

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/00909/PP

Planning Hierarchy: Major

Applicant: SSE Renewables Developments (UK) Limited

Proposal: Erection of 10 Wind Turbines (111.25m to blade tip), permanent anemometer, electric sub-station and ancillary development

Site Address: Cour Wind Farm, by Carradale, East Kintyre

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 10 wind turbines (111.25m to blade tip, 82.5m rotor diameter);
- On site access tracks;
- 70m meteorological mast;
- Crane hard-standing areas adjacent to each turbine;
- Temporary construction compound and laydown area;
- Electrical sub-station.

(ii) Other specified operations

- Transformers and cables from the wind turbines to the substation;
 - Five borrow pits to provide the aggregate required during construction (to be subject of separate mineral planning applications).
 - Use of upgraded forestry haul route (separate permissions for minor improvements to accommodate abnormal loads)
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(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to:

- i) The prior conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure nature conservation interests, a programme of small-scale environmental improvements on the Cour Estate and to cover the decommissioning costs of the windfarm;
- ii) The conditions and reasons set out in this report.

(C) HISTORY:

08/00159/DET - Erection of a 70m meteorological mast for a temporary period of 24 months, on land at Beinn Bhreac, Carradale – approved 11th March 2008.

09/01777/PAN - Proposal of Application Notice for Cour Wind Farm, up to 10 turbines, up to a maximum capacity of 25 megawatts, and associated infrastructure including construction of turbine foundations, hardstandings, upgrading and formation of new access tracks on land at Cour wind farm, Carradale - received 24th August 2009.

11/00063/PP - Retention of 70 metre meteorological mast for further 36 months, on land at Beinn Bhreac, Carradale, Argyll and Bute – application approved 18th March 2011.

12/00858/PP - Alterations to existing forestry access junction, at the forestry access track between Gartnagrenach and Clachan, by Clachan, Argyll and Bute – application approved 28th June 2012.

12/00859/PP - Re-configuration, re-grading and widening works to form new section of track, at the forestry access Gartnagrenach forest, land east of Sheirdrim Hill by Clachan Argyll and Bute - application approved 19th June 2012.

12/00860/PP - Upgrading of watercourse crossing (culvert), - at the forestry access Scotmill forest, land north of Scotmill, by Clachan, Argyll and Bute - application approved 19th June 2012.

12/00861/PP - Upgrading of existing bridge and section of access track, at the forestry access Achaglas forest, land east of loch Ciaran by Clachan, Argyll and Bute – application approved 28th June 2012.

12/00862/PP - Re-configuration, re-grading and widening works, at the forestry access Achaglas forest, land east of loch Ciaran by Clachan, Argyll and Bute – application approved 19th June 2012.

12/00863/PP - Upgrading of watercourse crossing (culvert), at the forestry access, Achaglas forest, land east of loch Ciaran by Clachan, Argyll and Bute – application approved 19th June 2012.

12/01338/PP - Alterations to existing forestry access junction, on land at the forestry access track between Gartnagrenach and Clachan, by Clachan, Argyll and Bute – application approved 23rd July 2012

(D) CONSULTATIONS:

The Scottish Government, Climate Change Division (22nd June 2010) – in relation to responsibilities for air quality, noise and nuisance - no comments.

The Scottish Government, Rural & Environmental Directorate (16th March 2011) – in relation to responsibilities for air quality, noise and nuisance - no comments to make on the addendum.

Health & Safety Executive (HSE) (24th May, 14th December 2010 and 7th March 2011) – no comments.

Historic Scotland (HS) (22nd June 2010) – content the proposal is unlikely to result in significant impacts on historic environment assets where they have a statutory remit. Have raised concerns about the impact of the proposed access on the scheduled monument, An Dunan, Dun, Achameanach and recommended mitigation measures to protect it. Providing these are adopted HS has no objection.

HS (7th March 2011) – in terms of the addendum HS are content that their advice on the access track and its impact on the scheduled monument, An Dunan, Dun, Achameanach remains as stated in their previous response, and HS still consider that the development will not result in such significant impacts as to warrant their objection to the proposal.

HS (5th September 2012) – note that a new access route has been identified which removes the site entrance at Ballochroy and the works in Ballochroy Glen and proposes to re-use the existing forestry tracks to the east of Loch Ciaran. Overall, Historic Scotland feel that the alternative access proposed presents an improvement to the earlier proposals in respect to the setting of An Dunan, Dun, Achameanach. However, Historic Scotland note that this new track is located in proximity to two heritage assets within their remit namely Talatoll, shielings and Loch Ciaran, standing stone. While Historic Scotland do not consider that any significant impacts on the settings of these sites are likely, they would recommend a buffer around these scheduled monuments is marked off prior to works commencing and that contractors are made aware of their presence and their legal status to ensure no inadvertent damage occurs.

Scottish Natural Heritage (SNH) (26th July 2010) – originally objected on the grounds that the proposal even with mitigation would have an adverse effect on landscape quality and the special qualities of the North Arran National Scenic Area (NSA) that are unavoidable. In addition the development will be detrimental to the maintenance of the population of red-throated diver at a favourable conservation status in their natural range.

SNH (12th January 2011) - having considered the Addendum to the Environmental Statement SNH withdrew their objection on the grounds of impacts to red-throated divers subject to conditions. However, their objection on landscape and visual grounds was maintained at that point.

SNH (28th September 2012) – has reviewed their landscape objection in the light of further information provided by the applicants and the production of the 'Argyll & Bute Landscape Wind Energy Capacity Study 2012' and in the light of Scottish Natural Heritage's own North Arran NSA Special Qualities document of July 2010 (which post-dates SNH's original comments on the application). The latter does not recognise views from Arran towards Bute, Cowal and Kintyre as having 'special quality' status in terms of the NSA designation. Accordingly, SNH has withdrawn its formal objection on landscape and visual grounds. However, it is still considered that the development raises cumulative impact issues particularly as the proposed larger turbines do not reflect the proportions of operational turbines on the Kintyre spine and given their closer position to Arran than previously consented sites. There therefore remain residual concerns in terms of the impact of the development upon Arran for these reasons.

Royal Society for the Protection of Birds (RSPB) (19th August 2010, 21st December 2010 and 19th April 2011) – no objection, subject to mitigation to ensure potential impacts on red-throated diver are minimised. RSPB also have concerns with the level of information and lack of mitigation provided in relation to black grouse and recommend that conditions/legal agreement should be used to ensure mitigation is secured prior to construction. Subsequently, in view of increased success of the lek site for black grouse in 2011, the importance of appropriate habitat management and monitoring has been re-affirmed.

RSPB (31st August 2012) – do not object to this proposal subject to mitigation to ensure potential impacts upon red-throated diver (an Annex 1 species of the EC Bird Directive), through collision mortality, are minimised. Mitigation should also be secured to ensure no unacceptable adverse impacts on black grouse. Conditions/legal agreement should be used to ensure mitigation is secured prior to construction of the wind farm.

Local Biodiversity Officer (9th July 2010) – queries concerning: red-throated diver; black grouse; loss of peatland; proximity to the Kintyre Lochs SSSI and designated SPA for Greenland White-fronted Goose; aquatic integrity of river and loch systems; monitoring of bats and otter; and recommends that a Site Environment Management Plan (SEMP) is developed to ensure that all affected habitats and species are managed appropriately.

West of Scotland Archaeology Service (WoSAS) (15th July 2010) – no objection, subject to a condition to secure the implementation of: a ‘detailed archaeological mitigation strategy’. This will ensure that all of the mitigative actions proposed in the ES are implemented.

WoSAS (14th September 2012) - no objection, subject to a condition to secure the implementation of: a ‘detailed archaeological mitigation strategy’. This will ensure that all of the mitigative actions proposed in the ES are implemented.

Scottish Water (consulted 15th June 2010) – no response (re-consulted 17th February 2011).

Scottish Water (4th March 2011) – no objection to the proposal.

Scottish Environmental Protection Agency (SEPA) (29th June 2010) – object on the grounds of lack of information, in terms of groundwater regime and peat management.

SEPA (5th August 2010) – note commitment to provide a Site Environmental Management Plan (SEMP) which will include a number of Technical Schedules and that this will be submitted for review and comment.

SEPA (18th August 2010) – note what is said about a peat probing survey, and the peat probing proposal and constraints of unexploded ordnance (UXO) on parts of the site. On account of the particular circumstances, confirm the proposed peat probing plan is acceptable.

SEPA (7th December 2010) – confirmed satisfied that previous concerns have been addressed in the Site Environmental Management Plan (SEMP) for the proposal.

SEPA (30TH August 2012) – have no objection to the addendum and have provided advice in regard to: waste management; environmental management; and their regulatory requirements.

Argyll District Salmon Fishery Board (10th July 2010) – no objection subject to the submission of a pre-construction fish and habitat survey of the Narrachan and Ballochroy Burns, including all species of fish, post construction monitoring, ‘fish friendly’ stream crossing, and providing during the construction phase, guidelines designed to prevent silting and pollution of watercourses are followed.

Area Roads Manager (9th February 2011) – no objection subject to conditions relating to connection with the public road.

Area Roads Manager (6th September 2012) – in response to the alternative access route, no objection subject to conditions relating to connection with the public road:

specification of visibility splays and construction of the road as per the applicant's drawing Figure 3.6 (separate permission already obtained for the required junction improvement with conditions to this effect).

Transport Scotland (TS) (2nd August 2010) – having considered the addendum, advise that overall there will be a minimal increase in traffic on the trunk road during the operation of the facility therefore the proposal is not likely to have a significant impact on the operation of the trunk road network. Furthermore, it is likely that as many of the construction loads may be categorised as abnormal, authorisation from Scotland Transerv may be required. It is advisable that they are consulted as to the feasibility of transportation of these items to site. Due to the frequency and number of these loads it is UK policy to restrict these movements via the nearest suitable port.

TS (21st March 2011) – previous comments (2nd August 2010) still apply

TS (16th August 2012) – no objection subject to conditions relating to: the proposed route and accommodation measures for abnormal loads and signing/temporary traffic control measures. These conditions will: maintain safety for both Trunk Road traffic and the traffic moving to and from the development; ensure that the transportation will not have any detrimental effect on structures within the route path; and minimise interference with the safety and free flow of the traffic on the Trunk Road Network.

Core Paths (consulted 15th June 2010) – no response received (re-consulted 17th February 2011)

Kintyre Way (consulted 15th June 2010) – no response received (re-consulted 17th February 2011)

Visit Scotland (21st May 2010) – given the importance of Scottish tourism to the economy, and Scotland's landscape in attracting visitors, it is crucial that any potential detrimental impact (visually, environmentally and economically) on tourism be identified and considered in full.

Forestry Commission Scotland (FCS) (24th June & 12th July 2010) – the access road will require woodland removal. In terms of Scottish Government's Woodland Removal Strategy, this may only be supported if there is strong evidence that it will achieve significant and clearly defined additional public benefits and a scheme of compensatory planting will be required.

FCS (31st August 2012) – the main issue of concern to FCS with regards to this proposal would be the potential for loss of woodland cover evident from the maps provided. If there is deforestation approved as part of this project then compensatory planting would need to be carried out on a like for like basis to the satisfaction of Forestry Commission Scotland.

Environmental Health Officer (13th August 2010) – no objection subject to conditions relating to: prior approval of specifications of turbine; development in accordance with approved scheme; noise investigation and mitigation measures; construction hours and methods; control of construction noise; and water details to specification.

Defence Estates (MOD) (10th 25th and 28th June 2010 and 2nd July 2010) – the site relates to a site outside of Ministry of Defence safeguarding areas. The MOD therefore has no safeguarding objection to the proposal. It is not anticipated that the proposal will affect military air traffic movements in the area. In the interests of air safety turbines are required to be fitted with aviation lighting.

National Air Traffic Services (NATS) (13th July 2010) – no safeguarding objection.

BAA Aerodrome Safeguarding (Glasgow Airport) (22nd June 2010) – no aerodrome safeguarding objection.

Civil Aviation Authority (CAA) (6th July 2010) – no objection providing appropriate consultations undertaken and no objections received from: Highlands and Islands Ltd operated Campbeltown Airport, MOD and NATS. CAA would not make a special independent case for: aviation lighting or painting of turbines (white).

Highlands & Islands Airports (9th June & 5th July 2010) – no objection, provided NATS confirm that flight paths to/from Campbeltown and to/from Islay are not adversely affected.

Infratil (Prestwick Airport) (1st July 2010) – no objection.

Joint Radio Company (1st July 2010) – does not foresee any potential problems based on known interference scenarios and the data provided.

Ofcom (30th June 2010) – no objection, no civil fixed links managed and assigned to Ofcom should be affected.

North Ayrshire Council (NAC) (18th June 2010) – object to the proposal and recommend refusal on the grounds of: significant visual impact on parts of and from the western coast of Arran (including Dougarie to Catacol National Scenic Area, southern Arran Hills of Ard Bheinn, A’Cruach, the Clauchan Glen at Shiskine and uplands east of Kilpatrick area south of Blackwaterfoot); cumulative impact; contrary to Landscape Capacity Study for Wind Farm Development in North Ayrshire; refusal of Corlarach windfarm; adverse impact on tourism; proximity to Arran; adverse impact on seascape, and proposal would contribute to “encircling” effect within the Firth of Clyde.

NAC (22nd February 2011) – despite the submission of additional landscape and visual impact assessment, NAC’s previous comments (18th June 2010) are still considered relevant.

Tarbert and Skipness Community Council (17th June 2010) - support proposal and note amendments have been made since the initial pre-application stage, which they consider improves the proposal.

