

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**  
**held in the KILMELFORD VILLAGE HALL, KILMELFORD**  
**on TUESDAY, 14 DECEMBER 2010**

**Present:** Councillor Daniel Kelly (Chair)

Councillor David Kinniburgh	Councillor Donald MacMillan
Councillor Alister MacAlister	Councillor Roderick McCuish
Councillor Neil Mackay	Councillor Al Reay

**Also Present:** Councillor Elaine Robertson

**Attending:** Charles Reppke, Head of Governance and Law  
Richard Kerr (Planning Authority)  
Arlene Knox (Planning Authority)  
Karen Fox (Applicant)  
Jenny Wilson (Applicant)  
Gareth Mills (Applicant)  
Stephen Austin (SNH – Statutory Consultee)  
Ann Lumb (SNH – Statutory Consultee)  
John Heron (Roads Authority – Statutory Consultee)  
Antoinette Mitchell (Kilninver & Kilmelford Community Council -  
Statutory Consultee)  
Seamus Anderson (Seil & Easdale Community Council – Statutory  
Consultee)  
Tim Barrett (Forestry Commission – Statutory Consultee)  
Fiona Wylie (Supporter)  
John Stanard (Supporter)  
Charles Struthers (Objector)  
Stuart Reid (Objector)  
Allan Henderson (Objector)  
Ken Scaife (Objector)  
Angus Macdonald (Objector)  
Hon Michael Shaw (Objector)

<b>Apologies:</b>	Councillor Rory Colville	Councillor Bruce Marshall
	Councillor Robin Currie	Councillor Alex McNaughton
	Councillor Vivien Dance	Councillor James McQueen
	Councillor Mary Jean Devon	

**1. RWE NPOWER RENEWABLE LTD: APPLICATION FOR ERECTION OF A 15  
TURBINE WINDFARM (45 MEGAWATT MAXIMUM CAPACITY): RAERA  
FOREST, KILNINVER (REF: 09/01874/PP)**

The Chair welcomed everyone to the hearing and asked his colleagues to introduce themselves.

The Head of Governance and Law spoke to the procedure that would be followed at the meeting and asked the parties who wished to speak at the meeting to identify themselves.

## **Planning Authority**

Ms Knox advised that there had been additional information submitted by the applicant and that as a result of this the Planning Authority had compiled a supplementary report. She briefly outlined the issues raised advising that none of these issues raised would affect the recommendation that the application be refused.

Ms Knox then referred to a late representation from Tony Dalton dated 10 December 2010 regarding this additional information. She considered that the issues he had raised were addressed within the supplementary report and also within her presentation at the meeting.

Ms Knox opened her presentation by discussing the undulating terrain within which it was proposed to locate the wind farm. The proposal itself was for 15, 115m turbines (125m to the blade tip) with a total capacity of 45 megawatt (each turbine having a 3 megawatt capacity) and ancillary development. She advised that the design and ancillary development of the proposed wind farm was generally acceptable, the exception being the sub-station which she considered to be unsympathetic. However, the design of this could be covered by condition and therefore was not included within the reasons for refusal of the application.

She made reference to the representations received in response to the application which totalled 277 (32 in support, 238 objecting and 7 general observations). The reasons for support included the acceptable impact, layout and Government targets for tackling climate change. Some of the reasons for objection related to planning policy, inappropriate siting, layout and design, visual impact, grid connection, noise vibration, ecology and built heritage.

Ms Knox advised that a consultation exercise had taken place which resulted in objections being lodged from Seil and Easdale and Kilmelford and Kilninver Community Councils.

Ms Knox then discussed the development plan and the fact that the proposed site was within a constrained area of sensitive landscape, namely the). This designation had caused concerns for SNH who had in turn recommended refusal of the application on the basis of the significant adverse impact on the landscape character.

Mr Kerr discussed the impact of the landscape and the objection by SNH in relation to the adverse impact on the Scarba, Lunga and the Garvallachs National Scenic Area. He advised that while the site was not within the designation the views would be affected. The site itself was within a sensitive countryside zone and an area of panoramic quality (APQ). He discussed the landscape character which was of a coastal craggy upland type. He commented that the views expressed by SNH were endorsed by himself and that the location, by virtue of height, would cause a commanding presence on the landscape.

