

**Argyll and Bute Council
Development & Infrastructure**

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: 11/02447/PP

Planning Hierarchy: Local

Applicant: Mr Rory Young

Proposal: Wind farm comprising 9 turbines (77 metres high to blade tip), construction compound, substation, formation of access tracks and ancillary works.

Site Address: Clachan Seil, Argyll & Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

Development Requiring Express Planning Permission

- Erection of 9 wind turbines, hub height 55m and rotor diameter of 44m (77m to blade tip);
- Formation of new access tracks and upgrading of existing tracks;
- Formation of hardstanding area;
- Erection of control building;
- Formation of car parking area.

Other specified operations

- Borrow working to provide the aggregate required during construction (to be subject of separate planning application).
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(B) RECOMMENDATION: This proposal is recommended for refusal for the reasons stated in this report subject to a Discretionary Hearing being held in view of the number of representations which have been received.

- (C) **HISTORY:** 10/01943/PP - Temporary erection of 15 metre high Anemometer Mast for period of 2 years on land at Clachan-Seil, South of Beinn Mhor, Oban, Argyll & Bute – application approved 31st December 2010.
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(D) **CONSULTATIONS:**

The Scottish Government (Air Quality & Noise) (12th March 2012) – no objection. For information highlights 2 research reports: the Hayes McKenzie report on wind turbine noise and the Wind Farm Noise Statutory Nuisance Complaint Methodology report.

Transport Scotland (20th February 2012) – no objection.

Area Roads Manager (25th July 2012) – decision to be deferred to enable a Traffic Impact Analysis (TIA) to be undertaken including: detailed tonnages, lengths of plant and material deliveries, proposed routes and proposals to mitigate damage to the public road.

Area Roads Manager (17th August 2012) – recommends refusal due to the adverse impact the abnormal loads and increase in HGV traffic would have on the structural integrity of Kilninver Bridge, and the retaining wall at Barnacarry. Although the proposal doesn't involve access from the south, the Area Roads Manager has also raised concern about the Atlantic Bridge should the applicant decide to consider this as an alternative route.

Scottish Natural Heritage (SNH) (25th May 2012) – the proposal will have significant adverse landscape and visual impacts on an area of Argyll's coastal landscape which is distinct, recognised as being a resource of regional importance (within an Area of Panoramic Quality); the proposal would erode the existing quality of the "Craggy Coast and Island" Landscape Character Type (LWECS) setting a precedent for further development of this type and scale in this sensitive landscape setting; SNH have not been able to identify any mitigation which would reduce or remove the negative impacts the proposal would have on the distinctive character and sense of place of this regionally important landscape setting. SNH also have concerns about other aspects of natural heritage, in particular white tailed eagles and marsh fritillary butterfly.

SNH (31st August 2012) - have considered the applicant's comments on the landscape content of their original response. They note the content; however, confirm that their position and advice remains the same as stated in their consultation response of 25th May 2012.

Historic Scotland (HS) (15th March 2012) – do not object because they consider that the high impact the proposal will have on Duachy, Standing Stones could be mitigated by the removal or relocation of turbines closest to the monument (turbines 1, 3, and 6). HS are content that the level of impact on Losgann Larnach, Fort is not of such significance to warrant an objection and, although it is unclear how the ES has reached this conclusion, no impact on the setting of Loch Seil crannog is anticipated. A number of other features will be theoretically visible with the turbines and are assessed in the ES including: Clachan Bridge; Clachan Bridge, cairn; Ardfad Castle; Dun Bhlaran; and

Gylen Castle, castle and associated settlement, HS is content that impacts on these features are unlikely to be significant.

Historic Scotland (HS) (28th August 2012) – have responded further following submission of comments from the agent on their original response. They advise that their previous comments on the potential impact of the proposal on the setting of Duachy standing stones remain unaffected by the agent's letter. Their position remains that whilst they have not objected to the application, without mitigation the impact of the proposal on the setting of Duachy standing stones remains significant. Their advice remains that the impact could be mitigated by the removal or relocation of those turbines closest to the monument (i.e. turbines 1, 3 and 6). HS do not consider improvements to the monument's condition to be appropriate mitigation as such measures would be compensatory in nature. Whilst they would welcome any improvements to the condition of the monument, they would wish to have additional time to consider the full implications of this and intend to provide Development Management with a final response by the 13th September 2012.

West of Scotland Archaeologist Service (WoSAS) (16th May 2012) – recommend refusal. The proposal would have a high magnitude, high significance impact on the setting of the scheduled monument, Duachy standing stones. The illustrative material suggests that it would also result in a noticeable alteration to the setting of several others, including: the cairn at Clachan Bridge, Ardfad Castle, and the crannog in Loch Seil. Although they would not represent such dominant features in the landscape turbines would also be visible from the chapel and burial ground at Kilbrandon House, the Campbell of Lerags' Cross, Ardencaple House and Ballycastle Dun. This advice relates solely to indirect effects on the settings of scheduled monuments, and does not address the potential direct impacts on unscheduled material identified that would result from construction. Should the Council determine to grant planning permission, WoSAS have requested they are contacted so that they can recommend a suitable condition to secure a programme of archaeological fieldwork during construction of the wind farm.

WoSAS (15th August 2012) - have responded further following submission of comments from the agent on their original response. Given that it is acknowledged by the ES, HS and WoSAS that the level of impact on the setting of the standing stones at Duachy is likely to be high, WoSAS would reiterate their previous recommendation that in accordance with policy the proposal should be refused. WoSAS are cognisant of the general tone of SHEP, that: change to the historic environment should be accommodated and managed, however, this does not mean that any change should be accepted in every circumstance, particularly where this change conflicts strongly with other policies. Notwithstanding the foregoing comments, WoSAS reiterate that should the Council determine to grant planning permission, they request they are contacted so that they can recommend a suitable condition to secure a programme of archaeological fieldwork during construction of the wind farm.

The Royal Society for the Protection of Birds (RSPB) (17th April 2012) – concerned about the quality of the ES and find it hard to base an assessment of the proposal on the information submitted. RSPB note a number of areas where information is missing: clear map of the redline boundary; National Vegetation (NVC) survey of habitats on site; information on the status of habitats on site; quantification of habitats lost and mitigation,

especially in regards to Marsh Fritillary; information on designated sites within 20km; peat probing information; information on cumulative impacts; viewsheds for Vantage Point (VP) locations; detailed maps including the boundaries of the survey work; maps indicating flight-lines for all survey work; and, details of nest sites; and survey area boundaries.

Scottish Environmental Protection Agency (SEPA) (29th February 2012) – object on the grounds of incomplete information relating to: watercourse crossings and ecology. SEPA will remove this objection if these issues are addressed. SEPA also recommend planning conditions relating to: flood risk; surface water drainage should the Council determine to grant planning permission.

SEPA (30th August 2012) – maintain their objection on the grounds of inadequate information and assessment of Ground Water Dependent Terrestrial Ecosystem's at the site. SEPA will remove this objection if this issue is adequately addressed.

Scottish Water (SW) (6th June 2012) – no objection.

Ministry Of Defence (MoD) (28th February 2012) – no objection, however, in the interests of air safety the turbines are required to be fitted with aviation lighting, which should be secured by condition should the Council determine to grant planning permission.

Public Protection (12th March 2012) – no objection, however, conditions to control the emission of noise from the development will be required should the Council determine to grant planning permission. Public Protection have also confirmed that shadow-flicker will not present a problem.

National Air Traffic Services (NATS) (13th February 2012) – no objection.

Civil Aviation Authority (CAA) (10th May 2012) – no objection, however, point out that: it may be a requirement for the turbines to be lit, and cumulative aviation effects of turbines may lead to unacceptable impacts in certain areas.

Oban Airport Manager (26th July 2012) – no objection

Joint Radio Company (JRC) (10th February 2012) – no objection

Ofcom (22nd May 2012) – no objection.

Kilninver & Kilmelford Community Council (KKCC) (7th March 2012) – object on the following grounds: separation distances; adverse impact on wildlife; precedent; 2020 targets; adverse impact on Area of Panoramic Quality; site designated sensitive and very sensitive area in local plan; famous beauty spot; height of turbines; adverse visual impact; aviation lighting; adverse impact on tourist facilities, attractions or routes; adverse impact on road infrastructure; wind regime; adverse impact on amenity from noise; adverse impact on health; and adverse impact on property values.

Kilninver & Kilmelford Community Council (KKCC) (6th July 2012) - responded further to a letter questioning Community Council procedure, specifically in regard to: the content of a flyer produced by KKCC; advice provided by KKCC in regard to the provision of responses; time frames; meetings; and, notification of meetings.

Seil & Easedale Community Council (SECC) (11th April 2012) – object on the following grounds: significant adverse impact on national scenic area; site designated ‘sensitive countryside’ in the local plan; height of turbines; adverse landscape impact; separation distances; adverse impact of noise; adverse impact of aviation lighting; adverse impact on archaeological sites; adverse impact on rare species; adverse impact on road infrastructure; and planning policy.

Mull Community Council (28th February 2012) – no objection

Luing Community Council – no response

Kilmore Community Council – no response

CSS Spectrum Management – no response

Forestry Commission Scotland – no response

(E) PUBLICITY:

EIA Regulations Advert – expiry date 15th March 2012

Regulation 20 Advert (Local Application) – expiry date 8th March 2012

(F) REPRESENTATIONS:

At time of writing, a total of 956 representations have been received – 94 in support (including a supporting letter and analysis of representations from the applicant), 858 against, and 4 general representations. Full details of representees are given at Appendix B. Due to the large amount of correspondence received, the key issues raised are summarised below and are addressed in the assessment at Appendix A

The applicant has submitted an analysis of the letters of representation in support of his application. This analysis is based on a total of 908 public comments, examines the objections and representations by type (standard letter or individual letter), breaks them down into geographical areas and provides percentage calculations on this basis (the full analysis is available on the Council’s website).

IN SUPPORT OF THE PROPOSAL

Location, Siting, Design & Layout

- The proposal will be located in an area that is not highly populated.
- Viable sites for wind farms are few and far between.
- Architecturally wind farms are a triumph - they are elegant and dynamic additions to the landscape.
- The turbines are 77m not 78m tall

Scale of Development

- The proposal is modest in size

Visual & Landscape Impact

- Wind farms have a very small footprint and a minuscule impact on the surrounding environment. Although they are large they blend well with the existing landscape and provide an interesting local feature.
- A lot has been done to reduce the visual impact of the proposal and the chosen site is quite isolated and will lead to very little disturbance for the local community.
- A small visual impact is irrelevant in the context of melting icecaps, rising oil prices, supplies dependent on unstable countries and atmospheric pollution.
- The modern landscape has always been influenced by manmade creations.
- The Zone of Theoretical Visibility (ZTV) shows limited visibility from the mainland
- The ZTV shows extremely limited visibility from the A816 and Kilninver, consequently it was agreed with SNH that there was no requirement for a photomontage from Kilninver
- The ZTV shows very limited visibility from Kilmartin Glen (the most visited place on the west coast).
- Barochreal is close to an area with partial views of the tips of the turbines 4-9 but its proximity to the road, local topography and its limited elevation suggests that a view of the turbines will be unlikely (the scale of the ZTV does not allow for this to be concluded with any certainty)..
- The applicant has always been clear that first and foremost the proposal must be commercially viable but has never claimed to have no interest in the visual impact, CO₂ savings, green energy or saving the planet. Throughout the planning process the applicant has worked to minimise the visual impacts whilst retaining the commercial viability of the venture. The applicant has worked in consultation with SNH and an independent landscape architect which has resulted in a well-documented site evolution, including a reduction in the number of turbines proposed for the purpose of minimising visual impact.

Separation Distances

- The closest turbine is 880m from the nearest dwelling not 750m and there is no formal recommendation within the Scottish Planning System for a 2km distance between wind farms and properties.

Ecology

- Objectors give emotive objections regarding the effect that the turbines will have on wildlife without any hard evidence to back these up.
- David Attenborough, one of our foremost wildlife experts, is an active promoter of wind generation.
- The wildlife study was conducted in line with SNH guidance

Built Heritage

- The proposal will not be seen from Clachan Bridge.

