

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE held in the GLENDARUEL VILLAGE HALL, GLENDARUEL, ARGYLL on WEDNESDAY, 15 JUNE 2016

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Robert G MacIntyre	Councillor Sandy Taylor
Councillor Donald MacMillan	Councillor Richard Trail
Councillor Roderick McCuish	

Also Present: Councillor Bruce Marshall

Attending: Iain Jackson, Governance and Risk Manager
Steven Gove, Planning Officer
David Love, Area Team Leader, Planning and Regulatory Services
Paul Farrell, Roads Technical Officer
Charles Dixon Spain, Chair of Colintrave and Glendaruel Community Trust
Ian MacLean, Locogen
Joanna Plant, Locogen
Andrew Campbell, SNH
Catherine Grant, Supporter
James McLuckie, Supporter
John McNaughton, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rory Colville, Robin Currie and Neil MacIntyre.

2. DECLARATIONS OF INTEREST

Councillor Alex McNaughton declared a non-financial interest in item 3 of the agenda as he is a Member of Colintrave and Glendaruel Development Trust.

3. COLINTRAVE AND GLENDARUEL DEVELOPMENT TRUST: ERECTION OF TWO WIND TURBINES (MEASURING UP TO 60 METRES TO HUB AND UP TO 86.5 METRES TO BLADE TIP), WITH ANCILLARY ELECTRICAL BUILDINGS, AREAS OF HARDSTANDING AND FORMATION OF VEHICULAR ACCESS: LAND AT CRUACH NAM MULT, STRONAFIAN FOREST, GLENDARUEL (REF: 15/02060/PP)

The Chair welcomed everyone to the meeting advising that the Committee were there to consider a planning application from Colintrave and Glendaruel Development Trust for the erection of two wind turbines. The Chair outlined the procedure to be followed and invited the Governance and Risk Manager to assist in identifying those present who wished to speak.

PLANNING

Steven Gove, Planning Officer presented the planning application on behalf of the Head of Planning and Regulatory Services advising that the application by Colintraive and Glendaruel Development Trust for the erection of two 86.5 metre high wind turbines on land east of Glendaruel within the Stronafian Forest. Mr Gove advised that the site lay within the very sensitive countryside zone established by the Local Development Plan with the access point out with the application site within a rural opportunity area. He added that the site lay within an Area of Panoramic Quality which surrounded the Kyles of Bute National Scenic Area. Mr Gove explained that the development plan context for renewable energy applications was established by Policy LDP6 which largely restates the Government stance as set out in Scottish Planning Policy. This was supplemented by Renewables Supplementary Guidance which had been approved by the Council, amended after public consultation and forwarded to Scottish Government for approval. He advised that although this could not be afforded the same weight as adopted Local Development Plan Policy it was still important to consider. He added that the Council had adopted guidance (LWECS 20212) which identified areas unsuitable to particular sizes of wind turbine. Members were then shown a series of slides showing the location of the site relative to its surroundings, representation of the two turbines on the site as two black dots showing the access track linking the site back to the existing forestry road and the extent of the turbine bases and crane hardstandings along with the location of the control building and equipment kiosks. Mr Gove advised that the turbines were conventional horizontal axis 3 bladed machines, 60m to hub height, with a 26.5m rotor radius which produced an overall vertical blade tip height of 86.5m which therefore constituted a large scale turbine in terms of the Council's LWECS. Members were then shown the design of the control building and equipment kiosks.

Members were advised that the primary issue with the application was the relationship between the proposal and the Kyles of Bute National Scenic Area which had prompted a formal objection from Scottish Natural Heritage (SNH) on landscape and visual grounds. The Committee was advised that if they were minded to approve the application in the face of this objection then the application would be required to be notified to Scottish Ministers for consideration on whether the application should be called in for determination by them following a local inquiry. Members were then shown a series of slides illustrating the zone of theoretical visibility from different angles which illustrated visibility in relation to the Kyles of Bute National Scenic Area and also the intrusion into the undeveloped skylines of the National Scenic Area. Mr Gove advised that in terms of the Council's LWECS the site lay within the Steep Ridgeland and Mountains LCT and had been defined as an area of high sensitivity to both medium and large scale turbines. In terms of this, the proposal would introduce a conspicuous large scale focus on the horizon to the north, intrude upon access routes and key viewpoints and detract from the natural setting of the Kyles. Members were then shown a series of slides and photomontages illustrating the visibility of the turbines from various viewpoints. Mr Gove explained that having regard to the context provided by the LWECS, the consultation advice provided by SNH, the graphics provided to demonstrate the likely impacts on valued locations and the extent of opposition expressed by the public the application had been recommended for refusal due to unacceptable consequences for both landscape and visual interests.