Mr Kerr then discussed the areas where there would be direct visual impact, stating that Members of the Committee had been to see various view points prior to this meeting. These view points ranged from Kames Farm to Kilninver School, Loch Avich Road to Luing. He also discussed the view from Ben

Cruachan, showing photographs of a 360° view from the summit.

Mr Kerr then discussed the potential impacts on tourism in an area where tourists visited to appreciate the land and seascape and of a recent case in Calarach & Black Cairn where Reporters had afforded weight to the impacts on tourism.

In conclusion Mr Kerr advised that there were inappropriate environmental consequences, the development was not sustainable and was inconsistent with the Development Plan. The issues could not be overcome by a section 75 Agreement or by Conditions and there were no material circumstances to overcome the recommendation for refusal.

## **Applicant**

Ms Fox thanked the Committee for the opportunity to respond. She commented that she did not feel there were any sufficient reasons to justify refusal and that on balance, the Committee could approve the development. She stated that the impacts were acceptable or could be mitigated advising she felt that the method for assessing the application by SNH was incorrectly based on the site being a coastal location.

Ms Fox advised in her opinion it was unusual for a Local Authority to rely on the opinion of SNH and not seek an opinion from a Landscape Architect. She then discussed how the site in question had been selected and how they had taken into account the environmental constraints and the Local Plan. She advised the landscape and seascape were considered and the APQ recognised. However, she advised that the Clachan Flats wind farm was also located within an APQ. The design of the wind farm reflected the constrained area.

Ms Fox stated that it had never been claimed the wind farm would not be seen from any particular location. The impact had been minimised by a reduction in turbines from 40 down to 15. She considered that the proposal was consistent with LP ENV 1.

Ms Fox then discussed the concerns raised during the consultation state. She considered many of these could be covered by condition such as the objection by the Forestry to felling of trees, noise levels, proximity to water location or sources, impact on eagles, height of turbines and visibility from the main tourist routes which she considered to be on a short, intermittent basis. She considered the negative impacts had been overstated and that there would be positive opportunities to incorporate mountain biking and walking routes.

Ms Wilson advised she would comment regarding the criticisms from SNH regarding the quality of the visualisations. She stated that all of the documents produced were undertaken and developed with SNH guidance. She explained that there was industry standard software packages which could accurately represent views from 40 locations. With regard to the 2 particular viewpoints which concerned SNH (viewpoints 13 and 14 which were east of Kilmelford and Kames Farm respectively) she advised that viewpoint 13 demonstrated the relationship and juxtaposition of the north shoreline. The undulating ridgelines fell away from the coast and there was separation by the coastal edge and craggy upland. She considered that an important consideration was this coastal

edge separation and that when the full panorama was taken in, the turbines visible would form a relatively small part of the overall picture.

Ms Wilson discussed viewpoint 14 which SNH had considered to be underrepresented as the turbines would sit on a ridge of which they would be approximately 1/3 of in height. She stated that the closest turbine would be turbine 4 which was 2.2km back and beyond the initial coastal ridge. She felt that the turbines would be largely hidden below the ridge with exception of one turbine that would rise above the ridge. She therefore rebutted the criticism of SNH.

Ms Wilson then spoke of the technical detail of the montages. She advised that SNH encourage photographs to be taken at different times of the day and therefore the particular photograph queried (taken at 7.30pm) did not clearly show the white frontage of the house due to the angle of sunlight (which could be seen on the gate post of the property) As this was north facing, the light would not be picked up due the location of the sun to the west. She stated that the turbines are not shown as prominent because they are not.

Ms Wilson discussed the methodology and her particular experience. She advised that SNH, as part of the consultation carried out, had asked that an assessment be undertaken re the craggy upland. She considered that this had been detailed in a robust and accurate way, as had the wide ranging parameters on significance of effect. The assessment had also included details of the landscape review and had concluded that the local landscape could be categorised as forested craggy upland not coastal craggy upland as suggested by SNH.

In conclusion Ms Wilson discussed overall visibility stating that the turbines were in 2 clusters (east and west). The eastern cluster were in close range of the A816 but the twisty road, intervening topography and vegetation meant that the turbines were oblique when driving. They could be observed from a middle distance but would not be observed over a long distance. She conceded that the turbines were visible from the coastal edge in a variety of distances. The western cluster could be seen from the seascape and western islands. 7 of the 15 turbines could be observed from the NSA. Only a small proportion of the turbines were viable from an elevated or long distance.

