside' in the Local Plan. She referred to the proposal being classed as medium scale and advised that the wind turbines would be intrusive and overbearing on the landscape. She referred to the visual impact for those living on Seil and around iconic scenic beauty spots. She advised that the wind farm would be less than 800 metres from the coast. She advised that many members of the community were appalled at the standard of the photomontages and the misrepresentation of these and that no one was in support of the suggestion of a tourist centre at the farm. She advised that even those that support wind farms have questioned the viability of this wind farm. She stated that the large anemometer was never erected by the Applicant, only a 15 metre high one just for a few months. She advised that the site would be protected from prevailing winds by Beinn Mhor. She advised that residents next to the site were concerned about the impact of noise especially at night. She referred to health issues associated with infrasound and that this must be considered seriously. She advised that residents were concerned about property devaluation though appreciated that this was not a planning issue. She referred to compensatory schemes in other parts of Europe as a result of wind farms and asked where the money would come from if compensatory schemes were introduced in the UK. She advised that if this proposal went ahead it would set a terrible precedent. She advised that Planning, SNH and Roads did not support this application. She advised that overall this application was for a wind farm in a totally unsuitable site and that it should be refused.

Seil and Easdale Community Council

Seamus Anderson, Chair of Seil and Easdale Community Council, advised that he had heard some good points made on both sides and that he would be putting forward the views of the community of Seil and Easdale and that he hoped that the Committee had taken the time to read the full response submitted by the Community Council and not just the abbreviated version in the Planning report. He advised that this has been a long process since 2009 to get to here and that the proposal has been discussed at numerous Community Council meetings and public meetings. He advised that he had attended meetings arranged by the developer and other factions to ascertain what the public were thinking. He advised of a postal survey the Community Council carried out using the edited version of the electoral role which included 377 residents. He advised that 3 questions were asked (a) do you wish the Community Council to support the proposal for a wind farm? (b) do you wish the Community Council to object to the proposal for a wind farm? (c) do you wish the Community Council to express no view on the proposal for a wind farm? He advised that there was also a box for any comments voters wished to make. He advised that the community were also encouraged to submit their own letters of representation on this proposal. He advised that the Community Council received 208 returns on their survey and that 60 supported the proposal, 138 objected and 10 had no view. There were also 72 comments received. He advised that the Community Council also received comments from people not included on the edited electoral role. He referred the Committee to page 11 of the supplementary planning report 1 which summarised the reasons why Seil and Easdale Community Council were objecting to the proposal and asked the Committee to give these weight when making their decision.

SUPPORTERS

David Steele

David Steele advised that he represented Wind Towers Scotland Ltd who have a manufacturing plant down in Machrihanish, Kintyre and that they manufacture wind turbines. He advised that the Company employs 135 people and that the Company has been in existence for 20 months and have taken on workers from the Kintyre and Mull of Kintyre area. He advised that employees were trained locally and that from 5 November 2012 they would be employing for the first time 2 apprentices. He advised that the Company were debt free and well funded. He advised that the Company have signed a Memorandum of Understanding with Clachan Community Energy Wind Farm for orders of the wind turbines to go to Machrihanish and that an order like this would be very important for the Company. He advised of other wind farms that the Company had been involved with including Allt Dearg and Carraig Gheal. He advised that the renewable energy industry was important to the economy of Argyll and Bute and Scotland and that he would like to add his support to Clachan Community Energy Wind Farm.

Bruce Davis

Bruce Davis of Abundance Generation spoke specifically about how his Company can assist ordinary people to invest in renewable energy projects. He advised that the Company started in July 2012 and have been involved in the

Forest of Dean renewable energy project which has been fully supported by those living next to the turbines which would pay £15,000 per year to the community for 20 years and that those who invest in the project would receive a return of up to 8%. He advised that electricity generated would go to the grid and that people who invest as little as £5 could get involved. He advised that by investing in the project people gained a better understanding of green energy and the economic benefits of this and that from the age of 18 years people could put money into the project and get a return for the life of the project. He advised that Abundance gets involved with local people and that they want the money to stay in the local community to enable it to be spent on the local community for the benefit of the community. He advised that Argyll and Bute have more wind resource than any other area in Europe. He advised that renewable energy was the most valuable thing with wind and sun being the most beneficial.

John Everett

Mr Everett advised that the Committee should go against the recommendation and approve this project. He advised that he would like to demonstrate his support for wind farms. He referred to the community benefit of £10,000 though understood that this was not a material planning consideration however it was still worth fighting for. He advised that he would like to appeal to the Committee on rational grounds. He advised that by 2023 all but 1 out of 19 coal fired power stations would be retired. He advised that 20% of our electricity came from nuclear power stations and that their lifespan was also limited. He referred to periodic blackouts being a normal occurrence in India where supply could not keep up with demand and asked would this be accepted in the UK. He advised that the Clachan Wind farm at a local level would make a difference. He advised that there would be enough energy produced at Clachan to supply electricity to homes in a town the size of Oban. He referred to myths in respect of noise and advised that the Committee would hear from objectors about low frequency noise and infrasound. He advised that the 2km buffer zone guidance was for those setting broad planning designations. He read out an article about a project he was involved with down in Leicestershire regarding turbines and noise. He advised that there were legitimate reasons why the Committee could support this proposal such as sustainability, the Argyll and Bute Economic Development Plan for 2010 – 2013 which describes renewable energy as a major opportunity and a number 1 priority, and generating electricity in line with local needs.

