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: 11/02521/PP

Planning Hierarchy: Local

Applicant: North Beachmore LLP

Proposal: Erection of an 84m high (to blade tip) wind turbine and associated infrastructure including access tracks, control building and electricity infrastructure, construction compound, laydown areas and crane pad.

Site Address: Land south/southeast of North Beachmore, Muasdale, Kintyre

---

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

Development Requiring Express Planning Permission

- Erection of wind turbine, hub height 60m and rotor diameter of 48m (84m to blade tip);
- Erection of 2.7m palisade fence;
- Formation of new access track and upgrading of existing track;
- Formation of crane hardstanding area;
- Erection of electrical control building;
- Erection of temporary construction compound.

Other Aspects of the Proposal

- Connection to existing 11Kv overhead line

(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: 11/00542/PPP - Site for the erection of dwellinghouse and installation of septic tank on land south of North Beachmore, Muasdale - application approved 3rd June 2011 (land adjoining existing dwellings to the north of the application site)

11/00781/PP - Temporary installation of 50m high anemometer mast for a period of 2 years, land east of south Beachmore Farm, Muasdale - application approved 10th August 2011.

(D) CONSULTATIONS:

Area Roads Manager (22nd February 2012) – no objection subject to a condition relating to the construction of the connection of the private access with the public road.

Scottish Natural Heritage (SNH) (13th March 2012) – no objection to the proposal given the lack of conflict with national designations, but serious concerns expressed with regards to a turbine of this scale in this location. SNH recommend mitigation to reduce any adverse ecological impacts in the event of permission being granted.

SNH (26TH October 2012) – the proposal is contrary to the recommendations of the 'Argyll & Bute Landscape Wind Energy Capacity Study', March 2012, which is now a material consideration in decision-making.

Historic Scotland (HS) (21st February 2012) – are content that the turbine will be sufficiently distant from designated buildings/sites and will not interfere with any key views to or from them. However, advise that the proposed turbine is in closer proximity to a number of archaeological sites recorded in the Sites and Monuments Record maintained by the West of Scotland Archaeology Service, and in this regard Historic Scotland recommended that they be contacted for their advice.

HS (1st June 2012) - no further comments to add. However, as previously advised, the proposed turbine is in close proximity to a number of archaeological sites recorded in the National Monuments Record and the local Sites and Monuments Record for Argyll, which consist of a group of rocks decorated with cup and ring markings, and a form of rock art probably dating to the early Bronze Age. Reiterate that the West of Scotland Archaeology Service, should be contacted for advice on the impact of the development on these archaeological sites.

Scottish Environmental Protection Agency (SEPA) (30th March 2012) – no objection, reference made to their standing advice.

SEPA (7th June 2012) – objection raised on the grounds of lack of information on watercourse engineering.

SEPA (22nd June 2012) – objection removed following the provision of further information by the applicants.

Ministry Of Defence (MoD) (20th February 2012) – no objection, however, in the interests of air safety the turbine is required to be fitted with aviation lighting, which should be secured by condition should the Council determine to grant planning permission.

Public Protection (6th February 2012) – no objection

National Air Traffic Services (NATS) (7th February 2012) - no objection

Glasgow Prestwick Airport (Infratil) (4th July 2012) – no objection

Core Paths (28th November 2012) – no objection

West of Scotland Archaeologist Service (WoSAS) (4th December 2012) – advise that the proposal will have adverse cumulative impacts on the landscape settings of a number of Scheduled Ancient Monuments as well as indirect impacts on the landscape setting of the highly significant cultural heritage assets of North Beachmore. The proposal is therefore contrary to national and local policies for the protection of nationally important heritage resources within an appropriate setting, and should be refused.

West Kintyre Community Council (29th February 2012) – forwarded a petition which was sent to them by West Kintyre residents, and pointed out the concerns for the impact of the turbine on the residents' immediate environment, wildlife and tourism.

(E) PUBLICITY: Regulation 20 Advert (Local Application) – expired 2nd March 2012

(F) REPRESENTATIONS: At time of writing, a total of 137 representations have been received – 64 in support and 73 against (including a petition with 11 signatures).

Councillor Anne Horn is an objector to the proposal on the grounds that the proposal is detrimental to the interests of nearby residents and the local area in general. .

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

IN SUPPORT OF THE PROPOSAL

Landscape Character & Landscape Impact

- The turbine has been well designed to minimise impact on landscape and to keep effects localised.

Climate Change

- There is not enough being done in the renewable sector, and we are seeing direct instances of global warming which seems to be coming sooner than later;
- Germany has many turbines and people's attitude toward them is straightforward and accepting, wherever they are placed, as they seem to understand the perils of global warming more than us;
- Community Energy Scotland is committed to meeting targets on climate and carbon reduction and help local communities to find renewable energy solutions;

- The proposal would reduce harmful greenhouse emissions;

- The proposal will reduce dependency on imported fossil fuels.

Economic & Social Benefit

- The Council has identified renewable energy as an important economic driver and as such the Planning Department should be supportive;

- The erection of this turbine this will increase job prospects in the area.

Profit/Community Benefit

- It is understood that a community benefit payment will be made to the local community amounting to £5000 per MW installed which is a substantial amount for a small community;

- Smaller locally owned developments are a great opportunity to increase rural incomes and this project will also help Community Energy Scotland which has helped community projects elsewhere in Argyll too - on Islay, Tiree, Kerrera and at Kilfinan;

- The money given to the local community will help schools, youth groups, village halls and be a welcome source of funding for those in need;

- The proposal will assist community regeneration;

- This venture differs distinctly between the vast majority of commercial developer led projects where funds are used to benefit a small number of shareholders who have no connection with Scotland, its governments plans and objectives and its people. It is understood that profits will be split between a local farming family and a national not for profit charity that is concerned with furthering locally distributed sustainable energy projects throughout Scotland.

Comment: Members will be aware that it is necessary to confine consideration to the macro and micro environmental aspects of the proposal (inclusive of any direct link to other sustainable energy projects) but that community benefit in terms of financial payments cannot be regarded as a material planning consideration.

Technology & Efficiency

- Anything which provides a source of renewable energy has to be applauded and wind turbines should be seen in a positive light so any site that can support one should be pursued;

- This is the way of the future. It's environmentally friendly and will be naturally powered by the wind.

Scottish Government Renewable Energy Targets

- Projects that work towards the government's renewable energy target ought to be supported;

- The proposal is aligned with Scottish Governments 2020 Roadmap and its 500MW target of community energy generation.

Other policy considerations

- The proposal is aligned with the Argyll & Bute Council Renewable Energy Action Plan.

AGAINST THE PROPOSAL

Location, Siting, Design, Layout & Scale of Development

- This is not an appropriate location for this development and the siting and scale of this turbine will only strengthen ill feeling towards other future projects which do deserve support;

- The location of the turbine is confusing as three different sites are named :- Muasdale Wind Turbine, North Beachmore Community wind farm and initially South Beachmore. Surely the location has to be precise as this is very confusing as to where the location will ultimately be;

- The turbine is inappropriately sited, bang in the middle of open countryside, very far away from any premises that it is supposedly intended to serve where it is far too large and is grossly out of scale with the local landscape. This is a huge turbine which would be totally inappropriate in this setting.

Landscape Character & Landscape Impact

- The scale of the proposal may be acceptable on the spine of Kintyre on high, remote moorland, but this is lowland farmland with a mix of hay meadows and pasture. In such a landscape smaller turbines such as the one at High Bellachantuy Farm are an acceptable size.

- This proposal would be inappropriately sited having an adverse impact upon the landscape. It is outwith the accepted location of the spine of Kintyre which is the preferred area for large wind turbines;

- The proposal is out of scale with and would have a significant impact upon landscape character of land bordering an area designated as being of panoramic quality;

- It would impinge significantly on the landscape in an area of scenic beauty and would intrude into views of everyone travelling the road and visiting the beaches, as well as visitors to Gigha;

- The access track will cut right up the gully of Alt an Fheuraich. This is both impractical and damaging to the environment. It will necessitate the placing of numerous stone gabions which themselves will probably not be sufficient to prevent a repeat of the landslip that happened recently in almost that exact spot. A substantial section of the burn will need to be culverted, thus destroying (along with

the erection of gabions) the landscape character of this gully, which, along with other gullies in the area, help make up distinctive features as they carve through the former sea cliffs of glacial till;

- Planning permission for a dwelling in close proximity to the proposed access road for this project has been refused as the area had been designated by Argyll and Bute Local Plan as 'an area of panoramic quality'. That ruling is contradictory to this proposal for a more intrusive form of development in the landscape.

Visual Impact

- I speak as someone who lives nearer the proposed wind turbine site than anyone else. The turbine would only be a few hundred metres away and considering its height and its position on the skyline where it would not be masked by any hill or even fold in the land it would have a massive visual impact;

- Proposal would be detrimental to visual amenity and character of area for both residents and tourists alike.

Cumulative Impact

- This inappropriately scaled proposal would contribute to the 'pin-cushion' effect from the multiple applications for wind turbines in Argyll, and especially Kintyre;

- As a visitor to the Kintyre Peninsula for many years I am appalled at the number of wind turbine applications in the area;

- The cumulative effect of this type of development has been under-played by the applicant and must be realised for its high significance. The proliferation of this type of development must be guarded against and appropriate siting of wind turbine developments must be of primary importance.

Separation Distances

- It would be too close to the Community of North Beachmore which is slowly developing. Already there are two new builds, three plots still to be utilised, the former farmhouse, the converted restaurant (which is now a two bedroomed cottage). This area has been carefully chosen by these residents for the peace and tranquillity in one of the most beautiful areas of Scotland. A huge wind turbine would be too near these houses.