Isle of Arran Community Council - no response, (re-consulted 17th February 2011)

South Knapdale Community Council - no response (re-consulted 17th February 2011)

East Kintyre Community Council - no response (re-consulted 17th February 2011)

West Kintyre Community Council - no response (re-consulted 17th February 2011)

(E) PUBLICITY:

- EIA Regulations Advert, expired – 23rd July 2010
- Regulation 20 Advert, expired – 16th July 2010
- EIA Regulations Advert, (Addendum), expired – 11th March 2011
- EIA Regulations Advert, (Addendum), expired – 14th September 2012

(F) REPRESENTATIONS:

At time of writing, a total of 21 representations have been received – 2 in support, and 19 against (full details are given at Appendix C). The 19 letters against the proposal include one on behalf of Kintyre Civic Society. The key issues which have been raised by representees are summarised below and names and addresses are listed in Appendix C.

IN SUPPORT OF THE PROPOSAL

Councillor John McAlpine, 10 Market Place, Tarbert, Argyll, PA29 6AB wrote in support of this proposal and the Allt Dearg windfarm (determined on the 1st June 2010). His correspondence advises that in relation to both the applications he would like it noted that he fully supports them. Furthermore, should either of the applications go to a Public Inquiry Cllr McAlpine would like the opportunity to express his views if required.

The Farm Manager of the Claonaig Estate Mr A MacCuish, Bruiland, Skipness (letter dated 04.03.11) has written to support the proposal on the grounds that it will benefit the Cour Estate and the local economy and comments that the existing Kintyre turbines do not appear have to attracted adverse comment by visitors to the locality or to Arran.

AGAINST THE PROPOSAL

Road & Transport Matters

- The developers do not intend to use existing public roads but will create a new access straddling Kintyre when existing wind farm accesses or the Kintyre Timber Haul route would be more appropriate.
- The new access would be totally out of keeping with the open rural landscape character of the coastal area and would destroy the wooded gorge around Ballochroy Burn, one of the few sheltered woodland areas in coastal north Kintyre.
- Although access to the proposal was not commented on by SNH and there is little public awareness of its significance, this is a key reason for objecting.
- The developers do not intend to use the existing roads from the A83 on the west coast of Kintyre to Cour on the east coast (the B8001 Kennacraig to Claonaig; and the B842 Claonaig to Carradale). Neither do they intend to use sea access to Cour. Instead they propose to create a new access route from the west coast, much of it over virgin moorland.
- The route to the site would begin at the junction of the A83 with Ballochroy Glen, one of the most scenic vistas to the islands of Gigha, Islay and Jura on the North West Coast of Kintyre.
- To create the industrial scale entrance required, the developers are proposing a new road junction to the north of Ballochroy Cottage, which will effectively make a “traffic island” of the cottage, one of the few remaining traditional stone cottages in coastal North West Kintyre.
- The new junction and access road would be out of keeping with the open rural landscape character of the coastal area.

- Immediately inland from the cottage and new-build house is the wooded gorge around Ballochroy burn, one of the few sheltered woodland areas in coastal west Kintyre, with primroses, hazels, blackthorn, and ash-trees among the indigenous trees and wild flowers which create a self-generating woodland and provide an amenity for winter walks. The track through the narrow, steep-sided gorge could not be significantly widened without the destruction of the character of the gorge.
- The proposed considerably widened road would follow the existing track through the historic Ballochroy Glen. There is much evidence of the community who lived in the area in the 17th century and earlier, and the completely unspoiled glen is one of the few places remaining in Kintyre where a sense of unchanging landscape and deep connection with the past can be experienced.
- From the top of the glen, it is proposed to construct a new road, scarring the virgin moorland landscape and running alongside the beautiful Loch Garasdale (a roosting site for the Greenland White-fronted geese, a protected species which overwinters on Kintyre). This area has spectacular views, across the site, to the dramatic skyline of north Arran (and similarly from North Arran, across this area and the site, to the islands off the West Coast).
- The proposed road passes within a few miles of the road, near Narachan Burn to Deucheran Hill wind farm, and the existing cross-Kintyre route to the spine of Kintyre wind farms from the West Coast and the A83 at Killean. Rather than link with this road, where only a few miles of new-constructed road would be required, the developers have chosen to construct a road which crosses almost the width of Kintyre.
- Another route is potentially available to the developers, as the proposed North Kintyre Timber Route is to be constructed over existing forestry tracks from the A83 between Clachan and Whitehouse to Lochan Mhicreithe. This Lochan is approximately three miles from the proposed site. The route is to be constructed in order to keep heavy forestry vehicles off public roads, something which wind farm developers should be considering.
- The scarring of our countryside by creating new access roads to every new wind farm should not be permitted where access already exists to wind farms in the area.
- In the advertisement, it did not state that the new access road would be at Ballochroy on the west coast of Kintyre, considering that Cour is on the east coast, most people would not realise that a new road was to be built from the west coast.
- The developers have advised that this road would be used exclusively for wind farm traffic.
- Ballochroy Glen would be totally destroyed if the new road was used for Wind Farm Traffic as it would have to be widened considerably losing much of its character and the peace and tranquillity sought by tourists and residents.
- There is a road from the A83 leading to Garrasdale Loch which passes on the south side of Ballochroy within inches of the house which takes logging lorries to harvest logs, farm machinery, trailers etc. for the fish farm at Garrasdale Loch.
- There already exists a road to Deucheran Hill Wind Farm which could be extended by a few miles to reach the proposed site and there is a proposed North Kintyre

Timber Route. Surely, some negotiation could be done to amalgamate the needs of the Wind Farms and Timber extraction.

Comment: The prospect of access via Ballochroy Glen appears to have elicited the most concern by third parties. Following discussion with officers, the applicants have amended their scheme post-submission to delete the intended use of a new construction access route along the length of Ballochroy Glen in favour of the use of an existing forestry haul route from the A83 commencing at a point about 4km north of Clachan and running south towards loch Garasdale. Neither Transport Scotland nor the Council's roads engineers have concerns about the amended route to the site which does not share the residential amenity, nature conservation or historic environment shortcomings of the originally intended route.

Natural Heritage & Ecology

- Adverse impact on aquatic wild life.
- Adverse impact on natural diversity of wildlife in the area.
- SNH has concerns regarding protected unspecified aquatic species.

Comment: SNH does not object to the nature conservation consequences of the development subject to appropriate mitigation measures being implemented.

Ornithology

- Concerns expressed about adverse effect on birdlife.
- Threat to Red Throated Diver Population, a species protected under the EU Birds Directive.
- SNH had to recalculate the predicted collision mortality rate due to flaws in the developer's calculations. SNH's calculations show the predicted mortality risk at more than twice that predicted by the developers.

Comment: Neither SNH nor RSPB have objected on ornithological grounds.

Built Heritage & Archaeology

- The impact of the proposed access on the historic Ballochroy Glen and surrounding hills is very worrying.

Comment: The applicants have amended their scheme post-submission to delete the intended use of a new construction access route along the length of Ballochroy Glen in favour of the use of an existing forestry haul route. This reduces the number of historic environment sites within a 100m route corridor from 19 to 2.

Visual Impact

- Adverse impact on views from the north end of Arran.
- The ES assesses the effect on the NSA as 'medium to low' - SNH believe this effect has been under rated.

- SNH are of the opinion the proposal is poorly located and badly designed.
- Views from Arran towards Kintyre, Gigha and Jura will be interrupted by the proposal, which will create a focal point, affecting the experience from, and the qualities of the NSA.
- The location of the proposal, in proximity to Deucheran Hill and Beinn an Tuirc wind farms on the spine of Kintyre, but, out of alignment with them, extends the wind farm landscape of Kintyre's central spine eastwards to the coast and northwards towards Tarbert and is detrimental to the views from the NSA.
- Views of the proposal will be seen from sensitive coastal routes – the Arran and Kintyre Hills, the ferry and popular recreational and historic tourist routes.

Landscape Impact

- Wind farms are only acceptable when they do NOT damage the scenic landscape.
- Wind farms ruin the landscape and are the biggest 'con' of the 20th and 21st centuries.

Cumulative Impact

- The cumulative impact is unacceptable when considered together with the wind farms at Deucheran Hill and Beinn an Tuirc, and the substantial approved wind farm, Beinn an Tuirc 2 has still to be built.
- Kintyre has reached capacity of wind farms without the peninsula being totally ruined for tourists and residents.

Location, Siting, Design & Layout

- Inappropriate siting of the proposal.

Comment on landscape visual and cumulative effects: it is considered that the development reinforces the established locational pattern of consented windfarm developments in Kintyre without giving rise to inappropriately close association between separate sites, without being sited inappropriately close to the coast and without impinging upon views towards Kintyre from Arran to such a degree as to warrant refusal of the application. SNH has withdrawn its original objection on landscape and visual grounds.

Tourism

- Arran is a showcase island for Scottish tourism and should be protected.
- As tourism is Arran's major source of income, this could be substantially negatively affected by another wind farm on the Kintyre Peninsula - one of the main reasons for visiting Arran is the visual experience.
- An adverse impact on tourism could have a knock on effect on the people who live and work on Arran and in particular future generations.

Comment: The effect of the presence of turbines upon the decisions of tourists has been the subject of conflicting research conclusions. It is clear that firstly, much of the area's tourism draw depends upon the natural and scenic qualities of the area and that secondly, tourism related employment is an important sector in the local economy. However, windfarm developments which are appropriately sited to avoid significant landscape or visual effects should be capable of co-existing with the tourism economy without a significant deterrent effect upon visitors.

Unexploded Ordnance

- Site was used by the military for bomb practice.
- Although claimed the area will be cleared of all dangerous ordnance, some may remain to the risk of both construction personnel and visitors.
- In the interests of public safety, this site is inappropriate for development.

Comment: Site safety during construction and operation is a matter for the applicants who are aware of the history of the site's use for military purposes. There is no specific legislation covering the management and control of the unexploded ordnance risk in the UK construction industry, but issues regarding health and safety are addressed under a number of regulatory instruments aside from planning, so this is not a material planning consideration.

Sustainability

- Legacy left for future generations - who will have to cope with dismantling the turbines and restoring the countryside?
- Green? What's green about transporting diesel-guzzling truckloads of concrete and other hardware up hills so that landowners can latch on to the new gimmick for ripping off the taxpayer?
- Given the estimated lifespan of these infernal machines (25 years max) they will never replace their own carbon footprint.
- The only people really in favour of this 'technology' are the developers, lawyers, politicians and landowners who are lining up to profit from the whole madness at public expense.
- I am not against progress and in general support alternative energy, including wind mills appropriately sited but not overwhelming the countryside around.
- Wind turbines would be better located off-shore.

Comment: Generic concerns about the windfarm development sector as a whole and its credentials and sustainability are not generally relevant to the determination of the application at hand, the acceptability of which should be determined on the merits of site specific considerations.

Precedent

- The proposal could lead to a precedence being set in favour of more wind farm development in Kintyre.

Comment: Windfarm proposals in Kintyre have been both approved and refused in their light of their respective merits. Subsequent applications will continue to be determined on their individual merits

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in this report, have been summarised and that the full consultation responses or letters of representation are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement (ES):** Yes
 - (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
 - (iii) A design or design/access statement:** No but these matters are addressed in the Environmental Statement supporting the application.
 - (iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes – Environmental Statement comprising: Non-Technical Summary, May 2010; Technical Appendices, May 2010; Environmental Statement Volume 1, written statement, May 2010; Environmental Statement Volume 2, landscape & visual figures May 2010; the further information(addendum) as detailed in Section C, Appendix B and addendum dated 12th July 2012.
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(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes

A Section 75 Legal Agreement is recommended should Members be minded to support Officer's recommendation for approval. The recommended Heads of Agreement are as follows:

Section 75 Heads of Agreement:

- Implementation of Habitat Surveys & Mitigation Measures in respect of black grouse, hen-harrier and a further confidential protected identified by SNH;
- Provision for small-scale environmental enhancements to the built and natural environment of the Cour Estate in accordance with a plan and programme to be submitted for such;
- Provision of a Bond to secure decommissioning costs.