Noise & Light

- The proposal is located downwind from local dwellings and, in any case, is distant such that aural intrusion will be negligible and likely to be < 30 dB, even when dwellings are downwind.
- The Council's Public Protection Officers have indicated they do not anticipate any significant problems in this regard.
- Any lights required for aviation should be as unobtrusive as possible

Climate Change

- The proposal will contribute to reducing the amount of carbon released into the atmosphere
- Climate change presents the greatest challenge to all of us and wind farms and indeed all forms of renewable energy are needed wherever possible to mitigate its worst effects.
- The proposal will demonstrate a commitment to help prevent climate change

Future Energy Supplies

- Long term energy supplies need to be secured - nuclear power stations will not replace all power generation using gas and coal and will take time to build.
- Wind is a 'renewable' abundantly available in West and NW Scotland and can replace a modest but significant fraction of carbon-based power generation. Important, given a prospective energy deficit, is that wind power technology is available now.
- Reliance on fossil fuels needs to be decreased
- No one is saying that wind alone can supply all our energy needs, but it can certainly be part of the provision. And since it is clean, safe and leaves no polluting legacy for future generations, it is a technology which should be exploited and developed.

Sustainability

- We owe it to future generations to develop green energy sources.
- Objectors claim that wind farms ruin our landscape for us and for future generations to come. Whether or not one believes that turbines are a scar on the landscape, the permission for the wind farm would be limited to 25 years and, at that point, it would have to be decommissioned (with a bond in place at the start for the owner to carry out decommissioning) or a fresh application submitted. This seems to me to be an ideal situation, if technology has moved on by then, and there are better alternatives, the landscape will be returned to its present state. If however, the turbines have proved to make a positive contribution, a further application can be submitted and considered. This is not, therefore a long term legacy.

Economic & Social Benefit

- There are significant economic benefits to this proposal as well as environmental ones.
- The potential of wind farms to generate income in our communities is of vital importance.
- Constructing a wind farm would boost the local economy, creating jobs for local people and contracts for local businesses.

Community

- Considerable benefit will accrue to the community and to the nation in harnessing renewable energy that this proposal will achieve.
- The proposal has the potential to be one of the largest community owned sites in Scotland, generating hundreds of thousands of pounds of local wealth annually.
- A major benefit of the proposal would be the community fund and the improvements it could make to the local economy providing jobs and investment as well as contracts for local businesses.
- The community benefit represents more than twice the industry standard. I am not aware of any other scheme offering as much. It should also be pointed out that the annual income referred to is not the same thing as profit and would therefore provide no means of measuring the relative value of the community benefit being offered.
- Each community would have its own pre-determined fund so there would be no need to 'fight it out'.

Tourism

- Arguments against wind farms on the basis of tourism are alarmist and unfounded.
- Tourism and alternative energy development are not mutually exclusive. There is no reason why turbines cannot co-exist with a thriving tourism sector.
- There are many wind farms which are in themselves a draw to tourists. This application will not damage the tourism industry in the way many people seem to expect.
- The MORI survey 'Tourist attitude towards wind farms' 2002 showed that, when asked whether or not the presence of wind farms in Argyll has made tourists more likely to visit 4% of visitors said they were more likely to return and 2% said they would be less likely to return.

Wind Regime

- The area itself should be exposed to quite a lot of wind.
- A great advantage of wind power is that the available wind resource is much greater during the colder months of the year, when energy demand is at its highest.

- The UK is the windiest country in Europe, so we have a massive resource waiting to be used day after day and free of charge.

Decommissioning

- Wind Farms are temporary in nature and sites can be returned to their original state after they have been decommissioned.

Technology

- A wind farm is certainly nicer to look at than a power station and it would be easier to dismantle if better, cleaner power sources become available in the future.
- There will always be sun, wind and tides in the UK and therefore generation from these can help the UK's fuel security. The only way forward is to ensure a mix of methods of generating electricity and, Argyll & Bute should play its part in this policy.
- The guaranteed maintenance of the turbines for a period of ten years is actually with the manufacturer of the turbines. This ten year guarantee is exceptional in the industry and offers unequalled security of income. If maintenance costs were to be elevated following this ten year period it would have no effect on the value of the community benefit payment as it is based on turn-over, not profit.
- Danish Prime Minister Helle Thorning-Schmidt announced in October 2011 that Denmark has raised its wind energy target and now aims to produce 50% of electricity from wind power by 2020. This equates to a planned increase in generation capacity of 60% - they have not admitted that wind farms have 'been an unmitigated disaster'
- Efficiency is a measure of how effectively a turbine can convert available wind energy into electrical energy. Modern turbines compare very favourably to other methods by being able to convert 50% to electrical energy. By comparison, world-wide average efficiency of coal fired power plants to convert thermal energy to electricity is 31% and nuclear efficiency is slightly higher between 33-37%. A petrol car has a maximum efficiency of 25-30%.
- Based on actual figures from similar sites in Argyll, This proposal is expected to have a capacity factor in excess of 35% which is significantly above the national average.
- Generally speaking, the wind power industry has correctly observed that a wind turbine pays back the energy consumption of its construction and the accompanying co2 emission within a few months
- Myths of our own making...it is often said that wind turbines fail to pay back the energy and co2 cost of their manufacture and erection, or even that the co2 emission from the cement manufacture alone is enough to offset the lifetime saving of the CO2 by a turbine. All these assertions are untrue.

Road Traffic Impact

- The nearest turbine would be approximately 650m from the Kilninver to Seil Road.

Community Council

- The Kilninver and Kilmelford Community Council has a record of submitting objections to almost any proposal that might have even a minor impact, regardless of any benefits it may bring.

People Against Clachan Turbines (PACT)

- Four topics of complaint have been raised about the information contained on the PACT website regarding: inaccurate photographic representations; inaccurate facts about efficiency; inaccurate information about Grid Connection, and misleading information about the effect on tourism. Concern has been raised that this information has been instrumental in informing the views of both local people and visitors about the proposal.

Scottish Government Renewable Energy Targets & Argyll & Bute's contribution

- The Government renewable energy target is to produce 100% of Scotland's electricity from renewable sources by 2020. The Scottish Government has not formally identified a target specific to Argyll & Bute. As the current renewable capacity in Scotland is less than 30% of the gross electricity consumption there is still a considerable deficit.

AGAINST THE PROPOSAL

Settlement Strategy & Wind Farm Proposals Map

- *Although under 20 MW the Argyll & Bute Wind Farm Policy Map shows the proposal to be located within a 'Potentially Constrained Area' which is considered incompatible with commercial wind farm development.*
- *It is an Area of Panoramic Quality and categorised in the Argyll & Bute Local Plan as 'Sensitive Countryside' (contrary to Policy LP CST 2) which should be protected from inappropriate industrial development.*
- *This proposal would have a major impact on a Regional Scenic Area.*
- *The proposal is adjacent to a coast described as Very Sensitive Countryside.*
- *This site is in an Area of Outstanding Natural Beauty which should be protected from inappropriate development.*

Location, Siting, Design & Layout

- *This proposed location is inappropriate and ill-conceived and could hardly be in a worse location from a visual point of view*
- *The siting of the proposal would have a most detrimental effect on what is one of the most scenic spots on the west coast of Scotland.*
- *The height of the turbines is excessive to the area and the quantity is excessive for the site.*

Landscape Character & Landscape Impact

- *The site is an open, elevated, unspoilt coastal location and does not have the capacity to absorb this large-scale industrial development, which would dominate the surroundings and be alien to the landscape character and small-scale nature of settlement.*
- *This proposal would harm the landscape and scenic qualities of the area which are of such importance as to outweigh any perceived benefits.*
- *The proposal would be visible from both the land and sea for miles around and would be a scar on the landscape.*
- *The formation of the access roads, power lines and poles will scar the landscape.*
- *People looking at the beautiful gardens here want to enjoy the beauty of the craggy upland landscape as a back drop, not have turbines towering over them a few hundred metres away.*
- *Although only classified in industrial terms as turbines of medium size, they are still considerably higher than those at Ben Ghlas. Should they be erected they would be so near to the road that goes from Kilniver to Seil literally few hundred metres away that they would appear proportionately larger in the landscape than their 77m and certainly would be dominating.*
- *The area is relatively remote in character and inaccessible, where development and its associated infrastructure would diminish the sense of remoteness and introduce visual clutter into a relatively and sparse simple landscape.*
- *The proposal will have an adverse impact on the Toad of Lorn area itself which is an important and recognisable part of the coastal landscape.*
- *The landscape and views of the surrounding hills and seascapes are some of the best in Scotland*
- *The advice contained in the Argyll & Bute Landscape Wind Energy Capacity Study should be taken most seriously in the planning decision process.*

Visual impact

- *Scenic designations including, Scarba, Lunga and the Garvellachs National Scenic Area would be affected by the presence of the proposal, which would be clearly visible from Mull and throughout the Firth of Lorn.*
- *The proposal would be seen from many mainland areas as well as being very visible from many of the islands, namely Luìng, Mull, Seil, Scarba, the Garvellachs etc. and of course the coast line would be spoilt by them for many miles.*
- *The proposal will intrude on extensive panoramas, iconic vistas and important views when encountered along public roads, access tracks, settled areas, and over a vast area of maritime landscape extending from Colonsay to Lismore - a 45 mile stretch of iconic panorama, where no other development of any kind is visible.*
- *The proposal will be visible from land and sea from a wide range of directions and would dominate and desecrate a scenic panorama*

- *The visual impact of the turbines will be overwhelming as the site is too close to existing houses and roads and will be clearly visible from the sea.*
- *The views from the site are outstandingly beautiful, consequently, the proposal would be irreparably damaging.*
- *The proposal will be seen from the water thus interrupting and spoiling the magnificent views along the whole stretch of coast along the Firth of Lorn.*
- *The proposal is to be built on Kilninver land and on the A816 for some considerable distance it would be visible, yet no photomontages were taken from Kilninver?*
- *The photomontages at the 'drop in session' were in the majority of cases unrealistic and sorely misrepresented the visual impact.*
- *The open outlook facing south and west ensures that the turbines will effectively be brightly sun-lit in bright weather, due to the prevailing aspect. The flicker of the turbine blades in sunlight will greatly increase the visual impact*
- *The views from the air looking down the sound of Seil and the Atlantic bridge are stunning and will be severely compromised.*
- *The proposal would have significant visual impact in the local area both on the B844 approach to Seil (Seil Loch) and from the immediate area around Clachan Bridge.*
- *The proposal would be clearly visible throughout the highly scenic Firth of Lorn which is an area of significant landscape value and importance. From the Firth of Lorn there are no other visible turbines or settlements.*
- *The red flashing lights required on each turbine will have a significant and detrimental visual effect.*
- *On a clear day it would be visible from most of the Firth of Lorn, from Loch Buie on Mull to Morven and the Isle of Lismore. It would also be seen from the Garvellachs to the island of Kerrera and the approaches to the famous anchorage of Phuilladobhrain on the Isle of Seil.*
- *It would form a backdrop to any views of the famous bridge over the Atlantic Ocean, from most points South down Clachan Sound to the isles of Torsa, Shuna, Luing and the Sound of Jura.*
- *Due to the size, height and positioning of the turbines this wind farm would create a considerable and detrimental visual impact on this constrained area as it would be seen from almost all points of the compass.*
- *The visuals, montages are poor and do not give a true account of the impact the turbines would have. One obvious example is the siting of a tree right in front of a turbine then taking a photograph, this does not appear a realistic way to approach such a task.*

Cumulative impact

- *The proposal will have a negative cumulative impact on the area.*

- *The cumulative impact of wind farms within the Argyll & Bute will have a huge detrimental effect on the attractiveness of the area to tourists*