- The proposed location of the turbine to the nearest inhabitants at North Beachmore is only 627 metres. This is in conflict with Scottish Government guidelines that a minimum separation distance of 2km be adopted.

Natural Heritage & Ecological Impact

- The proposal will have an adverse impact upon the natural diversity of wildlife in the area caused by the destruction of the environment which would be necessary in the creation of an access road to the proposed site;

- This proposal would result in the destruction of sensitive countryside which is only available at this location and which supports a diverse range of fauna and flora including barn owl, tawny owl, hen harriers, bats, buzzard, sparrow hawks, warblers, tits, pheasant, partridge, geese, roe deer, red deer, suka deer, foxes, rabbits and grouse;

- The ecology report has failed to include in its survey area the sections of land and water directly affected by the construction of a new roadway and widening of a section of existing roadway. Considering this represents some of the most invasive and damaging construction activity and also the most varied habitat within the proposed development, it represents a failure to assess the suitability of the site for this type of development;

- Unimproved pasture (i.e. grazings that have never been cut, sprayed, ploughed or seeded), are locally important habitats. Although they may not have national importance, they are still relatively rare habitat given the amount of hill ground that has been lost to plantation forestry. The lower of these two fields consists of well-drained areas interspersed with poorly drained areas and my initial (winter only) survey suggests a high diversity of plant species. In the past the drier areas are likely to have been cut for hay so may qualify as unimproved hay meadow – and this is a nationally rare habitat which enjoys a high level of protection. The proposed track will cut right through the middle of this field and thus cause a high degree of damage. I am also concerned about the hanging hazel wood beside the existing tarmac track up the gully. The widening of this track plus the new track coming across the field at the bottom will damage this wood, with some of the hazels needing to be grubbed out. Hazel woods (part of the Atlantic Oakwood's) are a priority habitat under Argyll and Bute Biodiversity Action Plan. This particular wood contains bluebell and (on a nearby verge) moschatel (town hall clock) which are both indicators of ancient woodland;

- The proposal represents a schedule 2 development under the Town and Country planning (Environmental Impact Assessment) (Scotland) regulations 2011 and as such should be accompanied by an Environmental Impact Assessment. No such assessment has been carried out.

Comment: EIA for Schedule 2 developments is at the discretion of the Planning Authority, rather than being mandatory, and would only be warranted for a single turbine where 'significant environmental effects' warranting the production of an Environmental Statement are anticipated at the inception of the project. No EIA has been requested in this case, as it was considered that relevant issues could be addressed by the submission of the necessary details outwith the full EIA process.

<u>Ornithological Impact</u>

- The ornithology report has failed to include in its survey area the sections of land and water directly affected by the construction of a new roadway and widening of a section of existing roadway. Considering this represents some of the most invasive and damaging construction activity and also the most varied habitat within the proposed development, it represents a failure to assess the suitability of the site for this type of development;

- The ornithology report outlines the results of a survey undertaken on three occasions. This survey is inadequate in both scale and scope and has failed to identify the existence of; Golden Eagle; Kestrel; Hen Harrier; Tawny Owl; and Barn Owl. All of these species are afforded protection under the law and exploit the existing undisturbed habitat at the proposed development location. Any industrial development of the type proposed would damage the environment and habitat enjoyed by these protected species;

- Concerns about the effect on the birds in the area by the destruction of their habitats and/or foraging areas which will occur if this proposal is permitted.

Health & Safety

- Concerns raised regarding health and safety dangers arising from the development.

Shadow Flicker

- The proposed location of this turbine is in far too close proximity to many homes in the area and there is a real danger of shadow flicker for these residents.

Built Heritage & Archaeological Impact

- The proposal would have a significant impact upon the landscape character and would interfere with the setting of both a scheduled ancient monument (Beacharr Standing Stone and Long Cairn) and a schedule A listed building (A Cleit Church). The environs of A'Chleit would be overwhelmed by it, reducing the quality of the visual amenity of the area for visitors and residents;

- The development would detract from the setting of some of Kintyre's most important standing stones and would have an adverse impact upon the landscape character and setting of an A-listed building and a scheduled ancient monument;

- There are many significant historical sites in the surrounding area, in particular the two Scheduled Ancient Monuments at Beacharr. These are very important sites, which are visited often by historians and archaeologists, and by tourists all throughout the year. The proposal would have a belittling impact on the sites at Beacharr, as the turbine would be clearly visible in the background when looking from one monument to the other. The Local Plan has policies in place to protect the settings of ancient monuments, which defend these important tourist attractions and significant historical monuments from the negative impact of the proposal;

- The proposal would interfere with the setting of both a scheduled ancient monument (Beacharr Standing Stone and Long Cairn) and a schedule A – listed building (A Cleit Church). There are also cup and ring-marked rocks and stones which are to be found near to the proposal. These – and the numerous Iron Age settlements in the area and ancient field systems - demonstrate that, from an archaeological perspective, a whole landscape approach is necessary. The proposal would definitely detract from this. Gaelic names are another recognised form of landscape heritage. In this case, the proposed track will cut right up the gully in which is situated Alt an Fheuraich – Fast Flowing burn of the Hay Meadow. This indicates that for many centuries (during the time of the Townships before the Clearances) the fields beside the burn were recognised as good hay meadows.

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

- The proximity of the proposal to the nearest residences would result in noise disturbance and noise pollution is a real risk which renders the site unsuitable for this type of development;

- The noise levels – which, though not high, consist of low frequency noise which can cause harm even at low levels. It is presumably for these reasons that it is recommended that turbines are not located within 2km from human habitation. North Beachmore may only consist of four families but we still constitute a settlement.

Comment: The 2km separation distance recommended in government guidance relates to the designation by planning authorities of 'areas of search' for wind farms in the

development plan, rather than to the assessment of individual proposals (which SPP notes will need to take account of specific local circumstances and geography). Whilst there is a body of opinion that infra sound can cause adverse amenity effects or even psychological consequences, this is not a scientifically accepted conclusion and has not been adopted in government advice on turbine noise.

Hydrological Impact

- The proposal would adversely affect the waterway and gully as a result of construction of 1000m of new roadway;

- The dwellings at North Beachmore only have the choice of two private water supplies, one supply from Allt Achapharic and one supply from a borehole. Disruption to and pollution of these supplies seems inevitable as a result of the proposed construction works. Also flash floods heading for the A83 culverts also seem inevitable due to the proposed road drainage proposals. The existing culvert at the A83 simply will not cope.

Climate Change

- The proposal will do nothing to combat global warming or reduce CO_2 emissions.

Economic and Tourism Considerations

- The project may have an impact on local business by making the area less attractive to tourists;

- The site is an area of outstanding natural beauty - and on the main visitor route into Kintyre;

- Blighting the landscape will affect the tourist experience which we are all working hard to enhance;

- A turbine of this scale would be completely conspicuous within the landscape of North Beachmore and would destroy the view from many locations in Kintyre. This would surely have a negative impact on both the number of tourists who visit Kintyre and the pleasure of the experience for those who continue to come.

Comment: Consequences for tourism are difficult to quantify and research into public opinion in this regard has not proven conclusive. Given the importance of scenery as a tourism resource and its value to the Argyll economy, it is fair to assume that development with identified landscape shortcomings will not be in the interests of maintaining Kintyre as a tourist destination.

Property Value

- Property prices will be negatively impacted

Comment: This is not a material planning consideration.

Profit/Community Benefit

- This development is neither community owned nor is it community supported and should have been described as what it is; a private limited liability partnership for profit;

- The local people of Kintyre will not benefit by having cheaper electricity as it will be fed into the national grid, either to Ireland or the Ayrshire Coast, but we will have to put up with this new blight on our beautiful countryside;

- Supporting documentation for the development gives the impression that this is a community project. This is not the case it is understood that the great majority of the profits of the project will be split between the landowner and Community Energy Scotland (CES). The CES profit will help fund an officer to assist communities gain substantial financial benefit from wind turbine proposals. This is ironic since, in this case, the proposed community benefit is tiny compared to – for example - the nearby Gigha turbines which are genuinely owned and operated by the community. This is not a genuine community project;

- There will be no or little benefit to the local community and the proposal does not have widespread community support. The immediate community affected by the project are strongly opposed.

Precedent

- The proposal could lead to a precedent being set in favour of further individual large scale wind turbine developments;

- There is a real risk of a precedent being set if permission were granted for this development, and a real fear that further development permission would be sought at the same site once the associated infrastructure had been put in place. This proposal is primarily about establishing access to the site, and if it were granted permission, then demand for further development would follow.

Planning Policy

- The proposal contravenes local plan policy - LP ENV 16, LP REN 1, LP REN 2, LP ENV 1 and sections 1.6, 1.10, 1.11, 1.12, 5.1 and does not meet criteria of sustainability checklist;

- The proposal conflicts with the following sections of the Local Plan: a) 1.6... To maintain and enhance the quality of the natural heritage and built environment; b) 1.10... To promote the safeguarding and the enhancement of the natural and historic environment and the maintenance of biodiversity within Argyll and Bute; c) 1.11... Economic and Social Objectives. To treat the rich natural and historic environment of Argyll and Bute as a not fully realised asset which, if safeguarded and enhanced, can stimulate further investment and increased economic activity; d) Environmental Objectives. To safeguard the diverse and high quality natural and built heritage resources including the abundant landward and maritime biodiversity of Argyll and Bute; e) Sustainable Development principles 1.12... The biodiversity maintenance principle – reinforcing habitats and variety of life, allied to the local biodiversity action plan and partnership process;

- The proposal does not comply with Local Plan, Policy LP REN 2 as it is not “located as close to the premises which it is intended to serve as is safely and technically possible”;

- The proposal does not comply with local plan Policy LP ENV 1, part C “All development should protect, restore or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design”;

- The proposal would be on land designated as sensitive countryside, would be on land designated as potentially constrained for wind turbine development and would be on land bordering an area designated as of panoramic quality;.