Mr Austin, SNH, discussed the role of SNH which was to advise Local Authorities on natural heritage impacts and to support Scottish Government's target of 80% of Scotland's electricity from renewables by 2020. He advised that their objection reflected a balanced consideration of the 2 remits.

Mr Austin then spoke regarding the concerns to the proposal which they raised in 2007. They met with the applicants in 2008 when the advised that ornithological and habitat impacts were likely to be mitigated but that the sensitivity of the site was unlikely to be able to contain this type of development. SNH invited the applicant to work with them to develop an agreed design concept and approach to assessing the landscape sensitivities. This offer of joint working was not taken up.

With regard to the claim by the applicant's Environmental Statement and Additional Information Document that the proposal was developed and evolved

reducing turbine numbers from 23 to 15 he stated that SNH was not involved in the design process, they did not agree with the applicant's conclusions re significance of landscape and visual impacts and could not identify any mitigation to change this position. SNH were therefore of the position that it was the wrong location for this development.

Mr Austin discussed the 70% level of support for renewable schemes, 35% of this being on the basis of no objection and the remaining 35% being an objection which would be overcome by conditions. He also talked about Government targets and how there are currently 6Gwatts either consented to or installed. He advised there are a further 23Gwatts in planning systems nationally for on and offshore proposals and that a 30% approval rate would ensure the target will be met. Accordingly, there was no need to install onshore wind farms in sensitive landscape areas such as this one.

In summary he advised that SNH objects to the proposal on the basis of the significant adverse impact on the landscape character and qualities of a distinctive and valued coastal landscape.

Ms Lumb, SNH, discussed their landscape policy and approach taken in this case. She advised that SNH were not against change and supported many proposals providing these did not significantly affect highly valued or sensitive landscapes.

She advised there were 12 advisors who were all chartered and experienced. If there was likely to be an objection, 2 of these advisors worked on a case, it would then be checked by a manager before being signed off by a district manager.

Ms Lumb discussed the site which was on the coastal edge in an area she believed was craggy upland. She commented that forestry was part of the upland but that the development was clearly on the coastal edge. She discussed the relationship to the sea loch and said that SNH sought to ensure change occurred where it best fit and in this case, the issue raised was in changing the character of craggy upland.

Ms Lumb commented that the wind farm would be extensively visible with 61% of views from the coast although it was the totality of views that had led to their objection. She conceded that there could be bigger turbines found in other wind farms but that these were not contained within the same type of landscape.

Ms Lumb discussed the visuals accepting that they are an industry used tool although advised that they should be taken only as a starting point. To assess the impact she asked the Committee to think of Beinn Ghlas and then double the size of the turbines. She stated that you could not rely on visuals to give a real experience of the impact.

Mr Heron advised that the Roads Authority did not have an objection but had requested conditions be imposed on any consent regarding where and when turbines would be delivered. He felt that despite the substantial length any problems could be overcome in order to get the turbines to the area. He was unable to give any specific details as there had been no decision made as to where the turbines would be delivered as the access would form part of a

separate application.

### **Kilniver and Kilmelford Community Council**

Mrs Antoinette Mitchell advised that they had formed a wind farm action group on the basis of changing opinions regarding wind farms. She advised that many residents were against this development and that in her opinion, those in favour were mainly from outside of the area.

She advised that the proposals were not within a designated area and therefore the energy company were trying to encroach on this land which could lead to other industrial businesses following suit. She felt that the turbines would industrialising rural areas for the benefit of urban areas.

With regard to the visibility and height of the proposed turbines, she commented that these were among the largest in Europe and that there would be significant and adverse impacts from the A816 which was a tourist route. She considered this change would be unacceptable.

Mrs Mitchell raised questions as to what would happen when these turbines were decommissioned stating that the large concrete basis would remain even if the turbines were removed.

In terms of economic benefit, she stated that the proposal was only there to gain profit and that these would be subsidised by us in terms of electricity charges. The monetary profits offered to the community was far short of the profits that would be received. In terms of job creation she felt that there would be little for the local community, perhaps some opportunity during construction. She commented that devaluing of local properties had already occurred with people not even viewing properties when they had heard of this proposed development.

Mrs Mitchell spoke regarding Planning Advice Note 45 which advised that wind farms must be 2km from any dwelling. She advised that 8 of the 15 turbines were within this and that one was only 1.8km. This had been raised at the meeting with the developers on 9 February but had been ignored.

