

UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A) INTRODUCTION

This report summarises the outcome of a recent decision by the Scottish Ministers under Section 36 of the Electricity Act 1989 relative to the case set out below.

B) RECOMMENDATION

Members are asked to note the contents of the report.

C) DETAILS OF APPEAL DECISIONS

Planning Authority:	Argyll and Bute Council
Planning application ref:	15/03175/S36
Planning appeal ref:	WIN-130-2
Proposal:	Proposed 18 wind turbines (136.5 metres high to blade tip) including permanent meteorological masts, control building, sub-station, access track, upgrading of access from A819 and ancillary development.
Location:	Land At Upper Sonachan Forest, South East Of Portsonachan, Loch Awe
Date of decision:	24 th May 2019

The associated section 36 application was subject to an objection by the planning committee on 16th November 2016. The applicant subsequently submitted an appeal against this refusal and a Public Local Inquiry was held on 3 days between 14 and 16 November 2017 and Hearing sessions on 13, 14 and 17 November 2017.

As this was a Section 36 Appeal the Reporter made his recommendation to the Scottish Ministers on 28.9.18 and a decision refusing Section 36 consent was subsequently issued by the Scottish Ministers on 24.5.19.

The Reporter concluded that the proposed development would provide some substantial benefits in relation to meeting renewable energy targets; reducing greenhouse gases; and contributing to the economy through construction, operation, maintenance and, if secured, community ownership. The proposal would have acceptable impacts in relation to noise levels; economic impact; water supplies; residential amenity and human health; ornithology; ecology and habitat; wild land; the historic environment; civil and military aviation; telecommunications; access and traffic; hydrology, geology and hydrogeology; forestry and woodland; and grid connection and transmission reinforcements.

Members are requested to note that no objection was raised on any of these matters.

However, the Reporter was also of the opinion that the proposal would have significant landscape and visual impacts, including cumulative impacts, which would be unacceptable based on the distinct landscape features and scenic quality of the area in which the proposed turbines would be situated, viewed from and impact upon.

Members are requested to note that these concerns were the reason for raising objection to the proposals, and that the Reporter has supported these.

The Reporter further stated that:

This conclusion is supported by the fact that the proposal would have a significant impact on the North Argyll Area of Panoramic Quality. These conclusions have lead me to find that the proposal would gain no favour from Scottish Planning Policy as a development that contributes to sustainable development; that the proposal would not accord overall with the provisions of the development plan; and, in consideration of the National Planning Framework 3, that it would not overall promote Scotland as 'a natural resilient place' significantly affecting a landscape that contributes to Scotland's national identity.

Overall, the Reporter found find that in balancing the factors for and against the proposal the significant adverse effects on the natural beauty of the area outweigh the benefits envisaged. The Scottish Ministers have agreed with this recommendation, stating in their decision letter dated 24.5.19 that:

The Scottish Ministers agree that the proposed development would provide some substantial benefits in relation to meeting renewable energy targets; reducing greenhouse gases; and contributing to the economy through construction, operation maintenance and if secured, community ownership. However the Scottish Ministers consider that the proposal would have significant landscape and visual impacts, including cumulative impacts, which would be unacceptable based on the distinct landscape features and scenic quality of the area and, agree with the Reporter's findings, reasoning and conclusions and adopt them for the purposes of their own decision and find the disadvantages of the proposed development outweigh the benefits.

This decision endorses and supports the Planning Authorities grounds for objecting.

D) IMPLICATIONS

Policy: Content and findings to be considered in respect of drafting windfarm policies in the emerging LDP by policy officers.

Financial: None.

Personnel: None

Equal Opportunities: None

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