Darran Mellish

Darran Mellish advised that he was born and bred in Argyll and worked for West Coast Tool and Plant Hire. He talked about the recession over the last 5 years and that in order to keep his business running during the recession he depended on the construction industry. He advised that he employed 25 people and that his business had survived due to the construction of wind farms at Glendaruel, Allt Dearg and Carraig Gheal. He advised that in terms of access the roads and underground cabling for these projects required vehicles and plant which were sourced locally. He advised that the Clachan Community Wind Farm had the potential to promise more employment for local contractors. He referred to the prejudiced views of some people regarding wind farms. He advised that tourist providers he has spoken to have not raised any concerns. He referred to intrusive views and that everyone had a different opinion. He advised that in 20 years the wind farm would be decommissioned and the land returned to its

previous state and that this opportunity should be grabbed with both hands.

Julian Bell

Julian Bell, a Senior Rural Business Consultant at the Agricultural College advised that the economics of renewable energy was his specialism and that he has assessed the potential benefits of the Clachan Community Wind Farm during construction and operation. He advised that the project would bring a long term flow of money into the economy and he advised what this would mean in terms of additional jobs.

Duncan MacMillan

Duncan MacMillan advised that he has lived in Kilmelford for 35 years and that his son and neighbours work in the wind industry and that because of this he was supporting this project. He advised that a lot of people supported this project but were too frightened to say so for fear of lifting their heads above the parapet.

Fiona Wylie

Fiona Wylie advised that she has lived at Arduaine for over 30 years within the Kilninver and Kilmelford Community Council area and that she would like to vote yes for this application. She advised that we were too dependent on coal, gas and uranium and that we needed to plan for a mix of methods including renewables and that there would always be wind, sun and waves. She referred to the Clachan Wind Farm having the potential to power a town the size of Oban and that this project should be part of the mix for the future. She advised that the Council should facilitate rather than hinder contributing to part of the mix. She advised that in contrast to the objectors every single letter of support came from within Argyll. She referred to the economic benefits to the community, eg, employment. She referred to 5 people in the tiny community working in the wind turbine industry. She advised that there has been an emotional outcry from objectors regarding wildlife. She advised that SNH have raised no concerns regarding ornithological interests. She advised that David Attenborough was an ardent supporter of wind generation. She referred to objectors advising of doom and gloom for tourism. She referred to a survey by Visit Scotland, Moray and Edinburgh University which stated that wind farms do not have a negative adverse impact on tourism. She advised that Cornwall have embraced wind farms and that they have had neither a negative or positive impact on tourism. She referred to objections about subsidies paid for renewable energy and stated that the average householder paid less than £5 per year for renewable obligations. She referred to objections about noise and advised that she had visited Tiree which had a turbine visible from all parts of the island. She advised that she could not decide if the noise she heard when standing near the turbine was from the turbine itself or from the wind. She referred to Kilninver and Kilmelford Community Council objecting and advised that they were not representative of the community as a whole. She advised that the flyer issued by the Community Council contained factual errors. She spoke about a house to house survey done and that 77% of the community were either neutral or supportive and that based on these results the Kilninver and Kilmelford Community should be supporting this proposal to reflect the views of the community. She advised that most of the objectors were elderly, second home

owners or the wealthy and that most objected to the visual impact. She advised that if permission were granted it would only be for 20 years then the project would be decommissioned and the land returned to its original state. She advised that a yes to this application would ensure Argyll continued to meet its renewable targets and that the local community would reap the benefits.

Councillor Iain Angus MacDonald

Councillor MacDonald advised that he came to Argyll in the mid 1980s and has been involved with Community Councils and that he was interested in the concerns of the community. He spoke about the planning process and how this has evolved in Argyll and Bute. He referred to an application of similar circumstances recently approved and suggested there was a lack of consistency. He advised that this proposal was temporary and that all trace of it would be removed in 25 years which was a moment in time and asked that the Applicant be given this moment in time. He advised that orchestrated support or objection had no part in this. He advised that most of the indications from going round doors were for support and that this was mostly from very financially pressed families. He advised that Argyll was now experiencing almost twice the Scottish average of fuel poverty. He advised that these were challenging times and that we needed to find innovative ways to generate finance in the economy over the coming years.

