

**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**

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**Reference No:** 13/00004/PP

**Planning Hierarchy:** Local

**Applicant:** Mr John Stirling

**Proposal:** Erection of two 225KW wind turbines (47.02 metres to blade tip) and associated meter houses, formation of crane hardstandings and vehicular access.

**Site Address:** Land west of Newton Park, Toward, Dunoon, Argyll

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**SUPPLEMENTARY REPORT NO. 2**

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**(A) INTRODUCTION**

Members' attention is drawn to the report of handling dated 9<sup>th</sup> April 2013 that was considered at the PPSL Committee on 17<sup>th</sup> April 2013, where the Committee –

1. Requested that further information be sought by the Head of Planning and Regulatory Services in respect of the potential impact to protected species including otter, bats and bird species; and in respect of the potential impact to existing registered and unregistered private water supplies in the vicinity of the development site.
2. Agreed to hold a discretionary pre-determination hearing at the earliest opportunity after the information requested at 1 above has been obtained.

Members agreed to continue the application on that basis.

**(B) FURTHER INFORMATION**

**(i) Ecology Report**

The applicant's ecology consultants have been in discussion with Scottish Natural Heritage (SNH) regarding outstanding concerns and lack of site specific information on protected species including otter, bats and bird species.

A baseline survey was undertaken between May and July 2013 following a request from SNH for information on breeding birds within and adjacent to the site. The applicant's agents submitted the following documents as necessary supporting information on 5 August 2013:

- *Ecology and Ornithology Report for a proposed renewable energy development at Toward Taynuilt Farm : Appendix 1: Breeding Bird Surveys – Methods and Results by Machars Ecology Limited, dated 5 August 2013; and*
- *Ecology and Ornithology Report for a proposed renewable energy development at Toward Taynuilt Farm, by Machars Ecology dated 5 August 2013.*

The consultants consider that no potentially significant adverse impacts on habitats or species were identified. The report does however advise that the developer should adopt best practise methods during construction to remove or reduce the risk of harm to protected species and unnecessary impacts to habitats during the construction phase. Such mitigation measures include:

- *While neither otter nor badger were identified within the study area it is possible that undiscovered resting sites lie just beyond the search area. It is reasonable to assume that any such individuals may traverse the study area occasionally and as such deep excavations should either be covered at night to avoid animals (such as otter or badger) falling in or should be provided with a means of escape (typically a shallow ramp);*
- *Ground works and vegetation removal should be done outside of the bird nesting season, April-July, inclusive. Where work within the breeding season cannot be avoided, such works should be preceded by a nesting bird survey and if any nests are discovered, then works potentially affecting the nest site should be delayed until young have fledged and the nest is no longer in use. If any Schedule 1 species are recorded, an exclusion zone (distance to be agreed with SNH) should be implemented to prevent disturbance;*
- *To minimise the risk of collision for bats all potentially attractive features to bats would be buffered by a minimum distance of 50 m from the proposed turbine blade tip, as recommended by Natural England (Natural England (2009) Bats and single large turbines – Joint Agencies Interim Guidance. Natural England Technical Information Note TIN059). The turbines are in fact sited 90 m from the nearest woodland edge;*
- *Care should be taken to prevent run-off entering the watercourse (e.g. through the use of drainage control measures employed to prevent running off entering the working area, and siltation traps);*
- *All machinery should be thoroughly cleaned before arriving on site to prevent the spread of invasive plant species and inspected for the presence of fuel/oil leaks;*
- *Chemicals (such as fuel and engine oil) should be stored well away from watercourses and if possible, a spill tray should be used when filling up vehicles with oil or fuel to prevent pollution;*
- *Micro siting should be employed in order to avoid mature trees, sensitive root systems or areas of wet, marshier ground (incl. groundwater dependent terrestrial ecosystems) where impacts to aquatic habitats through pollution or sedimentation events are more likely;*
- *The working corridor should be kept to a minimum to avoid unnecessary impacts to habitats and vegetation communities;*

- *The detail of any watercourse crossing would need to be discussed with SEPA however the authors of this report recommend that any crossing employ a bottomless culvert design leaving the bed of the burn intact to protect the natural processes of the watercourse;*
- *Top soil would be excavated with the surface vegetation layer intact and stored locally. Sub-soil and rock would then be excavated and stored separately from the topsoil and vegetation; and*
- *Areas disturbed during construction of the scheme would be fully restored on completion of the works using the original rock and soil (top- and sub-soils) to aid re-establishment of the former habitat as much as possible.*