Mrs Mitchell discussed health and noise aspects advising that Denmark had declared onshore wind farms as an “unmitigated disaster” in terms of health implications. She felt sure that the hum of the wind farm would be apparent at night.

Mrs Mitchell then discussed removal of woodland advising she considered the applicants had no intention to replant. She also voiced concerns of the effects this felling could have on wildlife. She felt most privileged to live in this area where tourists visited for the scenery and wildlife and commented that she had observed both eagles and ospreys flying over the site at Raera and noted that the RSPB had lodged their concern.

Mrs Mitchell advised that most local residents used the A816 daily. It had been detrunked in 1995 and was currently in need of repair. She estimated that there would be an additional 48-52 heavy good vehicles using the road as a result of the development which would cause unacceptable destruction. There had already been an accident involving a HGV this year and with the additional

usage she stated this would be an accident waiting to happen.

Mrs Mitchell advised that the Npower reps had shown a lack of respect for the residents in not supplying them with information timeously. This was demonstrated by the late information supplied to the Committee. She urged them to refuse the application.

### **Seil and Easdale Community Council**

Mr Anderson, Chairman of the Community Council, advised that there would be significant visual impact on Seil. From the South East side they would observe a high percentage of this wind farm should it be granted permission. He commented that anything would look large from this direction and by the applicants own admission, these were large. He was certain that these would not be lost in the landscape as the applicants had stated. He also had concerns that if permission was granted, other companies would attempt to obtain permission to share the access route.

Mr Anderson then discussed the health impacts on humans and wildlife due to the low frequency noise emitted and the impacts on water quality due to the removal of trees which would impact the run off.

He stated that Seil was a fragile community where the average tourist spend was £45 half of £90 per day attributed to spend in Oban. During 2009 there were 14,000 visitors which indicated that tourism was big business. Preserving the scenery was vital to protecting this community and this was reflected in the heated discussions about this application at their community council meetings. He asked that the Committee reject the application.

The Chairman ruled and the Committee agreed that the meeting would adjourn at 1.05pm and would resume at 1.50pm.

### **Forestry Commission**

Mr Barrett advised that their objection was on the grounds of woodland removal policy. He felt there may be opportunity to mitigate by re-planting but this would need to be by a Section 75 Agreement and would be at a high cost to the developer due to the vast deforestation of the site.

He commented that there would also be impacts on deer migration from the site and also further impacts when the surround forest area was in need of felling and replanting.

In reality he would have preferred to have seen answers up from rather than address concerns by way of a Section 75 Agreement as intentions and reality often chanced when talking about this sums of money which would be involved.

### **Supporters**

Ms Wylie advised that the people who had spoken so far were not representing the feelings of the whole community. Half of the community had been consulted with some of those being lobbied. From 166 people, 33 had no opinion, 74 were against and 63 were in favour of the development.

Although she was not convinced about global warming, Ms Wylie appreciated that there was an increase in demand for electricity of three times. There were limited gas and oil supplies which could leave the country at the mercy of other countries such as Russia or Ukraine. She was convinced that a mix of energy supplies were the way forward and that action should be taken now or the consequences would be suffered.

She advised that comparisons had been made between noise generated from the development and a jet plane which she considered was fictitious. She had visited the wind farm site at Glendaruel and that the noise generated was a cyclical whooshing.

Ms Wylie discussed traffic issues stating that she would only expect an increase of 3 lorries daily for a one year period. Even if the figures were as projected by Mrs Mitchell it was not an unreasonable increase.

With regard to the carbon footprint, Ms Wylie advised that all wind farm schemes would inevitably add to this during construction although once in operation would be carbon free. She also commented that although these turbines wouldn't work 24/7, solar panels didn't either.

She then raised the subject of tourism stating that many people like to look at energy provided from natural sources and that farms were often a tourist attraction. She had contacted Cornwall Tourist Board to see if the farms in their area had had a positive or negative effect. She was informed that there were no complaints lodged from visitors.

Ms Wylie's final point was in relation to the nation being dependent on power which meant it all had to be built somewhere. The demands for housing etc had already affected the countryside and although a contentious issues, she was supportive of the wind farm as part of a mix.

Mr Stanard stated that the issues raised were by no means clear cut. Some points raised were fact and others were not. He considered that the days of cheap energy and security of supplies were over due to an increasing population. He felt that demands should be met by renewable sources if at all possible.