OBJECTORS

Stuart Reid

Stuart Reid circulated pictures to the Committee which illustrated the scale of the turbines to those living in Clachan Seil. He advised that he was speaking on behalf of a large number of people who have objected on planning matters. He advised that the location of the site was not suitable for a project of this size. He referred to the Local Wind Energy Capacity Study (LWECS) intended to guide and advised that this proposal went against this guidance. He referred to the national scenic area of Scarba to Lunga and that this project would be visible throughout the Firth of Lorn. He referred to infrastructure including the Kilninver Bridge, the retaining wall at Barnacarry and the single track road which would be used by construction vehicles. He referred to the number of vehicle movements during the construction phase and maintenance traffic for the lifetime of the project. He advised that emergency vehicles would be jeopardised if the road became blocked. He referred to decommissioning of the project in 25 years and advised that it would only be the turbines that would be removed. He advised that the foundations and hard standings would just be covered with top soil and that the craggy upland would be changed forever. He referred to the recommendation of 2 km in respect of separation distances and advised that 70 dwellings were within 2 km and the nearest was 800m away. He advised that a precedent could be set for this Argyll coast and that there were fears that the application for the Raera wind farm could be resubmitted. He advised that the reasons for the Raera application being refused were even more applicable in this proposal. He referred to a photograph showing the location of each turbine across the landscape. He spoke about the scenic quality of the area and urged the Committee to refuse the application.

Michael Shaw

Michael Shaw advised that he has been involved with tourism and rural development and referred to tourism and its importance around Clachan Seil. He advised that Tourism underpinned everything. He advised that the unspoilt, natural beauty of the landscape was the main speciality of this area. He advised that visitor centres were not dependent on scenery. He referred to canoers and walkers who came to the area because of its appearance. He advised that properties on Seil commanded premium price. He advised that the first bridge over the Atlantic was known worldwide and that the whole area of Easdale and Clachan Bridge often featured in promotional materials for Argyll and Bute for tourism purposes. He referred to the Cornwall survey regarding tourism and acknowledged that most people have no problem with wind farms if they are built in the right place. He advised that the problem with this proposal was it being put in the wrong place so that is why it was a threat to tourism. He advised that tourism in this small area was fragile and that it would not take much to make it rocky. He referred to this being an industrial development in the Toad of Lorn an area of religious and historical interest, an iconic tourist attraction and a valued asset to us all. He referred to Cruachan being a large mountain and that Beinn Mhor was not a mountain. He advised that this environment was not just pretty it was of economic importance.

Margaret Brooks

Margaret Brooks advised that she objected to this wind farm. She advised that she lived with her family in Clachan Seil and that their house was 1.5km from the proposed wind farm. She advised that she has been a health professional for 25 years and would like to talk about the effects of Wind Turbines on health based on information published in medical journals. She referred to noise impact and low frequency sound and infrasound. She referred to sleep deprivation and sleep disturbance. She advised that the Environmental Impact Statement (EIS) based its noise assessment on the 5 nearest properties to the wind farm and advised that 60 properties would be within 2 km of the wind farm and that sound carried. She referred to information about other health problems gathered in other countries where wind farms were erected. She likened these reports about health issues being similar to health issue reports first made regarding tobacco. She advised that the EIS referred to a guidance note on noise which was over 15 years old and that no mention was made about infrasound in the presentation on the EIS today. She referred to the loss of amenity and that it was not just the visual impact it was the disruption to the peace and tranquillity of the area. She advised that health was priceless and that she had no confidence that the health of the residents of Clachan Seil would not be affected. She asked who would be called to account if legal action was taken as the result of health problems.

Martin Hadlington

Martin Hadlington advised that he was a conservation architect and that he worked on ancient scheduled monuments and referred to a number of projects he was currently working on and advised that there was archaeology support on these sites. He advised that he has lived on Seil for 20 years and has kayaked down the waters in the area. He referred to the landscape being intimate, very sensitive and unique. He referred to churches in the area, a crannog on the

loch, hill fort and the Toad of Lorn. He advised of major implications in terms of setting for these sites. He referred to the Duachy stones and comments made by Historic Scotland on these. He advised that both Historic Scotland and West of Social Archaeology Society had expressed concerns. He advised that it was not known what archaeology was on this site and that this had not been investigated in great detail and may cause the loss of potential archaeology in the area. He advised that a great deal of care was required for this area of landscape. He advised that the debate was not about the rights or wrongs of wind turbines it was about this particular site being the wrong location for a wind farm.

John Wilson

John Wilson spoke about the impact on the natural heritage and the Environmental Statement advising of no protected species found on the site. He advised of a colony of marsh fritillary butterfly identified in the area following surveys undertaken. He advised they were first seen in 2009 and that a condition survey carried out in 2012 found evidence of a healthy colony. He advised of many sitings of white tailed sea eagles and that the Council were notified of these sitings. He also referred to the EIS advising that no bats were in the area and advised that it was common to observe bats locally and that they were known to roost close to Kilniver bridge and he mentioned various other places where they were known to roost. He advised that bats were being killed by turbines due to changes in air pressure close to the turbines which caused their lungs to rupture. He advised that the EIS stated that there was no evidence of barn owls and advised that barn owls were known to nest in the area and were quite often seen sitting on the bridge. He advised that the EIS had many shortcomings and that if the property developer was allowed to proceed at least 4 priority red protected species would be at risk.