Separation Distance

- *SPP suggests a separation distance of 2km from dwellings. This is advisory, not legislation. However it should be noted that 60 to 70 houses will be within 2km of the nearest turbine, which is far too many people to harm in this way.*
- *The proposal would be only about 700 metres from the nearest home and most of the village of Clachan Seil would be within 2km of the site. As a result, the proposal would unacceptably affect amenities and living conditions in the area. It would be unpleasantly overwhelming and it is not in the public interest.*
- *A separation distance of up to 2km between areas of search and dwellings even individual ones - is recommended for reasons of health and to reduce visual impact.*

Natural Heritage & Ecological impact

- *There are habitats and species in the area which would be adversely affected by the proposal. Once they are destroyed they will be gone forever.*
- *This is a unique special part of Scotland, and the home of so much of Scotland's precious flora and fauna. The flora and fauna enjoyed locally on a regular basis may at best, be disrupted and at worst, dispersed.*
- *The proposal will have an adverse impact on bats which are known to be destroyed by air pulses.*
- *The area is of natural conservation interest and there are countless examples of wildlife which would be disturbed or affected by either the construction or the existence of turbines.*
- *A thorough enough study of wildlife in the area has not been undertaken*
- *The risk to local wildlife is a significant concern particularly bats, eagles and other rare species, of which there are 22 LBAP's in this area.*
- *There are bats, probably Daubenton's or Pipistrelle in this area. Research in America has found as many as 32 dead bats per turbine per annum. Bats can avoid the blades easily, but in passing through the slipstream behind the blades, there is a violent pressure change which ruptures their lungs. All bats are protected species.*

Ornithological impact

- *In 2008 an SNH report found that the conservation status of Scotland's golden eagle population was unfavourable with a major factor after illegal killing being wind farm development in Argyll and Caithness.*
- *Although not seen during a survey carried out for the developer, Sea Eagles have been seen on a number of occasions flying over the area. They are also believed to be nesting in the area and the disruption caused by the proposal may evacuate them.*

- *Eagles of various types have been recorded over the past few months living and breeding in the area where the proposal is to be sited. Concern has been raised that they will be killed should they fly into the blade of a turbine.*
- *The proposal could have an adverse impact not only eagles, but also sea eagles, hen harriers, buzzards, merlins, ravens, herons, whooper swans, mute swans, guillemots, greylag geese, Canada geese, osprey (osprey have been seen in Loch Seil) and song birds.*

Health & Safety and Ice Throw

- *Wind farms don't have a good safety record with the renewable energy industry admitting to 1,500 incidents in the last five years including 4 deaths, 300 injuries, turbines shearing, going on fire and ice throw.*
- *When ice forms on the turbine blades it can shear off and "fly" for some considerable distance.*
- *In recent months Scotland witnessed very strong winds which resulted in turbines exploding. A turbine shedding large pieces of flaming material and being in such close proximity to not only wildlife but to residential property poses a great risk*

Sustainability

- *We have a duty to future generations to preserve the heritage of natural beauty which is becoming so rare in the modern world.*

Built Heritage & Archaeological Impact

- *The proposal will adversely affect the setting of the listed and scheduled Ancient Monument of Clachan Bridge, and scheduled Monuments located on the Toad of Lorn.*
- *The proposal is within 1km of the Atlantic Bridge, an iconic Grade A listed national monument (visited from around the world), 1km from the C listed Tigh an Truish Inn, and just over 1km from C listed Old Clachan Farmhouse. It would be unacceptable for the setting of Old Clachan Farmhouse (and the other listed properties) to be destroyed in this way.*
- *Views from all over would be affected with the movement of the turbines when working being very distracting when taking in the splendour of the Bridge over the Atlantic and enjoying sitting outside the Tigh na Truish.*
- *The 'Bridge over the Atlantic' is famous and known to many people around Scotland, the UK and the world. It also has a very significant part in Scottish history. A wind farm that is both visible and potentially audible would destroy 200 years of Scottish history.*
- *There are archaeological sites in the area which have never been excavated; it will never be known whether the necessary construction roads and turbine foundations have destroyed ancient settlements.*

- *The proposal will impact on archaeological sites principally the stone carved seat known as Brendan's Seat and the dun remains at the summit of the Hill of the same name, which has one of the finest views in Scotland.*

Tourism, Recreation & Access to the Countryside Impact

- *As a local sailor I would personally avoid any anchorages, moorings or marinas which would have a view of the site, this would include many key local businesses such as Kerrera marina, the pub close to Phuilladobhrain, potentially Loch Spelve, Loch Aline and Lismore.*
- *The proposal would permanently damage the views of the area for miles, dissuading yachts, walkers, bird watchers, photographers, artists, and the list goes on, from visiting our area.*
- *At all times of the year there are literally coachloads of tourists all day long which stop at the Bridge over the Atlantic to take photographs and move on to buy souvenirs at Highland Arts in Ellenabeich, take sea-life whale watching trips and visit the conservation island of Easdale. Seil Island is almost totally dependent on tourism.*
- *Many tourists come especially to enjoy our panoramic views and they bring with them much needed revenue. It would be nothing short of crazy to put up nine enormous structures that will destroy this natural unspoilt beauty at a stroke.*
- *Oban and North Argyll is trying to increase its tourist appeal and visitor numbers so high value unspoilt countryside will be very important to that ambition.*
- *The proposal is totally incompatible with this area which is so reliant on tourism. Tourists are attracted to the area simply because it is of outstanding natural beauty and a wind farm will change that.*
- *Research into effects on tourism by the Scottish Government is now out of date as when it was done there was relatively few wind farms, mainly off the beaten track and they had a bit of novelty value. This means current data available to planning is out of date and a new study is desperately needed to enable decisions to be made following widespread penetration of wind farms around the country.*
- *Puilladobhrain is well known in the yachting world as one of the most picturesque moorings on the West Coast.*
- *This is an area of exceptional natural beauty, enjoyed from land and sea, island and mainland. As a shareholder in the immediate areas tourism industry I am greatly concerned by the detrimental effects of developments of this type about which my visitors/ clients pointedly express their concerns.*
- *Clachan is an area of outstanding natural beauty and this proposal would undoubtedly spoil the area and discourage the tourists on which the businesses of Clachan heavily rely on.*
- *The site is above a 1790's Thomas Telford Bridge, one of the best examples of his work, the bridge has an enormous tourist pull. The last thing the passengers on the open top bus would want to see is a wind farm as a back drop to this famous icon.*

- *It is within an area of natural beauty and will mar the landscape for miles around many local people rely heavily on the tourist industry which this proposal will put at risk.*
- *The route from the turn off on the A816 to Easedale is one of the most famous tourist routes in this area of Lorn and the Isles. It is advertised as one of the great places of tourist interest, not only the bridge over the Atlantic but on to Easedale and the slate islands.*
- *Not only would the entire route from Kilninver to Clachan Seil pass by these industrial towers in a rural landscape, but the majority of tourist spots on route would also be keenly aware of the intrusion of these machines, such would be their visual impact. Many thousands of tourists take this route to Easedale every year, by the coach and car load, probably with Kilmartin Glen, the most visited place on this part of the west coast.*
- *Tourists come for the natural beauty of the area not to be treated to a tour of a wind farm, despite the developer suggesting it could be made a tourist attraction. We are not whitelee wind farm and our area is totally dissimilar so any comparison as the developers leaflet suggests is nonsensical.*
- *This area depends heavily on tourism & the famous "Bridge over the Atlantic" brings thousands of visitors to the area a year, the revenue they generate is important to the local economy. A wind farm in the background of the visitor's photographs will not enhance their experience or encourage their friends to visit.*
- *The turbines will be 800m from the sea in one of the top 40 sailing areas in Europe and clearly visible and detrimental to the very popular anchorage of Puilladobhrain adjacent to the exit of Seil Sound.*
- *The proposal would dominate the setting of the Bridge over the Atlantic and the Tigh an Truish, which are the first image visitors get of our historic slate islands, also the anchorage at Phuilladobhrain, which is on all the guide books for sailing visitors and usually the first stop for those attempting their first visit to the west coast and currently presents a remote appearance, despite being safe and in easy reach of local facilities and Oban.*
- *Phuilladobhrain is one of the most visited anchorages in the area and from miles out to sea you will be able to see these monstrosities.*
- *Tourism is our mainstay and this was the reason Raera wind farm was rejected and therefore it should follow that this proposal is not acceptable either.*
- *The area where the proposal is to be sited is one that is currently advertised by Companies for organised walks to appreciate the natural unspoilt landscape, take in the flora and fauna, and look at all the sites, including the "Toad of Lorn". With the proposal the whole area will be spoilt for such nature and historical walks.*

Noise, Air Quality, Vibration, Lighting & Adverse Health Impacts

- *Those that chose to live in the area have done so for the peace and tranquillity which is likely to be ruined by the noise created by this proposal.*
- *For the many walkers using this road, the noise would also be intrusive, when the turbines are working, in this present peaceful area which has very little unpleasant ambient sound.*

- *The small substation by Kilninver bus stop and school is to be where the electricity is apparently fed into the grid - not the healthiest solution so near a school.*
- *There are serious concerns that the rhythmical pulsing could have an adverse effect on health, in particular, affecting sleep.*
- *The proposal may have a long term effect on the health and wellbeing of local residents in particular with regard to noise pollution.*
- *This is an intrinsically dark landscape, and the aviation lighting recommended by the MoD would be intrusive.*

Ice Throw

- *Concern has been raised about the potential for ice shards flying off turbine blades (projectile will land at a speed in excess of 100 mph).*

Shadow Flicker

- *The flicker of blade tips is generally accepted to be an aggravating visual effect of turbine installations in any setting, and will be conspicuous in this wild landscape where no other movement such as this is present.*
- *There are long term health issues attached to living close to turbines from shadow flicker.*

Aviation interests

- *The proposal is in an area used for low flying exercises with aircraft flying past on their way up and down Loch Feochan and there are a lot of leisure flyers passing by on their way to/from Connel airport.*
- *Military aircraft fly very low though this area during exercises. Some clearly fly below the height of the proposed turbines. Unless this is now forbidden, a major incident could occur.*

Road Traffic Impact

- *Site traffic will almost certainly cause damage to the recently repaired B844. Specifically the bridge at Kilninver that already has structural defects and might require rebuilding. The B844 that ascends the side of Meall Ailein might also require extensive repair at considerable cost to the Argyll & Bute Council Tax payers.*
- *The Kilninver Bridge is the only connection to and from Easedale, Seil, Luing and mainland areas of Ardmaddy, Cuan and Clachan. This bridge is in very poor condition and currently being surveyed monthly. It appears unlikely that it would be able to cope with the required increase in passing weight and size of vehicles associated with such a proposal.*
- *Kilninver Bridge is the lifeline for Seil and Luing. The contractor would use this despite any assurances. If this bridge were to fail there is no backup plan for access to the islands.*

- *Should Kilninver Bridge or the 'wavy wall' fail, the disruption to residents of Ardmaddy, Seil, Luing and Easdale would be horrendous, not only in inconvenience for normal life, but loss of earnings due to not being able to get to work.*
- *The access to the site is via Kilninver Bridge, which is in such a fragile state that the Council's Roads Department find it necessary to keep very regular checks on it. The construction traffic required buy a proposal such as this bound to damage the bridge even further and the bridge is the only road link for the communities of Kilninver, Isles of Seil and Luing. Any damage to the bridge would have a catastrophic effect on these communities.*
- *The extra heavy vehicles that will inevitably chew up our small and overcrowded road will have an enormous and negative impact for months while the proposal is developed.*
- *The proposal would be visually intrusive while driving the 5 km from Kilbrandon church being almost in front of a driver's sightline. This would be distracting and potentially dangerous on the single track road.*
- *The single track route over the hill and along Loch Seil is a hazardous route at the best of times, damage to this road and possible accidents are more than probable.*
- *The extra heavy traffic necessary to bring materials into the area will impact heavily on the local roads, and, especially, on Clachan Bridge, a local historic monument.*
- *Construction of this proposal would seem likely to interfere with local road transport, adversely affecting local businesses and residents traveling to work*