Mr Stanard advised that the tourism argument was no longer valid as even in countries such as Madeira wind farms were present. He stated that tourism levels were more likely to be affected by poor weather and exchange rates.

He accepted that there was no one simple answer but stated that a head in the sand approach on visual impact was not acceptable and that we would not be thanked in time for our inaction.

## **Objectors**

Mr Struthers spoke on behalf of residents of Ardmaddy estate. 2 of the residents would have unobstructed views of the wind farm as it would be less than 3km from their homes. While in favour of renewable energy he considered that there should be a balance between this and local income and other local issues.



Given the turbines operated at a lesser percentage than the capacity rate, the damage outweighed any green benefits. He had based this on a 9% capacity rate.

He advised that he was one of 40 businesses within 10km of Raera and that their business relied on tourism. Tourists were attracted by the landscape and tranquillity and therefore there was no room for industrial developments. He quoted figures from a poll conducted locally during Aug-Nov 2009. 62% visitors claimed they would not book a holiday if a wind farm was visible and 28% would be deterred by a wind farm in the local area. These figures combined would be catastrophic and could not be outweighed by the employment opportunities as any employment created from the development would not be on a long term basis. He considered it wrong of the applicant to claim tourism effects would be insignificant when they had failed to conduct a local survey.

Mr Struthers then spoke about flora and fauna stating that 22 protected species would be affected by the wind farm. He commented on a lack of a proper survey of the area due to areas of forest not being accessible. If there were such inaccuracies, how the application could be judged properly.

Mr Reid spoke regarding the infrastructure of the A816. This road was a lifeline road build on an old drover's road with poor geometry and potholes. He couldn't understand Transport Scotland's position that there would be minimal increases in traffic based. He referred to areas of the road which were too narrow to accommodate 50 HGVs per day extra over an 18 month period. With 500 cubic meters of concrete needed per tower this would mean 71 loads at 32 tonnes per vehicle.

He also discussed the removal of felled timber from the site. He had calculated 200,000 tonnes in 18 months. The equivalent of 500 tonnes per day over 428 days. This would mean 1 HGV every 13 minutes during a working day. He believed that weak stretches of the road would need 2-3 hours after every load to recover and therefore the stress on the road was unacceptable. He could accept this wear and tear should the Council be able to maintain the condition of the road but he did not think this would be the case. He urged refusal of the application.

Mr Henderson was a doctor of 35 years and a consultant in Argyll for 17 years, residing in Clachan Seil. He discussed sound acoustics and their regulation. He commented that while Raera may follow recommendations to the letter, this was likely to be flawed as it was known that background noise could be heard above other noises (giving examples such as a mother hearing her baby cry in another room above the noise of a television/radio).

He stated that there was an increasing body of evidence showing that health damage from wind farms was very real, most recently in Canada. This had concluded that the pervasive noise of wind farms, although at a low level, did cause annoyance. This was most apparent in disruption of "good sleep".

Mr Macdonald was the husband of the owner of Balrin, the closest property to the proposed wind farm. The property was 1km from 2 of the turbines and 6 other turbines were within 1-2km of the house, well within the acceptable range.

He stated that it was clear nobody would want to rent a house with the views and noise from the wind farm.

Mr Macdonald commented on the assumptions of the applicants regarding noise of the development stating that their claims about reduction in noise due to the topography were not evidenced.

He then discussed the private water supply. The applicant had stated there would be an abstraction within 150m of the boundary but not within 200m of construction. He considered it was clear they did not know what supplied they relied on. He felt it was desperate attempts to overturn a reasonable conclusion and asked that the Committee discount this.

He stated that the proposal was in the wrong location and not required in the overall picture. He recalled that the land in question had been sold in 1963 to the forestry as at this time there had been a big move for forestation in Scotland. The forestry had since sold the area privately. This land had originally been sold by his late father-in-law who he considered would be distressed by this land not being a great contribution but a great profit for some individuals. He asked that the Committee come down against granting the application.

Mr Scaife advised he intended discussing 3 areas of concern, protected wildlife, tourism and noise. With regard to wildlife he felt that the 1999 report was inadequate and that there had been no up to date survey carried out. He advised that the Npower statement did not comply with the ecology and environment management plan.