Phil Moss

Phil Moss advised that he moved to the area 18 years ago and that he was not a medical doctor, but a retired research scientist, with a lifetime working in agriculture science. He advised that he was a strong supporter of the environment and renewables provided they were located in the right place. He advised that he was a great fan of hydroelectricity schemes, tidal power, and of reducing carbon footprints. He advised that he wanted to talk about noise and referred to the deep sounds produced by the blades of wind turbines. He advised that it was these deep sounds with long wavelengths that travelled long distances and were used by elephants to communicate over land and whales in the sea. He advised he was deeply concerned about this development because of its situation at the head of Seil Sound. He advised that this was a body of water with hills on either side, where sound carries over the water and was contained by the hills, a sort of megaphone effect, with the turbines at the mouthpiece of the megaphone. He advised that most of the houses in Clachan Seil were on the slopes of the hills so within sound range of the turbines and that the village of Balvicar was within the end of the megaphone, and despite the distance, may well be affected. He advised that he lived in one of the houses not immediately next to the water and that he could often hear noises, even normal speech, from considerable distances. He advised that at a previous meeting it had been stated that the wind here was from the South West so all sound from the turbines would be carried away from the village. He advised that

this was an over simplification and not totally accurate. He advised that although most of the weather systems came from the South West, the weather that brought the wind consisted of low pressure areas and that the wind circulated round these anticlockwise so the wind changes in direction as the low passes. He advised that the noise from these huge turbines would be funnelled down the South to the houses for a considerable period when the turbines were turning. He advised that Scotland already led the world in renewable electricity generation from hydro and that it was also supporting research into tidal power, for which it was ideally situated and which was a far better, more reliable source of energy than wind power. He advised that Scotland was also supporting the installation of solar panels and actively supporting a range of initiatives to reduce energy consumption, such as better house insulation, use of log stoves rather than fossil fuels, and installation of heat pumps. He advised that surely Scotland should just be concentrating on the best sources, such as hydro and tidal, and only considering the very best wind power schemes with the least detrimental effect. He advised that on a world scale, the effect of this proposal would be miniscule and that there were many locations, both on land and off shore in Scotland and other countries, where wind turbines could be located without seriously affecting people as this one would, and that this proposal should be way down any list of priorities. He advised Members, in considering this application, to take a wider view and balance the minute world benefit of this proposal against the detrimental effect it would have on the standard of living, including health, of the constituents in Clachan Seil and even Balvicar.

Lesley Addison

Lesley Addison advised that she lives at Clachan Beg overlooking Clachan sound and that the beauty, peace and community spirit enjoyed by her parents at Taynuilt attracted her and her husband back to the area in 1997. She referred to “not in my back yard” and stated that in terms of wind farms “not in our back yard”. She listed her reasons for objection being - quality of life – her house being less than 1 km from the nearest turbine led to her having concerns about sleep deprivation; loss of freedom – to walk around the area – concerns about ice throw; and that this was one of the most beautiful places in the world – this industrial site would not be wholly dismantled at the end of its lifespan.

Eileen Colston

Eileen Colston advised that she lives in Clachan Seil within 1.5 km of the wind factory. She referred to the Clachan Community Wind Farm and Mr Young being an absentee landowner. She referred to opposition from both Community Councils and that the wind farm would blight the lives of those living here. She advised that the turbines would not be nestled or tucked away and would have an adverse impact on tourism. She advised that this was not a community project and that it was community exploitation.

Helen Glennie

Helen Glennie advised that she has lived in Clachan Seil for 2.5 years and was within 1.5 km of the proposed wind farm. She advised that she has also been a conservational credited architect for over 30 years and that this landscape and ecology would be undermined by this wind farm which was not a farm but an industry. She advised that she had looked at all the comments submitted online

and referred to the latest comments about the bridges. She advised that she was not happy that there was no reference to alterations to the access from the highway and that this could not happen without alterations to turn down off the highway. She referred to possible log jams with tourist buses meeting construction traffic. She advised that the Grade A listed bridge would be compromised. She advised that the setting of the listed bridge and other listed buildings in the area would be severely compromised if not destroyed. She advised if this application was accepted it would go against policies set to protect the landscape. She advised that from her home she would be able to see and hear the turbines all day and all night. She advised that the value of her home had already tumbled and would not recover. She advised of the peace and solace of the area being taken away and human rights being affected. She advised that her quality of life and other peoples would be severely compromised and that the developer did not even live here. She advised that planning policy states that quality of life should not be compromised. She advised that the wind farm would not achieve 100% efficiencies and might just achieve 30% efficiencies so could not understand where £80,000 of community benefit would come from. She advised that electricity generated would go to the national grid not to local people. She referred to the wildlife and that a pair of white tailed sea eagles were seen in the area last week. She referred to bats being known to roost in the area and that the Bat Conservation Trust with DEFRA have been conducting a study on bats and that a report on this was due at the end of the year. She advised that in Europe the bat population was being reduced due to ecosystems. She advised that bats were affected by the turbines and rotor blades and that the bat situation has not been thoroughly explored. She listed ancient monuments in the area and advised that an archaeology survey was required. She referred to safety issues and ice throw. She referred to the impact on tourism. She advised that CO2 was not a pollutant it was green and that plants needed it to grow, animals needed plants eat so we needed CO2. She advised that support for this project was money based and objections were in planning terms. She advised that we could not rely just on wind power and that there were other forms of energy.

