

UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A) INTRODUCTION

This report summarises the outcome of a recent appeal decision by the The Planning and Environmental Appeals Division (DPEA) 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:	18/01516/PP
Planning appeal ref:	PPA-130-2073
Proposal:	Construction, operation and decommissioning of a wind farm comprising seven wind turbines with a maximum height of 136.5 metres and associated infrastructure including substation plus control building and battery storage facility compound, site tracks, crane hardstandings, temporary construction compound and provision for
Location:	Ardtaraig Wind Farm, 3.1km east of Glendaruel and approximately 15km west of Dunoon, Loch Striven.
Date of decision:	7th November 2019

This application was refused by the Council on 26th March 2019 following a public Hearing. An appeal was subsequently submitted to the Department of Environmental and Planning Appeals (DPEA). The Reporter assessed the application in accordance with section 25 of the Town and Country Planning Act (as amended) which requires development to be in accordance with the Local Development Plan unless material considerations indicate otherwise.

Following consideration of all applicable Local Development Plan policies, the Reporter concluded that whilst the proposal accords with much of the development plan, the determining matter was the balance to be struck between the adverse landscape and visual amenity effects on the Kyles of Bute National Scenic Area and the important benefits of the proposed development that are strongly supported by national policy.

On reaching his decision on this issue, the Reporter noted policies within National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP). He also noted that in May 2019 the Climate Change Secretary had advised that “subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of SPP will include considerable focus on how the planning system can support our climate change goals.” From this the Reporter

concluded that planning policy is to be reviewed in the light of the climate emergency. However, until this policy has been reviewed, he considered that it was appropriate to act in accordance with existing policy. He therefore took the view that having given the fullest weight to the environmental benefits of the proposal, they do not overcome the harm that would be caused to the Kyles of Bute National Scenic Area. The proposal did not accord with the development plan and was therefore dismissed.

Full details of the appeal decision can be viewed on the DPEA website:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=120474>

D) IMPLICATIONS

Policy: None.

Financial: None.

Personnel: None

Equal Opportunities: None

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