

UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A) INTRODUCTION

This report summarises the outcome of a recent appeal decision by 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: 19/02544/PP

Planning appeal ref: PPA-130-2084 (Planning Permission Appeal)

Proposal: Construction of wind farm comprising of 9 wind turbines (maximum blade tip height 145M); formation of 5.6km of new access track; erection of substation building; welfare building; temporary construction compound and 2 borrow pits; with rated output up to 4MW, Giving total output of up to 36MW.

Location: Creag Dhubh wind farm, Creag Dubh North East of Strachur Village, Argyll & Bute, PA32 8YH

Date of decision: 07 Nov 2022 (Appeal Allowed)

This application was refused by the Council on 3rd March 2022. 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.

The Reporters Decision Notice concludes: *“I have given careful consideration to the environmental information submitted and have identified no additional significant effects. Accordingly, subject to mitigation controlled by means of the conditions attached to this notice, I find that there would be no unacceptable residual impacts in relation to those matters. Therefore, I am satisfied that my reasoned conclusions on the significant effects of the proposed development are up to date....I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission”.*

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

[Scottish Government - DPEA - Case Details \(scotland.gov.uk\)](https://www.scotland.gov.uk/Topics/Planning/Environmental%20Appeals/Case%20Details)

A copy of the Decision Notice is attached at Appendix A.

D) IMPLICATIONS

Policy: None.

Financial: None. Personnel: None

Equal Opportunities: None

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APPENDIX A: DPEA DECISION NOTICE