Wind regime

- *Having monitored the wind in the area over the last two years it has been discerned that there are many days of high winds and increased risk of hurricanes which will prevent the turbines from being turned on. It seems a very expensive and inefficient means of creating green energy.*
- *There appears to be no proper wind data apart from wind speed database which as the website quotes is only a guesstimate! So why would we want to waste these resources here when they could be constructed on more efficient sites than here at Kilninver.*

Property Value

- *There are serious concerns that the proposal will result in loss of property value*

Profit/Community Benefit

- *Who is going to profit from this environmental vandalism - landowners? Multinational power companies? Certainly not the people of the area or Scotland in general.*
- *The owner of the site is not a local - he lives in southern Scotland - and so he is asking the community to tolerate a noisy eyesore while not living with it himself.*

- *The owners of open land above Clachan Seil are clearly just intent on increasing their financial returns and maximising their drain on public subsidies beyond those already being paid to them for non-viable hill farming*
- *The local community has rejected the developer's attempts to bribe them with the offer of a turbine. The community has spoken strongly against it, surely you should listen to these people whose homes you would destroy with these monstrosities.*
- *The change in name of the proposal by the developer from 'Clachan Wind Farm' to 'Clachan Community Energy Wind Farm' is confusing and suggests a link with the 'Community Council'.*

Grid Connection

- *There is no indication as to how the power generated will be transmitted to the Kilninver substation.*

Decommissioning

- *On decommissioning, the area would be left scarred by the access tracks and massive concrete turbine foundations*

Technology & Efficiency

- *The efficiency and expediency of such renewable energy is already in serious doubt.*
- *The proposal's output is minimal compared to the harm that it will cause to the area.*
- *Wind farms are uneconomic as they only run for approximately 30% of time and require back up capacity when unable to generate electricity.*
- *There are better alternatives to harvest the wind, better on-shore locations, and wind farms offshore where there are no houses, and if far enough from the shoreline, (in fact not very far), minimal visual impact.*

Precedent

- *If approved this proposal would set a dangerous precedent*

Decision-making

- *Argyll & Bute Council must make a decision that is consistent with other planning permission granted in the area. 2 examples; firstly the small wind farm on the southern end of the Isle of Luing (a far less intrusive site) was granted permission for wind turbine blade tips to a height of only 45 m, compared to the proposed 77 m at Clachan Seil. Secondly, the proposed wind farm above Raera forest only a few miles away, which again would have been far less intrusive than the proposal on Clachan Seil has, been denied planning permission outright.*
- *Like the recent application at Raera, this plan is both inappropriate and out of scale for the region. It should be rejected for the same reason given by all Councillors for rejecting Raera that is that it would be an industrial development in the wrong place. Indeed the reasons for refusing the Raera Wind Farm apply more in the case of Clachan wind farm. Clachan is more visible from local housing on Seil and the immediate coast line.*

- *The applicant is resorting to long drawn out delays in submission of their information, professionally minded applicants who wish to demonstrate their ability to construct and run a business would have been better able and prepared to submit at the outset of planning application with all appropriate support documentation. The apparent piecemeal efforts associated with this application do not give any confidence that the applicants know what they are about. As they certainly do not demonstrate, the ability to co-ordinate their information to obtain planning permission, I do not have any confidence in their ability to deliver should planning permission be granted.*

Planning Policy

- *It would entail significant deviation from policies of both the Argyll & Bute Local Plan and SPP.*

Scottish Government Policy & Advice

- *The environmental damage, both visually and by noise pollution in the middle of this countryside would be an absurd negation of the Government's policy of land protection.*
- *SPP requires the planning authority to consider likely impacts on communities, including long term and significant impact on amenity.*

Scottish Government Renewable Energy Targets & Argyll & Bute's contribution

- *There is little justifiable need regarding CO₂ emissions since Argyll & Bute seems to have already reached the 2020 Government Renewable Energy Targets with existing wind farms, those approved and those in scoping.*

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 response or letter of representations 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
- (iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes –

(H) PLANNING OBLIGATIONS

Is a Section 75 (S75) agreement required: Due to the recommendation of refusal a S75 is not required.

(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 & 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

Policy STRAT SI 1: Sustainable Development
Policy STRAT DC 4: Development in Rural Opportunity Areas
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 RE 1: Wind Farm/Wind Turbine Development

Argyll & Bute Local Plan

Policy LP ENV 1: Development Impact on the General Environment
Policy LP ENV 2: Development Impact on Biodiversity
Policy LP ENV 6: Development Impact on Habitats and Species
Policy LP ENV 9: Development Impact on National Scenic Areas (NSAs)
Policy LP ENV 10: Development Impact on Areas of Panoramic Quality
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 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 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
- 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; it was considered that EIA was necessary, due to the potential for significant environmental impact.

(L) Has the application been the subject of statutory pre-application consultation (PAC): No.

(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 implicit within the EIA process.

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

(O) Requirement for a Hearing: There is a requirement to hold a Discretionary Hearing given the extent of representation received.

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

- The proposal seeks the construction of wind farm comprising nine turbines, crane hard standings, access tracks onto site and between turbines, temporary

construction compound and laydown area, borrow pits (required to be subject of separate planning application), and an electrical sub-station incorporating a site office.

- 956 parties have made representations, comprising 858 objections, 94 letters of support and 4 general comments.
- No formal objection to the proposal have been lodged by Scottish Government, Transport Scotland, Scottish Water, Ministry of Defence, Public Protection, National Air Traffic Services, the Civil Aviation Authority, Oban Airport Manager, the Joint Radio Company, Ofcom, or from Mull Community Council. Scottish Natural Heritage, the Royal Society for the Protection of Birds and Historic Scotland have raised a number of detailed concerns which are considered below.
- Formal objections to the proposal have been lodged by the Council's Area Roads Manager; the West of Scotland Archaeology Service, the Scottish Environment Protection Agency, Kilninver & Kilmelford Community Council, and Seil & Easedale Community Council which are considered below.
- No Consultee responses were received from: Luing Community Council, Kilmore Community Council, CSS Spectrum Management or the Forestry Commission Scotland.
- The principal issues in this case are the consequence of the presence of the development on: the landscape character of the site and for adjoining landscape character areas; visual impact; tourism impact; ecological impact; ornithological impact; built heritage and archaeological impact; and road infrastructure impact. It has been concluded that the proposal is unacceptable due to its impact upon landscape character, the wider sensitivities of the coast, on views from the key approach to Seil by road, from the vicinity of the Atlantic Bridge, from the Duachy Standing Stones (SAM) and other built heritage receptors, and from the coastline itself and from the sea. There are also unresolved issues concerning wetland ecology, and the inadequacy of road access for construction purposes, which have prompted formal objections by SEPA and the Council's roads engineers.
- Should Members determine to grant planning permission some technical details raised by relevant Consultees could, if required, be dealt with by planning condition or Section 75 Legal Agreement (with the exception of the West of Scotland Archaeology Service who have requested that they are contacted to enable them to provide further advice on conditions in the event of approval).
- The proposal can be considered consistent with the requirements of: Policy STRAT DC 10: Flooding & Land Erosion of the 'Argyll & Bute Structure Plan' and Policies LP ENV 9: Development Impact on National Scenic Areas (NSAs); LP SERV 1: Private Sewage Treatment Plants and Wastewater (i.e. Drainage) Systems, LP SERV 2: Incorporation of Natural Features/Sustainable Drainage Systems; LP SERV 4: Water Supply; LP SERV 6: Waste Related Development and Waste Management in Developments; LP TRAN 6: Vehicle Parking Provision; LP TRAN 7: Safeguarding of Airports; and, LP SERV 9: Flooding and Land Erosion of the 'Argyll & Bute Local Plan'.
- The proposal is considered contrary to: SPP; Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT RE 1: Wind Farm/Wind Turbine Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; STRAT DC 7: Nature Conservation & Development Control; and STRAT DC 9:

Historic Environment & Development; of the 'Argyll & Bute Structure Plan' (2002); Policies Policy LP ENV 1: Development Impact on the General Environment; LP ENV 2: Development Impact on Biodiversity; LP ENV 6: Development Impact on Habitats and Species; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP ENV 12: Water Quality and Environment; LP ENV 13a: Development Impact on Listed Buildings; LP ENV 16: Development Impact on Scheduled Ancient Monuments; LP ENV 17: Development Impact on Sites of Archaeological Importance; Policy LP ENV 19: Development Setting, Layout and Design; LP TRAN 4: New and Existing, Public Roads and Private Access Regimes; LP TRAN 5: Off-Site Highway Improvements and LP REN 1: Commercial Wind Farm and Wind Turbine Development; of the 'Argyll & Bute Local Plan' (2009).

- Notwithstanding the contribution that this proposal could make towards combating climate change, development giving rise to inappropriate environmental consequences cannot be viewed as being sustainable; consequently, the proposal is recommended for refusal.

(Q) Is the proposal consistent with the Development Plan: No.

(R) Reasons why planning permission should be refused: This proposal is inconsistent with the provisions of the Development Plan due to its impact upon landscape character, upon the wider sensitivities of the coast, on views from the key approach to Seil by road, from the vicinity of the Atlantic Bridge, from the Duachy Standing Stones (SAM) and other built heritage receptors, and from the coastline itself and from the sea. There are also unresolved issues concerning wetland ecology, and the inadequacy of road access for construction purposes, which have prompted formal objections by SEPA and the Council's roads engineers. All other material issues have been taken into account but these are not of such weight as to overcome the adverse landscape impact, visual impact, ecological impact, built heritage and archaeological impact and road infrastructure impact of the development, which cannot be overcome by the imposition of planning conditions or by way of a S75 legal agreement.

(S) Reasoned justification for a departure to the provisions of the Development Plan: There is no justifiable reason for a departure to be made from the provisions of the Development Plan in this case.

(T) Need for notification to Scottish Ministers or Historic Scotland: There is no requirement for notification to Scottish Ministers, other than in the event of Members determining to grant planning permission, which would be contrary to the views of SEPA as a statutory consultee, which would prompt the need for Scottish Ministers to have opportunity to consider 'calling-in' the application for determination.

Author of Report: Arlene H Knox

Date: 4th September 2012

Reviewing Officer: Richard Kerr

Date: 6th September 2012

Angus Gilmour
Head of Planning and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 11/02447/PP

1. The proposal lies close to the south-west of Loch Feochan, located on the coastal edge within the 'Craggy Coast and Islands' Landscape Character Type (ref 'Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012' - SNH/Argyll & Bute Council) which is intended to guide SNH and the Council on the strategic implications of further wind farm developments in the landscape. The proposal lies within a sensitive and highly valued landscape character type where it occupies a prominent coastal location where it would be viewed from ferry and recreational boat traffic and other islands as well as from mainland roads, and in particular the nearest road which links Seil to the mainland via the 'Bridge over the Atlantic'. The value of the landscape surrounding the application been accorded regional status by being designated as an Area of Panoramic Quality by the Council's approved local plan.

The scale of development proposed in this sensitive coastal location is contrary to the recommendations of the LWECS, which states: *"there is no scope to site the larger (80-130 M) and the small – medium (35m – 80m) within this character sub-type due to the significant adverse impacts that would be likely to occur on a wide range of landscape and visual sensitivities"*. At present the 'Craggy Coast and Islands' landscape character type, and other coastal landscape character types in Argyll, are free of wind farm developments of the scale proposed. If approved, this development would establish a precedent for large-medium scale coastal edge wind farm developments in circumstances where the LWECS considers that sensitive coastal landscapes do not have the capacity to absorb developments on this scale satisfactorily. The proposal would introduce an inappropriately located wind farm into the sensitive and valued coastal landscapes of the Firth of Lorn, the lochs and islands around West Argyll, and the Atlantic islands coastal edge which constitutes an exceptional scenic resource, derived from the interplay between the land and the sea with its associated islands and skerries. The site therefore constitutes part of Argyll's prime landscape resource, valued for its inherent character and qualities and for the role which it plays in the local tourism economy. The introduction of a development of the scale proposed would impose itself upon its landscape setting to the detriment of landscape character. Approval of the proposal would represent an unwelcome move away from the established location of approved wind farm developments in upland areas inland, where they do not exert such a degree of influence over the appreciation of the coast and those landscapes which are characterised by the contrast between the land and the sea.