Members were advised that in addition to the recommended landscape and visual reasons for refusal, the lack of a transport management plan providing sufficient

reassurance that there were no physical or land ownership issues in respect of turbine delivery to the site was an additional reason for refusal. Members were reminded that due to past experience it was normal practice to request a traffic management plan up front and as the traffic management plan had not been provided in respect of the application, there was some doubt as to the extent of any works required and the ability of the applicant to carry out works on third party land. Mr Gove referred Members to Supplementary Report 4, issued the previous day, which contained a revised third reason for refusal. The report contained further information from the applicant in respect of works to extend the surfacing of the bellmouth of the access to minimise debris being carried onto the main carriageway. After examination by Legal Services, who advised that this would be necessary in terms of road safety, the Committee were advised that it would be competent to achieve the necessary improvement works by the imposition of a negative suspension condition should Members be minded to approve the application.

Mr Gove concluded his presentation by showing Members views of the access road leading to the site, a view of the clearing in the forestry where the turbines would be located and a view of the met mast erected on the site, the height of which represented the hub height of the proposed turbines.

APPLICANT

Charles Dixon Spain

Charles Dixon Spain, Chair of Colintrave and Glendaruel Development Trust introduced himself and advised the Committee that he would be explaining the objectives of the trust, how the wind energy project had developed over time and the social and economic benefits of the project to the community of Colintrave and Glendaruel. He then added that he would then hand over to Iain MacLean of Locogen to address the planning considerations of the site.

Mr Dixon Spain advised that the trust had been established in 2008 with an aim to revitalise the community to ensure its long term economic, cultural, social and environmental sustainability. The trust currently had a membership of over 170 people from the Colintrave and Glendaruel area. He read out the Trust's mission statement.

Mr Dixon Spain told the Committee that the community had struggled over the past decade with the loss of the hotel, declining school role and lack of employment and housing to attract new families. He advised that the Trust was working to reverse this by bringing forward a variety of projects and listed a number of them. He outlined the projects that had already been completed by the Trust.

The Committee were advised that the Trust had acquired Stronafian Forest in 2013, the terms of the lease were outlined and the objectives in mind listed which included the development of a community owned wind energy scheme to provide regular income to support other projects in the local area. Mr Dixon Spain advised that the creation of a wind energy project in the forest had been a consideration of the Trust since July 2010 when a feasibility approach to the purchase of the forest was produced by forestry consultant Gordon Gray Stephens and when Business Consultant Munro Gauld had concluded the wind turbines would be necessary. He highlighted that since then there had been regular updates given at community council meetings and that there had been a lot of interaction between the

community, outside agencies and other stakeholders over the project. He advised that the project would deliver an estimated £2M to the community over the 20 year lifetime expectancy of the turbines and explained the two forms of income which it was expected would accrue. He also outlined the other local benefits from the project and advised that the various income streams would be subject to a multiplier effect to the extent that they would be circulated through the local economy. In terms of funding the Committee were advised that the Trust had currently secured over £2.5M to fund various initiatives from an initial investment of £50K from the Cruach Mhor Windfarm Trust. He highlighted that there was potential for the community to draw down more funding from the regular income the turbines would provide.

Mr Dixon Spain advised that they were aware that there were objections from the community to the appearance of the turbine and argued that the resulting social and economic benefits far outweighed these concerns given that the turbines would be removed and the site fully reinstated at the end of their operational life. He advised that the Government's continued support for community owned renewable projects and the success of projects such as those on the islands of Tiree and Gigha evidenced that wind turbines could provide an invaluable boost to a community and provide a basis for lasting change.