Christine Metcalfe

Christine Metcalfe advised that a lot of what she planned to say had already been said but that she would like to add to the comments made by Dr Brooks and others on the adverse health effects associated with wind turbines which have been published globally. She also referred to sailing tourism rising and that this proposal would impact on this area which was one of the top 40 sailing locations. She advised that support for this project was based on short term considerations and not material considerations and that this proposal should be refused.

The Chair ruled and the Committee agreed to adjourn at 4.25 pm for a 10 minute break. The meeting reconvened at 4.35 pm.

MEMBERS' QUESTIONS

Councillor Kinniburgh referred to Roads concerns about the Kilninver bridge and the retaining wall at Barnacarry and asked was it correct that the road would need redesigned to get an HGV over the bridge and how much room would be on either side of the HGV.

Bill Weston advised that HGVs currently used the bridge and that there was no weight limit. He advised that the intensity of loading was the main issue and that abnormal load vehicles were longer and wider. He advised that the biggest vehicle would be the crane which would be 3.2 metres wide. He advised that the bridge parameter was 3.5 metres. He advised that the crane would go in once and out once during the construction phase.

Councillor Kinniburgh asked what the impact on the community would be if the road needed to be closed.

Bill Weston advised that the community would be completely cut off and that this was the only access to Seil.

Councillor Kinniburgh asked if the suggestion of an alternative access was made by Roads or the Applicant.

Bill Weston advised that this suggestion came up during discussions about the feasibility of building a temporary bridge and that he believed this suggestion was made by his colleagues in Roads Design during these discussions.

Councillor Devon referred to the wildlife and ornithological concerns and asked if there were any SSSIs in the area.

Richard Kerr advised there were no designations.

Councillor Devon referred to the Landscape and Wind Energy Capacity Study document and part of the reason for refusal being the siting and scale and design of the turbines and asked what status this document was given when considering this planning application.

Richard Kerr advised that the study was a material consideration but did not carry the same weight as the Structure and Local Plan policies. He advised that the LWECs was commissioned jointly between the Council and SNH in response to the number of wind farm applications across Argyll and to that extent it is constituted as guidance and has less weight than the policies.

Councillor Devon referred to talks about the adverse impact and referred to the wind turbine. She asked if any of the objectors had approached people on Tiree to ask for their comments on the impact. She was advised that it was a different scenario on Tiree as they only had one turbine and that this proposal was not for a single turbine. It was not known if anyone on Tiree had been approached to comment.

Councillor Devon asked if the Applicants were able to address people's concerns about the bridge with a new bridge or repair to the bridge after construction would this alleviate Road's concerns.

Bill Weston advised that there would be the need for a traffic management plan including the means to control the number of vehicles at any time and the addition and extension of passing places. He advised that this would be possible.

Councillor Trail referred to the alternative access through the forest and asked if this would be a completely new road or involve the upgrade of an existing track.

Rory Young advised that he had only started to investigate this on Friday and his first conversation was with the land agent of Raera Forest. He advised that it would involve using and upgrading the existing track used for the extraction of timber. He advised that it was the main arterial road and not his preferred access route.

Richard Trail asked if the track would need extended.

Rory Young advised that he believed that both ends of the track would require extension.

Councillor Colville referred to policy LP REN 1 and the efficiency of the turbines. He asked how Mr Bell had arrived at his figures and asked how confident he was that there would be no turbulence.

Rory Young advised that he had not yet erected the 50 metre anemometer on site. He advised that just the smaller one was erected and that a combination of that and people visiting the site all figures were based on the national average of 30% and capacity figures of other turbine owners in the area.

Councillor Colville referred to the separation distance guidance of 2 km and asked Planners what weight they placed on this guidance.

Richard Kerr advised that separation distances were not mandatory. He advised that they were there for the preparation of development plans rather than the assessment of individual planning applications.

Councillor Colville referred to the funnelling of noise through the Sound and asked if that had been taken into consideration

Richard Kerr advised it was difficult to comment on noise as a review of noise sensitivities was undertaken by Environmental Health Officers in Public Protection and that they did not consider noise to be a problem. In terms of low frequency noise he advised that the jury was out on that and until we get a point of view from the Government that the status needed changed it would not be appropriate to do something unilaterally and at the moment we have to accept the current national standards regarding noise.

Councillor Hall asked the Applicant what work was done regarding the environmental impact and the traffic management plan.

Cameron Sutherland advised that the environmental impact was scoped out as part of the Environmental Impact Assessment. In respect of the traffic management plan they are aware of the need for one if planning permission was granted in order to suitably mitigate the number of vehicle movements across the Kilninver Bridge. He advised that they have investigated the possibility of a borrow pit on site and an onsite batching plant for concrete to mitigate the need for the number of traffic movements.