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

Having due regard to the above, it is considered that this proposal would have a significant adverse impact on Landscape Character, would adversely affect a number of key views and would degrade designated scenic assets including the 'Area of Panoramic Quality' in which the site is situated. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in 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 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).

2. The Zone of Theoretical Visibility maps indicate fairly widespread visibility across the settled eastern coasts of Seil, within the Firth of Lorn and the Mull coast but with more limited visibility inland to the east. Of the representative viewpoints selected for detailed assessment, the applicant's Landscape and Visual Impact Assessment concludes that there would be 'significant' impacts on: Viewpoint 1: B844 Clachan Seil; Viewpoint 5: Whinbank; Viewpoint 14: Puilladobhain Anchorage; and Viewpoint 18: Duachy Standing Stones. It is, however, considered that the assessment underestimates the magnitude of effect from some of the closer viewpoints to the proposal including: Viewpoints 2: from the Tigh-an-Truish Pub (this view includes the iconic "Atlantic Bridge"); Viewpoint 7: B844 at Meall Ailein and Viewpoint 10: from the Colonsay-Oban ferry. From the cluster viewpoints at locations 1 - 5, and other shorter range viewpoints 7 (on the approach to Seil and an essential part of the initial experience of visiting this intricate and highly scenic locality), 10 (from the Colonsay ferry), 14 (anchorage and coastal walk) and 18 (scheduled ancient monument), the proposal secures a poor fit with the landscape in terms of its domination of scale, coupled with the effect of blade rotation which will exacerbate the visual intrusion on sensitive skylines above Clachan Sound. It would also appear discordant when seen from the Firth of Lorn, which is valued as a sailing destination from which coastal landscapes are experienced, in a context where no other development of this scale and character is visible. From the ferry route and from other offshore locations, development on the scale proposed would compete with and diminish the scale of the flattopped Beinn Mhor with its pronounced cliff edge, which forms a key focal feature in views towards the mainland coast.

The development is out of scale with the receiving coastal environment and intrudes upon views within and the appreciation of this relatively small scale landscape to the detriment landscape character and sensitive visual receptors. The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected benefits which a development of this scale would make to the achievement of climate change related commitments.

Having due regard to the above, the proposal conflicts with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in 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 10: Development Impact on Areas of Panoramic Quality and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the 'Argyll & Bute Local Plan' (adopted 2009).

3. The development is situated with the nearest turbine being approximately 560m from Duachy Standing Stones Scheduled Ancient Monument, where 7 turbine towers and rotors will be visible. This would represent a significant adverse impact on this important historic environment asset and its setting. The proposal would also have an adverse impact on the setting of the Category A listed Clachan Bridge. It is considered that the visibility of the development within the landscape backdrop of the bridge, which is a key tourism asset and a widely photographed structure, in the context of both the wider setting and the appreciation of the bridge, would be unacceptable. The proposal would also have an

adverse impact on the setting of the category B listed Ardencaple House with all 9 turbines theoretically visible. Although there is intervening vegetation this cannot be regarded as providing a permanent screen and the proposal would represent a highly visible modern intrusion in the setting of Ardencaple House which would be unacceptable.

The introduction of structures of the scale proposed and their attendant motion in the landscape would impinge upon the setting of the Duachy Standing Stones in particular, and other historic environment assets in general, to the detriment of the legibility of the historic landscape context of these historical and archaeological assets.

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

The proposal will have an adverse impact on the historic environment of Argyll and is therefore inconsistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 9: Historic Environment & Development Control of the 'Argyll & Bute Structure Plan' (adopted 2009) and LP ENV 13a: Development Impact on Listed Buildings LP ENV 14; 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).

4. Insufficient information has been submitted in regards to the likely ecological impact of the proposal. The Phase 1 Habitat Survey is not considered to be adequate, as the Environmental Impact Assessment has failed to identify the presence or absence of Ground Water Dependent Terrestrial Ecosystems within 100m of all roads track and trenches, or within 250m of foundations and borrow pits, contrary to the advice of the Scottish Environmental Protection Agency. It is not therefore possible to conclude that the development is capable of being implemented without significant adverse consequences for the water dependant ecology within and adjacent to the application site.

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

Consequently, it is considered that ecological impact of the proposal is uncertain, and therefore the proposal is inconsistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 7: Nature Conservation & Development Control of the 'Argyll & Bute Structure Plan' (Adopted 2009) and Policies LP REN 1 – Wind Farms and Wind Turbines, 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).

5. The proposal will involve an unusually large number of construction vehicle movements and the conveyance of abnormal loads along the B844 a route which is sub-standard in width and alignment. The road infrastructure along this route is also subject to known deficiencies, including structural condition of the Kilninver Bridge and the road retaining wall at Barnacarry, and it does not lend itself to intensive construction activities involving movements of heavy goods vehicles and abnormal loads. In view of the geometry of the road, which does not lend itself to the swept path of large vehicles, there is the prospect of serious damage to these structures occasioned by collision as a result of the

transportation of abnormal loads or the weight of construction vehicles, which would present a serious threat to continued accessibility by road, as the failure of either of these structures would be likely to precipitate closure of the route with the consequent isolation of Seil, Easdale and Luing.

In the absence of any satisfactory mitigation being advanced for the risk presented to the route by the type of traffic associated with the proposal, the development does not benefit from an identified satisfactory means of access for either construction or for decommissioning purposes, contrary to the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the Argyll & Bute Local Plan.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/02447/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. SETTLEMENT STRATEGY & WIND FARM PROPOSALS MAP

The site is not subject to any spatial zoning for windfarm development by local plan Wind Farm Proposals Map, as this is restricted to proposals over 20MW whereas this scheme is 8.1MW. Consideration is thereby by way of a criteria based approach established by local plan Policy LP REN1.

The turbines, internal access tracks and crane hardstandings are all to be located within Sensitive Countryside (subject to the effect of Structure Plan Policy STRAT DC 5: Development in Sensitive Countryside), and the substation building, construction compound, primary access road (from public road to internal tracks) and parking area will be located within a Rural Opportunity Area (subject to the effect of Structure Plan Policy STRAT DC 4: Development in Rural Opportunity Areas) as designated by the Local Plan Proposals Maps.

In special cases both Policy STRAT DC 4 and STRAT DC 5 state that development in the open countryside and medium or large scale development may be supported if it accords with an area capacity evaluation (ACE). The proposal constitutes large scale development in the open countryside. However, it is not normal practice for an ACE to be undertaken for a wind farm which has been subject to EIA (where consideration of alternative sites is required). In this case, it has not been demonstrated that the scale and location of the proposal will integrate sympathetically with the landscape, without giving rise to adverse consequences for landscape character.

Policies STRAT DC 4 and STRAT DC 5 also require proposals to be consistent with all other Development Plan Policies. For the reasons detailed below in this report, it is considered that this proposal would have significant adverse Landscape, Visual, Ecological, Historical, and Road Infrastructure Impacts

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of the SPP (2009); Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; and STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan.

B. LOCATION, NATURE & DESIGN OF PROPOSED DEVELOPMENT

The proposal is for the erection of a 9 turbine wind farm and ancillary development on farmland approximately 9km south-west of Oban. Each wind turbine would have a capacity of up to 0.9MW, providing a total maximum generating capacity of 8.1MW. The maximum height to blade tip would be 77m and the maximum hub height 55m, giving a rotor diameter of 44m.

The following elements are included in the planning application: 9 wind turbines; crane hardstandings adjacent to each turbine; permanent access tracks onto the site and between turbines (upgrading of existing and formation of new); temporary construction compound and

laydown area; borrow pit (required to be the subject of a separate planning application); control building and car parking area.

Should the proposal be successful, notwithstanding the requirement for a separate mineral planning application for the borrow pit, notification would also be required for an overhead line from Kilninver sub-station to the site (details of this grid connection do not form part of this planning application). Objectors have raised concern about the visual impact and safety implications of the power line. However, it should be noted that the grid connection/power line will not require planning permission as it will constitute 'permitted development' as it involves work carried out by a statutory undertaker in terms of the General Permitted Development (Scotland) Order 1992.

The general design of the turbines and ancillary structures follows current wind energy practice. The 'portacabin' flat roofed design of the substation building is considered 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 is appropriate to be included in the reasons for refusal as design could be controlled by means of a condition in the event of an approval.

Whilst the design of the proposal is appropriate for a wind farm of this scale, its intended location is not due to the adverse impacts upon the receiving environment detailed in this report and therefore in terms of the overall sustainability of the proposal, it is considered that it would have adverse Landscape, Visual, Ecological, Historical, and Road Infrastructure Impacts.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policy STRAT SI 1: Sustainable Development of the Argyll & Bute Structure Plan; and, Policies LP ENV 1: Development Impact on the General Environment and LP ENV 19: Development Setting, Layout & Design of the Argyll & Bute Local Plan.

C. LANDSCAPE CHARACTER & LANDSCAPE IMPACT

SNH advise that this proposal will have significant adverse landscape and visual impacts on an area of Argyll's coastal landscape which is distinct, recognised as being a resource of regional importance within a local plan designated Area of Panoramic Quality (APQ); the proposal would erode the existing quality of the "Craggy Coast and Island" Landscape Character Type (LCT)(LWECS) setting a precedent for further development of this type and scale in this sensitive landscape setting; and SNH have been unable to identify any mitigation which would reduce or remove the negative impacts on the distinctive character and sense of place of this regionally important landscape setting. SNH has not objected to the proposal as they would only do so in the event of European or national interests being compromised, which is not the case here. They have, however, expressed serious concerns on landscape and visual grounds which they wish the Planning Authority to take into account in reaching a decision.

The proposal lies close to the south-west of Loch Feochan, located on the coastal edge within the "*Craggy Coast and Islands*" LCT (ref "Argyll and Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012 – SNH/Argyll & Bute Council). The LWECS is intended to guide SNH and the Council on the strategic implications of further

wind farm developments in sensitive locations such as on the sensitive and highly valued coastal edge where this proposal would be located.

The landscapes of Argyll's coastal edge are made up of intricate features including numerous sea lochs and impressive tidal and geomorphologic features, rising sharply to the coastal ridge and the start of craggy uplands. Highland landforms can be glimpsed behind the craggy uplands in the shape of mountains such as Ben Cruachan. It is the inter-relationship of these landscape features that makes Argyll's coastal landscapes distinct and a resource of regional importance. The value of this landscape is also statutorily recognised by Argyll & Bute Council and has been designated as an Area of Panoramic Quality (APQ).

The scale of development proposed in this sensitive coastal location is contrary to the recommendations of the LWECS, which states: *"there is no scope to site the larger (80-130 M) and the small – medium (35m – 80m) within this character sub-type due to the significant adverse impacts that would be likely to occur on a wide range of landscape and visual sensitivities"*. A key constraint of the area where Clachan Seil is located is *"the scenic contribution made by Craggy Coast and Islands to the wider seascape context . . . the intricate coastal edge cut by narrow sea lochs and the distinctive coastal geological features a strong sense of remoteness and naturalness"*.

This is supported by the "Landscape Assessment of Argyll and Firth of Clyde" no 78 SNH review series regional LCA. *"This landscape (Craggy Upland) and other parts of the coastline cannot easily accommodate further development. The cliffs, rocky moorland, deeply indented coastline and off shore islands are a stunning combination of landscape features. Such areas have a distinctive identity and wild, natural character which make them extremely sensitive to change."*

At present the "Craggy Coast and Islands" LCT in Argyll is free of wind farms of the scale proposed. If approved, this development would establish a precedent for large-medium scale coastal edge wind farms in an area cited in the LWECS as not having capacity for this type of development. Avoiding setting such a precedent is important given the known current and likely increasing pressure for a number of large single turbine applications, which will also affect the sensitive coastal edge and could result in significant adverse cumulative landscape impacts.