The Committee were told that over the past 6 years the Trust had been approached by 6 different developers wanting to develop much larger wind farms on the hills to the east and west of Glendaruel and were advised that the belief of the Trust was that if the community project was to be consented that this would have a chilling effect on larger developers' enthusiasm for wind farms in south west Cowal. He advised that they were aware of a much larger project due to come before the Council shortly which would have a more significant visual impact on the community and on the Kyles of Bute and which would pay over £100k in community benefit. He added that given the attitude of the Scottish Government to renewable it seemed likely that if the project didn't gain consent then another would, and this seemed like the only opportunity for the Trust to ensure that wind development was proportionate to the community.

Mr Dixon Spain concluded by saying that the application was part of a positive vision for Colintrave and Glendaruel, supporting Economic growth in sustainable ways. He added that the wealth generated through renewable energy would play an important role in supporting job creation by social enterprises and enable local organisations to continue to deliver much needed services valued by the Community.

Ian MacLean

Mr Ian Maclean of Locogen introduced himself advising that he and his team had been providing planning and technical support to the Trust since March 2014 on the Project. He added that they had assessed the land at Cruan nam Mult for wind energy development which included the completion of planning, environmental, technical and financial feasibility to assess site suitability and optimal development scale. It was then determined that two wind turbines, up to 86.5m in height were most suitable.

Mr MacLean outlined the three reasons for refusal as set out in the planner's report and advised that before responding to these he would outline the wider context and he did by advising that the Scottish Government supported community owned

renewable energy projects and wished to see at least 500MW of projects delivered by 2020. He added that National Planning Policy Framework for Scotland reiterated this target by adding that *“local community ownership and small scale generation can have a lasting impact on rural Scotland, building Business and community resilience and providing alternative sources of income”*. He said that contrary to the planner’s report the framework says that *“collectively the potential benefits of community energy projects are nationally significant”* and that Scottish Planning Policy stated that in rural areas the planning system should *“support and sustain fragile and dispersed communities through provision for appropriate development, especially community owned energy”*. He advised that the Council also had a policy of promoting community ownership of renewables and recognises the enhanced benefits such ownership can provide quoting *“ ... at the end of 2013, approximately 2.3MW of operational community-owned renewable energy within Argyll and Bute provided more profit per annum to their respective communities than the total community benefit payments from all commercial scale wind farms throughout Argyll and Bute”* from the Council’s Community Renewables Opportunities Portal. Mr MacLean advised that the planning report downplayed the positive contribution the project would make towards climate change adding that the turbines would be capable of meeting the energy needs of 965 average sized homes and over their lifetime would be expected offset the emission of 36,000 tonnes of carbon dioxide and therefore the long term economic benefit to Colintrave and Glendaruel was significant. He added that when determining the application it would be relevant to note that Planning Policy requires appropriate weight to be given on the net economic benefit of a proposal. Mr MacLean argued that although it was acknowledged that the site lay within an area of Panoramic Quality, the Development Plan did not preclude renewable energy development within such designation and that even if the proposed turbines would be considered to have a significant adverse impact on the character of the landscape, planning consent could still be granted where there were clear social, economic or environmental benefits. He added that the Development Plan also specifically encouraged renewable energy development within the Very Sensitive Countryside provided it is appropriately sited. Mr Maclean then advised that he acknowledged that the Wind Energy Capacity Study had concluded that there was no scope to accommodate larger turbines on the site which falls within the Steep Ridgeland and Mountains LCT, it acknowledged that it was a strategic level study and that two operational windfarms were already located within the LCT.

Mr MacLean moved on to address the issue of Landscape and Visual Impact advising that a Landscape and Visual Impact Assessment had been undertaken by an experienced landscape architect. He outlined the finding of the assessment which were contrary to the views of the Council and of SNH.

In respect of access he noted that the planners report issued in May raised new issues in relation to the suitability of the B road to accommodate abnormal loads. He noted that the roads officer had not questioned the suitability of the road and that they had never been requested to provide a traffic management plan adding that the Trust had been unaware that the planning officer had any concerns until the report was published in May. Mr MacLean advised that the proposed route would use the A886 road before turning onto the B836 towards the site and added that there was a distance of around 700m between the junction from the A road and the site entrance. He highlighted that the road surface was generally in good condition with no sharp bends or inclines that could cause difficulty for delivery vehicles. He added that the route was already used extensively by forestry vehicles with a typical axle load limit

of 10.5 tonnes and noted that the turbine components would be delivered on vehicles with a maximum axle load of 10 tonnes. Mr MacLean advised that the B road had been reviewed by a consultant who was content that the route was suitable which would be confirmed by a dry run undertaken by the timber haulage company. Finally he advised that the Council could seek compensation from the developer to repair any damage to the public road under the Roads Act 1974.