- The proposal is contrary to LP REN 1 in the local plan. The proposal is not in a preferred area of search. This policy states that development will be resisted in constrained areas, (the proposed site is in an area designated potentially constrained) except if it can be demonstrated that it does not have various effects.

Comment: The Local Plan Wind Farm Policy Map relates solely to developments with a capacity of 20MW or more, and accordingly there is no development plan spatial strategy for single turbines which are to be assessed against the criteria set out in Policy LP REN 1 or LP REN 2, as appropriate. Policy LP REN 2 relates to turbines with an output which does not exceed the energy requirements of the premises they are intended to serve by more than 25%, so does not apply in this case. Turbines which are intended solely to produce electricity for export to the grid are to be assessed against Policy LP REN 1. This proposal falls to be considered under local plan policy LP REN 1 so is not required to demonstrate any affiliation with existing premises.

Road Traffic Impact

- The small single track road leading to the proposal will suffer greatly from the additional construction vehicles which will have to use it. This will cause disruption to the existing road users.

- The existing road end to North Beachmore is dangerous and moving it 25 metres will not improve this situation significantly. From the south, vehicles often begin overtaking on seeing overland and do not appreciate the existence of emerging vehicles let alone the resultant considerable plant and HGV traffic that would result if this proposal were granted permission. Sight lines are limited even with the proposed amendments to the entrance. To propose slow moving HGV traffic at this junction seems dangerous.

- Access road visually intrusive and lack of detail submitted with regard to it and how it will tie in with existing road

- This proposal has a most direct impact upon the residents living around North Beachmore who have shared legal access of the road included within this application and disagree with it being used for this purpose and do not believe it is possible to gain access to the proposed site without agreement from the hamlet that is North Beachmore.

Comment: Any conflict with private access rights is a civil legal matter rather than a material planning consideration.

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): No

(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 – Landscape & Visual Appraisal Report (December 2011); Cultural Heritage Report (December 2011); Noise Report (December 2011); Ecology & Ornithology Report (December 2011); Planning Statement (December 2011); and Project Description (December 2011). The applicant has also submitted 2 rebuttal letters to SNH's consultee responses.

(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

---

(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 2002

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 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 2009

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 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
- Argyll & Bute Landscape Wind Energy Capacity Study, March 2012
- 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): Yes. As the proposed turbine exceeds 15m in height, the proposal falls within Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011 where at the discretion of the planning authority an Environmental Statement may be called for. In this case it was concluded that no EIA was required subject to submission of particular supporting information.

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

(M) Has a sustainability check list been submitted: No.

(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 a single wind turbine with a hub height 60m and rotor diameter of 48m (84m to blade tip the formation of new access track and ancillary development. The application has been submitted on behalf of a partnership between the landowner and Community Energy Scotland Trading, a wholly owned subsidiary of Community Energy Scotland, a registered charity. The development is proposed to export energy to the grid, with income being apportioned between the landowner (who has indicated his intention to support locally based employment initiatives) and CES (who have indicated their intention to subsidise the retention of a local development officer and to develop local community energy projects).

- 139 third parties have made representations, comprising 73 objections and 64 expressions of support.

- The West of Scotland Archaeology Service has advised that the proposal will have adverse cumulative impacts on the landscape settings of a number of Scheduled Ancient Monuments as well as indirect impacts on the landscape setting of the highly significant cultural heritage assets of North Beachmore. They further advise that the proposal is contrary to national and local policies for the protection of nationally important heritage resources within an appropriate setting, and should be refused.

- SNH have not objected to the proposal (as formal objections are not now raised by them other than in cases where national interests are significantly prejudiced). However they have raised what they describe as 'serious concerns' relating to landscape, visual and cumulative impacts which are detailed below and which they would wish to be taken into account by the Council in reaching its decision.

- No other consultees have objected to the proposal.

- The principal issues in this case, and reasons why the proposal is considered unacceptable are the adverse consequences of its presence in terms of: the landscape character of the site and adjoining landscape character areas; cumulative impact; adverse visual impact; associated consequences for tourism interests and built heritage and archaeological impact.

- 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;; 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 10: Development Impact on Areas of Panoramic Quality; 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 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, inclusive of the support which it could provide to the functioning of Community Energy Scotland, 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 potential adverse landscape, visual, cumulative and built heritage and archaeological impact. All other material issues have been taken into account but these are not of such weight as to overcome these potential adverse impacts, 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.

Author of Report: Arlene H Knox **Date:** 3rd December 2012

Reviewing Officer: Richard Kerr **Date:** 12th December 2012

Angus Gilmour
Head of Planning and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 11/02521/PP

1. The proposed turbine, inclusive of the means of access required, is located on the small edge hills on the outer western edge of the uplands of the Kintyre peninsula, within the 'Upland Forest Moor Mosaic' Landscape Character Type (ref 'Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012' - SNH/Argyll & Bute Council) in very close proximity (c 0.5km) to the highly sensitive coast 'Rocky Mosaic' Landscape Character Type. Sensitivity increases at the transition between these two landscape character types due to the smaller scale of the hills on the western edge of the upland area, proximity to settled and farmed landscapes and to the coast where sensitive receptors are concentrated. The proposal will intrude on the setting and views from adjacent small scale and settled areas. It will also impinge on views from offshore, in particular the Isle of Gigha and the sea. The proposal is not associated with the larger scale, simple upland interior where development of this scale has better prospects of being assimilated successfully in tis landscape setting.

   The 'Argyll and Bute Wind Energy Capacity Study' March 2012 states clearly that: 'New development should be sited away from the more complex irregular small hills found on the outer edge of the Kintyre Peninsula…' Furthermore that: ' Significant intrusion on the setting and views from the adjacent settled and small scale 'Rocky Mosaic' …should be avoided by larger turbines being set well back into the interior of these uplands – this would also accord with the established pattern of existing wind farm development within the Kintyre peninsula thus limiting cumulative landscape impacts'. The landscape capacity study also states that: ' Larger typologies (80 – 130m) sited on the often small and irregular 'edge' hills which form a more visible and immediate setting to the settled small scale Rocky Mosaic (20) …would affect the presently uncluttered skyline which backdrop these areas' .

   At 84m in height to the blade tip the proposal would be out of scale with its landscape context, where it would dominate the scale of the smaller more complex edge hills on the western edge of the upland area, impinge on adjacent small scale and settled landscapes and adversely affect the highly sensitive coastal edge including key coastal panoramas and views. The west coast of Kintyre is designated as an Area of Panoramic Quality (APQ) in recognition of the regional value and scenic qualities of this sensitive coastal landscape. The proposal impinges on the sensitive coastal skylines which frame and provide a setting for the coast where development on this scale would undermine these qualities to the detriment of landscape character contrary to Local Plan Policy LP REN 1. Approval of the proposal would represent an unwelcome move away from the established location of approved wind farm/turbine 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 direct or indirect 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 adjacent 'Area of Panoramic Quality'. 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); and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.

2. The proposal would have relatively high visibility, compared to other wind farm development on the peninsula, being visible from coastal routes including from the A83 coast road (in very close proximity) and the B8024 at the southern end of Knapdale, as well from the sea, other distant coastlines and the Isle of Gigha. The turbine itself would also break the skyline of Kintyre, spreading development on the skyline to the coastal edge of the peninsula where it would exert an unwelcome influence over the adjacent west Kintyre Area of Panoramic Quality. It would also involve the formation of an intrusive means of access to facilitate construction, which would intrude along the valley of a small watercourse and necessitate intrusive engineering works in the form of excavation, surfacing and the installation of gabion retention, which locally would have adverse consequences for visual amenity.

   The methodology employed for the landscape and visual impact assessment of the proposal has not been wholly in accordance with recognised Guidelines for Landscape and Visual Impact Assessment. In particular, neither locations on the nearby A83 nor residential properties in very close proximity were not selected as viewpoints for the preparation of photomontages despite recommendation to that effect by SNH. On the basis of the information supplied it has been concluded that significant adverse visual effects are likely to arise in respect of properties in very close proximity such as North and South Beachmore; historic environment assets such as the Beacharr standing stone; the settlement of Muasdale; the Tayinloan to Gigha ferry route and Point Sands holiday park, which also forms part of the Kintyre Way, all of which constitute tourism assets of importance.

   The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct and indirect 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 the proposal would have a significant adverse visual impact contrary to 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. North Beachmore is not generally visually associated with the existing clusters of wind farm development being a location more closely associated with the coast. The addition of this proposal to the 'Upland Forest Moor Mosaic' character type on the edge of the 'Rocky Mosaic' landscape character type would erode the established pattern of wind energy development on the Kintyre peninsula and would spread large scale turbine development away from the interior hills to the smaller scale and more sensitive coast and seascape spreading influence to areas which are not currently affected by wind development.

   The existing focus of development around the central part of the spine of Kintrye is now well established, so the proposal should be regarded as an outlier with influence over the coast, in circumstances where the prospect of approval of individual turbines with coastal influence along the length of the peninsula would contribute towards adverse sequential impact in the context of existing wind farm development, and give rise to a disproportionate cumulative impact on landscape character and scenic quality.