With specific regard to offsetting impacts upon groundwater dependent terrestrial ecosystems (GWDTE's), the following additional mitigation measures would be applied:

- *Where necessary, excavations associated with the access track and associated drainage would include clay plugs to prevent excavations acting as a water conduit where the footprint crosses through wet ground, springs or flushed areas;*
- *Excavations would be reinstated with the excavated material. Temporary stored soils would be placed so as to minimise the potential for erosion;*
- *During construction activities, surface water would be captured through a series of upslope cut off drains in order to prevent the ingress of run-off water from entering the working footprint. If dewatering of excavations is required pumped discharges would be passed through settlement ponds and silt fences to capture sediments before release to the surrounding land;*
- *The hydrological pathway for all the springs/flushes across the access track would be maintained through appropriate cross drainage;*
- *All SEPA and COSHH guidelines would be followed to avoid pollution occurring; and*
- *The construction method statement will include pollution prevention measures, including procedures in the event of a spill.*

SNH in their response dated 10 September 2013 offer no objection to the findings in the habitat and species reports. SNH confirm that they would have no concerns with regards those issues, providing that the development is carried out in a manner as cited in the supporting documentation.

On the basis of the above and mitigation measures advocated in the supporting information, it is considered that with appropriate safeguarding conditions, the proposed development would be consistent with the content of Policies STRAT DC 7 and STRAT RE 1 of the 'Argyll and Bute Structure Plan' 2002, and to Policies LP ENV 1, LP ENV 2, LP ENV 6 and LP REN 1 of the adopted 'Argyll and Bute Local Plan' (2009). Given the above, reason for refusal no. 2 as cited in the original report is no longer applicable and has been removed from the revised recommendation for refusal below.

**(ii) Impact on private water supplies.**

The applicant's consultant has been in discussion with the Council's Public Protection Service and an agreement has been reached in respect of potential impact on private water supplies in the vicinity. Mitigation measures have been suggested and agreed.

Should Members be minded to grant planning permission, then appropriate mitigation measures would need to be addressed via a suspensive planning condition(s).

**(iii) Landscape and Visual Impact**

In terms of Landscape and Visual Impact, SNH in their response dated 10 September 2013, comment that:

*"the proposal lies within the Landscape Wind Energy Capacity Study (March 2012) (LWECS) character type 1 "Steep Ridgeland and Mountains". This landscape is considered very sensitive to change. The size of the proposed turbines falls within the small (sic) typology (<50m). The LWECS states that wind turbines of this typology can be accommodated in this landscape character type as long as they have a backdrop and are of an appropriate colour. Our understanding is that the commercial tree plantation, which currently provides the backdrop, is due to be felled resulting in the turbines being on the skyline. This is likely to significantly increase the adverse landscape impacts".*

It should be noted that the proposed wind turbines (47 metres to blade tip) are actually classified as 'small/medium' typology wind turbines (i.e. 35-50m) within the LWECS, and not 'small' as described by SNH.

Members should also be aware that a significant amount of tree felling is currently taking place within the conifer plantations south of Buachailean and Innellan Hill. Clear-felling will leave these hillsides bare with no mature tree cover to act as a backdrop for the proposed wind turbines. The forestry workings have now reached the Toward Radio Mast and progressing in an easterly direction which will soon affect the mature conifers to the north of the wind turbine site.

Existing photomontages 02/02a, 03/03a, 04/04a, 05/05a, 06/06a all display images taken on 25 October 2012 relying heavily on the conifer woodland as a natural backdrop to mitigate the visual impact of the turbines. The Environmental Report also quotes, *"the turbines are mainly backgrounded by an undulating wooded skyline, rather in silhouette"* (p.24) and, *"opportunities include b. Commercial forestry on lower slopes which offer some screening from close views from roads and settlements"* (p.26). Neither of these statements will be accurate once the commercial forestry close to the site of the turbines has been clear-felled. Whilst the immediate views from the photomontage locations above will be the views most affected, some of the longer range views also rely on the existing forestry as a natural backdrop to soften the visual impact of the two large wind turbines on what will soon become a changed landscape.

Given the forestry operations in progress and resultant dramatic changes in the landscape (as can be seen around the Bishop's Glen west of Dunoon, Glen Kin, Glen Fyne and Garrowchorran Hill), the findings of the Environmental Report (specifically pages 34-71) are no longer considered to be valid and cannot be relied upon as dependable evidence to support the two wind turbines in this particular location.