Mr MacLean summarised by saying that they remained of the opinion that the development was acceptable in planning and environmental terms and that the significant economic and social benefits to the local community firmly outweighed the temporary and impacts of the scheme. He finished by saying that he hoped the Committee would consider the application favourably. He thanked the Committee for their time.

CONSULTEES

Andrew Campbell, SNH

Mr Campbell begun his presentation by saying that he felt rather uncomfortable attending the hearing as SNH make few objections. He advised that SNH only make an objection when they feel there is a national interest. He advised that there were 40 National Scenic Areas in Scotland, 6 of which in Argyll and Bute with the Kyles of Bute being one of those 6; adding that it was a gem of a site. Mr Campbell advised that he had hoped that by producing the landscape capacity study that it would work against the proposal. He advised that he did not think that the proposal was a good fit and that the planners had given a good outline as to why this was the case. He added that the case had been well presented and that he did not know what else could be done to come up with a scheme which didn't have the same impact. He advised that he knew that a lot of work had gone into the proposal but that it was not in the right place. He concluded by saying that the Cowals of Bute were valued for their landscape and that he did not think that the development was a good fit.

Paul Farrell, Roads

Mr Farrell advised that he had no further comment to make.

SUPPORTERS

Councillor Alex McNaughton

Councillor McNaughton advised that he was very fond of the community and had stayed there all his life. He had been a member of the Trust since it had started 8 years previously. He advised that due to the problems Cowal and Glendaruel were currently facing due to cut backs there was more need for communities to take responsibility for their own area and that it was becoming more and more difficult for the Trust to seek funding as grant funding had been cut. Councillor McNaughton advised that it was becoming more and more difficult to run the Trust and that there was a need to raise funds to be able to improve the community of Colintrave and Glendaruel. He said that he was not trying to shoe horn in a bad development but was looking for way to bring money into the area as there was a problem with declining population. Councillor McNaughton asked the Committee to consider granting the application as it ticked all the boxes with Planning Policy and would address the problems with population and of development within the area. He

highlighted how the declining school role demonstrated the declining younger demograph in the area and added that the application would help to address this. He advised that income was vital for the Trust to be able to develop the area. He agreed that the National Scenic Area was one of the best views in Scotland but added that people do not tend to look up the glen towards the development site, rather down towards the Kyles of Bute. Councillor McNaughton advised that the turbines would be situated out with the boundary of the National Scenic Area and that development was allowed in this area. He asked the Committee to seriously consider granting the application as it was a good boost to the community. He thanked the Committee.

Councillor Bruce Marshall

Councillor Marshall began by saying that Councillor McNaughton had already covered a lot of what he wanted to say. He advised that West Cowal was one of the most deprived areas in Argyll and Bute. Councillor Marshall advised that the Trust had invested £120k in the project which they wouldn't have been given if it was thought that the proposal was a bad idea. He advised that the community were well aware that this had been the aspiration of the Trust for the past 6 years and that building the turbines would generate a crucial £110k a year capital to invest in the community with £2M income over 5 years. He highlighted that the original idea had come from Lord Gray Stephens. Councillor Marshall told the Committee that the shell of the Glendaruel Hotel would be turned into something useful as a result of the Trust rather than lying empty. The money generated from the turbine scheme could also help to address problems with the school role. Councillor Marshall made reference to the Turbines near Ardrishaig which had been very strongly opposed by planners, supported by Councillors and which had eventually been approved. He then made reference to the Strondoyle wind farm from which all communities within visual range were benefitting from financially. Councillor Marshall recognised the benefit to the islands of Tiree and Coll from turbines, which had kept the communities together. Councillor Marshall advised that the Cruach Mhor wind farm which had been approved by the Bute and Cowal Area Committee in 2003 had generated £330k in community benefit since it was approved. Councillor Marshall moved on to list the organisations that had benefitted from the work of the Trust. In conclusion he advised that the access issue had now been addressed satisfactorily, that the visual impact of two turbines at the back, in the hills, 1.5km out with the National Scenic Area did not set challenge to it. He asked the Committee to consider it and thanked them very much for listening.