   The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct and indirect 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 an adverse cumulative sequential impact. 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); and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.

4. The methodology used by the applicant's archaeological consultants has deficiencies which may have resulted in omissions from the supporting Cultural Heritage and Landscape and Visual Appraisal reports. It is therefore considered unsafe to accept the conclusions of said report and it must be concluded that the assessment of the impacts of the proposal on cultural heritage assets has not demonstrated that the proposal will not lead to unacceptable adverse archaeological impacts. It is considered that the assessment of the predicted indirect effects of the proposal minimises its potential adverse effects, particularly in regard to settings and the appreciation of scheduled ancient monuments.

   It is considered that the proposal will have an adverse impact on the landscape settings of the Scheduled Ancient Monuments: Beachmeanach, enclosure; Dun Beachaire, dun; Beacharr, standing stone & long cairn; Dunan Muasdale, dun; Dun Domhnuill, dun SW of North Crubasdale; Carragh Muasdale, standing stone 225m N of South Muasdale and

Dun Ach'na h-Atha, dun. Furthermore, it is considered that the proposal will have an indirect adverse impact on the setting of the highly significant cultural heritage assets of the complex site of the North Beachmore cup-and-ring markings (which the West of Scotland Archaeology Service believe to be of potential national importance and of schedulable quality).

Due to the scale and the highly visible location of the proposal, it would have an adverse impact on the amenity and settings of these surrounding scheduled ancient monuments and nationally-important cultural heritage resources to the detriment of their historic qualities and their appreciation. Furthermore, due to the scale and location of the proposal, it is considered that it would also have an adverse visual impact on the landscape setting of the Category A listed A'Chleit church, particularly given that most of the wind turbine, (including the entire moving rotor) would be clearly visible in important views from and of this building to the detriment of its setting.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct and indirect benefits which a development of this scale would make to the achievement of climate change related commitments and there is no acceptable mitigation available to alleviate these concerns.

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).

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/02521/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. SETTLEMENT STRATEGY & WIND FARM PROPOSALS MAP

The site is not subject to any spatial zoning for wind farm development by the local plan Wind Farm Proposals Map, as this is restricted to proposals over 20MW, whereas this scheme is 0.9MW. Consideration is thereby by way of a criteria based approach established by local plan Policy LP REN1.

The turbine, part of the internal access track, HV Kiosk, 2.7m palisade fence, crane hardstanding, electrical control building and temporary construction compound are all to be located within Sensitive Countryside (subject to the effect of Structure Plan Policy STRAT DC 5), and part of the access track will be located within a Rural Opportunity Area (subject to the effect of Structure Plan Policy STRAT DC 4) as designated by the Local Plan Proposals Maps. The section of access in between the public road and the Rural Opportunity Area is also located within the west Kintyre Area of Panoramic Quality and the turbine itself exerts an influence over land falling within this regional designation.

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). This proposal constitutes large scale development in the open countryside. However, it is not normal practice for an ACE to be undertaken for a wind turbine which has been subject to separate detailed landscape and visual impact assessment. 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 visual impact and 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, Cumulative, Built Heritage and Archaeological Impacts.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of 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 single wind turbine and ancillary development on farmland approximately midway down the Kintyre Peninsula. The wind turbine would have a capacity of 0.9MW. The maximum height to blade tip would be 84m and the maximum hub height 60m, giving a rotor diameter of 48m. The following elements are included in the planning application: wind turbine; crane hardstanding adjacent to turbine; new vehicular access and onsite track construction; temporary construction compound and laydown area; and a control building.

The Planning Statement indicates that the grid connection for the turbine would be via a new control building located on-site to the west of the turbine; furthermore, that the transmission of

electricity to the wider grid therefore needs no new infrastructure to be connected, so this issue is not considered further.

The design of the turbine and ancillary structures follows current wind energy practice. The general design of the control building is considered acceptable and sympathetic to the receiving landscape were permission to be granted, subject to the standard of finishing materials being controlled by condition in the event of Members determining to grant planning permission.

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 the turbine and the formation of the means of access to it would have adverse Landscape, Visual, Cumulative and Historic Environment 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

Scottish Natural Heritage have advised that this proposal is situated in the Upland Forest Moor Mosaic character type but influences a number of adjacent more sensitive coastal character types including 'Rocky Mosaic' and 'Coastal Plain'. The turbine (at 84m to blade tip) is at an elevation of c140m AOD to give a total height to blade tip of 224m AOD. This is of a similar overall elevation to a number of the nearby summits; with the highest point at 364m AOD. In some of the visualisations it appears that it is likely to alter the perception of landform scale and may impinge on the setting of the summits. SNH consider a turbine of this scale in this location would dominate these small hills and the sensitive adjacent landscape character types. It would also intrude into sensitive coastal panoramas in the west including offshore. It would introduce relatively large scale development on the skyline of the hills resulting in intrusion in both coastal and inland views, which will adversely affect the character, key view and qualities of this local landscape.

AMEC (on behalf of the applicant) submitted a rebuttal letter to SNH's consultation response on the 13th September 2012 and note that whilst SNH do not object they do have '*serious concerns'*, which are considered to be pure landscape and visual matters. The letter covers the Argyll & Bute Landscape Wind Energy Capacity Study (March 2012), SNH's Position Statement, Strategic Implications, Landscape Effects, Visual Effects, Methodology, Cumulative, Ecology and concludes that SNH's representations on the LVIA have not been formulated with any degree of planning balance, which means there is no acknowledgement that to achieve renewable energy generation through turbine use there has to be some visual effects. From AMEC's reading of SNH's representations they consider they are largely founded on an opinion of where turbines should or shouldn't be located, which isn't based on existing policy or guidance, nor on a review of the evidence presented to them in the application. AMEC believe that SNH's representations are missing the level of objective evidence which would be expected to assert their concerns, and as such, the weight to be afforded to them must be limited (A full copy of this response is available on the Council's website).

SNH have since provided a further response reiterating their previous concerns, prompting Community Energy Scotland to submit a further rebuttal to SNH's comments on behalf of the applicant, which covers: SNH's advice; Local Objections; Socio-Economic Value of the Project; Local and National Policy Impact; and a summary of the response to SNH advice (dated 27th November 2012). A full copy of this response is available on the Council's website. No further consultation with SNH has been considered necessary.

The 'Argyll and Bute Wind Energy Capacity Study' March 2012 has been produced by SNH in association with the Council to identify those areas in Argyll which are likely to have capacity for wind turbines of various sizes, and those areas which do not have capacity either as a consequence of their particular qualities, or as a result of having no residual capacity given previous turbine consents. Whilst this study only addresses landscape considerations, following its approval by the Council it is a significant material consideration in subsequent decision-making, albeit of lesser weight than development plan policy.

The study states that: *'New development should be sited away from the more complex irregular small hills found on the outer edge of the Kintyre Peninsula…'* Furthermore that: *'Significant intrusion on the setting and views from the adjacent settled and small scale 'Rocky Mosaic' …should be avoided by larger turbines being set well back into the interior of these uplands – this would also accord with the established pattern of existing wind farm development within the Kintyre peninsula thus limiting cumulative landscape impacts'*

It also states that: *'Larger typologies (80 – 130m) sited on the often small and irregular 'edge' hills which form a more visible and immediate setting to the settled small scale Rocky Mosaic (20) …would affect the presently uncluttered skyline which backdrop these areas'* . Due to the proposal's scale and location it is clearly contrary to the advice given in the Landscape Capacity Study.

Based on the guidance contained in the Landscape Capacity Study and the conclusions expressed by SNH in respect of landscape impacts of the proposal, it is considered that approval of the proposal would represent an unwelcome move away from the established location of larger scale wind turbines 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.

In previous decisions to refuse wind turbine developments at Kilchatten, Raera and Clachan Seil, Members have been particularly cognisant of the disadvantages of commercial scale turbine development proposed to be located away from upland plateau areas within influencing distance of the coast, where it can exert inappropriate effects over settlements, transport routes, historic assets and scenic locations of tourism importance all of which tend to predominate in coastal locations. Although this is a single turbine rather than a windfarm, at 84m in height to the blade tip, its location would exert a disproportionate influence over its receiving environment where it would be out of scale with its landscape context. It would dominate the scale of the smaller more complex edge hills on the western edge of the upland area, impinge on adjacent small scale and settled landscapes and adversely affect the highly sensitive coastal edge designated as an Area of Panoramic Quality in recognition of the regional value and scenic qualities of this sensitive coastal landscape. The proposal impinges on the sensitive coastal skylines which frame and provide a setting for the coast, where development on this scale would undermine these qualities to the detriment of landscape character

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 and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.

D. VISUAL IMPACT

Scottish Natural Heritage have provided the Council with advice as to the visual attributes of the proposal concluding that the proposal would have relatively high visibility compared to other wind farm development on the peninsula, being visible from coastal roads, as well as the offshore islands and the sea. It would also break the skyline of Kintyre, spreading development on the skyline to the coastal edge of the peninsula. Furthermore, that the proposal will be visible from many coastal routes including from the A83 (in very close proximity) on the Kintyre peninsula and the B8024 at the southern end of Knapdale as well from the sea, other distant coastlines and the Isle of Gigha. This is partly due to the high elevation of surrounding coastal roads and because of the physical separation of the hill from the main plateau.