Reason for refusal in the event that agreement is not concluded within three months

1. The development gives rise to potentially adverse consequences for nature conservation interests identified in the applicant's Environmental Statement, the

importance of which has been endorsed by comments received on behalf of Scottish Natural Heritage. The impact of development can be mitigated by appropriate pre-construction habitat surveys and by the implementation of agreed mitigation measures during construction activities on the site, so as to reduce the likely consequences to a level which is acceptable in terms of impacts upon species of nature conservation importance. The appropriate means by which such mitigation can be assured is by way of a legal agreement to be concluded under Section 75 of the Town & Country Planning (Scotland) Act 1997. The absence of such an agreement would not secure the requirements of Scottish Natural Heritage in its capacity as consultee and would be contrary to nature conservation interests and to Policy STRAT DC 7: Nature Conservation & Development Control of the 'Argyll & Bute Structure Plan' (approved 2002) and Policies LP ENV 2: Development Impact on Biodiversity Policy LP ENV 6: Development Impact on Habitats and Species and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009)

2. The development is one of limited life expectancy where provision is required for the decommissioning and dismantling of the equipment and restoration of the site, either at the end of the life of the equipment, or in the event that the site ceases to be used for the purposes of electricity generation prior to the expiry of the consent. The appropriate means to ensure that restoration of the site is assured is by means of a financial bond, the absence of which would give rise to uncertainty as to whether equipment would be removed and the site restored at the end of the operational life of the development, with the prospect of redundant equipment and dereliction giving rise to adverse environmental consequences for the site and the surrounding area beyond the life of the windfarm, contrary to Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:

No Direction has been issued by Scottish Ministers in this case, in terms of Regulations 30, 31 or 32 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

'Argyll & Bute Structure Plan' (approved 2002)

Policy STRAT SI 1: Sustainable Development
Policy STRAT DC 5: Development in Sensitive Countryside
Policy STRAT DC 6: Development in Very Sensitive Countryside
Policy STRAT DC 7: Nature Conservation & Development Control
Policy STRAT DC 8: Landscape & Development Control
Policy STRAT DC 9: Historic Environment & Development Control
Policy STRAT DC 10: Flooding & Land Erosion
Policy STRAT FW 2: Development Impact on Woodland
Policy STRAT RE 1: Wind Farm/Wind Turbine Development

'Argyll & Bute Local Plan' (adopted 2009)

Policy LP ENV 1: Development Impact on the General Environment
 Policy LP ENV 2: Development Impact on Biodiversity
 Policy LP ENV 3: Development Impact on European and Ramsar Sites
 Policy LP ENV 4: Management of Sites
 Policy LP ENV 5: Development Impact on Sites of Special Scientific Interest (SSSIs)
 Policy LP ENV 6: Development Impact on Habitats and Species
 Policy LP ENV 7: Development Impact on Trees/Woodland
 Policy LP ENV 8: Development Impact on Local Nature Conservation Sites
 Policy LP ENV 9: Development Impact on National Scenic Areas (NSAs)
 Policy LP ENV 11: Development Impact on Historic Gardens and Designed Landscapes
 Policy LP ENV 12: Water Quality and Environment
 Policy LP ENV 13a: Development Impact on Listed Buildings
 Policy LP ENV 16: Development Impact on Scheduled Ancient Monuments
 Policy LP ENV 17: Development Impact on Sites of Archaeological Importance
 Policy LP ENV 19: Development Setting, Layout and Design
 Policy LP BAD 1: Bad Neighbour Development
 Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development
 Policy LP SERV 3: Drainage Impact Assessments (DIA)
 Policy LP SERV 4: Water Supply
 Policy LP SERV 6: Waste Related Development and Waste Management in Developments
 Policy LP SERV 9: Flooding and Land Erosion
 Policy LP TRAN 4: New and Existing, Public Roads and Private Access Regimes
 Policy LP TRAN 5: Off-site Highway Improvements
 Policy LP TRAN 6: Vehicle Parking Provision
 Policy LP TRAN 7: Safeguarding of Airports

Note: The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

- EU, UK Government and Scottish Government policy,
- National Planning Framework
- Scottish Planning Policy (SPP), Advice and Circulars
- Argyll & Bute Landscape Wind Energy Capacity Study 2012
- National Waste Management Plan
- Environmental Impact of the proposal
- Design of the proposal and its relationship to its surroundings
- Access and Infrastructure
- Planning History
- Views of Statutory and Other Consultees
- Legitimate Public Concern and Support expressed on 'Material' Planning Issues

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment (EIA):

This proposal is a Schedule 2 EIA Development, and in this case it was considered that an EIA was required due to the potential for 'significant environmental effects' associated with the development.

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes.

(M) Has a sustainability check list been submitted: No, separate consideration of the proposal's degree of sustainability has been required as the concept is integral to the EIA process.

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: No.

There is no requirement to hold a Discretionary Hearing given the relatively small number of representations received for a development of this scale. There would be no added value afforded to the process by convening a hearing as technical issues raised have been addressed and many of the objectors' concerns have been resolved by the revised access route.

(P) Assessment and summary of determining issues and material considerations

The application site located on rough open land on the eastern side of the spine of Kintyre, approximately 8.2km north of Carradale and 19km southwest of Tarbert. The proposal seeks the construction of a wind farm comprising 10 turbines (111.25m to blade tip); crane hard standing areas adjacent to each turbine; a permanent anemometer mast; permanent access tracks from the site entrance to the turbines and ancillary infrastructure; temporary construction compound and laydown area; and, an electrical sub-station. Other specified operations include: transformers and cables from the wind turbines to the substation, and, five borrow pits to provide the aggregate required during construction (to be subject of separate mineral planning applications). Suitable access is not achievable via the east Kintyre road, so it is proposed to access the site via an existing forest haul route from the A83 north of Clachan.

The site is located within a '*Potentially Constrained Area*' in terms of the local plan wind farm map (which applies to developments with an installed capacity of 20MW or more). The main part of the site (where turbines are to be located) is positioned in the 'Very Sensitive Countryside' and 'Sensitive Countryside' development control zones as designated by the Argyll & Bute Local Plan (adopted 2009).

There are habitats, species and scenic designations in the surrounding area, which would be affected by the presence of a wind farm, the significance of which has been assessed in the Environmental Statement accompanying the application, the validity of which has been reviewed by relevant consultees. Scottish Natural Heritage originally objected to the proposal in terms of its inappropriate impact upon the North Arran National Scenic Area. They have subsequently reviewed this position taking into account the findings of their own more recent 'special qualities' report for the NSA and those of the 'Argyll & Bute Landscape Wind Energy Capacity Study', which along with a further commentary from the applicants, has led to them withdrawing their formal objection.

They do however, have residual concerns regarding cumulative impacts of multiple developments in Kintyre in views out from Arran and in terms of the scale and position of the turbines which are larger and less centred on the centre of the spine of the peninsula than is the case with consented developments.

North Ayrshire Council has objected to the proposal, on the grounds of significant adverse landscape and visual impacts upon Arran.

A total of 19 letters of representations have been received – 2 in support, and 17 against. Many of the objections have been addressed by the applicant's deletion of the originally intended means of access via Ballochroy Glen, in favour of use of an existing forest haul route to access the site from west Kintyre. The principal residual issues raised by objectors are the consequences of the presence of the development on ornithology and the landscape.

Notwithstanding the views expressed by consultees and third parties, it is not considered that the proposal will give rise to such significant adverse landscape and visual impact as to warrant refusal of planning permission. All technical details raised by relevant consultees could be dealt with by means of planning conditions or Section 75 Legal Agreement.

(Q) Is the proposal consistent with the Development Plan:

It is considered that the proposal is consistent with the provisions of the Development Plan.

(R) Reasons why planning permission should be approved:

The application site lies within the Upland Forest-Moor Mosaic landscape character type as defined by the 'Argyll and Bute Landscape Wind Energy Capacity Study' (March 2012). This extends along the central section of the spine of Kintyre where it already accommodates several consented windfarm sites. The study provides guidance on development within this LCT, and notwithstanding the sites consented to date, identifies some remaining scope to accommodate further larger scale typologies in this character type. The site shares the locational advantages of previously consented developments and does not exhibit any of the specific shortcomings associated with this LCT which the study seeks to guard against. It does not give rise to unacceptable cumulative impact either upon locations in Kintyre or in longer distance appreciation of the site from the Isle of Arran. It is considered that this proposal is consistent with the provisions of the Development Plan, notwithstanding the objections raised by North Ayrshire Council on landscape and visual grounds. All other material issues have been taken into account in the determination of the proposal. It is considered that all 'technical' details can be addressed by relevant planning conditions/legal agreement.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/a

(T) Need for notification to Scottish Ministers or Historic Scotland: No.

Reviewing Officer: Richard Kerr

Date: 01.08.12

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 10/00909/PP

1. Notwithstanding the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, the wind farm hereby permitted shall be operational within five years from the date of this approval unless otherwise agreed in writing with the Council as Planning Authority, following which, by virtue of there having been no start on the development hereby permitted, this permission will be considered to be no longer extant. Development which has been commenced but which remains uncompleted and has not resulted in an operational wind farm within this five year timescale (or otherwise agreed timescale) shall be removed and the site shall be fully restored in accordance with the Environmental Statement dated May 2010 and as provided for by 'decommissioning' conditions attached to this permission.

Reason: In order to reduce unnecessary blight over wind catchment areas and other potential sites which, cumulatively, may result in an adverse environmental impact, but individually might otherwise receive the benefit of planning permission.

2. This permission shall last for a temporary period of 25 years from the date of commencement of the commercial operation of the wind farm, which shall be notified in writing to the Council as Planning Authority. Within 12 months of the end of that period, unless a further planning application is/has been submitted and approved, all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land reinstated in accordance with the applicant's statement of intentions and 'decommissioning' conditions listed below, to the satisfaction of the Planning Authority.

Reason: In order that the Planning Authority has the opportunity to review the circumstances pertaining to the permission, which is of a temporary nature and in the interests of the visual amenity of the area.

3. The operator shall at all times deal with the areas forming the subject of this approval in accordance with the provisions of the application and Environmental Statement dated May 2010 and Addenda dated: July 2010; October 2010; November 2010 and July 2012 and plans submitted, except as otherwise provided by this approval, and shall omit no significant part of the operations provided for therein except with the prior written approval of the Planning Authority.

Reason: For the avoidance of doubt and in order that the Planning Authority may retain effective control in the interests of wildlife and visual amenity.

4. This permission should not be construed as conferring permission for the working of any of the 5 borrow pit locations referred to in the application and accompanying Environmental Statement (May 2010) the precise nature, extent and working method of which will only be capable of being determined through the submission and determination of 5 separate 'mineral' planning applications yet to be considered.

Reason: For the avoidance of doubt, and having regard to the need for separate mineral planning permissions.

5. Prior to development commencing, details of the turbine model selected for installation on the site and confirmation of the final micro-siting of turbines shall be submitted to the Council as Planning Authority. Prior to the turbines

first being brought into use, the developer shall submit to the Council as Planning Authority, location details for each turbine as erected in the form of Global Positioning System co-ordinates.

Reason: In order to demonstrate that the wind farm has been constructed in accordance with the approved plans.

6. If, by reason of any circumstances not foreseen by the applicant, it becomes necessary or expedient during the continuance of the operations hereby approved to materially amend or abandon any of the provisions hereof, the applicant or operator shall forthwith submit to the Planning Authority an amended application, plans and Environmental Statement but shall also adhere to and comply with this planning permission until such time as an amended application has been determined by the Planning Authority.

Reason: In order that the planning permission may be reconsidered should a change of intentions become necessary.

7. If, by reason of any circumstances not foreseen by the applicant or operator, any wind turbine fails to produce an electricity supply to the local grid for a continuous period of 12 months then it will be deemed to have ceased to be required and, unless otherwise agreed in writing with the Planning Authority, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the site restored in accordance with the agreed scheme, all to the satisfaction of the Planning Authority.

Reason: In accordance with the Council's policy to ensure that full and satisfactory restoration of the wind farm site takes place should it fall into disuse.

8. The wind turbines shall be finished in a matt grey white colour (RAL 9002 or RAL 7035), or such other colour as may be agreed in writing with the Planning Authority, and the colour and finish of the wind turbines shall not be altered thereafter without the written permission of the Council as Planning Authority.

Reason: To reduce the impact of the turbines and minimise reflection in the interest of visual amenity.

9. Unless otherwise agreed in writing, in the interests of military air safety, the turbines shall be fitted with aviation lighting. All 10 turbines shall be fitted with infrared lighting at the highest practicable point which shall be maintained in good order and shall not be removed without the written permission of the Council as Planning Authority.

Reason: In the interests of air safety.

10. There shall be no illumination other than the 'aviation lighting' specified in condition 9 above of the wind turbines hereby permitted, nor shall any symbols, signs, logos, or other lettering be applied to the turbines without the prior approval of the Planning Authority.

Reason: To protect the rural character of the area in the interests of visual amenity.

11. Before the cessation of the planning permission, a decommissioning plan shall be submitted for the written approval of the Council as Planning Authority in consultation with Scottish Natural Heritage. Within 12 months of the planning permission lapsing, unless any further permission has been granted for their retention for an additional period, the wind turbines and all ancillary structures

shall be removed, and the turbine bases and adjoining hard standings covered in soil/peat and re-seeded with appropriate vegetation in accordance with the requirements of the approved plan.

Reason: To ensure that disturbed areas of the site are reinstated in a proper manner in the interests of amenity.

12. All wires and cables between the wind turbines and sub-station shall be located underground within the access track verges or within three metres of the access tracks unless otherwise agreed in writing with the Planning Authority, and the ground thereafter shall be reinstated to a condition equivalent to the land adjoining the trenches within two months of completion of cable laying to the satisfaction of the Planning Authority.

Reason: In the interests of visual amenity and nature conservation.

13. Within six months of the wind farm becoming fully operational, all temporary site offices, containers, machinery and equipment shall be removed, and the materials storage compound/laydown area shall be fully restored in accordance with a scheme detailing vegetation replacement techniques and timing, which shall be submitted to and approved in advance by the Council as Planning Authority unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In order to secure appropriate reinstatement of those areas disturbed by construction in the interests of amenity.

14. No development shall be commenced until a Construction Method Statement (CMS) has been submitted to and agreed by the Council as Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This should address all aspects of the construction process which might impact on the environment, including in particular, excavations and other earthworks, a management/reinstatement scheme for peat areas, the construction works associated with upgraded watercourse crossings, the management of waste streams, the timing of works to avoid periods of high rainfall; along with monitoring proposals, contingency plans and reinstatement measures. The development shall be implemented in accordance with the provisions of the duly approved CMS or any subsequently agreed variation thereof.

Reason: In the interests of pollution control and protection of the water environment.

15. Prior to the commencement of development, full details of the drainage proposals for the site, including foul drainage arrangements for the control building, and drainage for the vehicle accesses, storage areas and compounds, together with the provisions for the avoidance of sedimentation and pollution from construction works and the storage and use of oils and other potential pollutants, and measures for the monitoring and mitigation of erosion, shall be submitted for the approval of the Council as Planning Authority in consultation with the Scottish Environment Protection Agency. The development shall be implemented in accordance with the duly approved details

Reason: In order to prevent pollution of the water environment.