Catherine Grant

Ms Grant told the Committee that the area was in need of investment and the only way to do this was to generate their own money. She highlighted that grant money was now very hard to come by and reiterated that the only way to make improvements was for the community to generate their own money. She concluded by saying that she was not a lover of turbines but noted that 2 of them, up in the hills, out with the scenic area should be given consideration due to the amount of money they could generate for the community.

James McLuckie

Mr McLuckie opened his presentation by advising that the planning officers decision to recommend refusal was wrong advising that the planning system operates to

protect interest and merits of support to an application should be weighed against the bigger picture. He advised that the main two issues in respect of the application were community benefit versus visual impact. He added that the planners had assessed the application on visual impact only. He highlighted that throughout the planners report phrases like “not significant”, “no significant effect”, “not likely to have an effect” appeared under many different headings and that this was very relevant to consideration of the application. He reiterated that the planning officers had reached the wrong decision and that the application should be approved.

OBJECTORS

John McNaughton

Mr McNaughton thanked the Committee for their attendance and advised that he was attending to represent the views of the 130 people who had signed the petition in objection to the proposal. He advised that those who supported the proposal were members of the Trust or those who had previously been members of the Trust. He advised that people were concerned about the potential of the proposal to desecrate the National Scenic Area and beauty spot and businesses were concerned about the financial impact on their livelihoods. He referred to the reputation of the Committee for protecting Argyll in terms of planning and urged the Committee to think about the promotion of Argyll and the promotion of the Kyles of Bute National Scenic Area; adding that the proposal could compromise the marketing of the area. He referred the Committee to the report by the Economic Forum and highlighted its commitment to advancing the area. He read a quote from the report adding that the recommendations of the report included focus on visitors and preferences of landscape for visitors. Mr McNaughton made reference to the purchase of the forest by the trust highlighting that it lay on the edge of the National Scenic Area and that the proposal would conflict with aspirations for that area. He referred to other proposals for wind farms close to the National Scenic Area which had been refused advising that there were more acceptable sites available. He referred to the Wind Capacity Study and its main findings. He then moved on to discuss the visual impact of the turbines describing their height and the sweep of the blades. He disputed the accuracy of the photomontages by the Applicant and advised that he had created his own set of photomontages which he showed the Committee in comparison to those of the applicant. He highlighted the cost of wind developments in terms of visual impact.

Mr McNaughton referred to the proposal being trumpeted as a great financial benefit to the community advising that no figures had been produced by the trust due to a confidentiality agreement which had been signed between the Trust and the developers. He advised that he believed that for a considered judgement to be made over community benefit that figures should have been made available for analysis. He advised that any financial gain for the community would be offset by the loss to businesses. He quoted from a policy brief from the London School of Economics in respect of onshore and offshore wind developments advising that analysis had not been done by the Trust on ancillary businesses and enjoyable pursuits prior to submission of the application. Mr McNaughton advised that the community was frustrated with the lack of data provided in respect of connection cost, project cost, logistics, income and what that would be spent on. He suggested that there would be plenty revenue opportunities for the community based on its natural resources and projects like the Cowal Way. He gave some examples of recent events and how social media had assisted in attracting folk to the area.

Mr McNaughton told the Committee of how this had been the first chance they had been given to speak as no proper consultation had taken place before the application had been lodged and how a public vote should have been taken to allow for it to be classed as a “local” application. He advised that they had tried many times to get the Trust to acknowledge the views and concerns of objectors and had failed.

Mr McNaughton summarised by saying that there was too much ambiguity over the application in terms of figures, cost, income, ornithology, community consultation and access to the site. He added that there was uncertainty over grid connection and capacity and also the surge problem that existed. He concluded by saying that the application did not recognise the traditional values and preservation of the area and that it wasn't a community project if the community did not want it. He urged the Committee to reject the application.

The Committee adjourned for lunch at 1.10pm and reconvened at 1.45pm.

QUESTIONS

Councillor McCuish asked the Planning Officer if the reason for refusal in terms of the traffic management plan could be mitigated if a traffic management plan was to be submitted by the request of a planning condition. Mr Gove confirmed that it would be acceptable if Members were so minded.

