

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 22 MAY 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Archibald Hardie
Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor George Freeman	Councillor Sandy Taylor

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning, Housing and Regulatory Services
Peter Bain, Development Manager
Howard Young, Area Team Leader – Bute & Cowal and Helensburgh & Lomond
Tim Williams, Area Team Leader – Oban, Lorn and the Isles
Arlene Knox, Senior Planning Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest and Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 17 April 2019 at 10.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 17 April 2019 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 17 April 2019 at 2.20 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 17 April 2019 at 2.40 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 17 April 2019 at 3.20 pm was approved as a correct record.

4. ARGYLL HOLIDAYS: USE OF LAND FOR THE SITING OF 40 NO. HOLIDAY CARAVAN PITCHES, FORMATION OF ACCESSES AND ASSOCIATED INFRASTRUCTURE WORKS: HUNTERS QUAY HOLIDAY VILLAGE, HUNTERS QUAY, DUNOON (REF: 18/02596/PP)

The Area Team Leader spoke to the terms of the report and advised of a late objection received from Bronwen Hosie who was reiterating her previous objection submitted in respect of this application. The proposed development of 40 new caravan stances will involve 'medium scale' tourist development within the Countryside Zone as identified within the Argyll and Bute Local Development Plan. As the proposal has attracted a substantial body of representations both for and against and give the material considerations associated with this application, it is recommended that a discretionary hearing be held prior to the determination of this application.

Decision

The Committee agreed to hold a discretionary pre-determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 9 May 2019, submitted)

5. THE SCOTTISH GOVERNMENT ON BEHALF OF LUC: SECTION 36 CONSULTATION FOR PROPOSED WIND FARM: AIRIGH WIND FARM, SOUTH WEST OF TARBERT (REF: 17/02484/S36)

The Committee agreed at their meeting on 17 April 2019 to continue consideration of this application in order to give Members time to seek advice on the terms of a competent Motion to justify not raising objections to this proposal.

The Senior Planning Officer advised the Committee of a late objection received from the South Knapdale Community Council asking Argyll and Bute Council to withhold their support and that the Energy Consents Unit does not grant consent to the Airigh Wind Farm project. She read out the reasons for the Community Council's objection to this proposal. She then read out a response to this from the developers which stated that the Developers did not feel the representation was reflective of the consultation effort which went into the proposed development. The Developers did not feel the representation was reflective of the views of the wider community,

In conclusion, having considered the additional consultation response received from South Knapdale Community Council, it is considered that their objection adds weight to Officers' recommendation that the Council object to this proposal and consequently there is no change to the recommendation to object to this proposal.

Motion

To agree to object to this proposal for the reasons detailed in the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Alastair Redman

Amendment

To agree not to object to this proposal for the following reasons:-

1. Landscape impact is minimised given that the site sits lower in the landscape due to the surrounding topography and as such it does not have a significant impact on the Upper Forest Moor Mosaic and the Rocky Mosaic character types.
2. The location of the proposed wind farm is distant from visual receptors and as such the impact is minimised by this separation and as such it does not have a significant adverse visual impact on the appreciation of South Knapdale.
3. The distance from existing wind farms is substantial which minimises the cumulative impact that can be perceived. Given that the proposed wind farm will sit in a bowl it will not extend the cumulative visual impact from Kintyre into Knapdale.
4. Given the compact footprint of the proposed development site, the variable height of the turbines nevertheless creates a homogeneous grouping which can be assimilated into the landscape having regard to the proposed layout of the turbines, it is considered that this clearly lessens the visual impact and does not give a jumbled appearance. As such, it is also considered that this is therefore fully acceptable in landscape terms, particularly from the viewpoint at Gigha North End which is approximately 14 km away.

Given those views, the PPSLC agrees to raise no objection on the basis of being consistent with the specified policies and guidance in the Local Development Plan.

Moved by Councillor George Freeman, seconded by Councillor Lorna Douglas.

The Motion was carried by 8 votes to 4 and the Committee resolved accordingly.