16. Prior to the commencement of development, full details of a Restoration Method Statement and Restoration Monitoring Plan shall be submitted for the

approval of the Council as Planning Authority, in consultation with Scottish Natural Heritage. The restoration method statement shall provide restoration proposals for those areas disturbed by construction works, including access tracks, hardstandings and other construction areas. Restoration of construction disturbed areas shall be implemented within 6 months of the commissioning of the wind farm, or as otherwise agreed in writing with the Council as Planning Authority. The monitoring programme shall include a programme of visits to monitor initial vegetation establishment and responses to further requirements, and long term monitoring as part of regular wind farm maintenance.

Reason: To ensure that disturbed areas of the site are reinstated in a proper manner following construction in the interests of amenity, landscape character and nature conservation.

17. The control building shall be faced in natural stone/smooth cement or wet dash render painted a recessive colour (or other natural/recessive finish as agreed in writing by the Planning Authority) with the roof pitch amended to between 35 - 38 degrees, finished in natural slate or a good quality slate substitute, samples, full details and amended drawings of which shall be submitted for the prior written approval of the Planning Authority prior to building works commencing. The development shall be implemented in accordance with the duly approved details.

Reason: In order to secure an appropriate appearance in the interests of amenity and to help assimilate the building into its landscape setting.

18. Prior to the commencement of development, details of materials, external finishes and colours for all ancillary elements, including transformers, switchgear/metering building, compound and fencing shall be submitted to and approved by the Council as Planning Authority. The development shall be implemented in accordance with the duly approved details.

Reason: In order to secure an appropriate appearance in the interests of amenity and to help assimilate the structures into their landscape setting.

19. Details of the bird monitoring programme for the years of operation 1 to 5 inclusive and year 10 shall be submitted to, and be approved in writing by, the Planning Authority, in consultation with Scottish Natural Heritage and the Royal Society for the Protection of Birds prior to the commencement of development. Thereafter monitoring results for each period shall be submitted to the Council as Planning Authority within a four month period following each 12 month period of monitoring along with details of any mitigation measures required.

Reason: In the interests of nature conservation.

20. At the request of the Council, following a complaint to the Council relating to noise emissions from the wind turbines, the developer shall undertake an investigation of the complaint, carry out monitoring, prepare and submit a report upon the problem and advise of any necessary remedial action in accordance with the methodology set out in the report entitled "The Assessment and Rating of Noise from Wind Farms ETSU-R-97" produced by the Energy Technology Support Unit on behalf of the Department of Trade and Industry and take any such remedial action agreed to the satisfaction of the Council as Planning Authority.

Reason: To help to control and therefore, minimise possible noise pollution

21. Prior to the commencement of the construction of the development, the Developer should agree with the Council as Planning Authority the working methods and operating times to be employed during the constructional phase, in order to prevent the occurrence of or minimise the effect of any nuisances. Thereafter the development shall be implemented in accordance with the duly approved details unless any subsequent variation thereof is agreed in advance in writing by the Council as Planning Authority.

Reason: To help to control and therefore, minimise possible noise pollution.

22. The level of wind turbine noise from the site shall not exceed 35dB L_{A90} when measured at any residential property in accordance with the methodology of ETSU-R-97.

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

23. Prior to the commencement of the development hereby permitted, the applicant shall provide warranty to the satisfaction of the Council as Planning Authority that the noise from turbine operation will be broad-band with no discernable tonal characteristics.

Reason: To minimise the adverse impact of noise generated by the operations on the local community.

24. No development shall be commenced until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the developer, agreed by the West of Scotland Archaeology Service and approved in writing by the Council as Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details unless any subsequent variation thereof is agreed in advance in writing by the Council as Planning Authority.

Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on the site, and to allow any action required for the protection, preservation or recording of such remains.

25. Prior to the development commencing a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

Reason: In the interests of public health and in order to ensure that an adequate private

water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

26. Prior to commencement of deliveries to site a Route Access Report including swept path analysis to ensure that abnormal loads can be transported through the trunk road network safely must be undertaken and submitted for the further written approval of the Planning Authority in consultation with Transport Scotland. The complete report shall detail any accommodation measures Required including the temporary removal of street furniture, junction widening, traffic management and show that the transportation will not have any detrimental effect on structures within the route path.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

27. During the delivery period of the wind turbine construction materials any additional signing or temporary traffic measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, and submitted prior to the commencement of deliveries to the site for the written approval of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the transportation will not have any detrimental effect on the road and structures along the route.

28. No development shall commence until the means of access to the site between the A83 and the application site boundary has been approved in accordance with the provisions of planning permission references: 12/00858/PP; 12/00859/PP; 12/00860/PP; 12/00861/PP; 12/00862/PP; 12/00863/PP; and 12/01338/PP and the conditions attached thereto.

Reason: In the interests of road safety.

29. Throughout the construction and commissioning stages of the development, and during decommissioning, an appropriately qualified 'Ecological Clerk of Works' shall be available to: protect the freshwater environment; direct the micro-siting of turbines, bridges, compounds and access tracks, to ensure that sensitive features are avoided, and that habitat enhancement works and all mitigation and restoration measures are fully implemented. The ECOW should liaise with Scottish Natural Heritage and the role of the ECOW should be clearly conveyed to all personnel prior to their commencement of work on the site.

Reason: In the interests of nature conservation.

30. Prior to the commencement of construction work and Environmental Management Plan (EMP), should be submitted to the Council as Planning Authority for consultation with Scottish Natural Heritage. The Environmental Management Plan shall include details of all mitigation including that for the SPA, the SSSI, European Protected Species, Protected Aquatic Species, Black Grouse and Red-throated diver. It should also pay particular regard to the following:

- construction of the new access track at Cnoc Laoighscan should be avoided during the bird breeding season (April to September);

- placement of artificial rafts to encourage breeding and counteract the predicted losses due to collision;
- and management for red-throated diver should be included which incorporates collision mortality searches, monitoring of breeding success and deployment and maintenance of artificial rafts

The development shall thereafter be implemented in full accordance with the duly approved measures.

Reason: In order to protect and avoid disturbance to protected species in the interests of nature conservation.

31. Prior to the commencement of construction work, including forestry operations A Peatland Management Plan (including a report detailing the results of the Stage 2 intrusive investigation) shall be developed in consultation with the Scottish Environment Protection Agency and shall be submitted for the written approval by the Council as Planning Authority in consultation with the Scottish Environment Protection Agency. The plan shall be implemented in full accordance with the duly approved measures.

Reason: In the interests of public health and safety and nature conservation.

32. Prior to the commencement of construction work, including forestry operations, a Mammal Protection Plan shall be developed in consultation with Scottish Natural Heritage and shall be submitted for written approval by the Council as Planning Authority in consultation with Scottish Natural Heritage. The plan shall be implemented at such time as forestry operations commence for the full duration of the construction phase of the development, in accordance with the duly approved measures.

Reason: In the interests of nature conservation.

33. Prior to the commencement of construction work, including forestry operations, a Breeding Bird Management Plan shall be developed in consultation with Scottish Natural Heritage and the Royal Society for the Protection of Birds and shall be submitted and be approved in writing by the Council as Planning Authority in consultation with Scottish Natural Heritage and the Royal Society for the Protection of Birds. This should include appropriate measures to mitigate against black grouse colliding with handrails and lower tower sections. The plan shall be implemented at such time as forestry operations commence, for the full duration of both the construction and operational phases of the development, in accordance with the duly approved measures.

Reason: In the interests of nature conservation.

34. Prior to the commencement of construction work, including forestry operations, a Black Grouse Habitat Management Plan shall be developed in consultation with Scottish Natural Heritage and the Royal Society for the Protection of Birds and shall be submitted and be approved in writing by the Council as Planning Authority in consultation with Scottish Natural Heritage and the Royal Society for the Protection of Birds. The plan shall be implemented at such time as forestry operations commence, for the full duration of both the construction and operational phases of the development, in accordance with the duly approved measures.

Reason: In the interests of nature conservation.

35. Prior to the commencement of construction work, including forestry operations, a Red-Throated Diver Habitat Management Plan shall be developed in consultation with Scottish Natural Heritage and the Royal Society for the Protection of Birds and shall be submitted and be approved in writing by the Council as Planning Authority in consultation with Scottish Natural Heritage and the Royal Society for the Protection of Birds. The plan shall be implemented at such time as forestry operations commence, for the full duration of both the construction and operational phases of the development, in accordance with the duly approved measures.

Reason: In the interests of nature conservation.

36. Prior to the commencement of construction work, full details of a buffer to be provided around the Talatoll, shielings scheduled ancient monument shall be submitted for the further written approval of the Planning Authority. The duly approved measures shall be implemented prior to works commencing and shall be retained in place for the full duration of construction operations on the site.

Reason: In the interests of safeguarding the historic environment

37. Prior to the commencement of turbine tower erection, a baseline TV reception study shall be undertaken and submitted to the Council as Planning Authority. Within 12 months of the final commissioning of the wind farm, any claim by any person for TV picture loss or interference at their household, office, shop or other building shall be investigated by a qualified television engineer and the results submitted to the Council as Planning Authority. Should any impairment to the TV reception be attributable to the wind farm, such impairment shall be improved to an acceptable standard of TV reception, such that the standard at the household, office, shop or other building at the time of the baseline reception study is maintained

Reason: In order to avoid interference with television reception as a result of the operation of the wind farm.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 10/00909/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. SETTLEMENT STRATEGY & WIND FARM PROPOSALS MAP

The site lies within a '*Potentially Constrained Area*' for wind farm development identified by the 'Argyll & Bute Local Plan' Wind Farm Proposals Map. The main part of the site (where turbines are to be located) is positioned in the 'Very Sensitive Countryside' and 'Sensitive Countryside' development control zones as designated by the adopted 'Argyll & Bute Local Plan'.

This proposal constitutes 'large scale' development in the open countryside, which would normally prompt the requirement for an area capacity evaluation (ACE). It is not normal practice for an ACE to be undertaken for a wind farm which has been subject to Environmental Impact Assessment (where consideration of alternatives is mandatory).

In this case, having regard to the more detailed assessment in the sections below, it is considered that it has been demonstrated that the scale and location of the development proposed would integrate sympathetically with the landscape, without giving rise to significant adverse consequences for landscape character, the natural or historic environment or other material interests.

Having due regard to the above it is considered that the proposal is consistent with the provisions of the Scottish Planning Policy (2009); Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT DC 5: Development in Sensitive Countryside; STRAT DC 6: Development in Very Sensitive Countryside and STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (Approved 2002) and Policy LP REN 1: Wind Farms & Wind Turbines of the 'Argyll & Bute Local Plan' (Adopted 2009).

B. LOCATION, NATURE & DESIGN OF PROPOSED DEVELOPMENT

The proposal is to be located on rough open land, approximately 8.2km north of Carradale, 19km southwest of Tarbert and 3.5km north of the nearest operational windfarm at Deucheran Hill. Access to the site during both construction and operation would be gained via an existing forest haul route from the A83 on the west coast of Kintyre and then by means of a new access from the forest boundary to the site. An original proposal to take access from the A83 via Ballochroy Glen has been dropped in favour of this less environmentally intrusive access option and the application and accompanying environmental statement has been amended accordingly.

The proposal would provide a total maximum generating capacity of up to 25MW. The maximum height of the turbines to blade tip would be 111.25m, with an 82.5m rotor diameter. The following elements are included in the planning application: 10 wind turbines; crane hard standings adjacent to each turbine; a 70m meteorological mast; permanent access tracks from the site entrance to the turbines and ancillary structures; temporary construction compound and lay down area; five borrow pits designed to provide stone for a variety of construction activities (which would be required to be the subject of separate mineral planning applications); transformers and cables from the wind turbines to the substation; and an electrical sub-station. Separate planning consents have been granted for minor improvements required for windfarm traffic to be able to utilise the existing forest haul road access up to the application site.

The general design of the turbines and ancillary structures is considered acceptable with the exception of the sub-station building. It is considered that the design of this building as per the details shown in the Environmental Statement would appear unsympathetic in the landscape

were permission to be granted. As it is only an ancillary aspect of the wider proposal, it is not considered that it constitutes a reason for refusal as the design and finishing materials could be controlled by means of a condition in the event of an approval. Consequently, an appropriate condition has been recommended.

It is considered that the design of the development is appropriate, and that its intended location is acceptable. It is not considered that the proposal will give rise to significantly adverse impacts upon the receiving environment and therefore in terms of the overall sustainability of the proposal, it is considered that it would not have an adverse consequence for the conservation of the natural or historic environment, landscape character and the character of settlements.

Having due regard to the above, it is considered that the proposal is consistent with the provisions of Policies LP ENV 1: Development Impact on the General Environment and LP ENV 19: Development Setting, Layout & Design of the 'Argyll & Bute Local Plan' (Adopted 2009), insofar as the development respects the context into which it is to be located and protects the established character and local distinctiveness of the landscape into which development is to be introduced. Furthermore, that the proposal would be sustainable and consistent with the provisions of the Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policy STRAT SI 1: Sustainable Development of the 'Argyll & Bute Structure Plan' (Approved 2002).