SUMMING UP

Planning

Richard Kerr advised that the landscape of the west coast of Argyll must be recognised as a very important resource both in terms of its inherent qualities and in terms of its value as a scenic tourism asset of significance to the Argyll economy. He advised that it was a relatively low lying landscape, deriving its interest from its complex and intimate character, and the interplay between the land, the sea and the islands. He advised that such coastal land does not share the locational advantages of those more open, elevated, upland areas in inland parts of Argyll, which were removed from the coast, communities and transport routes, where, in our view, there was more opportunity to assimilate large turbines into the landscape setting successfully. He advised that Members would be aware that approved windfarm developments have been generally restricted to areas such as the Lorn Plateau, the spine of Kintyre and upland areas between Loch Fyne and Loch Awe and that proposals with potential impacts upon sensitive coastal landscapes have not proven to be successful. He advised that the proposed windfarm in the Raera forest to the south of the Clachan site was refused by the Council in 2010 and the refused site at Kilchattan by Southend was subsequently dismissed on appeal due to its unacceptable influence over coastal landscapes. He advised that the site lay within a designated Area of Panoramic Quality which, contrary to what was suggested by the Applicant's landscape architect, was a regional designation within which particular care has to be taken not to degrade landscape assets and tourism potential. He advised that significant care was required in siting a turbine of any scale in such a sensitive receiving environment. He advised that the turbines proposed were 77m tall and although they were to be regarded as medium scale in terms of the largest turbine models now available, at 77m these remained very tall structures of the size being installed as state of the art machines by the utility companies only 10 years ago. He advised that turbines of this scale were disproportionate to the scale of the particular landscape on which they were to be sited, and accordingly diminished the apparent scale of that landscape and for this reason the joint Council/SNH Windfarm Landscape Capacity Study considers this landscape character type to be highly sensitive to any turbines over 35m, with a high to medium sensitivity for even small turbines of less than 35m. He advised that SNH have reviewed the supporting landscape information in the Applicant's Environmental Statement and have concluded that the development was inappropriately sited and of a disproportionate scale, broke away from the established pattern of windfarm development in Argyll, and set a highly undesirable precedent in terms of large scale development influencing coastal landscapes. He advised that although the Applicants have suggested today that the limited extent of the visual envelope of the site weighs in favour of their proposals, it was necessary to consider the receptors which would be influenced, which would include, the road approach to Seil, the important tourism area adjoining the 'Bridge over the Atlantic', the residential area around Clachan and Balvicar, historic environmental assets around Ardencaple and the Duachy scheduled standing stones as well as vantage points from the sea and from the Isle of Luing. He advised that the Applicants referred this morning to the "exceptional benefits" of the proposal but at 8MW this was not a scheme with large generating capacity. He advised that a windfarm of the scale proposed would only make a very small contribution towards being able to arrest climate change, at the expense of imposing itself on a landscape which did not have the

capacity to assimilate a commercial scale wind power development satisfactorily. Therefore, he advised that the proposal was contrary to the interest of landscape character, had unacceptable visual consequences and impinged upon historic assets and therefore conflicted with development plan policy. He advised that in terms of access, the matter had not been well researched as part of the application, given the shortcomings of the particular access route identified in the Environmental Assessment. He advised that it had been suggested by the Applicants that conditions attached to any approval could address necessary access improvements but that this was not the case as conditions could only apply to development contained within the application site boundary and the access route did not lie within this. He advised that whilst legal agreements could be deployed to address such an eventuality, these would need to be with the express agreement of all third parties controlling the land required and no such agreements were in place. He advised that some revised form of access, not identified in the Environmental Statement, was not therefore admissible at this stage and for that reason the deficiencies and shortcomings of the originally identified route warranted refusal of the application. He advised that in support of the proposal, the Applicant had suggested that the windfarm could become a tourism asset by the development of some interpretation facility along the lines of the Whitelee windfarm. He advised that the location, scale and context of Whitelee was very different to the tourism destination of the west coast and that you would have to ask yourselves whether it was credible that visitors attracted by scenery, the historic environment, wildlife and the sea would be likely to want to make a windfarm visit a component of their visitor experience in Argyll. He reminded Members that how the project was devised commercially and where there would be an associated element of community benefit, was not a material consideration and ought to be disregarded in the adjudication of the application. He advised that consideration should be restricted to the land use planning merits of the proposal alone. He advised that whilst the community investment model described to you was to be commended in circumstances where developments are acceptable in environmental terms, it could not influence the acceptability of otherwise inappropriate forms of development. Likewise, nor could employment and other economic benefits advanced by the supporters of the proposal, which could not be used to offset demonstrable environmental harm. He advised that there were sound and clear cut reasons for refusing this application, as set out on pages 5 – 18 of supplementary planning report number 2 and he commended Members to these.