SPP on Coastal Planning recognises that the coast of Scotland is of national and in some parts international significance, containing many areas of special landscape value. The SPP on Coastal planning states that *"areas subject to significant constraints on new development may include areas where the conservation or enhancement of the natural and historic heritage requires development to be limited in locations of value for recreational users. Areas which are unsuitable for development will include isolated coast, which lacks obvious signs of development and is of very significant environmental, cultural and economic value. The special characteristics of the isolated coast should be protected and there is a presumption against development in these areas"*.

The proposal would impact on and be visible from areas of coast and islands valued for their natural unspoilt and secluded character, and their special qualities of peace, tranquillity and contemplation. This area is known as the "Ancient Kingdom" and "Scotland's Sea Kingdom" (Visit Scotland) recognised for its important cultural and heritage value, where *"few places have their stories so eloquently inscribed across the landscape as Scotland's Sea Kingdom"*. In such a sensitive location the presence of large-medium scale turbines such as those proposed will be

incongruous and detract from the special qualities, heritage value and experience of the remote coastal landscape.

SNH advise that the proposal would introduce an inappropriately located wind farm onto the sensitive and valued coastal landscapes of the Firth of Lorn, the lochs and islands around West Argyll, and the Atlantic islands coastal edge. The Lorn coastal area around the proposal is striking for its variety, relatively small-scale coastal landforms, and the interplay of coast and sea with a range of islands and skerries. The draft summary sentence from the description of the area from the Landscapes of Scotland project is: *“The coastline is very diverse, with sea lochs, low-lying islands and stunning coastal views”*. The contrast between land and water has long been recognised as an attractive combination. This can occur in various ways, all of which are valued, but in Argyll, occurs as a variety of coastal types and scales, including the Firth and Lynn of Lorn.

Some formal recognition of this importance comes from the high proportion of National Scenic Areas (NSA's) that occur along Scotland's west coast. Clachan Seil is located between two stretches of the coast and islands that are designated as NSAs (Lynn of Lorn (about 20km away) and Scarba, Lunga and the Garvellachs (about 15km away). It is also within a local landscape designation – an Area of Panoramic Quality (APQ).

The LVIA within the ES states that it is not possible to avoid the APQ, reducing the scale of the project and locating it within ‘a...landscape which would not have any significant features’ would reduce the overall impact on this designated area. The LVIA considers the APQ designated areas of the Argyll Coast, Seil Island, Luing and Shuna, Kerrera, Mull, Jura and Loch Awe. It concludes that the proposal would not significantly detract from the character of these areas with overall significance of effects ranging from negligible to low. APQs are regional landscape designations originally identified in the Strathclyde Structure Plan. SNH consider that the LVIA under-estimates the likely effects of this proposal on the Seil Island and Argyll Coast APQs.

Although there is no citation for these APQs, the key qualities of the Argyll Coast and Seil Island APQs include the diversity of form of islands, sea and coast which produces highly scenic seascapes evident in panoramic views from sea and land. This site and its immediate context have a number of significant features, contrary to the statement made within the LVIA these include the distinctive form of Beinn Mhor (acknowledged elsewhere in the LVIA) which forms a landmark feature, the fragmented coastline of great variety which is largely unmodified and the intimately scaled narrow channel of Clachan Sound with its steep wooded sides.

There would be visibility of the turbines across Seil Island, particularly on the eastern coast but also from the Firth of Lorn. Turbines of this size would detract from the diverse scenery and predominantly small scale of the landscape; they would also intrude upon key views within and to these APQs. If this proposal went ahead it would set a precedent for other developments to occur throughout these sensitive coastal landscapes, even within local landscape designations.

The applicant's Landscape Architect has responded to SNH's consultation response and notes that it offers advice to Development Management and that SNH have not objected to the proposal. The Landscape Architects response covers in detail the relevant content of the SNH Argyll and Firth of Clyde Landscape Character Assessment (LCA)(1996) and the new Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) (January 2012) in relation to the site. The response also comments on the status of the LWECS - that it is a technical report produced by Landscape Architects commissioned by Argyll & Bute Council and that it is not part of the Development Plan or any other Adopted planning policy. Other issues covered in the

response also include precedent; SNH guidance (2009) Siting and Designing wind farms in the Landscape; the turbines located on Land East of Camas Nan Gall, Toberonochy, Isle of Luing; reference to the LDP; the APQ; and NSA's. The response concludes that overall the Clachan Seil wind farm is a compact, discreet and well-designed development with only minimal and therefore acceptable effects identified on both the nationally protected landscapes and the most sensitive areas of the newly identified Craggy Coast and Islands LCT (A full copy of this response is available on the Council's website.

SNH have considered the applicant's comments on the landscape content of their original response. They note the content; however, confirm that their position and advice remains the same as stated in their original consultation response. The conclusions expressed by SNH in respect of landscape impacts are endorsed by officers. The application site constitutes part of Argyll's prime landscape resource, valued for its inherent character and qualities and also for the role which it plays in the local tourism economy. The introduction of a development of the scale proposed would be disproportionate to the landscape in which it is situated and would impose itself on the vulnerable coastal edge of Argyll to the detriment of landscape character and the scenic qualities and associated tourism value of the area. Approval of the proposal would represent an unwelcome move away from the established location of approved wind farms in upland areas inland, where they do not exert such a degree of influence over the appreciation of the coast and those landscapes which are characterised by the interplay between the land and the sea. This proposal would introduce an inappropriately located wind farm onto the sensitive and valued coastal landscapes of the Firth of Lorn, the lochs and islands around West Argyll, and the Atlantic islands coastal edge. As indicated in the recently approved LWECS, in such sensitive locations the presence of large-medium scale turbines such as those proposed will be incongruous and detract from the special qualities, heritage value and experience of this remote coastal landscape.

Having due regard to the above it is considered that this proposal is inconsistent with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside, Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

D. VISUAL IMPACT

SNH advise that the applicant's Zone of Theoretical Visibility (ZTV) maps indicate fairly widespread visibility across the settled eastern coasts of Seil, within the Firth of Lorn and the Mull coast but with more limited visibility inland to the east. 20 representative viewpoints have been selected for more detailed assessment and the LVIA concludes that there would be significant impacts on the following: Viewpoint 1: B844 Clachan Seil; Viewpoint 5: Whinbank; Viewpoint 14: Puilladobhrain Anchorage; and, Viewpoint 18: Duachy Standing Stones. SNH agree that there would be significant and adverse effects on views from these locations. However, they also consider that the assessment from some of the closer viewpoints to the proposal under-estimates the magnitude of effect. These include: Viewpoint 2: from the Tigh-an-Truish Pub (this view includes the iconic "Atlantic Bridge"); Viewpoint 7: B844 at Meall Ailein and Viewpoint 10: from the Colonsay-Oban ferry.

The complexity and often small scale of the landscape is really appreciated in close views and it is from viewpoints 1 - 5, 7, 10, 14 and 18 where the poor fit of the proposal in terms of its domination of scale and detractive effect can be seen. The detailed assessment from VPs in the Clachan Sound area notes the effect of turbines, but fails to consider the movement of blades which will be obvious at these close distances and will exacerbate the visual intrusion on sensitive skylines above Clachan Sound.

VP 7: B844 at Meall Ailean is important as it is on the approach to Seil and therefore forms an essential part of the initial experience of visiting this intricate and highly scenic section of the Argyll coast. The dominance of the turbines on the small scale knolly landform and their detractive effect on the hill of Beinn Mhor (which forms a focus in views from the road at this point) is evident in the visualisation generated for this VP.

Views from the sea, as represented by VP10: Colonsay to Oban Ferry would be widespread and with close views possible from ferries and recreational watercraft. In these views the proposal would detract from the complex fragmented coastal scenery and particularly the flattopped Beinn Mhor with its pronounced cliff edge which forms a key focal feature in these views. The integrity of these coastal views, where no visible signs of large scale development are evident, would be significantly and adversely affected.

The compact form of the turbine grouping minimises its effect in more distant and panoramic views and SNH are in agreement with the significance of effect accorded to these VPs. It is recognised that: "The landscape is a sensitive coastal area which is designated as an APQ and getting the right scale of development is key to creating a successful scheme". (ES) However, it is in close views that the visual dominance of turbines of this size is appreciated in relation to the size of the landform and to settlement. Moving turbines would have a significant effect seen on the skyline above the Sound of Clachan and would appear discordant when seen from the Firth of Lorn in a context where no other development of this scale and character is visible.

The views expressed by SNH in respect of visual impacts are endorsed by officers. Officers consider that the impact of the development on key views would be particularly detrimental, given the disproportionate scale of the turbines relative to their landscape setting and the overall sensitivity and scenic value of the receiving environment.

Having due regard to the above, it is considered that the proposal conflicts with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 5: Development in Sensitive Countryside Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan 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.

E. CUMULATIVE IMPACT

No concerns have been raised by any of the Consultees in respect to the proposal having any adverse cumulative impact. It is therefore concluded that the proposal is acceptable in this regard.

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

F. ECOLOGICAL IMPACT

SNH consider that there to be information missing from the natural heritage chapters in the ES, which affects the quality of the document. No designated sites within the 20km are identified. The National Vegetation Classification (NVC) data is poor and further information on the status of habitats recorded at the site is missing. More information on the quality of the bog on site would have been desirable, along with peat probing data. Despite this SNH were able to determine the significance of the impacts on natural heritage and have not raised objections on nature conservation grounds. SNH further advise that should Members determine to grant planning permission micro siting of access roads and turbine bases to conserve habitat for marsh fritillary and the continuation of current management/grazing regime for its ongoing maintenance would be suitable mitigation in respect of this species. This would need to be secured by means of S75 Legal Agreement and/or a relevant planning condition. Further consultation with SNH would be advisable in the event that Members are minded to grant planning permission.

SEPA advised in their original consultee response that the phase 1 habitat survey was not adequate, as the EIA has not identified the presence or absence of Ground Water Dependent Terrestrial Ecosystems (GWDTEs) within 100m of all roads track and trenches, or within 250m of foundations and borrow pits as requested in their standard wind farm scoping response. Consequently, SEPA objected on the grounds of lack of information.

Further information was submitted by the agent to try and alleviate SEPA's concerns in this regard. Having considered the additional information on GWDTEs, SEPA have confirmed that they are maintaining their objection on the grounds of inadequate information and assessment of GWDTEs at the development site. A Phase 1 habitat survey should be carried out for the whole site. National Vegetation Classification should be completed for any wetlands identified. Results of these findings should be submitted, including a map with the entire proposed infrastructure overlain on the vegetation maps to clearly show which areas will be impacted and avoided.

Having due regard to the above, it is considered that the proposal is inconsistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 7: Nature Conservation & Development Control of the Argyll & Bute Structure Plan and Policies LP REN 1 – Wind Farms and Wind Turbines, LP ENV 2: Development Impact on Biodiversity and LP ENV 6: Development Impact on Habitats and Species of the Argyll & Bute Local Plan.

G. ORNITHOLOGICAL IMPACT

The RSPB have advised they are concerned about the quality of the ES and find it hard to undertake an assessment of the proposal based on the information submitted. They consider the standard of the ES to be disappointing and note a number of areas where information is missing. RSPB advise that they have little specific information on Annex 1 bird species using this area since it is not one of their reserves or a designated site or identified as an important bird area. This does not mean that birds of conservation concern do not occur within the area and they are aware of sightings of white-tailed eagles within this area focusing along the coastal fringe.

RSPB further advise that much of the general vantage point (VP) observation work relies heavily upon VP's of 6 hours in length which does not follow established guidelines and may mean fatigue reduces sighting frequency. In regards to usage by geese during the winter VP's, most of the VP watches occur when the Loch is frozen meaning that any usage of the site by roosting geese is liable to be curtailed within that period; watches should be carried out within the winter when the loch remains ice free. In relation to migratory geese/swan passage, the survey periods are not frequent enough to capture such movements; timing these with known arrival/departure of birds from the islands, although more onerous may have resulted in better data. In regards to the winter diver survey these species are unlikely to use the loch during winter, but the surveys provide information in regards to general usage by wildfowl.