C. FURTHER INFORMATION

Further information (in the form of two Addenda to the Environmental Statement) has been submitted in an attempt to address concerns raised by consultees in respect of the original Environmental Statement. This provides additional details in relation to a number of topics including:

- 'Report responding to SNH consultation response', November 2010. SNH originally objected to the proposal on the following grounds which they considered raised issues of national interest: adverse effect on landscape quality and the special qualities of the north Arran NSA, and detrimental impact upon the maintenance of the population of red throated diver at favourable conservation status in their natural range. This report details the applicant's response to the points of objection raised by SNH.
- 'Response to SNH, Landscape & Visual Figures: 1A -14', November 2010
- 'Response to Scottish Natural Heritage Annex 4' (Confidential)
- 'Cultural Heritage EIA, Supplementary Information – An Dunan, dun', July 2010. Historic Scotland did not object to this application, however, they did suggest mitigation measures to address some concerns raised. Consequently, the developer's Cultural Heritage consultant, prepared supplementary information to respond to Historic Scotland's points of concern detailing intended mitigation measures.
- 'Water Supply and Waste Water Disposal', October 2010, Report on site visit and options appraisal. Advises on the water supply and disposal of waste water from the proposed development. The advice is required to: assess options for the provision of a water supply to the sub-station required on site, assess the options for the disposal of waste water after appropriate treatment on site, and consider possible impacts of the development of the access track on existing private water supplies several kilometres west of the proposed wind farm site.
- 'Access Track, Engineering Geological Assessment Report', November 2010. The report comprises a description of the study area conditions at present in relation to the proposed

wind farm access track and includes a summary of study area related information such as archaeology and ecology provided by others.

- 'Access Track, Stage 1 Peat Stability Assessment', November 2010. This report comprises a stage 1 Peat Stability Assessment, which has been compiled based on available information and subsequent site reconnaissance exercises.
- 'Site Environmental Management Plan'
- Revised Access 2012. This deletes 4km of proposed new construction via Ballochroy Glen in favour of the less environmentally intrusive option of improving and utilising an existing forest haul road from a point approx.4km north of Clachan to a point north of Loch Garrasdale, from which a 4.5km access road would be constructed to the turbine site.

Statutory consultees have been given the opportunity to comment further on the proposal in light of the submission of these items of additional information.

D. LANDSCAPE CHARACTER & LANDSCAPE IMPACT

Landscape impacts may be considered in terms of the disturbance, damage or loss of individual features of landscape character, such as streams, woodlands and open moorland. Landscape character is a fundamental starting point for assessing whether a landscape is suitable for assimilating wind energy development successfully, without giving rise to unacceptable impacts upon the countryside. Several objectors have raised concern about the issue of adverse landscape impact, as have Scottish Natural Heritage and North Ayrshire Council.

The site lies to the east of the centre of the spine of Kintyre, with the turbines arranged around the western side of a localised rounded summit known as Beinn Bhreac (244m). This hill and the land below it down to the coast forms part of the Cour Estate and unlike the land to the north, west and south, this area has not been afforested. This cannot be appreciated locally as the coast road is tucked in below steeply rising ground, but in viewing the peninsula from Arran the open moorland can be seen in stark contrast to the forestry plantations which lie above and to the north and south of it. The area has some association with windfarm development as the operational site at Deuchean Hill lies only 3.5km to the south of the application site.

Land rises steeply from the east Kintyre coast reaching a summit at 165m after about 1.1km inland. It then rises much more gradually for a further 1.6km until the site of the leading edge of the windfarm and the proposed easternmost turbine is reached at a height of about 200m. The development is therefore clearly related to the plateau and associated localised summits of the inland spine of Kintyre (around a height of 240-280m) rather than to the coastal edge of the peninsula.

SNH originally raised formal objection to the proposal which they considered raised issues of national importance given the landscape implications of the presence of the development on the North Arran National Scenic Area. Subsequently, SNH have taken into account the findings of their own more recent 'North Arran Special Qualities Report' (2010) and the conclusions of the Council/SNH commissioned 'Argyll & Bute Wind Energy Capacity Study' (2012) and have withdrawn their formal objection on landscape and visual grounds, although they continue to express concerns about the scale of the turbines and the cumulative impact of multiple windfarm developments upon Arran. North Ayrshire Council have objected to the proposal on the grounds of adverse landscape and visual impact and the encircling effect of multiple windfarm developments around Arran. As a statutory consultee to the application process, any decision to approve the application in the face of this objection would prompt a requirement for notification to the Scottish Ministers for a decision as to whether they should intervene and 'call-in' the application for their own determination.

SNH consider that whilst the Landscape Character Assessment shows that the site is located within the Upland Forest Moor Mosaic area, at a more local scale, it appears to be located within the Moor context of this landscape type and closer to the coast than other consented wind farm development (Deucheran Hill and Beinn an Tuirc windfarms) which are more centrally located on the spine of Kintyre. They consider that this increases the impact on the Upland Forest Moor Mosaic Landscape Character type as the other wind farms occur primarily within the forest element. SNH therefore believe this changes the context of development as the proposal will be seen in most views as being associated with moorland/rough grazing, whereas the others are associated with plantation forestry.

SNH are also concerned about the appearance of the wind farm due to its location within the northern section of the Kintyre spine as it returns toward lower coastal hills of east Kintyre. They believe this area is a transitional gateway area leading into the Kintyre Peninsula which would be best kept free from wind farm development. Whilst other wind farms are located within dips in the ridged central section of the spine, the proposal is associated with the flatter side slopes as it falls toward a lower elevation and the east coast. They further advise that the height of the turbines in relation to the landform is such that it would dominate the ridge, being up to half the height of the landform height. SNH consider that, often turbine 10 would appear an outlier, especially in viewpoints from Arran, and its inclusion appears to extend development horizontally along the peninsula. SNH further highlight the issue of the size of turbine in relation to landform. In comparison with Deucheran Hill and Beinn an Tuirc, the proposed turbines appear taller in relation to the landform than the other developments (the turbines are taller than the existing ones but this is exacerbated by the lower landform they are located upon). The proposed turbines appear to be less associated with the interior of the peninsula than the other developments.

In addition to having regard to the above consultation advice provided by SNH, consideration of the conclusions of the 'Argyll and Bute Landscape Wind Energy Capacity Study' (March 2012) is also required. Following approval by the Council, this now constitutes a material consideration in decision making, albeit of lesser weight than development plan policy. In terms of this study, which provides guidance on development within all LCT's, the proposal is located in Landscape Character Type (LCT) 6: Upland Forest-Moor Mosaic. This states that within LCT 6 "*there is some scope to accommodate further larger scale typologies in this character type. New developments should be sited away from the more complex irregular small hills found on the outer edge of the Kintyre peninsula (and particularly the arc of small knolly hills to the south of Lussa Loch)*".

In this case, it is considered that Cour wind farm is located within the large-scale, simple interior of Kintyre, "*away from the more complex irregular small hills found on the outer edge of the Kintyre peninsula*", whilst being well removed from Lussa Loch. Development & Infrastructure consider that the proposal is in principle consistent with the study in this regard. Whilst the study identifies this LCT as being one of the few locations in Argyll suited to the larger scale wind turbine models, it does however, go on to identify a range of shortcomings to be avoided in the siting of developments within this LCT, and it is appropriate to consider the merits of application proposal in the light of each of these in turn.

a) "turbines should not be sited on, or close-by, the more pronounced and higher hill summits found in the southern and northern part of this character type. The summits of Beinn Bhreac and Beinn an Tuirc are important in providing some partial containment of the operational wind farm of Beinn an Tuirc in views from Arran and this may limit scope for any further extensions to this wind farm". The proposal is not related to any particular hill features or summits and is well separated from the existing windfarm sites at Deucheran Hill and Beinn an Tuirc, so there is no prospect of coalescence or inadequate spacing between sites when viewed from Arran.

b) "Turbines should also be sited to avoid any intrusion on views to and from the rugged and remote coast between Skipness and Tarbert as this would affect the sense of wildness

associated with this seascape". The site has some visibility from a very small area at the southern extremity of the coast between Skipness and Tarbert but it is 15km to the south of the stretch of isolated coastline which is of importance at the entrance to Loch Fyne. Development & Infrastructure consider that the proposal consistent with the study in this regard.

c) "The smaller scale and settled Barr Glen and Glen Lussa, which lie within this character type, would also be sensitive to larger typologies sited on containing hills and ridges which provide immediate skylines. Development should additionally be sited to avoid significant intrusion on views from the B8001 to the mountains of Arran." The proposal has no visibility from the glens cited and negligible visibility from the Kennacraig-Claonaig road, and importantly, no intrusion in views towards Arran from that road. Development & Infrastructure consider that the proposal consistent with the study in this regard.

d) *"In terms of effects on adjacent landscape character types, significant intrusion on the setting and views from the adjacent settled and small scale 'Rocky Mosaic' (20) and the 'Hidden Glens' (3) LCT's should be avoided by larger turbines being set well back into the interior of these uplands – this would also accord with the established pattern of existing wind farm development within the Kintyre Peninsula thus limiting cumulative landscape impacts. Impacts on views from Arran would also be reduced by adopting the same strategy."* The proposal has very limited influence on these landscape character types. Its location well inland accords with the established pattern of wind farm development and reinforces the established pattern of development related to the spine of Kintyre rather than the coastal margins where more sensitive LCT's transport routes and settlement can be found. Development & Infrastructure consider that the proposal consistent with the study in this regard.

e) *"The medium typology (turbines 50-80m) may additionally reduce effects, both on views from*

Arran but also minimise cumulative effects in attaining compatibility with operational developments seen along the length of the Kintyre peninsula". The turbine height proposed at is 111.25m to blade tip whereas the closest operational site 3.5km south at Deucheran Hill has 7 turbines at 79m and 2 turbines at 93m tip height. Beinn an Tuirc I, which is much further south is 63.5m to tip, while Beinn an Tuirc II turbines are 100m to tip. There is therefore a precedent for the 'large' turbine typology of over 80m and no consistent size for consented turbines. The variations in the levels of the sites and the spacings between the sites are such that any inconsistency in height would be difficult to perceive at a distance from Arran. The smaller Deucheran Hill turbines are located at a higher level than the proposed Cour turbines at 300m+ rather than around 210m. There are no close quarter views of multiple sites from East Kintyre. Development & Infrastructure consider that the proposal consistent with the study in this regard.

f) *"There is likely to be some limited scope to accommodate new wind farm developments in this landscape character type, given the landscape and visual constraints outlined above. Extensions to existing developments may minimise cumulative effects in views from Arran by concentrating turbines and minimising the incidence of developments seen along the long skyline of the Kintyre peninsula, although the need to avoid significant impact on adjacent smaller scale landscapes on Kintyre may limit scope for further extensions."* The study seeks to limit development to the central part of the Kintyre spine thereby safeguarding the terminal ends of the peninsula to the north of the Claonaig road and to the south of Campbeltown. In so doing, it is important to avoid multiple windfarms being strung along the skyline when viewed from Arran and to avoid coalescence of sites which would have adverse cumulative effects. The extent of the windfarm in terms of its scale and its separation from consented sites is sufficient to ensure that the proportion of the skyline affected by the presence of turbines is not disproportionate to the extent of the peninsula which is visible from the North Arran NSA and the west coast of the island. Development & Infrastructure consider that the proposal consistent with the study in this regard.

g) *“Restricting development to the simpler lower middle section of skyline of the peninsula seen from Arran (and avoiding development at the more sensitive northern end near the Skipness/Tarbert coast and within the Mull of Kintyre Upland Forest Moor Mosaic (6c)) would limit cumulative visual impact.”* The siting of the development well into the interior of Kintyre avoids the coastal edge and the more sensitive terminal ends of the peninsula where the most development capacity is available in landscape terms. Development & Infrastructure consider that the proposal consistent with the study in this regard.

h) *“A tension is likely to occur between consolidating the existing foci for development, which would limit cumulative visual impacts from Arran, and avoiding visual intrusion within the small scale ‘Hidden Glens’ (3) and ‘Rocky Mosaic’ (20) character types which lie close to existing wind farms. Proposals for extensions should aim to replicate similar turbine heights and retain the integrity of layout of the original scheme”.* It is agreed that in keeping the more sensitive parts of Kintyre free of windfarm development there could be temptation to over-develop the upland spine with potentially unacceptable cumulative impacts if disproportionate sections of the skyline were to be occupied by turbines. However this relatively compact scheme does not exceed the carrying-capacity of the Kintyre skyline and does not give rise to inappropriate cumulative effects or present the prospect of Kintyre being perceived as a windfarm landscape. Development & Infrastructure consider that the proposal consistent with the study in this regard.

The potential shortcomings of further development in LCT 6 exceeding the capacity of the landscape to accommodate development of this type successfully, as identified in the study, are recognised by officers, as are the concerns expressed by SNH. However, it is not considered that the development in question is one which will be a step too far in this regard by contributing to unacceptable degree to the lateral spread of wind farms along the Kintyre skyline. Its location is such that it will have little influence on the settled margins of the peninsula with its transport routes, historic sites and tourism value. It will generally only be appreciated from offshore on the Kilbrannon Sound, or at further distance from Arran, where the long low skyline of Kintyre forms the backdrop the Sound. SNH considers that the presence of the windfarm will impact upon views from Arran but does not consider that the detriment to the NSA will be such as to warrant objection, mainly because views of Kintyre from Arran have not been cited as particular ‘special qualities’ contributing to the designation. North Ayrshire Council has objected largely on cumulative impact grounds, having regard to the fact that Arran has become subject to the presence of windfarm development to the north, west and east, albeit at a distance.