Councillor Taylor asked the applicant for their view on the comments made by Mr McNaughton regarding the height of the turbines on the visualisations. Mr MacLean confirmed that the visualisations had been produced using SNH guidelines and although the set up of the landscape was now different they were still relevant. Mr MacLean showed Members his understanding on the heights of the turbines as opposed to those produced by Mr McNaughton on his visualisations.

Councillor Taylor noted that whilst on the site visit that morning there was still a great deal of forestry surrounding the site that would screen it. He asked the applicant to what extent the surrounding forestry would require to be felled to allow for the development of the turbines. Mr MacLean replied that the rest of the forest was commercial forest and he was unaware of any plans to fell the rest of the forest and confirmed that there were no plans by the Trust to interfere with the forest management plan to allow development of the site.

Councillor Trail asked Mr Campbell of SNH to comment some more on the visual impact of the site as Members had found whilst out on site that a few of the locations had required them to go off the main road to view the site. He asked Mr Campbell to confirm what he thought would have a bad impact. Mr Campbell referred Members to his letter dated 3 December and quoted paragraph 1.5 on visual effects. He confirmed that the main issue was that the site was on the edge of a National Scenic Area and that the turbines would be more of a navigation aid than something sitting on the horizon.

Councillor McCuish asked Mr Campbell to scale the development on a scale of 1 to 5 with 5 being the worst. Mr Campbell advised that this was not something he was able to do.

Councillor R G MacIntyre referred to the viewpoint from the Kyles of Bute and asked the Planning Officer if the trees to the left of the viewpoint would screen the development and if the focus on visitors would be down the Kyles of Bute or behind into the trees. Mr Gove confirmed that he could understand where Councillor MacIntyre was coming from but the viewpoint was a panoramic viewpoint and visitors could get a view from any direction including that of the site.

Councillor Freeman asked the Planning Officer if the photomontages on the board, produced by Mr McNaughton, met the current guidelines for photomontages. Mr Gove advised that he was unable to comment as he was not aware who had produced the photomontages or what their background was.

Councillor Freeman referred to the concern expressed regarding the distance of the turbines from the boundary of the National Scenic Area as outlined on Page 14 of the report. He asked if that was the point they had visited that morning. Mr Gove confirmed that the distance between the Northern Boundary of the National Scenic Area and the site was 1.4km and they had not been at this point during the site visit.

Councillor Freeman noted that some felling of trees had been undertaken on the hills and asked Mr Gove if he would expect this felling to continue resulting in the turbines becoming more visible. Mr Gove confirmed that the felling of trees could be a possibility and presumably the turbines would become more visible should this happen.

Councillor Kinniburgh referred to the comment made by Councillor McNaughton that the proposal ticked all the boxes as far as Planning Policy was concerned and asked Councillor McNaughton to clarify how he viewed that the proposal fitted in with Planning Policy. Councillor McNaughton confirmed that he should have said that the proposal ticked some of the boxes in relation to Planning Policy, not all the boxes.

SUM UP

Planning

Mr Gove summed up by saying that the principal reasons for refusal were the adverse landscape and visual impact of the proposal. He referred to the point made by Mr Campbell that he does not normally turn up at a planning hearing and the fact that he was in attendance and had formally objected was a point that should be considered. In respect of the presentation made by the applicants Mr Gove commented that at screening stage SNH had stated that there were significant challenges to the proposal and that they might object. He referred to the comments made on the National Planning Policy Framework, Scottish Planning Policy and the Council's own Policy and advised that there were significant caveats attached to those policies regarding landscape and visual impact and that there was no Carte Blanche for renewable energy. Mr Gove advised that although he recognised the added value of the community schemes on Tiree and Gigha, these had been balanced by Local Development Plan Policy and material considerations. Mr Gove made reference to the ambiguity over financial community benefit and carbon benefits advising that they have limited materiality in the planning process. In respect of the traffic management plan, he reiterated that the planning authority has determined that these were necessary pre-decision but advised that if Members were minded to approve the application this could be mitigated by a condition

attached to a consent. He concluded by advising that the wire frames presented with the photomontages show what the likely view would be without tree cover.