SNH do not consider that the methodology for the landscape and visual impact assessment is in accordance with GLVIA. For example some of the images used in the photomontages were not clearly annotated for illustrative purposes. In addition visual receptors including residents were excluded from the viewpoint selection. SNH are disappointed to note that no properties in very close proximity were selected as viewpoints including north and south Beachmore, despite being recommended by them. The absence of viewpoints from the A83 (main road in Kintyre) is also disappointing. SNH consider that there may be an underestimation of the sensitivity of the receptor/magnitude of effect for some viewpoints.

SNH consider that significant adverse visual effects are likely to arise on: properties in very close proximity such as north and south Beachmore (not represented by any of the viewpoints selected); historical tourist attraction such as the Beacharr standing stone (as represented by viewpoint 2); settlements such as Muasdale (as represented by viewpoint 3); the Tayinloan to Gigha ferry route (as represented by viewpoint 6); point sands holiday park which also forms part of the Kintyre Way as represented by viewpoint 7 (SNH suggest that walkers are also of high sensitivity given their focus on the landscape, and consider the magnitude of change will be higher than that indicated in the LVIA); and the Isle of Gigha (as represented by viewpoints 8 and 10, where SNH consider the magnitude of change will be higher than that indicated in the LVIA.

The development site does not benefit from a readily available means of access given the geometry, width, gradient and construction of the narrow road with its steep hairpin bend leading to the cluster of dwellings at North Beachmore. Accordingly, it would be necessary to access the fields east of Beachmore for a construction project of this scale by way of a new access which necessarily has to leave the existing route prior to the hairpin being encountered. This only afford the option of the formation of a new access along the route of the Allt an Fheuraich watercourse, the initial section of which forms a narrow valley in its decent from the

fields above. This would involve the formation of a means of access which would intrude along the valley of this watercourse and necessitate intrusive engineering works in the form of excavation, surfacing and the installation of gabion retention. Accordingly, the formation of access to the site would have locally adverse consequences for visual amenity, in addition to the local and more distant visual consequences of the presence of the turbine itself.

As detailed in Section C above AMEC and Community Energy Scotland (on behalf of the applicant) have submitted rebuttals to the stance adopted in SNH's consultation response. Notwithstanding those, 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 turbine relative to its landscape setting and the sensitivity and scenic value of locations within the regionally important Area of Panoramic Quality. Visual impacts would also be of importance in terms of their influence over the settings of historic environment assets as well as in terms of the disproportionate contribution the development would contribute to the cumulative effects of wind turbine development, as considered below.

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. SUGGESTED REDUCTION IN HEIGHT

In their most recent correspondence dated 27th November 2012, the applicants have advised that they "*have reviewed the scope for lowering the turbine and would be willing to consider lowering the turbine by 5m (giving a tip height of 79 m) if this would help reduce the perceived visual impact".*

The possibility of this suggested height reduction has been put forward almost 10 months after this application was received. at a time when the applicant was aware that the proposal was due to be reported to PPSL as submitted. No amended drawings have been submitted along with this most recent rebuttal letter to the comments made by SNH on landscape and visual grounds, and the application has not been formally amended to this effect.

Notwithstanding this position, had amended drawings been submitted this would have resulted in implications for the proposal in regard to its categorisation in terms of the Argyll & Bute Landscape Wind Energy Capacity Study, March 2012 (LWECS) and would have prompted a revised assessment as a consequence. The turbines current height of 84m means that it is to be regarded as a' larger typology' (80 – 130m) in terms of the LWECS, as detailed above. A 5m height reduction would have brought it to just within the upper limit of the 'medium typology' category (50 – 80m) thereby reducing its visual sensitivity in terms of the LWECS from what is expressed to be 'high-medium' to 'medium'. At 79m this turbine would have still been at the high end of the medium category and only 1m away from being classed as a larger typology.

Given the sensitivity of the location in which it is proposed to be sited, it is not considered that a 5m height decrease, had it been pursued, would have reduced the landscape and visual impact of the proposal to an acceptable level. It is considered that either a turbine of 79m or 84m sited on this small edge hill, which forms a more visible and immediate setting to the settled small scale Rocky Mosaic and to the Hidden Glens Landscape Character Types (LCT) would affect the presently uncluttered skyline which backdrop these areas, intruding into sensitive coastal panoramas, furthermore, resulting in intrusion in both coastal and inland views, to the detriment of the character, key views and qualities of this local landscape. The extensiveness of this LCT is such that its sensitivity reduces provided development is located within the "interior" of the uplands and set well back from the more sensitive "edge" hills; which is the pattern which has been followed by existing medium-large scale development on the Kintyre peninsula. Accordingly a proposal of either 84m or 79m located so far forward towards the coast would be equally unacceptable, so the offer of a marginal reduction in height has not been pursued as it would not be a sufficient for this location to be considered appropriate on the basis of height reduction.

F. CUMULATIVE IMPACT

It is considered that the proposal would be both highly visible as well as being visible from areas which are not currently affected by wind development. SNH have advised that they have particular concerns regarding the proposal's cumulative sequential visibility from the Kintyre peninsula and associated transport routes (road and ferry) and the Isle of Gigha. The proposal would spread visibility of wind development along the Kintyre peninsula thereby creating a sense of extended wind farm development.

As detailed in Section C above AMEC and Community Energy Scotland (on behalf of the applicant) have submitted rebuttals to the stance adopted in SNH's consultation response. Notwithstanding those, the views expressed by SNH in respect of visual impacts are endorsed by officers. Officers consider that the creation of a sense of extended wind farm development would be unacceptable and detrimental in landscape and visual terms.

A locational advantage of Kintyre is its length and the degree to which coastal locations do not generally benefit from views of the upland spine. This has enabled large scale windfarms with significant separation and only limited visibility from the A83 coast road to be assimilated successfully in their landscape setting, albeit with enhanced visibility from offshore from the sea and locations such as Gigha. The limited influence of these locations would however be undermined by the presence of individual turbines within influencing distance of the coast such as this, which due to their more prominent locations closer to sensitive receptors would be disproportionate in terms of their sequential and cumulative impacts.

Having due regard to the above it is considered that in terms of Cumulative Impact the 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 4: Development in Rural Opportunity Areas; 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; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

G. ECOLOGICAL IMPACT

Scottish Natural Heritage advise that the ecological report indicates that there may be bats roosting at the property at North Beachmore. However, since the property is at a distance greater than 500m from the proposal they are unconcerned about their presence locally. The access track appears to follow the course of Allt an Fheuraich water. SNH advise that otter have been recorded along this coastline including several streams. SNH advise that a pre-construction otter survey be conducted along the course of the access track and should evidence be found of otters a Species Protection Plan be adopted. Should Members be minded to grant planning permission officers would recommend that a condition to this effect be attached.

SNH further advise that they have concerns relating to the close proximity of the access track to the riparian habitat of the Allt an Fheuraich water. The construction of an access in such close proximity may result in the loss of habitat as well as sediment enrichment of the watercourse. SNH therefore recommended that an alternative access route be considered or a reasonable buffer strip incorporated into the plans, which mitigates the impacts on the watercourse.

AMEC (on behalf of the applicant) submitted a rebuttal letter to SNH's consultation response on the 13th September 2012. The letter covers Ecological Impact amongst other things. (A full copy of this response is available on the Council's website). SNH responded to this rebuttal letter and their response no longer refers to any ecological concerns associated with the proposed development.

Having due regard to the above, it is considered that the proposal is consistent 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.

H. ORNITHOLOGICAL IMPACT

With regards to the breeding bird survey and point counts SNH have advised that they are in agreement with the findings of the ornithological report that the construction of a single wind turbine on the site will have a negligible impact on the local breeding bird populations. SNH do however recommend as stated in the ornithological report that a pre-construction breeding bird survey be undertaken due in part to the presence of breeding skylark and song thrush, both UK BAP and Argyll LBAP species.

In the event of Members determining to grant planning permission it is recommended that a pre-commencement bird survey is secured by a planning condition in accordance with the advice of SNH to establish the presence of any bird species of nature conservation importance, identify appropriate mitigation and ensure its implementation.

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.

I. HYDROLOGICAL & HYDROGEOLOGICAL IMPACT

At one point the Scottish Environment Protection Agency raised objection in respect of 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. There are no outstanding concerns regarding the implications of the development for the water environment.

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.

J. MANAGEMENT OF PEAT

There is no requirement for any peat survey work or the submission of a peat stability report in this case. Deep peat deposits are normally only encountered in the interior upland beyond the boundary of this site.

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.

K. BORROW PITS

No borrow pits are proposed as part of this application, it is proposed that any stone required will be sourced from quarries.

L. HISTORIC ENVIRONMENT IMPACTS

The west coast of Kintyre is a location which is rich in archaeological and historic assets the settings of which, and the interrelationship between sites, warrant particularly careful consideration, especially where large scale developments such as this are proposed which exert influences over considerable distances.

Historic Scotland are of the opinion that the turbine will be sufficiently distant from those designated sites within their remit and will not interfere with any key views to or from them. However, they note that the proposed turbine is in closer proximity to a number of archaeological sites (including a group of rocks decorated with cup and ring markings, and a form of rock art probably dating to the early Bronze Age) and that consultation with the West of Scotland Archaeology Service (WoSAS) should be undertaken. It should be noted that Historic Scotland expects that issues of setting should be considered by the Planning Authority as

guided by their archaeological advisors and that objections on their behalf would only be prompted where historic assets and their immediate surroundings are directly affected by development.