Whilst that may be the case, officers do not consider that the addition of this development will contribute to cumulative effects to a point at which the NSA designation will be seriously undermined; a position now accepted by SNH. Officers accept the conclusions of the applicant’s landscape assessment carried out as part of their ES, have had regard to the recommendations of the recently completed Landscape Wind Energy Capacity Study and consider that the impact of the development on landscape character within Kintyre or on Arran would not be so detrimental as to warrant refusal of the application on landscape or cumulative impact grounds.

Having due regard to the above it is considered that this proposal will not have a significant adverse impact on Landscape Character, will not adversely affect a number of key views and will not degrade designated scenic assets including a National Scenic Area to such a degree as to merit refusal of permission. It is therefore consistent with the provisions of the Scottish Planning Policy; Scottish Government’s Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside, STRAT DC 6: Development in Very Sensitive Countryside; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the ‘Argyll & Bute Structure Plan’ (approved 2009) and Policies LP ENV 9: Development Impact on National Scenic Areas; LP ENV 11: Development Impact on Historic Gardens and Designed Landscapes; LP REN 1:

Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009)

E. VISUAL IMPACT

Visual impact relates to the proposal's visibility and its impacts on views, as experienced by people. In determining the proposal's visual impact, the layout has been assessed from key viewpoints. Visually sensitive viewpoints include those where there are views to, or from, designated landscapes; however, sensitivity is not confined to designated interests. Visually sensitive viewpoints can include those which are frequently visited by people (such as well-used transport corridors, tourist roads, or picnic spots), settlements where people live, other inhabited buildings or viewpoints which have a landscape value that people appreciate (and which they might visit for recreational pursuits or areas for hill walking, cycling or education).

In order to assess the visual impact, the developer has appraised a series of viewpoints identified to reflect the sensitivity of receptors. These are located in local settlements, transportation corridors, places of cultural/historical interest and known popular viewpoints. It is accepted that photomontages and other visual information can only give an indication of the relative scale of the proposals in relation to the surrounding landscape. There is no disguising the visual impact of the proposal, as 111.25 metre tall structures with an 82.5m rotor diameter will be visible from some locations. However because of the siting of the development within the interior of the peninsula the more sensitive coastal landscapes and vantage points are shielded from visual influence which tends to be over greater distances and primarily from offshore.

SNH consider that there will be high visibility and prominence in views from the A841 and the Islands of Arran and Gigha. SNH considers that proposal appears more prominent in views over the sea from the Arran coast than other consented sites located within the hinterland of the peninsula, due to it not conforming to the existing pattern of wind farm development on Kintyre by being on the east facing side of the ridge and less associated with afforested areas.

There is therefore concern that there will be adverse visual impacts from sensitive coastal routes, islands off shore from Kintyre, the Arran Hills, the ferry and popular recreational destinations. This position is reflected in the objection raised by North Ayrshire Council.

Again in the absence of close quarter views of significance, the main issue is the influence the development will have in views from the road along the west coast of Arran and from elevated vantage points. The closest viewpoints from Arran will be along the A841 west coast road at a distance in excess of 8km (around Pirnmill), whilst the closest elevated vantage points will be in excess of 11km (Beinn Bhreach). From low level locations the turbines will appear on the skyline with the rotors of all 10 turbines visible, whilst from more elevated positions the turbines will become completely back-dropped and will cease to skyline. In these views the low lying nature of the peninsula with its sweeping largely horizontal profile is such that the eye is drawn along the expanse of the horizon rather than being focused upon particular elements of the landform or other features. The development will therefore become a focal point, albeit at a distance of over 8km, but its presence will not be such as to dominate the landform given the wide sweep of view available up and down the Sound and along the length of Kintyre.

SNH has commented that the most northern turbine, T10, appears as an outlier in views from Arran being somewhat detached from the remainder of the array. This is indeed the case and opportunities have been explored to relocate it closer to the remainder. However, the options evaluated have produced more adverse bird modeling results in terms of red-throated diver collision risk, in circumstances where SNH would not wish to see any increased mortality risk. Accordingly the only means of addressing the outlier would be by the deletion of this turbine from the scheme which the applicants are unwilling to do. Whilst a more compact layout would be preferable in visual terms, a 10% loss in generation capacity would be palpable in the

context of this medium scale scheme, so the reluctance of the applicants to entertain this is understandable. Overall, it is not considered that the presence of the outlier will compromise the acceptability of the scheme to a point at which its presence would warrant refusal of the application.

Having due regard to the above, the proposal is considered acceptable in terms of visual impact. The proposal is therefore consistent with the provisions of the Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside; STRAT DC 6: Development in Very Sensitive Countryside; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2009) and Policies LP ENV 9: Development Impact on National Scenic Areas; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

F. CUMULATIVE IMPACT

Cumulative impact is difficult to assess and can have significant land use planning implications, particularly in relation to noise, visual, aviation, landscape, ecological, and hydrological impacts. The acceptability of proposals depends on the nature and character of the location, and the distribution of sensitive visual receptors, wildlife species, and habitats. Cumulative impacts are primarily a concern in terms of landscape interests as far as this site is concerned. The cumulative assessment undertaken by the applicants considers other existing or approved wind energy developments and those subject to a scoping opinion (prospective developments where information was available).

SNH have expressed concern that the proposal would add significantly to the lateral spread of wind farms along the Kintyre peninsula in views from Arran and Gigha., and that the relative dominance of this proposal in terms of height, location on open ground and its position east of the ridge of the peninsula could lead to Kintyre becoming perceived as a "Wind Farm Landscape". This is a particular concern with the NSA being an area with high sensitivity and with views commonly less than 10km from the site.

The addition of the proposal would mean that four wind farms would be visible on the Kintyre skyline. This impact is illustrated by the applicant's Cumulative ZTV's and wirelines, which show there is theoretical visibility along the entire length of the A841 along the west side of Arran of multiple wind farm development. There is concern that it will fragment the unity of remaining skyline and extend visual clutter along the spine significantly increasing the percentage of the Kintyre skyline with wind farm on it, and could therefore limit capacity for wind farm development.

The location of the site 3.5km from the more elevated but lesser turbine height development at Deucheran Hill maintains an appropriate separation whilst being able to benefit from visual association with the operational site in both views over the sea from the north and from the west. This location has the benefit of maintaining land to the north of the site, and the central section of the spine of Kintyre to the south of Deucheran Hill, free of turbine development along the skyline, thereby ensuring that cumulative impacts are not such as to exceed the carrying capacity of the expansive horizon viewed from Arran or to overwhelm the landscape generally.

The conclusions reached by SNH and North Ayrshire Council in respect of cumulative impact are not endorsed by officers. Officers accept the conclusions of the applicant's cumulative assessment carried out as part of their ES and consider that the impact of the development would not be detrimental to such a degree as to warrant refusal of the application.

Having due regard to the above it is considered that in terms of 'cumulative impact' this proposal is consistent with the provisions of the Scottish Planning Policy and PAN 45: Renewable Energy Technologies; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside Policy; STRAT DC 6: Development in Very Sensitive Countryside; STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2009) and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

G. ECOLOGICAL IMPACT

Argyll & Bute is rich in natural heritage. Several areas of Argyll & Bute have been designated to reflect their international, national or local importance for the protection of species, habitats, geology, landforms, or a combination of these. However, there are also many other habitats and species of importance found out with designated sites. Proposals outwith designated sites, can still affect areas of natural heritage protected under national or international designations. To assist in the consideration of the magnitude of ecological effects, SEPA, SNH, the Council's Biodiversity Officer and The Argyll District Salmon Fishery Board have been consulted.

SEPA has advised that they have no objection to the proposal in terms of ecological impact. The Local Biodiversity Officer advises that monitoring of bats and otter should continue throughout the construction and post-construction phases. Furthermore, the Local Biodiversity Officer advises that due to the range of ecological issues with this site, a Site Environment Management Plan (SEMP) should be developed to ensure that all the affected habitats and species are managed appropriately. In order to ensure that the ecological integrity of the site is monitored and managed for the benefit of the habitats and species throughout the life time of the proposal, the Local Biodiversity Officer recommends that a small management group is set up to meet annually to review the annual report and make decisions on the effectiveness of the management plan.

The Argyll District Salmon Fishery Board advises that the proposal is situated on the headwaters of the Narrachan Burn, a tributary of the Carradale Water. According to limited habitat and fish data collected in 2005, the lower reaches of the Narrachan Burn are accessible to salmon and trout. They have no objection to the proposal providing a fish and habitat survey is undertaken prior to construction and that during the construction phase, guidelines designed to prevent silting and pollution of watercourses is followed. SNH advise that in relation to Protected Aquatic Species this proposal could be progressed favourably with their recommended changes and mitigation measures (confidential species).

The ES notes the intended use of an Environmental Management Plan (EMP) which in the event of an approval SNH would wish to see approved by the Council in consultation with SNH prior to the development commencing. It should include details of all mitigation including that for the SPA, the SSSI, European Protected Species, Protected Aquatic Species, black grouse and red-throated diver. The ES also notes the use of an Ecological Clerk of Works (ECoW) for the purpose of protecting the freshwater environment. SNH would advise that the role of the ECoW should be extended to include advising on the micro-siting of construction works (turbines, borrow pits, bridges, compounds, tracks etc. to ensure sensitive features are avoided and to ensure all mitigation and restoration measures are fully implemented. Appropriate conditions and a Section 75 Legal Agreement are recommended to address the concerns of The Local Biodiversity Officer, SNH, and the Argyll & District Salmon Fisheries Board.

Otter which are 'European Protected Species' under the Conservation Regulations (Habitats & c) 1994, are recorded within the site. SNH agree with the conclusions reached in the ES that the significance and magnitude of disturbance is minor and, therefore conclude no likely

significant effect on otter. SNH's advice on the potential impacts on otter is that provided the proposal is carried out strictly in accordance with the suggested mitigation, it is unlikely to result in an offence under the Habitats Regulations and the Wildlife and Countryside Act (1981) as amended.

SNH agree with the conclusions drawn in the Confidential Annex that the magnitude and significance of effect on Protected Aquatic Species (confidential) would be 'high' and 'major' respectively. Accordingly they agree with the proposed mitigation that a specific Protection Plan be developed and implemented.

Having due regard to the above, it is considered that subject to appropriate conditions/legal agreement (should planning permission be granted), the ecological impact of the proposal is acceptable, and that subject to the implementation of an Environment Management Plan, the proposal is capable of being consistent with the provisions of Policy STRAT DC 7: Nature Conservation & Development Control of the 'Argyll & Bute Structure Plan' (Adopted 2009) and Policies LP ENV 2: Development Impact on Biodiversity and LP ENV 6: Development Impact on Habitats and Species of the 'Argyll & Bute Local Plan' (adopted 2009).

H. ORNITHOLOGICAL IMPACT

Development of a wind energy development can affect bird species either in terms of bird strikes or in terms of disturbance to foraging and nesting sites. The construction of turbines, tracks and ancillary development in those areas frequented by breeding birds should occur out with the nesting season. The risk of disturbance to bird species during operation should be seriously considered.

SNH originally objected to this proposal on the grounds of adverse impact on red-throated diver, a species listed on Annex 1 of the Birds Directive and Schedule 1 of the Wildlife and Countryside Act 1981. SNH did not agree with the methodology used by the applicant to assess collision risk, and recalculated collision mortality using a predictive model, which predicted double the mortality in the lifetime of the proposal than predicted by the methodology employed by the applicant. Further ornithological information was then submitted by the applicant. Having considered this SNH then withdrew their objection in relation to adverse impact on red-throated divers, but, reiterated their advice in their previous response regarding disturbance, monitoring and management.

In order to reduce the impact of disturbance to breeding red throated divers SNH recommend the conditions relating to the following be applied attached to any planning permission: avoidance of certain activities and construction work in certain locations during the breeding season (April to September); placement of artificial rafts to encourage breeding and counteract the predicted losses due to collision; and management for red-throated diver should be included in an Environmental Management Plan which incorporates collision mortality searches, monitoring of breeding success and deployment and maintenance of artificial rafts.

SNH further advise that other aspects of natural heritage such as the Kintyre Goose Roost SPA and special issues relating to the Kintyre Lochs SSSI, golden eagle, hen harrier, black grouse will not be significantly affected by this proposal.

The ES notes the use of an Environmental Management Plan (EMP). SNH would suggest that should the Council be minded to approve this application then the EMP should be approved by Argyll & Bute Council in consultation with SNH prior to the development commencing. It should include details of all mitigation including that for the SPA, the SSSI, European Protected Species, Protected Aquatic Species, black grouse and red-throated diver. An appropriate condition to that effect is recommended.

Having considered the addendum the RSPB's position remains unchanged from that expressed at the outset. They do not object but advise that impact on red-throated divers should be minimised through either a change in the proposed wind farm design and/or a seasonal time restriction on several turbines in order to mitigate the effects of the predicted impacts on this Annex 1 species. It is noted that the new information includes reference to habitat management work for black grouse, which is welcomed. Mitigation for both divers and black grouse is recommended to be secured as conditions of permission.

Having due regard to the above it is considered that the ornithological impact of the proposal is acceptable subject to appropriate conditions to secure mitigation measures and the proposal is consistent with the provisions of Policy STRAT DC 7: Nature Conservation & Development Control of the 'Argyll & Bute Structure Plan' (Adopted 2009) and Policies LP ENV 2: Development Impact on Biodiversity and LP ENV 6: Development Impact on Habitats and Species of the 'Argyll & Bute Local Plan' (adopted 2009).

I. HYDROLOGICAL & HYDROGEOLOGICAL IMPACT

Hydrology and the potential effects of drainage from turbine, access tracks and other ancillary development should be considered, as there could be significant effects on or adjacent to the application site. Watercourses, underground streams and private springs should be avoided, and private water supplies should not be adversely affected.