Decision

The Committee agreed to object to this proposal for the following reasons:

1. Significant Adverse Effects on the appreciation of South Knapdale Area of Panoramic Quality (APQ).

Argyll and Bute Council will resist any development in, or affecting, Areas of Panoramic Quality where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance. Argyll and Bute Council will also resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The proposed wind farm would be located within the Knapdale Area of Panoramic Quality (APQ). There is no detailed assessment of the special qualities of the APQ in the Environmental Statement. The Environmental Statement presumes that the APQ is '*designated for its outwards looking views*'. Despite the applicant's rebuttal stressing the strategic nature of the Argyll and Bute Landscape Wind Energy Capacity Study, their landscape consultants appear to rely on the information provided in this study rather than providing a detailed assessment of the special qualities of the APQ. This is contrary to the guidance on local landscape designations set out in Scottish Planning Policy and the Guidelines for Landscape and Visual Impact Assessment, third edition. There is no citation for this designated landscape although its key qualities are likely to comprise:

- Fragmented rocky coasts and a varied seascape which includes the narrow confined West Loch Tarbert as well as the more open sea basin bounded by Knapdale, Gigha, Islay and Jura
- The diversity of landscapes including knolly coastal fringes richly patterned with woodland, pockets of farmland, wetland and largely traditional buildings and backed by undulating forested slopes and open well-defined hills. The landscape has a secluded timeless quality, accessed only by a single-track road and sparsely settled, contributing to the specialness of this APQ.
- Dramatic views west from the APQ over the sea focussing on Jura and Islay but also views to the APQ particularly from the south where the intricate coastal fringes, forested middle ground and open high hills, including the shapely Meall Reamhar, are seen scenically juxtaposed with West Loch Tarbert and the sea.
- The wider setting this scenic landscape provides to the Knapdale National Scenic Area (NSA)

The proposal would be visible from west Kintyre, the northern part of Gigha (additional Viewpoint 15) and (extensively) offshore. Views from these areas tend to focus on the arresting profile of Jura but south Knapdale forms part of an extensive scenic panorama of little developed coast, settled fringes, forested and open uplands. It is considered that the proposal would be likely to incur significant adverse impacts on the appreciation of the Area of Panoramic Quality in views from parts of North West Kintyre, from West Loch Tarbert and other offshore areas (principally from the Islay ferry but also from recreational sailing craft).

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is considered that the proposal will have significant adverse impacts on the Knapdale Area of Panoramic Quality

contrary to the provisions of SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll and Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance (August 2017); and Argyll and Bute Landscape Wind Energy Capacity Study, SNH and Argyll and Bute Council (2017).

2. Significant Adverse Strategic Cumulative Landscape Impact

The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The Srondoire and Allt Dearg wind farms are located within the *Knapdale Upland Forest Moor Mosaic* LCT. While these developments are prominent in views from the north and east in the Lochgilphead/Loch Fyne area, they are barely visible from the south-west. The proposal would introduce wind turbines into a scenic landscape (Knapdale) where there are currently no wind farms unlike the Kintyre peninsula which is also seen in the view.

The south Knapdale area between the high ridge of Stob Odhar to Meall Reamhar and West Loch Tarbert and west to the Kilberry area (and abutting the NSA) has a distinctive and scenic character which is unaffected by large scale development. While the richly scenic diverse coastal fringe of South Knapdale would not be dominated by this proposal (due to distance and partial/intermittent screening), the sense of this area being undeveloped and remote (principally appreciated in views across West Loch Tarbert, the NW Kintyre coast and the sea) would be significantly diminished. The expansive and highly scenic panorama of the south/west Knapdale area and the islands of Islay/Jura contrast with the nearby Kintyre peninsula where wind farm development is a key characteristic. While wind farms could potentially be accommodated in this part of Knapdale without widespread significant landscape and visual impacts arising (due to the sparse settlement and less complex landform and vegetation cover of hill slopes) it is also important to keep the most scenic parts of Argyll and Bute free from development given the extent of wind farm development accommodated elsewhere. The scenic quality of the area is recognised by the APQ designation.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is considered that the proposal would have a significant adverse strategic landscape impact contrary to the provisions of SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll and Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance (August 2017); and Argyll and Bute Landscape Wind Energy Capacity Study, SNH and Argyll and Bute Council (2017).

3. Layout

Argyll and Bute Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative. Argyll and Bute Council will resist development with poor quality or inappropriate layouts.