WoSAS have raised concerns regarding potential deficiencies in the methodology used by the applicant's archaeological consultants which may have resulted in omissions from the Cultural Heritage and Landscape and Visual Appraisal reports. This has led them to recommend that the Council should consider it unsafe to accept the conclusions of the current Cultural Heritage and Landscape and Visual Appraisal reports, in that the assessment of the impacts of the proposal on cultural heritage assets has not demonstrated that the proposal will not lead to unacceptable adverse archaeological impacts.

With regard to predicted direct archaeological impacts from the proposal, WoSAS has advised that with the caveat that WoSAS do not currently accept the interpretation of the character and significance of the new features identified by the applicant's consultant and any statement regarding the archaeological potential of the sub-surface deposits within the application area, they are content with the process for agreeing mitigation proposals suggested by the applicants' archaeological consultants in the Cultural Heritage report should Members be minded to grant planning permission.

The cultural heritage report includes assessments of the predicted indirect effects of the proposed turbine on the landscape setting of a range of cultural heritage assets. WoSAS find that while they are in broad agreement with the inclusion of those significant sites selected for assessment, there may be a number of such sites that have been omitted due to the potential failings in selection methodology (referred to above). WoSAS are in disagreement with some of detailed results of the assessments, which appear to attempt to minimise the potential adverse effects of the proposal in terms of accessibility; modern landscape changes; and importance of direction of view from particular sites.

WoSAS have provided the following comments on the conclusions of the Cultural Heritage report: Beachmeanach, enclosure (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting but prominently visible as a peripheral element in background to principal views from the asset, and assess the magnitude of impact as "low". WoSAS do not agree that the turbine will lie outwith the setting, nor that its location would be peripheral. Given its admitted prominence in views from the monument, WoSAS would assess the impact as "medium", leading to a moderate to substantial adverse effect. Given the proximity of other prehistoric potentially associated assets, such as the Beachmeanach Burnt Mound and a series of cairns and cup-markings which lie in the area between the designated site and the proposed turbine, WoSAS would assign a final effect that was "substantial".

Dun Beachaire, dun (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of, and clearly separated from the asset, but accept that it will be clearly visible in views from the monument to the south. They also report that the turbine will be visible in background of views of this monument from other designated assets to the north. They assess the magnitude of impact on this monument as "low". WoSAS do not agree that the turbine will lie outwith the visual landscape setting of this monument, and taking into account the other details of its visibility, and allowing for the likely effects of distance, WoSAS would assess the impact as "medium", leading to a moderate to substantial adverse effect.

Beacharr, standing stone & long cairn (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of, and clearly separated from these monuments, but accept that it will be clearly visible in views from the monuments to the south. They assess the magnitude of impact on the monuments as “low”. WoSAS do not agree that the turbine will lie outwith the visual landscape setting of the monuments, and taking into account the other details of its visibility, and allowing for distance effects, WoSAS would assess the impact as “medium”, leading to a moderate to substantial adverse effect.

Dunan Muasdale, dun (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of this monument but visible in the background of views to the north from the monument and in minor views of it from the south. They assess the magnitude of impact on the monument as “negligible”. WoSAS do not agree that the turbine will lie outwith the visual landscape setting of the monuments, and taking into account the other details of its visibility, and allowing for distance effects, WoSAS would assess the impact as “low”, leading to a moderate adverse effect.

Dun Domhnuill, dun SW of North Crubasdale (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of this monument and largely screened in views to and from the monument and in minor views of it from the south. They assess the magnitude of impact on the monument as “negligible”. WoSAS do not agree that the turbine will lie outwith the visual landscape setting of the monuments, but taking into account the details of its visibility, and allowing for distance and potential screening effects of the topography, WoSAS would assess the impact as “low”, leading to a moderate adverse effect.

Carragh Muasdale, standing stone 225m N of South Muasdale (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of this monument and visible as a distant and peripheral element in the background of views from the monument and in views of it from the south. They assess the magnitude of impact on the monument as “negligible”. Given the prominent headland location of this monument, which would appear to have been selected as a viewpoint, WoSAS do not agree that the turbine will lie outwith the broader landscape setting of the monument, so any new intrusion into those currently tranquil views could be argued to be very significant. However, WoSAS would accept that the proposal will lie in a peripheral area in relation to this monument, and allowing for the effects of distance, WoSAS would assess the overall impact as “low”, leading only to a moderate adverse effect.

Dun Ach’na h-Atha, dun (Scheduled Ancient Monument) - The consultants assert that the turbine will be outwith the setting of this monument and visible as a distant and peripheral element in the background of views from the monument. While WoSAS do not accept that the turbine would lie outwith the broader landscape setting of this monument, nevertheless, in this case WoSAS would not disagree with the consultants’ assessment of the impact as “negligible”.

The Argyll & Bute Local Plan (Policy LP ENV 16) states that ‘Developments that have an adverse impact on Scheduled Ancient Monuments and their settings will not be permitted unless there are exceptional circumstances.’ WoSAS find that no case has been made for such exceptional circumstances with regard to this application and recommend that the Council refuse the proposal on the grounds of cumulative adverse impacts on the landscape settings of a number of Scheduled Ancient Monuments.

In addition to the designated sites, the effects of the development on the setting of the complex site of the North Beachmore cup-and-ring markings will be considerable. WoSAS are of the view that these features are of potential national importance and of schedulable quality, and therefore worthy of consideration on an equivalent basis to the already designated sites. The proposal would involve the construction of a turbine within 300m to 400m of elements of these cup-and-ring markings. The consultants assert that the turbine would be prominently visible from the monument, but in views they would consider to be "minor" and not in "the existing key view". They assess the magnitude of this impact on the setting to be "low". Full understanding of the purposes of such monuments is lacking, but all experts in the field agree that views from the locations appear to be of great significance. Some of the features making up this monument are positioned so that views southwards are the most prominent, and it is reasonable to suppose that this was a factor in their placement and use, and that these views should be considered sensitive to change. Consequently, WoSAS believe it would be reasonable to argue that the turbine would sit prominently in one of the potential key views from the elements of this monument, or series of monuments. Therefore, WoSAS do not accept the assessment as presented, and instead would argue that it should be assessed as at least a medium magnitude and consequently a moderate to substantial impact on the intimate broader landscape setting of all elements of the monument. Given the proximity of the proposed turbine and its prominence in views from the monuments within their local setting, WoSAS would tend towards the "substantial" end of that scale in this case. WoSAS therefore recommend that the Council refuse the proposal on the grounds of indirect impacts on the landscape setting of the highly significant cultural heritage assets at North Beachmore.

The archaeological richness of this part of Argyll & Bute and the proximity of so many identified important monuments raises serious questions about whether these visually prominent coastal slopes are the right area for development of this kind and whether the significance of the area's cultural heritage is such that the proposal should not have been brought forward. While the Council's Local Plan supports the development of renewable energy schemes provided these are environmentally acceptable in relation to other policies, WoSAS would contend that in terms of the Scottish Government's advice regarding the principle of protecting the historic environment, specifically that significant archaeological sites will be protected from development which will have a detrimental effect on the sites or their settings, these criteria have not been met in this case.

Given the potential failings of the applicants' supporting documentation in relation to cultural heritage, WoSAS recommend that its conclusions are set aside and that assessment of the key issues is undertaken in accordance with Scottish Planning Policy. WoSAS advise that due to the proposal's scale and highly visible location, it would have an additional deleterious impact on the amenity of a number of nationally-important cultural heritage resources. Furthermore, the expected setting impact would not be able to be fully mitigated, and would be impossible to offset during the working lifetime of the proposal. The proposal in their view should be regarded as being contrary to national and local policies for the protection of nationally important heritage resources within an appropriate setting, and should be refused.

Despite being specifically consulted regarding Officers concerns about the potential adverse impact of the proposal on the Category A listed A'Chleit Church, Historic Scotland have not raised any concern. Nonetheless officers consider that although the turbine lies some distance from the church it will exert a considerable visual influence upon its surroundings. Historic Scotland guidance is that listed buildings should at all times remain the focus of their setting,

and attention should never be distracted by the presence of any new development whether within or outwith the curtilage. Most of this turbine (including the entire moving rotor) would be clearly visible in important views from (as demonstrated by Viewpoint 1) and of this building which has led officers to conclude that its presence would be significant and to the detriment of the wider landscape setting of this nationally important building.

The context or setting in which the specific historic features referred to above sit and their patterns of past use are part of our historic environment. The historical and scenic associations of places and landscapes are some of the less tangible elements of the historic environment, which make a fundamental contribution to our sense of place and cultural identity. Officers accept the detailed conclusions which have been advanced by the West of Scotland Archaeology Service and consider that the archaeological richness of the area surrounding the proposed turbine location is such that it does not lend itself to development on the scale proposed, which would intrude inappropriately into the landscape setting of these historic environment assets, to the detriment of their innate qualities and to their appreciation by others.

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 16: Development Impact on Scheduled Ancient Monuments and LP ENV 17: Development Impact on Sites of Archaeological Importance of the Argyll & Bute Local Plan.

M. TOURISM IMPACT

The proposal would be clearly visible to sensitive receptors in locations surrounding the proposal. The image of the wind turbine will vary from full turbine, reducing to rotors and blades moving on the ridge; varying between backclothed and skylined. This will adversely impact on views and the recreational experience of the landscape and the settings of important historical features. In light of this proposal's anticipated adverse impacts upon its landscape setting, it must be concluded that its presence would be likely to have some adverse impact on tourism within Argyll & Bute, much of which is resource based.

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). Given that the magnitude of the likely effect upon tourism cannot be estimated reliably, it has not been cited specifically as a recommended reason for refusal, but clearly adverse landscape visual and cumulative impacts are likely to

impinge upon the tourism sector, which is of particular importance in the context of the Argyll economy.

