

**UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISION**

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**A) INTRODUCTION**

This report advises of a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals 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 APPEAL DECISION – PPA-130-2021– Dismissed  
Erection of 16 turbine wind farm and ancillary structures  
Kilchatten, Todd Hill, Southend, Kintyre**

Planning permission for this windfarm was refused by committee following a local hearing held in Southend on 24<sup>th</sup> March 2011. In summary, the grounds for refusal were based upon adverse consequences for landscape character and inconclusive findings in respect of ornithological interests. The development had been the subject of objection on both grounds by Scottish Natural Heritage.

An appeal against the refusal was subsequently lodged and the appeal was dealt with by way of a Hearing convened by the Reporter and held in Southend in December 2011. At that Hearing evidence was produced by the Council, Scottish Natural Heritage, the RSPB, local residents and the appellants.

In reaching a decision the Reporter concluded as follows:

- The development would have adverse consequences for landscape character, insofar as it was proposed to be sited on the leading edge of the 'Upland Forest Moor Mosaic' Landscape Character Type, where it would exert an adverse influence over the adjoining 'Low Coastal Hills' Landscape Character Type, to the detriment of this settled, coastal and intimate landscape, with its historical associations. In reaching this conclusion, designation of the locality as an Area of Panoramic Quality by the local plan was influential, given its regional status;
- The scale of the development would have adverse consequences for the visual amenity of the area, including the residential amenity of the settlement of Southend and nearby individual properties, both to the north and the south of the site;

- The evidence presented by the appellants in respect of the anticipated consequences for the setting of the various historical sites and scheduled monuments nearby was unreliable, and despite lack of objection from Historic Scotland, doubt was cast over the positive conclusions reached by the appellants in their Environmental Statement;
- Consequences for tourism interests in the locality were uncertain and inconclusive, and there was no firm evidence that tourism would be harmed by the development, although it was accepted that the quality of the environment, and landscape in particular, was important to the tourism interests of South Kintyre;
- The ornithological evidence presented by the appellants on the one hand, and SNH and the RSPB on the other, was contradictory and it was impossible to conclude that irreversible harm to protected bird species (hen harrier) would not arise. Consequently a precautionary stance should be adopted so as to not prejudice the continued viability of this regionally important protected population;
- Benefits arising from the development in terms of support for communities, socio-economic benefits and energy generation benefits were not sufficient to offset areas of potential harm identified;
- Having regard to the above considerations, the development was contrary to the provisions of the Development Plan and to the related parts of Scottish Planning Policy.

## **D) IMPLICATIONS**

Policy: None Financial: None Personnel: None Equal Opportunities: None

**Author and contact officer: Richard Kerr (01546 604085)**

**Angus J Gilmour  
Head of Planning & Regulatory Services**

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