The VP length and the fact that work was undertaken when the loch was frozen mean that the usefulness of much of the survey work remains debatable. In regard to the assessment of bird impacts the RSPB provides the following advice: from information within the ES and wider records RSPB accept that divers do not breed; it is apparent that wildfowl use the loch in variable numbers establishing that flight lines used by them would be useful to inform the ES; the site should be checked for roosting geese when the lochs not frozen or other information is used to show this; and activity over the site seems limited to kestrel and buzzard, however, the scheme may have a local impact on kestrel. RSPB are aware that records of white-tailed eagle from this area were becoming increasingly regular in the period prior to scoping and birds are still being reported within the area. Since white tailed eagles continue to use the area and have the potential to become a breeding species within the area RSPB would advise that before this application is assessed that more recent survey work is undertaken to establish current usage

SNH also consider that the ornithological survey work does not follow best practice and does not appear to fully capture all of the data on bird species in the area. There is a lack of detailed flight lines, there are no details on local nesting sites and the survey areas are unclear. Upon receipt of the ES, SNH had residual concerns about the ornithological surveys and the reports it contained as these conflicted with reports and sightings from members of the public, especially in relation to a breeding pair of white tailed eagles. As a result SNH and RSPB made a site visit and determined that there were no breeding pairs of eagles on or within the near vicinity of the site. As such SNH have no concerns regarding ornithological interest for the time being. SNH has received further information on the increasing presence of white tailed eagles in the general vicinity of the site. Bearing this in mind, there is a possibility that, should permission be granted, eagles may start breeding/using the site before works begin in which case the presence of a protected species could have implications for the timing of construction work or the ability to implement the consent.

Taking on board the advice of SNH and the RSPB it is considered that whilst there are shortcomings in the ornithological information supplied by the applicants, the residual concerns are not so significant as to warrant refusal on the grounds of lack of information or on a precautionary basis. In the event of permission being granted there would be a requirement for a pre-commencement bird survey to be carried out to SNH's satisfaction in order that the presence of any bird species of nature conservation importance could be established and appropriate mitigation identified and implemented.

Having due regard to the above it is considered that the proposal is consistent, from the point of view of ornithological interests, with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 7: Nature Conservation & Development Control of the Argyll & Bute Structure Plan and Policies LP ENV 2: Development Impact on Biodiversity, LP ENV 6: Development Impact on Habitats and Species and LP REN 1 – Wind Farms and Wind Turbines of the Argyll & Bute Local Plan.

H. HYDROLOGICAL & HYDROGEOLOGICAL IMPACT

One of SEPA's original grounds for objection was incomplete information relating to the water environment – hydrology and watercourse crossings. Additional information was submitted by the agent in response to SEPA's concerns, who have now confirmed that they are satisfied with the proposal in this regard.

Having due regard to the above, it is considered that in terms of hydrology the proposal is consistent with the provisions of: Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1 – Wind Farms and Wind Turbines of the Argyll & Bute Local Plan.

I. MANAGEMENT OF PEAT/SOIL

The ES states that the site has been identified as being characterised by a layer of peat of varying depth and that a site specific peat assessment is proposed and will be carried out in line with the relevant guidance, and a peat stability report will be submitted separately. SEPA have not raised any concerns regarding the stability of peat deposits. Policy LP REN 1 requires that the issue of stability of peat deposits to be satisfactorily addressed. Consequently, it is recommended peat survey work and the submission of the peat stability report are secured to by planning condition in the event that Members determine to grant planning permission.

Having due regard to the above it is considered that in terms of ground conditions the proposal is consistent with the requirements of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1 – Wind Farms and Wind Turbines of the Argyll and Bute Local Plan.

J. BORROW PITS

The ES states that: *'further ground investigation is required to confirm the feasibility for an onsite borrow pit, which would be the subject to a separate planning application'*. SEPA has noted this and has no comments on this aspect are proposed at this time.

K. HISTORIC ENVIRONMENT IMPACTS

Historic Scotland (HS) advise that there will be a high impact on Duachy Standing Stones, as illustrated by Viewpoint 18: Duachy Standing Stones, which is a wireframe and photomontage showing all 9 turbines visible at a distance of c. 560m north-east from the nearest turbine. They note disappointment that the applicant did not discuss this high impact with them further prior to submission of the application. HS advise that the high impact could be lessened by the removal or relocation of those turbines closest to the monument (i.e. turbines 1, 3 and 6). They have not objected to the proposal as they consider that the removal or relocation of turbines 1, 3, and 6 would offer an appropriate level of mitigation. HS have also given consideration to other scheduled monuments including: Losgann Larnach, Fort; Loch Seil, Crannog; Clachan Bridge; Clachan Bridge, cairn; Ardfad Castle; Dun Bhlaran; and Gylen Castle and associated settlement and they are content that the impacts on these features are unlikely to be significant.

The West of Scotland Archaeology Service (WoSAS) advise that the proposal would have a significant adverse impact on the setting of the scheduled monument, Duachy Standing Stones (around 500m from nearest turbine) and it would result in highly visible modern intrusions into the settings of several others, including: the cairn at Clachan Bridge, Ardfad Castle, and the Crannog in Loch Seil. They further advise that turbines will also be visible from the chapel and burial ground at Kilbrandon House, the Campbell of Lerags' Cross, Ardencaple House and Ballycastle Dun, though they would not represent such dominant features in the landscape from these sites. WoSAS advise that due to the adverse impact the proposal will have on the Scheduled Ancient Monument, Duachy Standing Stones that the planning application should be refused, in line with both National and Local Planning Policies. Their response relates solely to the indirect effects of the proposal on the settings of scheduled monuments, and does not address the potential direct impacts on unscheduled material identified within the boundaries of the application area that would result from construction of the proposal. Should Members be minded to grant planning permission, WoSAS would require to be consulted to enable them to recommend appropriate archaeological conditions.

The agent submitted a letter in response to the advice of Historic Scotland and the West of Scotland Archaeology Service which takes issue with the following subjects: Policy Context – SHEP, Argyll & Bute Local Plan, SPP; Duachy Standing Stones (confirm that they have an agreement 'in principle' with HS to re-erect the central standing stone); reduction in number of turbines (interpretation of the letter suggests that this is not something being considered by the applicant as a form of mitigation); Crannog at Loch Seil; Ardfad Castle and cairn by Clachan Bridge. The letter concludes that Historic Scotland's response fully recognises the impacts of the proposal and, while recognising that there will be change, sets these against the full range of policy tests and deems the proposal acceptable and they therefore do not object. West of Scotland Archaeology Service takes a far more conservative approach, seemingly requiring no change, which is not the intent of policy. Sterilising the historic environment from all change is not in the long term interests of the historic environment itself as recognised by SHEP. Change which, at worst, has no direct impacts and no significant indirect impacts on the integrity of the setting of the monuments should be supported. The further mitigation offered, in restoring and protecting the Duachy stones, is a material consideration in favour of the proposal (This is a summary - the full copy of this letter is available on the Council's website).

WoSAS have responded to the letter from the agent to their original comments. Given that it is acknowledged by the agent, Historic Scotland and WoSAS that the level of impact on the setting

of the standing stones at Duachy is likely to be high, WoSAS would reiterate their previous recommendation that the application as currently proposed should be refused, in line with the various policies referred to in their previous consultee response. While WoSAS are cognisant of the general tone of SHEP, that change to the historic environment should be accommodated and managed; this does not mean that any change should be accepted in every circumstance, particularly where this change conflicts strongly with other policies. WoSAS, continue to request that should Members determine to grant planning permission that they are consulted further to enable them to provide suitable archaeological conditions.

Historic Scotland have provided further advice following the submission of the agent's reply to their previous consultation response. For the avoidance of doubt, they wish it to be noted that their previous comments on the potential impact of the proposal on the setting of Duachy standing stones remain unaffected by the agent's letter. Their position remains that whilst they have not objected to the planning application, without mitigation the impact of the proposal on the setting of Duachy standing stones remains significant. Their advice remains that the impact could be mitigated by the removal or relocation of those turbines closest to the monument (i.e. turbines 1, 3 and 6). Historic Scotland do not consider improvements to the monument's condition to be appropriate mitigation as such measures would be compensatory in nature. Whilst they would welcome any improvements to the condition of the monument, as suggested by the developer, they wish to have additional time to consider the full implications of and have advised that they will provide a final response by the 13th September 2012.

Having considered the responses from Historic Scotland, WoSAS and letter from the agent it is considered that the proposal will have a significant adverse impact on the setting of the important Scheduled Ancient Monument, Duachy Standing Stones. In addition, to the advice of Historic Scotland and WoSAS, it is considered by Development & Infrastructure that the proposal will have an adverse impact on the setting of the category A listed Clachan Bridge. It is considered that the visibility of the project from the bridge as well as its inclusion as a backdrop in the context of the wider setting of the bridge would be unacceptable. Furthermore, it is also considered that the proposal will have an adverse impact on the setting of the category B listed Ardencaple House. All 9 turbines will be theoretically visible. The ES states that main views from the house are in a south-eastern direction and mature woodland screens the house in the direction of the project. Although there is intervening vegetation this should not be regarded as providing a 'permanent screen'. It is considered that the proposal would represent a highly visible modern intrusion, thus significantly altering the setting of the Ardencaple House and the impact is therefore considered unacceptable.

Having due regard to the above, it is considered that the proposal is inconsistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 9: Historic Environment & Development Control of the Argyll & Bute Structure Plan and LP ENV 13a: Development Impact on Listed Buildings LP ENV 14; 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.

L. TOURISM IMPACT

The value of this landscape is statutorily recognised and has been designated as an Area of Panoramic Quality. The proposal will impact on and be visible from areas of coast and islands

valued for their natural unspoilt and secluded character, and their special qualities of peace, tranquillity and contemplation. This area is known as the “Ancient Kingdom” and “Scotland’s Sea Kingdom” (Visit Scotland) recognised for its important cultural and heritage value, “*few places have their stories so eloquently inscribed across the landscape as Scotland’s Sea Kingdom*”. It is also located between two stretches of the coast and islands that are designated as NSAs (Lynn of Lorn (about 20km away) and Scarba, Lunga and The Garvellachs (about 15km away)).

Examples of historic environment assets which will be adversely affected by the proposal include: Duachy Standing Stones; the Bridge over the Atlantic; Cairn at Clachan Bridge; and the crannog on Loch Seil. Examples of the types of tourist attractions/businesses within the area include: the Tigh an Truish Pub; An Cala Garden (open under Scotland’s Gardens); Phuilladobhain Anchorage; B&B’s; holiday cottages; Highland Arts in Ellenabeich; Sea-life whale watching trips; and the historic slate islands to name but a few. Furthermore, the route from the turn off on the A816 to Easedale is a key tourist route, travelling over the Bridge over the Atlantic, through Clachan and onwards towards Easedale and the Slate Islands. Tourists also specifically visit the area to appreciate landscape, seascape, and panoramic views which are particularly sensitive receptors as a consequence.

The proposal is frequently in close proximity and clearly visible to sensitive receptors. The image of the wind farm will vary from full turbines visible along the length of the coastline, reducing to rotors and blades moving on the ridge; varying between backclothed and skylined. This will adversely impact on the views and recreational experience of the landscape and settings of important historical features. In light of this proposal’s potential adverse impacts, it must be concluded that its presence would be likely to have an adverse impact on tourism within Argyll & Bute.

Scottish Government published research entitled ‘The Economic Impact of Wind Farms on Scottish Tourism’ in May 2008. This report concludes that: “*The evidence is overwhelming that wind farms reduce the value of the scenery (although not as significantly as pylons). The evidence from the Internet Survey suggests that a few very large farms concentrated in an area might have less impact on the Tourist Industry than a large number of small farms scattered throughout Scotland. However the evidence, not only in this research but also in research by Moran commissioned by the Scottish Government, is that Landscape has a measurable value that is reduced by the introduction of a wind farm*”.