The Environmental Health Officer has no objection to the proposal providing a safeguarding condition is attached to any grant of planning permission to ensure that the proposal does not have any adverse impact on private water supplies in terms of wholesomeness and efficiency. An appropriate condition has therefore been recommended.

The Scottish Environmental Protection Agency most recent response advises that they have no objection to the proposal in terms of waste and water management. The Local Biodiversity Officer has concerns regarding the aquatic integrity of the river and loch systems, and asks the developer should be required to monitor any changes in the aquatic integrity of the lochs and rivers on the site during and post construction. The Argyll District Salmon Fishery Board has no objection to the proposal providing that during the construction phase, guidelines designed to prevent silting and pollution of watercourses is followed. Appropriate conditions are recommended to secure these concerns.

Having due regard to the above, subject to appropriate conditions, it is considered that the proposal is consistent with the provisions of: Policy STRAT DC 10: Flooding & Land Erosion of the 'Argyll & Bute Structure Plan' (Approved 2002) and Policies LP ENV 12: Water Quality and Environment; LP SERV 6: Waste Related Development and Waste Management in Developments, and LP SERV 9: Flooding and Land Erosion of the 'Argyll & Bute Local Plan' (adopted 2009).

J. PEAT IMPACT

The Local Biodiversity Officer has raised concern regarding the loss of peatland. This is a priority habitat for the Argyll and Bute Local Biodiversity Action Plan, and in order not to duplicate advice, the Local Biodiversity Officer advises that the recommendations set out by the Scottish Environment Protection Agency are followed.

A Stage 1 Peat Stability Assessment (November 2010) is provided in the Addendum to the ES. Due to the restriction imposed by unexploded ordnance on site, this peat stability assessment is based on desk study research, observations made during a site walkover and a hand-held peat probing exercise. Subsequent to this Stage 1 Assessment, an additional Stage 2 intrusive

investigation will be required to inform detailed design. On account of the particular circumstances here, SEPA confirm that the proposed peat probing plan is acceptable. An accurate and complete peat depth survey for the site should be provided subsequently to determine construction method and possible waste issues.

SEPA welcome the incorporation of a Habitat Management Plan (HMP) aimed at appropriate management of all potentially negative environmental impacts but were disappointed that this does not include a Peatland Management Plan. A Peat Management Plan would encompass all aspects surrounding peat on site including peat handling storage, waste and after use. It is therefore requested that this be secured by condition and attached to any grant of planning permission.

Having due regard to the above it is considered that the stability of peat deposits is not a significant concern and that the development satisfies Policy LP REN 1 – Wind Farms and Wind Turbines of the ‘Argyll and Bute Local Plan’ (2009) in this regard.

K. BUILT HERITAGE & ARCHAEOLOGICAL IMPACT

The built and cultural heritage of Argyll & Bute contributes towards the identity of the area, and every effort must be made to protect it. Advice has therefore been sought from Historic Scotland (HS) and the Council’s Archaeological Service (WoSAS), to ensure there will be no adverse impacts on the site or setting of scheduled ancient monuments, listed buildings, conservation areas or any historic design landscapes.

Historic Scotland note that a new access route has been identified which removes the site entrance at Ballochroy and the works in Ballochroy Glen and proposes the use of existing forestry tracks to the east of Loch Ciaran. Overall, Historic Scotland feel that the alternative access proposed presents an improvement to the earlier proposals in respect to the setting of An Dunan, Dun, Achameanach. Historic Scotland note that this new track is located in proximity to two heritage assets within their remit namely Talatoll, shielings and Loch Ciaran, standing stone. While Historic Scotland do not consider that any significant impacts on the settings of these sites are likely, they would recommend a buffer around these scheduled monuments is marked off prior to works commencing and that contractors are made aware of their presence and their legal status to ensure no inadvertent damage occurs. A condition is recommended to provide a buffer around Talatoll Shielings, however as the standing stone is set well back from the timber haul existing access route it is not considered necessary for a buffer to be provided there.

WoSAS does not object subject to a condition (to be agreed by the Council and WoSAS to secure the implementation of a detailed archaeological mitigation strategy to ensure that all of the mitigative actions proposed by the applicant in the relevant sections of the ES are implemented. An appropriate condition has therefore been recommended in accordance with this advice. In light of the advice provided by these two consultees and the response provided by the applicants it has therefore been concluded that the proposal is acceptable in terms of its impact on built and cultural heritage within, or affected by the development of, the site.

Having due regard to the above, it is considered that the proposal will not have adverse impact on the built heritage & archaeology of Argyll (subject to recommended conditions should permission be granted) and is therefore consistent with the provisions of Policy STRAT DC 9: Historic Environment & Development Control of the ‘Argyll & Bute Structure Plan’ (adopted 2009) and Policies LP ENV 11: Development Impact on Historic Gardens and Designed Landscapes; LP ENV 13a: Development Impact on Listed Buildings LP ENV 14: Development in Conservation Areas and Special Built Environment Areas; LP ENV 16: Development Impact on Scheduled Ancient Monuments; LP ENV 17: Development Impact on Sites of Archaeological Importance of the ‘Argyll & Bute Local Plan’ (adopted 2009).

L. WOODLAND IMPACT

The windfarm is situated on open hill ground and the revised access route between the A83 and Loch Garasdale utilises an existing forest haul route. Beyond that, access is taken over the unplanted Cnoc Laoighscan before a short section (less than 1km) of forest has to be crossed in order to emerge onto the development site.

Scottish Government has developed a policy on the Control of Woodland Removal which supports the Government's Scottish Forestry Strategy and associated ambition to see Scotland's woodland resource increase up to 25% of our land area. This document contains a strong presumption in favour of protecting Scotland's woodland resource, and the removal of woodland may only be supported if there is strong evidence that it will achieve significant and clearly defined additional public benefits and would require compensatory planting. Accordingly, Forestry Commission Scotland would like to see compensatory planting carried out on a like for like basis.

As there is no ready mechanism to achieve this strategy, FCS has expressed its preference that in determining windfarm applications planning authorities should give consideration to deploying replanting obligations via legal agreements. Whilst this would appear legitimate in cases where windfarms require clear felling of large areas (either to accommodate development or for the purposes of habitat mitigation measures) in this case as the felling required will only be small scale and localised over a short section of the access route, it is not considered that a replanting requirement is warranted in this case. There is no native woodland or woodland of conservation importance requiring to be removed as part of this development.

Having due regard to the above it is considered that the proposal is consistent with the relevant Development Plan policy provisions.

M. TOURISM, RECREATION & ACCESS TO THE COUNTRYSIDE IMPACT

Argyll & Bute's landscapes and townscapes are a major economic asset for the tourism industry. Visitors and residents value Kintyre for its beaches and its panoramic coastal views to surrounding islands and mountains. SNH believe the proposal will have consequences for those experiencing views of Kintyre from Arran. The Kintyre Way has been consulted on this application and at time of writing no response has been received.

VisitScotland has advised that the character and visual amenity value of Scotland's landscapes is a key driver of our tourism product: a large majority of visitors to Scotland come because of the landscape, scenery and the wider environment, which supports important visitor activities such as walking, cycling, wildlife watching and visiting historic sites – all key to Scotland's tourism offering. Given the aforementioned importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, VisitScotland advises that any potential detrimental impact – visually, environmentally and economically – of the proposal on tourism should be identified and considered in full.

In light of the officers' conclusion that the proposal is not likely to have a significantly adverse landscape and visual impact (as detailed above), it follows that development of the scale and in the location proposed, would not be likely to have a significantly adverse impact on tourism, either within Argyll & Bute or within Arran, and would not seriously compromise the landscape resources of the area which are indeed recognised as important assets for the tourism economy of the area.

Having due regard to the above, it is considered that the proposal will not have any adverse impact on recreational access or tourism assets (including landscape) and is

consistent with the provisions of Policy LP ENV 1 (B): Development Impact on the General Environment of the 'Argyll & Bute Local Plan' (adopted 2009) and the requirements of LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

N. NOISE

In assessing the impact of noise from this proposal regard has been paid to the best practice document published by ETSU and the DTI '*The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)*'. This is accepted as a national reference for the assessment of noise from wind farms and details criteria and standards that should be considered and applied.

The development site is remote from residential properties or other sensitive receptors. Scottish Government in relation to their responsibility for noise made no comment on the ES or the Addendum. The Environmental Health Officer has no objection subject to conditions being attached to any grant of planning permission relating to: prior approval of specifications of turbine; proposal to be developed in complete accordance with scheme; wind farm noise investigation and mitigation measures; wind farm construction hours and methods; and control of construction noise. Appropriate conditions are attached to the recommendation.

Having due regard to the above, it is considered that the proposal will not have any adverse noise impact and is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (Approved 2002) and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the 'Argyll & Bute Local Plan' (Adopted 2009).

O. SHADOW FLICKER

Under certain combinations of geographical position, time of day and time of year, the sun may pass behind the rotor and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect known as "shadow flicker".

The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the potential site. PAN 45 advises that separation is provided between wind turbines and nearby dwellings (as a general rule 10 rotor diameters). There are no residential properties within 825 metres of a proposed Cour turbines. At the proposed site the ES confirms that the separation between the wind farm and the nearest residential property is greater than 10 x rotor diameter (10 x 82.5m = 825 metres). Under accepted good practice and guidance, this will ensure that shadow flicker will not present a problem and the Council's Environmental Health Officers have no objection to the proposal in this regard.

Having due regard to the above it is considered that the proposal is acceptable in terms of 'Shadow Flicker' and that it will not have any adverse impact on amenity and is consistent with the Provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (Approved 2002) and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the 'Argyll & Bute Local Plan' (Adopted 2009).

P. TELEVISION RECEPTION

Television reception can be affected by the presence of wind turbines. This is of a predictable nature, and can be alleviated by installing or modifying the local repeater station or some cable connection. Terrestrial television services for domestic reception within the UK are the joint responsibility of the BBC and Ofcom. In the event of television reception problems, there may be straightforward potential solutions such as improving the receiving aerials or providing

affected households with an alternative source of suitable television signals – off air from a different transmitter, from an existing cable system, or in some circumstances from a satellite. This source should be analogue or digital. It is proposed that this be secured by an appropriate condition.

Having due regard to the above it is considered that the proposal is acceptable and that it will not have any adverse impact on amenity and is consistent with the Provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (Approved 2002) and Policy LP REN 1: Wind Farms & Wind Turbines of the 'Argyll & Bute Local Plan' (Adopted 2009).

Q. AIRCRAFT, AERODROMES & TECHNICAL SITES (SAFEGUARD ZONES & ELECTRO-MAGNETIC INTERFERENCE)

Tall structures such as wind turbines can potentially interfere with electromagnetic transmissions of aviation operations, depending on their size, shape, construction materials and location. Their support structure and rotating blades can have an effect on communication, navigation and surveillance by giving off false radar returns and masking (shadowing) genuine aircraft returns. Tall structures can also act as obstructions to low flying aircraft as they take off and land or interfere with visual aids such as landing lights. There are also issues of cumulative impacts that should be considered. For this reason, major airports and technical sites (civil and military) must be safeguarded. Consequently, the relevant licensee and operators have been consulted about this proposal. The Ministry of Defence (MoD), British Airport Authority (Glasgow Airport), Civil Aviation Authority, NATS En Route Plc ("NERL"); Infratil (Prestwick Airport) and Highlands and Islands Airports Limited were consulted in relation to potential impacts upon aviation in the area.

Following consultation with the MoD, no objections were raised to the development on the basis of military air safety, providing that in the interests of air safety, the turbines are fitted with aviation lighting. All turbines should be fitted with 25 candela omni-directional red lighting at the highest practicable point. Furthermore, if planning permission is granted, the MOD wish to be informed of the date construction starts and ends; the maximum height of construction equipment and the latitude and longitude of every turbine to enable the information to be plotted on flying charts to ensure military aircraft avoid the area. The British Airport Authority (Glasgow Airport) has also confirmed they have no aerodrome safeguarding objection to the proposal.

NATS has examined the proposal from a technical safeguarding aspect and has confirmed that it does not conflict with their safeguarding criteria. Accordingly, they have no safeguarding objection to the proposal. Infratil (Prestwick Airport) has advised that the proposal is located approximately 60km to the WNW of Glasgow Prestwick Airport. Furthermore, that it is entirely terrain shielded from their primary surveillance radar, nor does it have any impact on their other safeguarding considerations. Therefore, they have no objection to the proposal.

The CAA has no objection to the proposal providing consultation is undertaken with the Airport licensee/operators, MoD, NATS and Local Emergency Services and they are afforded the opportunity to comment upon the application and that any concerns expressed are taken into account. Several conditions are also recommended should permission be granted for the scheme, relating to aviation lighting and paint colour (which have been attached to the recommendation accordingly). Highlands & Islands Airports has confirmed that the proposal lies outside the safeguarded surfaces for Campbeltown Airport. Therefore they have no objection to the proposal provided that NATS confirm that flight paths to/from Campbeltown and to/from Islay are not adversely affected. NATS has confirmed that they have no objection to the proposal in this regard.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy STRAT RE 1: Policy STRAT RE 1: Wind Farm/Wind Turbine

Development 'Argyll & Bute Structure Plan' (approved 2002) and Policies LP REN 1: Commercial Wind Farm and Wind Turbine Development and Policy LP TRAN 7: Safeguarding of Airports of the 'Argyll & Bute Local Plan' (adopted 2009).