Mr Scaife discussed tourism stating that he believed the survey submitted by the applicant was in order not to put people off the development. This did not cover Argyll. He referred to other Countries that had high levels of tourism such as Germany. He advised that in Germany, Switzerland and Austria wind farm developments were all kept clear of the tourist towns. In terms of economic benefit from tourism he advised at £1.2m was generated from tourism within 2km of the proposed development and £3.1m from within 3km.

Mr Scaife then spoke regarding noise levels stating that these were under investigation. He stated that there may be further legislation to cover this following a result of investment by the House of Commons. He suggested that the applicants should play recordings at a similar noise level to that created by the turbines from the site. He advised that the noise of the preferred turbine model for the development had a noise level of 107 decibels which was equivalent to a jet engine when taking off. He also questioned if the turbines would be worth maintaining after a 10 year period given there was a design flaw in the preferred model which affected the gear box.

As a final point, Mr Scaife suggested that if the Committee did not already have any photographs of the view from Blairin Road then they should request this.

Mr Shaw was a resident of Seil Island for 50 years. He wanted to discuss the landscape impact from the Island stating this was under-represented from the drawings provided. He stated that from the level of the houses the views of the turbines would be dominant and would completely change the character.

## Question Time

Councillor McCuish asked the applicant why the offer of SNH had not been taken up. Ms Fox stated that she thought it had been although conceded that they may have wanted further discussion. They had been convinced they were right regarding methodology and therefore wanted to proceed with the application.

Councillor McCuish asked if there were pre-application discussions with the Planning Authority and whether they were advised that the site was unsuitable. Mr Kerr advised there was some discussion in which it was set out that the Planning Authority were not particularly enthused about the site. It was not the role of planning to suggest alternative sites.

Councillor Mackay asked how many sites in Scotland used a 125m (to blade tip) turbine. Mr Kerr (following confirmation by the applicants) advised there were 2 sites in Scotland and that heights had dramatically increased over the years. Most applications were now submitted for turbines of this height.

Councillor Mackay said that there had been much discussion about the type of craggy upland the site was within. He asked whether the Planning Authority had advised (no matter the type of designation) that this was within an APQ. Mr Kerr advised that they had and that the landscape designation was semantic.

Councillor Reay asked for confirmation about the amount of power required to meet Scottish Government Targets. Mr Austin advised that 23 Gwatts were required and that 30% of the applications under consideration at present would achieve this target.

Councillor Reay asked if the applicants recognised this data. This was confirmed.

Councillor Reay asked for confirmation that the applicants understood the area was an area of panoramic quality that merited protection. Ms Fox stated that this was taken into account in the design of the development.

Councillor Kinniburgh questioned the applicants about the photomontages. From viewpoint 14 (which the Committee had visited earlier in the day) he had clearly observed a house so clearly he could almost have counted the windows. This was not at all visible from the photomontages. He also asked which 3 turbines would be visible from this property as he was struggling to work this out. Ms Wilson advised that the blade of turbine 3, the shaft and blade of turbine 4 and some of turbine 7 (it was mainly hidden by vegetation) would be viewed. She reminded Councillor Kinniburgh of her earlier statement regarding the time of day that the photograph was taken at and the direction of the sun at this time.

Councillor Kinniburgh asked about the trees for removal that might impact visually on the development. Ms Fox advised that they may come down at some point although these were not part of their site.

Councillor McCuish asked whether the trees still intact would all be staying. Ms Fox advised that the photomontages demonstrated which trees would be removed to make way for the development.

Councillor Reay asked of the 720 hectares of forest to be removed, would it be a like for like replanting, where this would be and at what cost. Ms Fox advised there would be as much replanting on site as was possible and that the other replanting would need to be at other locations outside of Argyll. As regards costs this was a commercial consideration.

Councillor Reay asked how many and where the borrow pits were. Ms Fox stated there were 5 and the information was within the Environmental Statement.

Councillor Reay asked about the volume of extraction. Ms Fox advised she would come back on this.

Councillor Mackay asked about the 28 policy grounds quoted within the report in support of the recommendation for refusal. He asked the Planning Authority to explain how policy LP ENV 1 was application when assessing the application. Mr Kerr advised it was a basic environmental policy but was the most important in this application. He advised they considered the applicant's environmental statement, take account of their own experience, consider the consultation response by SNH and use this to form a view regarding LP ENV 1 and the 27 other policies.

Councillor Mackay asked about whether local designations could outweigh national framework. The applicants advised that the Scottish Government Guidance set out the order for weighing.