Applicant

Rory Young referred to a number of concerns raised by objectors. He confirmed he had talked to people on Tiree who confirmed there was no detrimental impact to them as a result of their Wind Turbine and that this was contained in the Environmental Impact Statement. He confirmed that in respect of the commissioned survey no canvassing was undertaken during this exercise. He advised that the survey was scripted and carried out by independent people. He referred to comments about the turbines being placed in hollows and advised that he had tried to sensitively place the turbines in the landscape rather than placing them where most income could be generated. He read out the statement made by SNH regarding the marsh fritillary butterfly and also their comments regarding the white tailed sea eagles. He advised that access to this site would be improved. He referred to health issues. He referred to the £10,000 community fund being based on £10,000 per mw installed and that it

had nothing to do with operating capacity. He referred to concerns about sailing and advised that he had spoken to Managers at Ardrossan and Inverkip Marinas and that they had not experienced any impact as a result of nearby turbines. He advised that all renewable energy had down sides and that in respect of renewable wind energy for every person that did not like turbines there were others that were okay with them. He advised it was about producing a resource we all needed in a sustainable way and that there was the potential for a large community owned turbine and that this was an exceptional opportunity. He urged the Committee to approve this application.

Jan Barton briefly recapped all she said in her presentation and addressed some of the concerns raised by objectors. She advised that the overall impact of the proposal was substantially mitigated before the application was submitted. She agreed that Clachan Seil was unique and that this had resulted in a high quality design for this area. She advised that this was a medium scale landscape that could accommodate a medium scale wind farm. She advised that the Landscape Wind Energy Capacity Study was not policy but the informal opinion of one. She advised that photomontages were produced to SNH standards. She advised that the possibility of Clachan Farm setting a precedent was not a valid reason for refusal and that each application should be assessed on its own merits.

Cameron Sutherland summed up the access side of things. He advised that Roads did not respond to their application for 8 months, they were not provided with all the necessary information and once this was resubmitted they took a further month to comment. He advised that dialogue with Roads has been constructive. He advised they have not been given enough time to explore alternative access routes and asked the Committee not to use access as a reason to refuse this application. He referred to the noise assessment and agreed that the guidelines used were old but that they were still the standard guidelines to be used and that the Environmental Health Officer was correct to assess noise under these guidelines. He referred to funnelling of noise and advised that no properties were in direct line of sight of the turbines. He advised that the noise assessment was deemed acceptable by Environmental Health Officers. He referred to comments about repetitive sound being irritable and advised that different things irritated different people. He referred to the bat survey carried out which concluded that no bats were seen and advised that wasn't to say they did not roost there. He advised that it was recognised nationally that surveys carried out were a snap shot and that guidance had changed since the survey was carried out in 2009.

Statutory Consultees

Kilninver and Kilmelford Community Council

Antoinette Mitchell addressed comments regarding the Community Council not being representative of the whole community and of the information contained in the flyers being inaccurate. She referred to comments about the template letters from objectors and advised that the same could be said of supporters. She advised we were not here to debate on renewable energy and wind farms in general and that the debate was about this particular application. She advised that the supporters did not talk about the suitability of the site. She asked what was the point in having a Local Plan and Planner's opinions if they were to be

ignored.

Seil and Easdale Community Council

Seamus Anderson advised that Seil and Easdale Community Council were the closest Community Council to this development and hoped the Committee would give the Community Council comments summarised at page 11 of the supplementary planning report number 1 weight when making their decision.

Supporters

John Everett

John Everett referred to the AWFALS protest group. He advised that there was good reason to accept this proposal in planning reasons – sustainability, the Argyll and Bute EDAP and the level of energy generated being appropriate for the level of energy required.

Darran Mellish

Darran Mellish advised that his company dealt with specialist transport and if loads were wide escorts were used and movements were programmed to avoid busy times. Regarding weight problems he advised that the entire load was not concentrated weight but axle weight which was the same as tippers and coaches. He advised that additional lay-bys installed for the job would be there after the construction phase and would benefit the community. He referred to community wind farms on Gigha and Tiree and advised that he had spoken to the community of Gigha who believed this was the best thing they had ever done. He advised that the value of what would be gained minimised what would be lost. He advised that Argyll needed to do something to prevent stagnation. He advised that he lived on Seil island.

Julian Bell

Julian Bell advised that maximum economic benefits would be achieved with this small proposal and local initiative.

Fiona Wylie

Fiona Wylie advised that she knew a lot of people who liked the look of wind turbines and asked the Committee to keep 3 things in mind – the future of our young; the future of our community; and it's only for 25 years.

Objectors

Stuart Reid

Stuart Reid advised he had heard nothing to justify constructing this power station in the proposed location. He advised that the impact on the landscape and the visual impact far outweighed any benefits from wind turbines in this location. He advised that the area needed protected and that the application should be refused.

John Wilson

John Wilson referred to comments about bats and white tailed sea eagles made by SNH. He advised that the EIS was of great concern.

Phil Moss

Phil Moss referred to noise from lorries on the road and emergency vehicles. He referred to comments about properties looking to the east and not having direct line of sight of turbines and advised that they could still be heard. He advised that 8 of the turbines would be visible from Balvicar and sound would travel down the Seil Sound.