R. ELECTRO-MAGNETIC INTERFERENCE (COMMUNICATION SYSTEMS)

Wind turbines produce electro-magnetic radiation, which can interfere with broadcast communications and signals. It is impossible to obtain a definite picture of all the transmission routes across any proposed site for a wind energy development due to the large number of bodies who use communication systems.

Relevant authorities and bodies which use communication systems such as: Defence Estates, Infratil, British Airport Authority (Glasgow Airport), Highlands & Islands Airports; Civil Aviation Authority, National Air Traffic Control Service, Ofcom, and the Joint Radio Company have been consulted in order to identify any potential wireless communication issues.

Aviation interests (National Air Traffic Services, the MOD, BAA, Infratil and HIAL) have advised that they have no objection to this proposal. The Joint Radio Company has advised that they do not see any potential problems with the proposal causing interference to radio systems operated by utility companies in support of their regulatory operational requirements. Ofcom has confirmed that no civil fixed links managed and assigned to them should be affected by the proposal.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy STRAT RE 1: Policy STRAT RE 1: Wind Farm/Wind Turbine Development 'Argyll & Bute Structure Plan' (approved 2002) and Policies LP REN 1: Commercial Wind Farm and Wind Turbine Development and Policy LP TRAN 7: Safeguarding of Airports of the 'Argyll & Bute Local Plan' (adopted 2009).

S. ROAD NETWORK & TRANSPORT MATTERS

Although situated on the eastern side of the peninsula, suitable access for windfarm construction purposes is not available from the single track public road serving east Kintyre. Accordingly, the proposal as originally submitted proposed the construction of a new access route from the A83 in west Kintyre, involving new construction along the length of Ballochroy Glen. This would have entailed adverse consequences for historic environment, nature conservation and residential amenity considerations, and the proposed route prompted objection from third parties on these grounds. The applicants were therefore asked to consider other potentially less intrusive means of access and the application was held in abeyance for a considerable period for potential alternative routes to be investigated.

In the event, a suitable route utilising an existing forest haul road requiring only localised improvement was identified. This led to the deletion from the application of 4km of proposed new access route construction via Ballochroy Glen. The alternative route commences from a forest road junction with the A83 approx.4km north of Clachan which then heads south through the Sheirdrim and Achaglass forests, passing to the east of Loch Ciaran before intercepting the original proposed route at a point just north of Loch Garasdale. Minor improvements to that route would be required to accommodate abnormal loads in excess of those associated with timber movements. These comprise a minor improvement to the junction with the A83, a replacement watercourse crossing, two upgraded culverts and two localised realignments to address tight curvature in the route. As these works are not required for the purposes of forestry and do not therefore benefit from the 'permitted development' rights conferred on the original timber route, the applicants have sought and have obtained individual planning consents for all of these required improvements (Planning permissions 12/00859/PP, 12/00860/PP, 12/00861/PP, 12/00862/PP, 12/00863/PP and 12/01338/PP).

The principal benefits of the revised access arrangements are an overall reduction in construction and the avoidance of locally important nature conservation and historic environment interests in Ballochroy Glen. Most significantly, the number of cultural heritage sites within a 100m corridor along the route has been reduced from 19 to 2.

Transport Scotland has no objection to the proposal subject to conditions relating to: the proposed route and accommodation measures for abnormal loads and signing/temporary traffic control measures being attached to any grant of planning permission. These conditions are recommended and will: maintain safety for both Trunk Road traffic and the traffic moving to and from the development; ensure that the transportation will not have any detrimental effect on structures within the route path; and minimise interference with the safety and free flow of the traffic on the Trunk Road Network.

The Roads Operations Manager has no objection to the proposal subject to two conditions relating to the standard of connection with the public road, in terms of visibility splays and construction in accordance with the applicants drawings (Figure 3.6). These conditions have been recommended.

Having due regard to the above, subject to the recommended conditions it is considered that the proposal will not have an adverse impact on the local road network and is consistent with the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes of the 'Argyll & Bute Local Plan' (adopted 2009).

T. INFRASTRUCTURE

Scottish Water has advised that they have no objection to the proposal and it has therefore been concluded that the proposal will not adversely affect any of their assets.

Having due regard to the above it is concluded that the proposal is consistent with the provisions of Policy LP SERV 4: Water Supply of the 'Argyll & Bute Local Plan' (Adopted 2009).

U. HEALTH & SAFETY

As a statutory consultee in respect of developments subject to environmental assessment, the Health and Safety Executive were consulted on this application and have no comments or objections.

In terms of the unexploded ordnance (UXO) which may be present on site, the agent has advised that when it became apparent that there was a risk, they undertook an 'Explosive Ordnance Threat Assessment' by an independent Explosive Ordnance Disposal and Mine Action Company who assessed the risk of encountering any explosive ordnance during both access/walkovers and any intrusive ground works across the site and recommended appropriate mitigation measures where appropriate. There is no specific legislation covering the management and control of the UXO risk in the UK construction industry, but issues regarding health and safety are addressed under a number of regulatory instruments (aside from planning). In practice, the regulations impose a responsibility on the construction industry to ensure that they discharge their obligations to protect those engaged in ground-intrusive operations from any reasonably foreseeable UXO risk. The Health and Safety at Work Act, 1974 places a duty of care on an employer to put in place safe systems of work to address as far as is reasonable practicable, all risks that are reasonably foreseeable. Construction (Design Management) Regulations 2007 defines the responsibilities of all parties involved with works. Safety issues in this regard are not therefore material planning considerations

Having due regard to the above it is considered that the proposal is acceptable in terms of Health & Safety, and that the UXO risk on site will be suitably controlled by separate legislation.

V. COMMUNITY COUNCILS & OTHER LOCAL AUTHORITIES

The Isle of Arran Community Council; South Knapdale Community Council; East Kintyre Community Council; and, West Kintyre Community Council were all consulted on the application, and at time of writing no responses have been received. Tarbert and Skipness Community Council did respond to consultation and have advised that they support the proposal. They also note that amendments have been made since the initial pre-application stage, which they consider an improvement.

North Ayrshire Council have objected to the proposal on the grounds of adverse landscape and visual impact, with particular regard to adverse visual impact on the North Arran NSA (covered in detail in previous sections). They confirm that they have also had sight of the additional landscape and visual impact assessment associated with the most recent Addendum to the Environmental Statement, and advise, that this does not change their position and they still object to the application.

Officers have assessed the implications for Arran, particularly in the light of the North Arran National Scenic Area which accords higher landscape sensitivity to the north of the island. It should be pointed out that officers have visited Arran in order to be able to apprehend the impact of the development beyond the confines of Argyll & Bute. In terms of the relationship between Arran and Kintyre, it is considered that whilst the views across the Kilbrannon Sound to the dramatic mountainous scenery of North Arran are of particular importance, views back to Kintyre are of much less importance to the setting and the experience of North Arran. That position is endorsed by Scottish Natural Heritage's 'special qualities' analysis of the NSA which did not identify views of Kintyre as being a key component in the interests prompting designation, and the consequent lack of a formal objection to this proposal from SNH. Accordingly, officers do not support the stance advanced by North Ayrshire Council in its objection to the development.

W. WIND REGIME

Wind farm proposals should be located in areas of suitable wind speeds. An anemometer which has been subject to separate planning permission has been erected on site for quite some time and has provided data demonstrating that wind speed on site is at an acceptable level.

X. GRID NETWORK

The best wind speeds are often some distance from a national grid connection point. There are also issues relating to the capacity of the national grid, and although this is not a matter of land use policy, many wind farm proposals may sit in abeyance for a number of years before capacity can be made available. No details of the grid connection have been provided as part of this application and there is no requirement for the precise details of this connection to be included. However, the ES indicates that the project will involve the construction of a grid connection and an application to the utility company (Scottish and Southern Energy Power Distribution Ltd) has been submitted and an offer pending at time of writing.

Y. COMMUNITY BENEFIT

This issue has not been considered as a 'material planning consideration' in the determination of this proposal. In the event that permission were to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the application process.

Z. DECOMMISSIONING

Wind turbines are temporary structures, with an estimated life span in the region of 25 years, and decommissioning must be considered. A requirement for decommissioning and site clearance is recommended to be included in the planning condition(s) and legal agreement, should the application be approved, which will be triggered by either the expiry of the permission or if the project ceases to operate for a specific period.

Having due regard to the above, as decommissioning can be controlled by condition/Section 75 Legal Agreement, it is considered that the proposal is acceptable in terms of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (Approved 2002) and Policy LP REN 1: Wind Farms & Wind Turbines of the 'Argyll & Bute Local Plan' (Adopted 2009).

AA. SCOTTISH GOVERNMENT ADVICE

The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth (SPP). The current target is for 100% of Scotland's electricity and 11% of heat demand to be generated from renewable sourced by 2020 (2020 Routemap for Renewable Energy in Scotland).

SPP advises that wind farms should only be supported in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Furthermore, that the criteria for determining wind farm proposals varies depending on the scale of proposal and its relationship to the characteristics of the surrounding area, but usually includes: landscape and visual impact, effects on the natural heritage and historic environment, contribution of the development to renewable energy generation targets, effect on the local and national economy and tourism and recreation interests, benefits and disbenefits for communities, aviation and telecommunications, noise and shadow flicker, and cumulative impact. Finally, that the design and location of any wind farm should reflect the scale and character of the landscape and the location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised. This proposal will have an adverse impact in regard to: landscape and visual, historic environment, natural heritage, road infrastructure and tourism and recreation.

Having due regard to the above it is considered that the proposal is consistent with the provisions of SPP and the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

BB. SCOTTISH GOVERNMENT RENEWABLE ENERGY TARGETS & ARGYLL & BUTE'S CONTRIBUTION

In assessing the acceptability of wind farm proposals, it is necessary to have regard to the macro-environmental aspects of renewable energy (reduction in reliance on fossil fuels and contribution to reduction in global warming) as well as to the micro-environmental consequences of the proposal (in terms of its impact on its receiving environment).

Nationally there are now approximately 80 operational wind farms with turbines up to 140/150m high. Onshore wind energy generation capacity on November 29, 2011 was 2784.67MW (Scottish Renewables website) and is expected to continue to grow. Planning Authorities are more frequently having to consider turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed (Scottish Government's Specific Advice Sheet on Onshore Wind Farms).

Based on the Council's most up to date wind farm proposal map and associated information there are a total of 9 operational wind farms (more than 2 turbines) in Argyll & Bute, namely: An Suidhe (30MW); Bein Ghlas (8.4MW); Deucheren Hill (4.8MW); Beinn an Tuirc (30MW); Tangy (12.75MW) Tangy Extension (5.9MW); Cruach Mhor (29.75MW); and Clachan Flats (15.03MW). These figures do not include wind farms with permission which have not been constructed yet.

The 25MW maximum capacity of the proposal is palpable in terms of the additional resource it could add to Argyll and Bute's contribution to Scotland's renewable energy commitments and aspirations, and it is considered that the macro-environmental benefits are of significance in terms of the weighing of material considerations in this case.

APPENDIX C – REPRESENTATIONS RELATIVE TO APPLICATION NUMBER: 10/00909/PP FOR THE PROPOSAL

INSUPPORT OF THE PROPOSAL

Councillor John McAlpine	10 Market Place Tarbert Argyll And Bute PA29 6AB	01/06/2010	S
Alex MacCuish	Bruiland Skipness By Tarbert Argyll PA29 6YG	08/03/2011	S

AGAINST THE PROPOSAL

Mrs Violet Wright	7 Church View Mullavilly Tandragee Co Armagh BT62 2LT	14/08/2012	O
Brian J John	Balaghoun Kilmartin Lochgilphead Argyll And Bute PA31 8QF	18/09/2010	O
Iain D M Logan	Benview Tayinloan Tarbert Argyll And Bute PA29 6XG	01/09/2010	O
Kathryn M D Logan	Benview Tayinloan Tarbert Argyll And Bute PA29 6XG	01/09/2010	O
Mrs Kate M Singleton	Dunara Lochpark Carradale East Campbeltown Argyll And Bute PA28 6SG	29/09/2010	O
Tony Dalton	Maolachy Lochavich By Taynuilt Argyll PA35 1HJ	05/09/2010	O
Iain R Gamage	Medrox Cottage Auchenlochan Tighnabruaich PA21 2BB	30/08/2010	O
Mrs S J Gamage	Medrox Cottage Auchenlochan	30/08/2010	O

	Tighnabruaich PA21 2BB		
Anne Hewitt	No Address Given	06/09/2010	O
Miss Louise Duncan	North Beachmore Muasdale Tarbert PA29 6XD	29/07/2012	O
Derek Neill	Otter House Ballochroy Tayinloan Tarbert Argyll And Bute PA29 6XG	23/09/2010	O
Marion Neill	Otter House Ballochroy Tayinloan Tarbert Argyll And Bute PA29 6XG	23/09/2010	O
Liz Evans	Shore Cottage Pirnmill Isle Of Arran KA27 8HP	02/09/2010	O
Alexandra Wendy Steadman	South Crossaig Skipness Tarbert Argyll PA29 6YQ	07/09/2010	O
Dr C J Steadman	South Crossaig Skipness Tarbert Argyll PA29 6YQ	09/10/2010	O
Jim Houston	The Lodge Kilberry Argyll	30/08/2010	O
Mike Vanden	The Old Schoolhouse Strontian Acharacle Argyll, PA36 4JA	31/08/2010	O
James Murray	Underwood Cottage Main Road Sandbank Dunoon, PA23 8PD	01/09/2010	O
Norma Murray	Underwood Cottage Main Road Sandbank Dunoon Argyll And Bute PA23 8PD	05/09/2010	O