It should be noted that in recent Scottish Ministers appeal decisions, in both cases, the Reporters accorded weight to the extent of the importance of tourism on the local economy in Argyll & Bute (14 turbines Corlarach Hill, east of Glen Fyne, Bullwood Road, Dunoon, PPA-130-209 dismissed 27th May 2009 and 16 turbines Black Craig to Blar Buidhe, Glenfyne, Cowal, PPA-130-214 dismissed 22nd September 2009).

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and Policies STRAT SI 1: Sustainable Development; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan 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.

M. NOISE & AIR QUALITY

Technically, there are two quite distinct types of noise sources within a wind turbine – the mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air. Concern has been raised by objectors regarding the issue of noise and also its impact on health.

The Report, *“The Assessment and Rating of Noise from Wind Farms”* (Final Report, Sept 1996, DTI), (ETSU-R-97) describes a framework for the measurement of wind farm noise, which should be followed to assess and rate noise from wind energy developments, until such time as an update is available. This gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable burdens on wind farm developers, and suggests appropriate noise conditions.

A further report produced by Hayes McKenzie for DECC entitled *“An Analysis of How Noise Impacts are Considered in the Determination of Wind Farm Planning Applications”* suggested that best practice guidance is required to confirm and, where necessary, clarify and add to the way ETSU-R-97 should be implemented in practice. This report also concludes that there is no evidence of health affects arising from infrasound or low frequency noise generated by turbines.

The most conclusive summary of the implications of low frequency wind farm noise for planning policy following on from the Hayes McKenzie report is given by the UK Government’s statement regarding the finding of the Salford University Report into Aerodynamic Modulation of Wind Turbine Noise (September 2011). This study concluded that although Aerodynamic Modulation cannot be fully predicted, the incidence of Aerodynamic Modulation resulting from wind farms in the UK is low. Out of the 133 wind farms in operation at the time of the study, there were four cases where Aerodynamic Modulation appeared to be a factor. Complaints have subsided for three out of these four sites, in one case as a result of remedial treatment in the form of a wind turbine control system. In the remaining case, which is a recent installation, investigations are ongoing.

Public Protection note that a background noise survey has been undertaken at a number of properties around the proposed development area. The selection of these monitoring locations were agreed following discussions with Public Protection who have confirmed that the survey methodology and noise predictions are based upon national guidance and good practice. This said, should Members determine to grant planning permission Public Protection recommend conditions to control the emission of noise from the development. Scottish Government in relation to their responsibility for noise and air quality has made no comment.

Having due regard to the above, it is considered that in terms of noise and air quality the proposal is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the Argyll & Bute Local Plan.

N. SHADOW FLICKER & ICE THROW (EQUIPMENT SAFETY)

Government guidance advises that if separation is provided between turbines and nearby dwellings (as general rule 10 rotor diameters), “shadow flicker” should not be a problem. The ES

confirms that the separation between the wind farm and the nearest residential property is greater than 10 x rotor diameter (10 x 44m = 440 metres). Under accepted good practice and guidance, this will ensure that shadow flicker will not present a problem and Public Protection has no objection in this regard.

Concerns have been raised by objectors regarding the potential for ice throw. This is not a matter which falls under the auspices of Planning or Public Protection. This said, companies supplying products and services to the wind energy industry are required to operate to a series of international, European and British Standards.

Having due regard to the above it is considered that in terms of shadow flicker the proposal is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the Argyll & Bute Local Plan.

O. TELEVISION RECEPTION

Television reception can be affected by the presence of turbines. Ofcom were consulted in this regard and have no objection to the proposal. In the event that reception is impaired then it is the developer's responsibility to rectify the problem. This would need to be secured by the Section 75 Legal Agreement should Members determine to grant planning permission.

Having due regard to the above it is considered that in terms of TV reception the proposal is acceptable in terms of any potential impact on television reception and is therefore consistent with the Provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan.

P. AVIATION MATTERS

The Ministry of Defence (MoD), Civil Aviation Authority, NATS En Route Plc ("NERL"); and Oban Airport were consulted in relation to any potential impacts on aviation. The MoD has no objection to the proposal, providing that in the event of Members determining to grant planning permission a condition is attached to ensure that the turbines are fitted with aviation lighting. Concern has been raised about the potential adverse visual impact this type of lighting could have on what is characteristically a 'dark' area, it may therefore be advisable to secure the use of infra-red lighting (if feasible) which would not be visible to the naked eye. NATS (NERL Safeguarding), the Civil Aviation Authority, and Oban Airport Manager have also confirmed that they have no objection to the proposal.

Having due regard to the above it is considered that in terms of aviation interests 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 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.

Q. ELECTRO-MAGNETIC INTERFERENCE TO COMMUNICATION SYSTEMS

Ofcom, Orange, BT, Arqiva/National Grid Wireless, the Joint Radio Company (JRC) , T-Mobile, Scottish Water and CSS Spectrum have been consulted to determine whether their systems would be affected by electro-magnetic radiation from the turbines. Ofcom, Orange, BT, Arqiva/National Grid Wireless, T-Mobile, Scottish Water and the JRC have all confirmed that they have no objection to the proposal. At time of writing no response has been received from CSS Spectrum Management despite repeat consultation, it must therefore be concluded that they have no concerns.

Having due regard to the above it is considered that in terms of communications systems 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 and Policy LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

R. ROAD TRAFFIC IMPACT

The ES states that: the turbine components would be landed at a nearby port which would be confirmed by the turbine manufacturer nearer delivery time. It is envisaged that the Turbine Delivery Vehicles (TDVs) would arrive from the south using the A816 up to Kilninver. As far as transport related site works are concerned the proposal would be accessed from the B844 just beyond Loch Seil (heading towards Clachan), which would require upgrading existing tracks and construction of some new sections of track to facilitate access to the turbines, an area of hardstanding and a parking area.

Transport Scotland has no objection to the proposal (which is remote from the trunk road network). Unless some form of mitigation can be put in place, the Area Roads Manager recommends refusal due to potential adverse impact on Kilninver Bridge, and the road at Barnacarry. It has also been highlighted that an alternative route via Clachan Bridge would not be acceptable.

Kilninver Bridge has a long history of vehicular damage, due to a combination of poor road alignment and its narrowness. The spandrel walls and parapets are generally in poor condition and, in particular, the North West spandrel is giving cause for concern, to the extent that the bridge is being monitored. It is considered that the weight of the crane and TDVs is likely to overload the structure and notwithstanding the loading issue, the Area Roads engineer has been unable to identify a viable vehicle swept path for the crane and the TDVs. If Kilninver Bridge was to suffer significant damage, it is likely to result in closure of the road and isolation of the whole Clachan, Seil and Luing area.

The area of road at Barnacarry has suffered from slip failures. The embankment has been extended to alleviate the situation but the road remains vulnerable and the adjacent masonry retaining wall is showing signs of distress. Therefore, any increase in the amount of traffic or loading intensity is inadvisable.

Although the proposal currently doesn't involve access from the south, this bridge would also be of concern to the Area Roads Manager. It is an historic, listed structure and although not as narrow as Kilninver Bridge, it has a severe "humpback". Therefore, as well as the problem of a long vehicle grounding, redistribution of loading resulting from axle lift-off would have to be carefully considered.

Another area of concern identified by objectors is the proximity of the turbines to the public road, safety implication and the potential for driver distraction. Although turbines erected in accordance with best engineering practice should be stable structures, Scottish Government's Specific Advice Sheet on Onshore Wind Farms states that it is advisable to achieve a set back from roads of at least the height of the turbine proposed to assure safety. It should be noted that all turbines will be set back more than 77m (turbine height) from the public road.

Having due regard to the above it is considered that the proposal is contrary to the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the Argyll & Bute Local Plan.

S. INFRASTRUCTURE

Private drainage arrangements are proposed for the disposal of foul waste, which shall include the use of chemical or composting toilets. Sustainable drainage arrangements are proposed for the disposal of surface water. Should Members determine to grant planning permission a condition to secure a sustainable drainage strategy for the roads, turbine hardstanding areas, and the construction yard to ensure adequate protection of the water environment from surface water run-off is recommended by SEPA. If this condition were not attached, this would be further grounds for SEPA to object.

SEPA pointed out an error in the ES in regard to water supplies to properties within 1km of the proposal. The National Grid Reference (NGR) co-ordinates did not correspond with the location of the properties on OS maps. Further information has been submitted by the agent in this regard, which has been confirmed by SEPA to be acceptable.

Public Protection has not raised any concerns in regard to the impact of the proposal on private water supplies. The agent has advised that there is no requirement for a water supply connection at the site, and that any water required would be transported to the site via a tank. Scottish Water has no objection to this proposal as none of their assets will be affected.

Having due regard to the above it is concluded that in terms of drainage and water supply the proposal is consistent with the provisions of Policies LP SERV 1: Private Sewage Treatment Plants and Wastewater (i.e. Drainage) Systems, LP SERV 2: Incorporation of Natural Features/Sustainable Drainage Systems and LP SERV 4: Water Supply of the Argyll & Bute Local Plan.

T. WIND REGIME

The ES states that the NOABL (Numerical Objective Analysis of Boundary Layer) online wind speed database was consulted, desk based wind flow modeling for the site was undertaken,

and based on the agent's general experience of wind regime on the west coast of Scotland, they are confident that the wind resource at this site is suitable for wind energy generation. Furthermore, in order to more accurately gauge the wind speed and direction, permission was sought for the erection of a 50m anemometer mast, and monitoring was to be undertaken for a period of at least 12 months. No data from the anemometer mast is included in the ES.

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

U. GRID NETWORK & CABLES

Connection to the National Grid is not a matter of land use policy, however, it should be considered 'in the round' as part of the planning application process. A grid connection agreement to accommodate the generation output of this proposal has been made. The distribution connection works will involve an upgrade of a section of the 33kV line between the Tullich and Kilninver substation and the construction of an overhead line carried on wooden poles from Kilninver substation to a 'H' pole terminal close to the site. Underground cable will be laid between the 'H' pole and the wind farm substation. The turbines will be interconnected to the substation by underground cables.

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

V. COMMUNITY BENEFIT

Recently the applicant has advised that action has been taken to make the proposal a 'fully fledged community energy project'. Community Benefit is not considered to be 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.

W. DECOMMISSIONING

Should Members determine to grant planning permission for this proposal a requirement for decommissioning and site restoration should be included in the planning condition(s) and/or legal agreement, which will be triggered by either the expiry of the permission or if the project ceases to operate for a specific period. This will ensure that at the end of the proposal's operational life: the turbines would be decommissioned and principal elements removed; the site would be restored to its former use leaving little if any visible trace of the turbines; the foundations, new tracks and hardstandings would be covered over with topsoil and reseeded; the cables would be de-energised and left in place, and any cables marker signs removed; and, the electrical substation building would be demolished to ground level with the foundation covered with topsoil and reseeded.

Having due regard to the above, as decommissioning could be controlled by condition/Section 75 Legal Agreement it is considered that the proposal is acceptable in

that regard in terms of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan, SPP and the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

X. ADDITIONAL INFORMATION

Officers have given consideration as to whether or not the additional information (detailed above) submitted to address the concerns of SEPA constitutes 'Additional Information' in terms of Part 6 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. It has been concluded that the information submitted only constituted further 'technical' clarification and that additional notification, publication and consultation in line with Regulations 17 to 19, 21 and 22 did not apply.

Y. SCOTTISH GOVERNMENT POLICY & 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 inconsistent with the provisions of SPP and the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

Z. 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 (19.3MW); An Suidhe 2 (30MW); Bein Ghlas (8.4MW); Deucheren Hill (4.8MW); Beinn an Tuirc (30MW); Tangy Extension (5.9MW); Tangy (12.75MW); Cruach Mhor (29.75MW); and Clachan Flats (15.03MW). Their total capacity amounts to approximately 156 MW or 0.156 GW. These figures do not include wind farms with permission which have not been constructed yet.

Whilst the 8.1MW maximum capacity of the proposal could add to Argyll & Bute's contribution to Scotland's renewable energy commitments, it is not considered that the macro-environmental benefits of the proposal in terms of renewable generating capacity are such as to warrant the setting aside of the other development plan policy considerations identified above which have prompted the recommendation for refusal.