Councillor Mackay then asked, on the basis of the response to his previous question, what weight should be given to the Argyll and Bute Design guide as a material consideration. Mr Kerr advised that this was for the decision maker to determine but the hierarchy of designations inevitably gave more weight to national matters but that did not mean that local matters should be discounted.

Councillor Kinniburgh asked whether the Planning Officer recommendation had been formed on the basis of the objection by SNH. Mr Kerr advised that this was not necessarily the case reminding the Committee that SNH had not objected to Allt Dearg Wind Farm when the Planning Authority had. In this particular case both sides agreed.

Councillor McCuish asked SNH whether it was usual for a developer to consult them up to a point. Mr Austin advised that applicants usually took the opportunity to discuss as closely with SNH as they could. They advised both sets of landscape advisors should meet regarding the design concept although this offer was not taken up.

Councillor McCuish asked the applicants why they did not take up the offer. Ms Fox advised they had discussed this and the methodology of how to approach the application. At some point in discussions they had decided that they would go ahead with the application.

Councillor McCuish asked whether, with views of a pylon, fish farm and wind turbine the Luing site was already compromises. Ms Lumb advised that there was a clear development pattern there about the water edge. The Luing turbine has an impact but not to the scale this would and it was within a different

landscape designation.

## **Summing up**

### **Planning Authority**

Mr Kerr advised that the key issue was could the development be assimilated without impinging on the character of the landscape. The site was not within a National Designation but lay within an APQ. The height of the turbines were such that the upper parts would be visible and would exert a commanding presence on the landform. He felt that the coast fringe area had an important role on the sea and landscape which was valued as a scenic area and did not lend itself to the proposed development.

Although generally supportive of wind power in certain locations, this should not impose on the surroundings. The development would erode the function of the ridges to the detriment of the landscape character and on the basis of the magnitude of change, requested that the application be refused.

### **Applicants**

The applicant advised that the 80% Scottish Government targets for 2020 was a target not a cap. The quality of landscape could be mitigated over a number of years. An application would not have been brought forward if they had not felt it appropriate.

He suggested that a balanced approach be taken on visual impact, that their methodology was wholly appropriate and followed that of other schemes.

As regards tourism and health he advised that results were often inconsistent in surveys and that various documents had been produced regarding health implications but none of these had proven the case.

He thanked Mr Kerr for his work on the application and reminded the Committee that when viewing the site it would not be observed from a single point so there was an overemphasis on the visual effects from the 360° panorama.

He requested that the Committee approve the application.

### **Statutory Consultees**

#### **SNH**

Ms Lumb reminded the Committee that SNH had always had clear concerns about the landscape, location and settlement trend. They also had concerns about the poor quality visuals and indeed still felt this way. No forestry design had been submitted and therefore it was important to look at this impact on a worse case scenario as the impacts could be set to vary.

#### **Roads Authority**

Mr Heron advised that the A816 was a timber route and that this development could be accommodated. In terms of transport of the turbines he advised that

the applicants would require to consult with themselves to they could agree the most appropriate arrangements to alleviate problems.

Regarding the comments about road recovery time he reminded the Committee that this was already a daily occurrence and that there was no weight restriction on the A816 and therefore 44 ton vehicles could be on the road with no way to prevent this. If necessary the verges could be strengthened (at the expense of the applicant) to cope with the extra use and any damage to the road during construction would also require to be met by the applicant.

### **Kilniver and Kilmelford Community Council**

Mrs Mitchell advised their objection had been made clearly and that her own personal feeling was that the constrained area had been disregarded by the applicant. She felt that, if approved, the floodgates would open for industries to come forward with further applications.

Regarding comments that supporters had been ignored she advised that most of these did not live in Kilniver. Those who had attended the meeting in February had been against the development on the basis that it was too big, in the wrong location and too close to homes.

### **Seil and Easdale Community Council**

Mr Anderson advised that the number of objections from Seil highlighted the strength of opinion and that the residents would require to live with this for a long time if the application were approved.

### **Forestry Commission**

Mr Barrett expressed concern with the missing information advising that there could be concerns with a Section 75 Agreement at a later date.

### **Supporters**

Ms Wylie commented that generally only people against developments turn up at Community Council meetings and that a poll undertaken indicated that there were many others in support of the application.

Mr Stanard commented that people do not like change. If the proposal was for forestation they would object and now that it was for deforestation they were objecting. He conceded there may be occasional bird strikes but that those killed by domestic pets and on the roads these figures were not comparable. He stated that people wanted the benefits of the development but did not wish to take the disadvantages that went with it.