It is considered that the layout of turbines at variable levels leads to an unsatisfactory ‘jumbled’ appearance evident in views from the south-west. In particular, from Viewpoint 15: Gigha North End, the layout of the wind farm is unsatisfactory with turbines appearing muddled, which contributes to an adverse impact despite the viewpoint lying some 14km away.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is considered that the layout of the turbines is unacceptable contrary to the provisions of SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 – Supporting

the Sustainable Growth of Renewables and LDP 9 – Development Setting, Layout and Design of the Argyll and Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance (August 2017); and Argyll and Bute Landscape Wind Energy Capacity Study, SNH and Argyll and Bute Council (2017).

(Reference: Supplementary report number 2 dated 4 April 2019 and supplementary report number 3 dated 20 May 2019, submitted)

6. CREAG DHUBH RENEWABLES LLP: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED WIND FARM AND ASSOCIATED INFRASTRUCTURE, WITH OVERALL GENERATING CAPACITY EXCEEDING 20MW: UPPER SUCCOTH, STRACHUR, PA27 8DW (REF: 19/00599/PAN)

The Senior Planning Office spoke to the terms of the report. A Proposal of Application Notice (PAN) seeks to notify the Planning Authority of a prospective major planning application to construct a wind farm and associated infrastructure, with an overall generating capacity exceeding 20 MW. The site is located over 1km to the northeast of the village of Strachur. The wind farm would be located on the slopes of Creag Dhubh, 484m AOD at its summit, and partially below Creag an t-Suidheachain, in an area of commercial forestry and open moorland. The report summaries the policy considerations against which any future planning applications will be considered, as well as potential material considerations and key issues based upon the information received to date. It is recommended that Members consider the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN in order to allow these matters to be considered by the applicants in finalising any future planning application submission.

Decision

The Committee agreed that the following issues should be taken into consideration by the Applicant in finalising any future planning application submission:

- a) Repairs and improvements to the Roads infrastructure.
- b) Cumulative Impact.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 1 May 2019, submitted)

7. MINISTRY OF DEFENCE: PROPOSAL OF APPLICATION NOTICE FOR MULTI STOREY CAR PARK: LAND WEST OF THE GUARD BUILDING, H M NAVAL BASE CLYDE, FASLANE (REF: 19/00707/PAN)

The Senior Planning Officer spoke to the terms of the report. A Proposal of Application Notice (PAN) seeks to notify the Planning Authority of a proposed permanent multi-storey car park comprising ground level plus four and a half parking decks which will provide 680 standard parking spaces. The proposed development will aim to assist in alleviating the increase in car parking required to support the delivery of the Clyde Infrastructure Programme at HMNB Clyde. The proposed site is located within the existing HMNB Clyde complex at Faslane and will, if

constructed, be set within an industrial scale complex where large scale buildings are already in existence. The proposed development site is within a designated Strategic Business Location in the adopted Local Development Plan 2015. The report summaries the policy considerations against which any future planning applications will be considered, as well as potential material considerations and key issues based upon the information received to date. It is recommended that Members consider the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN in order to allow these matters to be considered by the applicants in finalising any future planning application submission.

Decision

The Committee agreed that the following issues should be taken into consideration by the Applicant in finalising any future planning application submission:

- a) The installation of Electrical Charging Points.
- b) The inclusion of an Active Travel/Green Travel Plan.
- c) Traffic Management going into and out of the base.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 3 May 2019, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following 4 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

8. ADVERTISEMENT & SIGNAGE POLICY TECHNICAL WORKING NOTE - UPDATE

Consideration was given to a report proposing proactive enforcement measures to be taken in respect of unauthorised A Board signage identified by Officers following surveys undertaken of Argyll and Bute town centres.

Decision

The Committee agreed the recommendations detailed in the report.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 9 May 2019, submitted)

* **9. ENFORCEMENT REPORT - REFERENCE 16/00076/ENAMEN**

Consideration was given to Enforcement Case reference 16/00076/ENAMEN.

Decision

The Committee unanimously agreed that action be taken by Officers as determined by the Committee and to recommend to the Council that a supplementary estimate as required be made available to support any action to be taken.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 2 May 2019, submitted)

10. ENFORCEMENT REPORT - REFERENCE 18/00016/ENFMON

Consideration was given to Enforcement Case reference 18/00016/ENFMON.

Decision

The Committee agreed to the recommendation in the report.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 7 May 2019, submitted)

11. ENFORCEMENT REPORT - REFERENCE 11/00292/ENOTH2

Consideration was given to Enforcement Case reference 11/00292/ENOTH2.

Decision

The Committee agreed to the recommendation in the report.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 7 May 2019, submitted)