Eileen Colston

Eileen Colston referred to the properties on Seil Sound and that this was a commercial industry on an industrial scale and should be refused.

Helen Glennie

Helen Glennie asked why we have laws and Acts. She advised that they were there to protect us and urged the Committee to consider all the relevant laws and Acts right down to the local plan and local people and to not contravene these and to please refuse the application.

The Chair invited everyone to confirm they had received a fair hearing and they all confirmed this to be the case.

DEBATE

Councillor Devon advised that much had been made of maintaining the standard of living of the community and that she had heard from objectors about the adverse impact on the landscape, tourism, health and roads. She advised that she had also heard support for the future of this fragile community and the social and economic impact, renewables, the future of young people and community benefit. She advised that she found it difficult to reach a conclusion and suggested that this application should be continued.

Councillor Colville advised that he did not want this application continued. He advised that in the last 10 days he had approved 10 turbines and had analysed every application. He advised that this application was in the wrong place. He advised that he lived close to one of the first turbines in Argyll and that there was noise from it. He advised that this proposal would have a significant adverse impact on the landscape character. He advised that he was a supporter of wind turbines and renewable energy and that he was also a supporter of tourism and in this case both could conflict with each other. He advised that he was very sure of his view and would move the Planner's recommendation to refuse. He advised that this was the wrong development in the wrong place.

Councillor McNaughton advised that he had not heard anything to persuade him to go against the recommendation and would go with the Planner's and refuse.

Councillor McQueen advised that he would also support the planning

recommendation to refuse.

Councillor Kinniburgh referred to the lengthy debate and advised that some good points had been made by both sides. He advised that he believed this was the wrong application in the wrong site. He advised that he had concerns about the visual impact and the infrastructure for taking traffic in and out of the site. He advised that he would have to support Councillor Colville and did not think he could support this application.

Councillor Trail advised that whilst supporters of the proposal pressed all his buttons regarding economic benefit, local jobs and advised that Duncan MacMillan's presentation was from the heart, he advised that planning was about land use and whether or not a proposed development was suitable. He advised that in this case he didn't think it was. He advised that there was no need for a wind farm in this position and that it would contravene the Local Plan.

Councillor Hall advised that we all wanted electricity and that we all needed electricity but when it came to deciding how to provide this electricity we all took cold feet. He advised that the Government would like us to produce electricity using renewables and how we produced it was the question. He advised that he disagreed with the Planner's and did not think it was in the wrong location and that the site seemed not to be different to others he had seen. However, he advised he had concerns about the access.

Councillor MacMillan advised that he would go with the Planner's recommendation and that nothing had been said to counteract what the Planners had said and that too much emphasis had been made about community money which was not a valid consideration.

Councillor MacIntyre advised that he was minded to ask for a continuation too.

Councillor Taylor advised that the Committee could either determine the matter today or continue for further consideration to the next meeting of the Planning, Protective Services and Licensing Committee.

Councillor Colville advised that he would like to move the Planner's recommendation to refuse the application and Councillor Trail confirmed that he would second this Motion.

It was established that no one else was otherwise minded.

DECISION

It was unanimously agreed to refuse planning permission for the following reasons: -

1. The proposal lies close to the south-west of Loch Feochan, located on the coastal edge within the 'Craggy Coast and Islands' Landscape Character Type (ref 'Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012' - SNH/Argyll & Bute Council) which is intended to guide SNH and the Council on the strategic implications of further wind farm developments in the landscape. The proposal lies within a sensitive and highly valued landscape character type where it occupies a

prominent coastal location where it would be viewed from ferry and recreational boat traffic and other islands as well as from mainland roads, and in particular the nearest road which links Seil to the mainland via the 'Bridge over the Atlantic'. The value of the landscape within which the development is to be located has been accorded regional status by being designated as an Area of Panoramic Quality by the Council's approved local plan.

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

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

Having due regard to the above, it is considered that this proposal would have a significant adverse impact on Landscape Character, would adversely affect a number of key views and would degrade designated scenic assets including the 'Area of Panoramic Quality' in which the site is situated. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside, Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2009) and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

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

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

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

3. The development is situated with the nearest turbine being approximately 560m from Duachy Standing Stones Scheduled Ancient Monument, where 7 turbine towers and rotors will be visible. This would represent a significant adverse impact on this important historic environment asset and its setting. The proposal would also have an adverse impact on the setting of the Category A listed Clachan Bridge. It is considered that the visibility of the development within the landscape backdrop of the bridge, which is a key

tourism asset and a widely photographed structure, in the context of both the wider setting and the appreciation of the bridge, would be unacceptable. The proposal would also have an adverse impact on the setting of the category B listed Ardencaple House with all 9 turbines theoretically visible. Although there is intervening vegetation this cannot be regarded as providing a permanent screen and the proposal would represent a highly visible modern intrusion in the setting of Ardencaple House which would be unacceptable.

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

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

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

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

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

(Reference: Report by Head of Planning and Regulatory Services dated 6 September 2012, supplementary planning report no. 1 dated 18 September

2012 and supplementary planning report no. 2 dated 30 October 2012, issued)