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.

N. NOISE

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 closest noise sensitive receptors are North Beachmore (626m), North Crubasdale (803m) and Burnt Mound (811m). It has been demonstrated to the satisfaction of Public Protection that noise (operational and construction) is unlikely to be an issue at these closest sensitive receptors.

Having due regard to the above, it is considered that in terms of noise 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. 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 supporting documentation and plans confirm that the separation between the wind turbine and the nearest residential property is greater than 10 x rotor diameter (10 x 48m = 480 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.

The Planning Statement advises that “the nearest residential property to the Muasdale Wind Turbine is located approximately 626m to the north west of the turbine…the potential for ice throw is restricted to an area equivalent to 1.5 x the height to blade tip of the turbine. In this instance this equates to a distance of 126m, which is well within the distance to the nearest residential receptor”. Ice throw 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.

P. TELEVISION RECEPTION

Television reception can be affected by the presence of turbines. The agent has consulted the online BBC wind farm tool, which indicated (October 2011) that there may be interference with the Gigha Island and Limavady transmitters, with the result of 2 homes being affected for which an alternative off-air service may not be available. Analogue television is quite seriously affected by signal reflections which can give rise to an effect known as ghosting (or delayed image interference). However, Analogue terrestrial television is being phased out in the UK as the digital switchover progresses (due to be completed by the end of 2012). The Gigha Island transmitter has undergone switchover, and the Limavady transmitter was scheduled for switchover in October 2012. Digital television signals are much better at coping with signal reflections and do not suffer from ghosting. Satellite TV reception is not generally affected by the installation of wind turbines (Ofcom, 2009). Consequently, due to the digital switch-over limited impact is anticipated, 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 condition 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.

Q. AVIATION MATTERS

The Ministry of Defence (MoD), NATS En Route Plc ("NERL"); and Glasgow Prestwick 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.

R. ELECTRO-MAGNETIC INTERFERENCE TO COMMUNICATION SYSTEMS

Ofcom, the Joint Radio Company (JRC), Atkins (on behalf of various agencies including Scottish Water) and Linesearch (on behalf of the National Grid) have been consulted by the

applicant to determine whether their systems would be affected by electro-magnetic radiation from the turbine. All have confirmed that they have no objection to the proposal.

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.

S. ROAD TRAFFIC IMPACT

The main access to the site is from the A83 via the initial section of the road to North Beachmore and thence via an existing farm access which requires be substantially upgrading and extended as required. The access route travels in an easterly direction following the course of the Allt-an-Fheuraich watercourse. Concerns were raised by officers regarding this route with SEPA in regard to potential adverse construction impact on this watercourse and the culverting and other engineering works which would be required. However, SEPA have confirmed that this route would be acceptable to them from a water environment point of view. Despite its intrusive nature and the length of the access (c900m), the route of the access has not been taken into account by the applicants in their landscape and visual impact assessment. Given its locally adverse consequences an additional photomontage has been requested (not received at the time of writing).

The completed tracks will generally be 5m wide, widening at bends. In addition to new tracks the existing on-site roads are proposed to be utilised where possible and upgraded to be suitable for use. At bends the tracks will be widened as appropriate depending on bend radius and to a maximum of approximately 13m. All new tracks will be unpaved and constructed from material sourced from off-site quarries. There are three anticipated water crossings on site, subject to the final route of the access track. The initial section of the access will require retention by gabion baskets given the levels encountered and overall the engineering works associated with the access formation are a contributory factor to the unacceptable visual consequences of the development.

The supporting documentation states that the turbine components will be delivered to the site from Campbeltown via the A83, leaving the A83 via the existing access to North Beachmore. As far as transport related site works are concerned the existing access road onto the site will require to be upgraded as there is a section immediately off the A83 which leads to a hairpin bend. This section has a gradient of up to 15% (1in 6.7) in places, and is outside the normal transport guidelines of wind turbine manufacturers .Therefore this section will require to be upgraded as it is too steep and too sharp for the vehicles to navigate.

Due to the abnormal size and loading of the turbine delivery vehicles, it is necessary to review the public highways that will provide access to the site to ensure that they are suitable, and to identify any modifications required to facilitate access for delivery vehicles. A detailed study will be carried out by the turbine supplier should the proposal be granted planning permission. These points and general issues of management of construction traffic would be covered in a Temporary Traffic Management Plan (TMP) which could be a condition of planning approval. It

is anticipated that modifications may be required to the local highways and junctions to accommodate the delivery of turbine components, these modifications will be identified for agreement in any TMP.

The Area Roads Manager has no objection to the proposal subject to a condition requiring an improved bellmouth at the junction between the North Beachmore Road and the A83 (sufficient land for this purpose is included within the application site), and no other off-site road improvements are required, nor are there any anticipated concerns with construction traffic or the delivery of abnormal loads.

Having due regard to the above it is considered that the proposal is consistent with 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, although the new access works would have locally adverse visual amenity consequences as referred to in Section D above.

T. INFRASTRUCTURE

The planning application form states that no new or altered water supply (no connection to the public water supply is required) or drainage arrangements are required to accommodate the development. Furthermore, that the proposal does make provision for the sustainable drainage of surface water (SUDS). Public Protection has not raised any concerns in regard to the impact of the proposal on private water supplies.

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.

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. The Planning Statement states that the grid connection for the turbine would be via the existing 11kV overhead line that runs approximately 1km west of the site. This line originates at Ballure substation, approximately 9km to the north of the site, and runs south to Campbeltown. The connection would be made by overhead line in a manner consistent with existing infrastructure in the area.

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

The Planning Statement details likely benefits which will arise as a result of this proposal. Community Benefit is not considered to be a 'material planning consideration' in the

determination of this planning application. 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 turbine would be decommissioned and principal elements removed; the site would be restored to its former use leaving little if any visible trace of the turbine; the foundation, new track 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 control 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 this 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. 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.

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

The applicant as landowner is working in partnership with Community Energy Scotland (CES). CES is an independent Scottish Charity, which seeks to build 'confidence, resilience and wealth at a community level' in Scotland, through sustainable development. The organisation supports and funds community groups to develop sustainable energy projects and seeks to make the process of developing renewable and energy efficiency projects as easy as possible by providing support, advice and funding. Given that a proportion of the income derived from the project is intended to be channeled into an organisation supporting communities to develop community energy projects, there are indirect benefits, including potential local benefits, associated with the development, in addition to the renewable energy which would be generated. Although CES's involvement in the project does have a bearing on its overall acceptability, the indirect benefits which their participation would bring cannot be used to offset otherwise unacceptable environmental consequences of the development. Their status as a sustainable energy organisation is therefore material to the determination of the application, but not of over-riding weight in offsetting those matters legitimately requiring assessment in order to be able to satisfy local plan policy LP REN 1 and other relevant development plan policies.

In assessing the acceptability of wind farm/turbine 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).

The Scottish Government's Specific Advice Sheet on Onshore Wind Farms point out that nationally there are now approximately 80 operational wind farms and Planning Authorities more frequently have to consider turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed. Whilst the 0.9 MW maximum capacity of the proposal would 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.

APPENDIX B – LETTERS OF REPRESENTATION - RELATIVE TO APPLICATION NUMBER: 11/02521/PP

LETTERS OF OBJECTION

J McMurchy	11 Muasdale Cottages Muasdale Kintyre PA29 6XD
R McMurchy	11 Muasdale Cottages Muasdale Kintyre PA29 6XD
M Currie	12 Cara View Tayinloan PA29 6XS
Aaron O'Hanlon	12 Muasdale Cottages Muasdale Tarbert PA29 6XE
Stephanie Muir	12 Muasdale Cottages Muasdale Tarbert PA29 6XE
Bill Rawson	13 Muasdale Cottages Muasdale Kintyre PA29 6XD
Patricia J Rawson	13 Muasdale Cottages Muasdale Kintyre PA29 6XD
Mrs Judy Martin	13 Saddell Street Campbeltown PA28 6DN
R Kelly	14 Muasdale Cottages Muasdale Kintyre PA29 6XD
Patricia Johnstone	15 Cara View Tayinloan PA29 6XS
A Edney	15 Muasdale Cottages Muasdale Kintyre PA29 6XD
J Roney	16 Cara View Tayinloan PA29 6XJ
E McCormick	17 Cara View Tayinloan PA29 6XJ
Ms Henri Macaulay	2 Raon Mor

	Ardminish Isle of Gigha PA41 7AG
M McAlpine	26 Cara View Tayinloan PA29 6XJ
Alan McDonald	28 Cara View Tayinloan PA29 6XS
Alan McDonald Jr	28 Cara View Tayinloan PA29 6XS
D M McKeown	28 Cara View Tayinloan PA29 6XS
Anne Duncan	3 Garval Terrace Tarbert PA29 6TS
Kathleen Prentice	31 Cara View Tayinloan PA29 6XS
Leigh Gilchrist	32 Cara View Tayinloan PA29 6XS
M Weir	33 Cara View Tayinloan PA29 6XJ
Sarah Mills	37 Cara View Tayinloan PA29 6XS
Emma Byers	38 Cara View Tayinloan Tarbert PA29 6XJ
Ian Higgins	39 Cara View Tayinloan PA29 6XS
Councillor Anne Horn	4 Lochgair Place Tarbert Argyll PA29 6XH
B William	40 Cara View Tayinloan PA29 6XS
Zarley McAlpine	5 Church Terrace Tarbert PA29 6UR
Mr Alexander Forshaw	53 Smith Drive Campbeltown PA28 6LA
D Johnstone	6 Cara View Tayinloan PA29 6XJ