Applicant

Mr James McLuckie advised that Mr Dixon Spain had been called away and that he would be summing up on his behalf. He began by making reference to the point made that there were no facts or figures available in terms of projection of income advising that any commercial company working with them would insist on confidentiality in terms of figures. In respect of community consultation, he advised that the project had been on the cards and had been in the Trusts Development Plan since 2011 which had been through the yearly AGM; he added that the Plan was available for any member of the Trust to look at, at any time. He advised that it was only since the planning application had gone in that they had received any objection to the project even though it had been discussed at Community Council meetings for the past five years. He advised that there were no objections made to the Met mast 2 years previously. He advised that the petition had only been produced in the past three months and that it had been done with no consultation but by people knocking on doors and stopping people on the street, with no balanced argument over what the petition was about. He added that he had been approached by people who now wished that they had not signed the petition. Mr McLuckie made reference to forestry plantation, which was also a 20 year project, advising that they were surrounded in hills that can be devastated within one year and left years before replanting adding that people were happy to accept this. He advised that when Mr MacLean had responded to Members questions regarding the felling of trees, he was advising that the Trust had no plans to fell trees as part of the development and added that the Trust had no control over the felling of trees by the Forestry Commission on the rest of the hill. He referred to the point made by Mr McNaughton on the impact on tourism reiterating that the opposite had been found on Tiree and Gigha, with people coming to visit the turbines. He advised that he appreciated the comments made by SNH as they have a remit to protect the landscapes of Scotland. He concluded by making reference to the reason for refusal regarding the roads advising that they were happy to produce a traffic management plan as part of a condition and that issues with the rights of the Trust to improve the small section of road had been updated by the updated information passed to the planning department the previous day.

Andrew Campbell, SNH

Mr Campbell referred the Committee to paragraph 1 of his letter dated 3 December and quoted this paragraph which highlighted the significant adverse effect on the National Scenic Area.

Mr Farrell, Roads

Mr Farrell confirmed he had nothing further to add.

Councillor Alex McNaughton

Councillor McNaughton highlighted to the Committee that the Kyles of Bute National Scenic Area was called that because it looked down the Kyles of Bute and in the other direction from the development.

Councillor Bruce Marshall

Councillor Marshall referred to the site visit by Members to the Kyles of Bute viewpoint advising that he loved the view down the Kyles of Bute and the scenery in Cowal as much as the next person adding that he always stopped at the viewpoint to look down the Kyles and take photographs; never behind towards the development. Councillor Marshall concluded by advising that the proposal was supported by the Local MSP.

Catherine Grant

Ms Grant confirmed she had no further comment to make.

James McLuckie

Mr McLuckie made reference to the confidentiality which had to be maintained between the Trust and Developers in respect of revenue but highlighted that the figure of £50k per annum had been public for some time.

John McNaughton

Mr McNaughton referred to the photomontages created by applicant he advised that they had used the met mast for placement which was wrong. He advised that the height of the turbines would be 55m higher than the two surrounding hills and that was why the scale of the mast was used. In respect of consultation he advised that, as a member of the Trust, he had attended meetings and when he asked which meeting they would be able to object to the proposal they were told that it would be when the planning application came in. In respect of a community franchise he advised that he couldn't expect that many people would be willing to take on a franchise. In respect of the petition he advised that 4 out of the 8 Members of the Committee collected signatures and those that didn't want to sign had been respected. In respect of the ambiguity over potential tourism effects and the example made of Tiree tourism numbers rising, he reminded Members that RET had recently come in to play and had made the Island more accessible; adding that it was the hard work of the community that had brought the tourists in, and other factors, not just the turbines. He made reference to the point Councillor Marshall had made in his presentation in respect of the hotel right to buy advising that the right to buy had now fallen since the five years had passed; it was now the subject of a lottery bid and would not be funded by the turbines. In respect of the viewpoint he advised that there was a stone at the viewpoint guiding views in all directions, not just down the Kyles of Bute and that folk photographed the views to the North also. He added that the point made by Councillor MacIntyre regarding the trees screening the site, he reminded Members that there would be no leaves on the trees in winter. He highlighted that there had been no intimation about what jobs would be created. He concluded by saying that the vast majority of the Community were against this project.

The Chair asked all those present to confirm that they had received a fair hearing and all those present confirmed that they had received a fair hearing.

DEBATE

Councillor Alex McNaughton having previously declared an interest in this item of business left the meeting at this point and did not take part in the debate.