### **Objectors**

Mr Struthers did not wish to repeat himself, he requested that the Committee give cause and effect to the submissions.

Mr Reid did not wish to add anything further.

Mr Henderson wished sufficient attention to be given to health issues.

Mr Scaife wanted confirmation that the list of excluded views were before the Committee (The Chairman confirmed this was the case)

Mr Shaw had nothing further to add.

The Chairman confirmed with all parties that they had received a fair hearing and the Committee moved on to debate the application

## **Debate**

The Chair advised that there had been a lot of views expressed regarding the APQ, wildlife etc and was please to have come and heard what people have to say. He advised that now was the time for the Committee to reach their decision

Councillor McCuish advised that he felt that project was a fine one but was in the wrong location. The visual impact and infrastructure was too large although he appreciated that something had to be done about the growing demands for electricity.

Councillor Mackay advised that the position the Committee were in was not unfamiliar. Each wind farm was judged on its own merits and that as this had evoked 28 policies, the effects on tourism and the landscape were too big a price to pay.

Councillor Reay echoed what his colleagues had said and commented that there was a duty to protect the environment to avoid elements of distraction but on the other hand there was support for the renewable need. As targets could be met by a 30% approval of current applications he felt no need to destroy and area of such beauty for the wind farm which was too large and clearly in the wrong location.

Councillor MacMillan advised that he was not against wind farms, having been on the Committee that had approved some against the planning recommendation. However, having given this a good hearing he had decided he could not support the application and would be agreeing with the planning recommendation.

Councillor MacAlister stated that the area was a visual masterpiece, unable to be repeated elsewhere in the world and that this development would draw the eye to it. He therefore felt that the application should be refused.

Councillor Kinniburgh agreed with his colleagues. He advised that he came to these meetings with an open mind with a view to deciding on the day although nothing said at this meeting had led him to go against the officer's recommendation.

## **Decision**

It was unanimously agreed to refuse the application on the following grounds:-

The development proposed would be inappropriately located on elevated land in

a coastal location where its presence on the skyline would, by virtue of its height, scale and movement, assert a commanding presence upon its surroundings, which in turn would have adverse consequences for landscape character. This influence would be particularly significant when experienced in terms of close quarter views from and in the vicinity of the A816, from locations across and above Loch Melfort and Loch Feochan, from locations above the Loch Avich Road, and from the island of Luing; particularly from the panoramic vantage point above Cullipool. It would also impact upon more distant panoramic views from the Scarba, Lunga, and Garvellachs National Scenic Area, which is vulnerable to inappropriate changes in surrounding landscape character, due to the sensitivity of receptors visiting this particularly scenic location.

The height of the development is disproportionate to the scale of the landform upon which it is to be situated, would impact adversely upon the scenic sensitivity this landform derives in establishing the inter-relationship between seascape and landscape, and would have adverse consequences for the maintenance of landscape character. The introduction of prominent development into the upland area containing the site, having regard to the role it performs in defining and enclosing Seil Sound and Loch Melfort, and with the availability of views across water, would extend the influence of windfarm development to a sensitive coastal fringe area not currently subject to such influence, thereby degrading part of Argyll's prime landscape resource. The value and distinctiveness of this landscape is recognised by its designation as an Area of Panoramic Quality by the adopted development plan. Furthermore, the Scarba, Lunga, and Garvellachs NSA recognises the special qualities to be enjoyed in a remote island setting which this development would influence. The development will adversely impact on the enjoyment of the landscape as currently experienced, detracting from the quality of visitor experience of the area. Its presence would degrade the scenic contribution which the area as a whole makes to the wider tourism resource of the west coast.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected benefits which a development of this scale would make to the achievement of climate change related commitments.

The proposal would have a significant adverse landscape impact, along with adverse implications for views available from key viewpoints, to the detriment of the scenic quality and tourism value of the landscape, contrary to the provisions of Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside, Policy STRAT DC 8: Landscape & Development Control; and Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan (approved 2009) along with Policies LP ENV 1: Development Impact on the General Environment; LP ENV 9: Development Impact on National Scenic Areas; LP ENV 10: Development Impact on Areas of Panoramic Quality; and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

(Ref: Reports by Head of Planning and Regulatory Services dated 7 October and 6 December 2010, submitted)