Mrs Violet Wright	7 Church View Mullavilly Tandragee Co Armagh BT62 2LT
Mr Bill Stewart	7 Muasdale Cottages Muasdale Kintyre PA29 6XD
Mrs Christine Stewart	7 Muasdale Cottages Muasdale Kintyre PA29 6XD
F Paterson	8 Muasdale Cottages Muasdale Kintyre PA29 6XD
S Lovegrove	9 Muasdale Cottages Muasdale Kintyre PA29 6XD
Rebecca Harvey	Achintien Tayinloan Tarbert Argyll PA29 6XG
Warren Harvey	Achintien Tayinloan Tarbert PA29 6XG
Ms Heather McKinlay	Ballyshear Macharioch Southend PA28 6RF
Henry O'Hanlon	Beacharr Farm Tayinloan Tarbert Argyll PA29 6XF
Hannah O'Hanlon	Beacharr Tayinloan Tarbert Argyll PA29 6XF
Christine O'Hanlon	Beacharr Tayinloan Tarbert PA29 6XF
Agnes Nugent	Bridge Cottage Tayinloan PA29 6XS
Robin Nolan	Camus Na Gaul Tayinloan Kintyre PA29 6XG
Miss Jessica O'Hanlon	Flat 3/3 720 Dumbarton Road Glasgow

	G11 6RB
Mr Kyle Mackintosh	Flat 3/3 720 Dumbarton Road Glasgow G11 6RB
Mr William Crossan	Gowanbank Kilkerran Road Campbeltown PA28 6JL
Mr John Seddon	Kilmaluag Cottage Glenbarr Tarbert PA29 6UZ
Anne And Thomas Shaw	Lime Kiln Cottage Isle Of Gigha Argyll
Imogen O'Hanlon	Low Crubasdale Muasdale Tarbert PA29 6XD
Catherine O'Hanlon	Low Crubasdale Muasdale Tarbert PA29 6XD
Darryl O'Hanlon	Low Crubasdale Muasdale Tarbert PA29 6XD
Mr Eric Gorman	North Beachmore Cottage The Old Restaurant, Muasdale Tarbert Pa29 6XD
Mrs Liz Anderson	North Beachmore Cottage Muasdale, The Old Restaurant Tarbert PA29 6XD
Mr Paul Sleboda	North Beachmore Farmhouse Muasdale Tarbert PA29 6XD
Geraldine McAnerney	North Beachmore Farmhouse North Beachmore Muasdale Tarbert PA29 6XD
M Louise Duncan	North Beachmore Muasdale Tarbert PA29 6XD
Mr Robin Nolan	North Beachmore Muasdale Tarbert PA29 6XD

Ann Campbell	North Muasdale Farm Muasdale Kintyre
Francis Campbell	North Muasdale Farm Muasdale Kintyre
Mr John Cowan	Oatfield House Campbeltown PA28 6PH
Mrs Lesley Cowan	Oatfield House Campbeltown PA28 6PH
Moyra Logan	Rockfield House Skipness Tarbert PA29 6YG
Dr Carina Spink	Ron Mara North Beachmore Muasdale PA29 6XD
Mr Edward Tyler	Ron-Mara North Beachmore Kintyre
Crawford Rae	Shore Cottage Muasdale Kintyre PA29 6XD
Susie Rae	Shore Cottage Muasdale Kintyre PA29 6XD
Edith Henderson	The Coach House 45 Eldon Street Greenock
Ian Henderson	The Coach House 45 Eldon Street Greenock
Mr And Mrs Alan And Linda Thomson	The Old Barn Kilcamb Paddock Strontian PH36 4HY
L Brown	The Salon Tayinloan PA29 6XS
K Pendreigh	The Whins Ferry Road Tayinloan Tarbert PA29 6XQ

Plus Petition of 64 signatures

LETTERS OF SUPPORT

Gordon J McLeod	1 Argyll Street Lochgilphead Argyll PA31 8LZ
Heather Gorman	1 Burnside Isle Of Gigha Argyll
Andrew Lawton	1 Woodside Carradale Argyll
Mr J. Niall Bastow	10 Longrigg Clachan Tarbert PA29 6XP
Mr Jamie Johnstone	10 Longrigg Clachan Tarbert PA29 6XP
Monica Bolton	14 Denholm Mill Denholm Hawick TD9 8NX
Iain Seddon	15 Croft Park Tarbert Argyll PA29 6SZ
John Marley	2 Burnside Isle Of Gigha Argyll And Bute PA41 7AD
Mr Barry McNeill	21 Cara View Tayinloan Tarbert pa29 6xj
Mrs Frances McNeill	21 Cara View Tayinloan Tarbert pa29 6xj
Ms Stacy Martin	21 Smith Crescent Girvan KA26 0DU
Mr Steven Watson	28 King Brude Terrace Inverness IV3 8PT
Mr Steven Watson	28 King Brude Terrace Inverness IV3 8PT
Eleanor Sloan	32 Tormhor Carradale Campbeltown Argyll And Bute PA28 6SD
Eleanor Sloan	32 Tormhor Carradale PA28 6SD

Mr Craig Johnson	4 The Spinney Edinburgh Eh177ld
Mr Martin Perry	4 Portree IV51 9JZ
Occupier	42 Forbes Road Edinburgh EH10 4ED
Roxburgh McEwan Architects	42 Forbes Road Edinburgh EH10 4ED
Mr Russell Brown	8 Long Rigg Clachan By Tarbert PA29 6XP
Mr Thomas McGrory	85 The Roading Campbeltown PA28 6LU
John Ford	95 Main Street Golspie Sutherland KW10 6TG
Mull And Iona Community Trust	An Roth Community Enterprise Centre Craignure Isle Of Mull PA65 6AY
Chris And Sophie Browne	Anchor House Tayvallich PA31 8PN
Mr Tim Hedley	Ancruach Crinan PA31 8SW
Susan Allan	Bayview Isle Of Gigha Argyll PA41 7AD
Nicholas Clark	Business Development Manager Ore Valley Housing Association 114-116 Station Road Cardenden Fife KY5 0BW
Melness And Tongue Community Development Trust	C/o 32 Midmills Road Inverness IV2 3NY
Kingussie Community Dev Company	C/o Suilven Green Lane Kingussie PH21 1JU
Alness Transition Town Group	C/o West End Community Centre Firhill Alness IV17 0RS

John And Caroline McVean	Calag Ruadh Isle Of Gigha Argyll
Fiona McPhail	Carry Farm Tighnabruaich Argyll And Bute PA21 2AH
Nigel Burgess	Chair Of Sustainable Mull And Iona
William McSporran MBE	Chairman Gigha Renewable Energy Ltd Gigha Hotel Isle Of Gigha PA41 7AA
Alasdair McNeill	Chairman The Isle Of Gigha Heritage Trust Craft Workshop 1 Isle Of Gigha PA41 7AA
Mr D. S Bastow	Corran Farm Clachan Tarbert PA29 6XN
Mary Allan	Drumallan Isle Of Gigha Argyll And Bute PA41 7AD
Sarah MacDonald	Drumyeonmore Farm Isle Of Gigha Argyll And Bute PA41 7AA
Dr Rosalind Meldrum	Eriskay Whitehouse Tarbert Argyll And Bute PA29 6XR
Audrey Dickie And Stephen Dickie	Gigalum Cottage Isle Of Gigha PA41 7AD
Karen Beauchamp	Glenreasdale House Whitehouse Tarbert PA29 6XR
Kirsten A Scott	Islay House Garval Road Tarbert PA29 6TR
Donald Grant	Kingussie Community Dev. Company C/o Suilven Green Lane Kingussie PH21 1JU
Link Group	Link House 2C New Mart Road Edinbugh

	EH14 1RL
Dr Mandi Currie	Manager AliEnergy Lorn House Albany Street Oban PA34 4AR
Sybil Bertioli	Mid Lodge Stonefield Tarbert PA29 6YJ
Moray Finch	Mull And Iona Community Trust An Roth Community Enterprise Centre Craignure Isle Of Mull PA65 6AY
Ivan Carnegie	No Address Given
James MacNab	No Address Given
L McCrae	No Address Given
Paul Currie And Jackie Currie	North Ardminish Isle Of Gigha Argyll And Bute PA41 7AA
Owner/Occupier	North Drumachro Isle Of Gigha Argyll And Bute PA41 7AD
Lorne MacLeod	Orasaig Crannag A'Mhinisteir Oban PA34 4LU
Donald C Forsyth	Scott-Moncrieff Exchange Place 3 Semple Street Edinburgh EH3 8BL
Lawrence Robertson	Selkirk Regeneration Company Woodlands 46 Hillside Terrace Selkirk TD7 4ND
D A MacDonald	Site 13A Kilmory Industrial Estate Lochgilphead Argyll And Bute PA31 8RR
Robert McPhail	Sonamarg Lady Ileene Road Tarbert Argyll And Bute PA29 6TU
Mr Hugh Paterson	South Lodge Whitehouse By Tarbert

	PA29 6XR
Owner/Occupier	Taigh Aighearach Tayvallich By Lochgilphead PA31 8PW
Marine Munro	The Parc Trust Kershader South Lochs Isle Of Lewis HS2 9QA
North Harris Trust	Tigh An Urrais Tarbert Isle Of Harris HS3 3DB
Michael J.M. Adam	Treasurer St Ninians Old Parish Church 8 Glebe Crescent Stirling FK8 2JB