Councillor Bruce Marshall, although not a Member of the Committee, was asked to consider whether he should stay for the debate or leave the meeting. He confirmed that he would stay for the debate.

Councillor George Freeman advised that it was an important location and that the National Scenic Area could not be over stated; that it was an Area of Panoramic Quality and not just a view down the Kyles of Bute. He made reference to the plaque at the viewpoint which encouraged visitors to look in different directions. He advised that he could see no issue with the recommendation by Planning and was likely to support that recommendation.

Councillor Trail made reference to the fact that the application had divided the community and advised that it was difficult to make a decision as he would not be able to please everyone. He referred to the case made over the community benefit for a fragile community and the case made by SNH which was a material consideration. He advised that the visual impact on the landscape was one of subjective review. He advised that whilst looking at the photomontages produced by the Trust showing different views from different points, he had felt that the turbines were not out of scale within the landscape and he did not feel that it would have such an impact of the visual landscape. He advised that he was inclining towards supporting the proposal.

Councillor McCuish advised that splits within a community were always difficult. He made reference to the points made about the turbines on Tiree encouraging visitors advising that they also did not discourage visitors. He advised that RET had been introduced on the Tiree route in 2008. He advised that recently the reporter had upheld an appeal for 2 turbines on Bute stating that they did not deter visitors from the area. He advised that in his opinion the social and economic impact outweighed the visual impact. He advised that reason for refusal 3 in respect of roads issues could be tied up with a condition. He concluded by saying that it was important that communities take hold of their own sustainability and that it was disappointing when they split.

Councillor Taylor advised that he could relate to the fragile nature of the area and that it was a challenging decision balancing the economic impact with the visual impact. He added that the case by SNH for protection of a natural asset was very important to him; he had been impressed by Mr Campbell's presentation and the fact that he had attended the meeting which showed the importance of the landscape.

Councillor Blair referred to the split in the community. He advised that it was a strong community and everyone present was there for the benefit of the community. Councillor Blair referred to the attendance of SNH at the meeting advising that this showed the importance of that particular area of Argyll and Bute. He added that although it was only two turbines there was a need to protect the route and therefore he would be supporting the recommendation made by officers. Councillor Blair highlighted that he could fully appreciate the economic argument but that there would be other opportunities within the Trust to raise funds. He concluded by saying

that the fact SNH had turned up had rung alarm bells for him and that he supported the recommendation by Planning.

Councillor Kinniburgh advised that there had been a lot said that he agreed with and that it was difficult when coming into a split community. He advised that he appreciated the benefits the proposal would bring to the economy but the fact that SNH were in attendance had set alarm bells ringing and therefore he had real difficulty with supporting the proposal. He made reference to the Areas of Panoramic Quality that they had visited that morning advising that some would have been affected by the proposal and some wouldn't have been. He referred to the Kyles of Bute viewpoint and also to the fact that there were 40 National Scenic Areas in Scotland, 6 of which in Argyll and Bute and added that the Kyles of Bute must be one near the top of the list. He referred to the turbine site being 1.5km from the National Scenic Area advising that the National Scenic Area extended well beyond the view looking down the Kyles of Bute. In this respect he moved the officers recommendation for refusal as set out within Supplementary Report 4.

Motion

That the Committee agree the recommendation as set out within Supplementary Report 4 by the Head of Planning and Regulatory Services.

Moved Councillor Kinniburgh, seconded Councillor Taylor.

Amendment

That the matter be continued to a future meeting of the Planning, Protective Services and Licensing Committee to allow for Members to look at the possibility of a competent Motion to support approval of the application.

Moved Councillor Trail, seconded Councillor RG MacIntyre.

Decision

Following a show of hands vote the Amendment was carried by 5 votes to 4 and the Committee resolved accordingly.

(Reference: Report by Head of Planning and Regulatory Services dated 28 April 2016, submitted; Supplementary Report 1 by Head of Planning and Regulatory Services dated 17 May 2016, submitted; Supplementary Report 2 by Head of Planning and Regulatory Services dated 8 June 2016, submitted; Supplementary Report 3 by Head of Planning and Regulatory Services dated 13 June 2016, tabled; Supplementary Report 4 by Head of Planning and Regulatory Services dated 14 June 2016, tabled; and photomontages and visuals from Head of Planning and Regulatory Services, tabled)