The applicant's agent responded to the felling issues in a letter dated 14 June 2013 which concluded that *"impacts as presented and with future land-use changes in forestry removal do not present a change in significance rating of adverse effects to landscape or amenity in contravention of Local or National Planning Policy"*. A copy of this letter is attached.

The landscape and visual impact of the turbines in the locations proposed is still considered to be significant, which is why where the applicant's agents had previously been advised to consider siting the turbines lower down the hillside or to use smaller turbines. Unfortunately, these suggestions have not been taken on board. If approved, the development would result in two inappropriately scaled wind turbines on prominent locations that cannot be suitably backdropped with adverse visual impact to surrounding settlements and wider areas.

Members will be aware of two recent unsuccessful appeals in respect of individual turbines in North and West Kintyre both of which were considered by the respective Reporters to exert inappropriate influence over the coastal edge where more sensitive landscapes, transport routes, tourism assets and settlement tends to be concentrated in Argyll & Bute. This supports the stance taken in decision-making by the Council thus far that coast facing slopes overlooking smaller scale landscapes with an interplay with the sea do not lend themselves to turbine heights such as that proposed, due to visual prominence arising from sky-lining and due to height diminishing the apparent scale of the receiving environment to the detriment of landscape character.

**(iv) Further representations**

Two further e-mails of objection have been received.

Mr Graeme Murray, 18 Battery Place, Rothesay, (e-mail dated 17 April 2013); and Mrs. Gina O'Mailley, 6 Carolside Avenue, Clarkston, Glasgow (e-mail dated 17 April 2013). The comments are summarised below:

- Rothesay Bay should be regarded as a place of scenic beauty and should be no place for such unsightly structures;
- Visual pollution caused by the erection of this large wind turbine in a place of scenic beauty. Also, it is nothing more than an engineering folly only benefitting the land owner and developer to the cost of the taxpayer and consumer.

*Comment: The issues raised in both representations have broadly been raised by other objectors and addressed in the original report.*

**(v) Summary.**

Members are requested to note the contents of this supplementary report and in particular to the felling operations and the impact this will have on the proposed wind turbines and relevance and accuracy of the supporting documentation to date in a current assessment.

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**(C) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations it is recommended that the application be refused for the reason appended to this report.

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**Author of Report:** Brian Close

**Date:** 12 September 2013

**Reviewing Officer:** Richard Kerr

**Date:** 12 September 2013

**Angus Gilmour**  
**Head of Planning and Regulatory Services**

## REASONS FOR REFUSAL RELATIVE TO APPLICATION: 13/00004/PP

1. The proposed wind turbines, inclusive of the means of access required, are located on the southern slopes of Innellan Hill on the eastern side of the Cowal -Toward peninsula, within the 'Steep Ridgeland and Mountains' Landscape Character Type (ref '*Argyll & Bute Landscape Wind Energy Capacity Study* (LWECS) – Final Main Report and Appendix March 2012' - SNH/Argyll & Bute Council) and in very close proximity to the highly sensitive 'Rolling Farmland With Estates' Landscape Character Type.

The LWECS identifies that 'medium scale' typology turbines of between 35m and 50m will be difficult to assimilate in areas of smaller scale landform, with smaller scale patterns of land use, as they are likely to exert visual influence over wider landscape settings. It cautions against the introduction of larger scale turbines which could be seen on the skyline of the 'Steep Ridgeland and Mountains' LCT or against the most prominent coastal edge and promontories of this character type from the wider Firth of Clyde basin. The study concludes that the presence of larger scale turbines would adversely affect the strong sense of Cowal forming the threshold to the 'Highlands' and the point where the Glasgow conurbation is left, and that the present contrast of the landscapes of Cowal with the more developed Inverclyde and North Ayrshire coast could also be diminished. Turbines greater than 35m high would be likely to dominate the small scale and more diversely patterned settled valleys and coastal edges of this character type and the study considers that there is only potential for the smaller typologies, less challenging in scale, where there are may be opportunities to locate them on smoother lower hill slopes where they could benefit from a backdrop of rising ground.

At 47m in height to the blade tip and with rotor diameters of 29 metres, the proposed wind turbines would be wholly out of scale with their immediate and wider landscape context, where such large rotating structures would dominate the scale of the South Cowal hills which fall gradually towards the Firth of Clyde. The scale and motion of the proposed wind turbines would also impinge on adjacent small scale and settled landscapes and adversely affect the highly sensitive coastal edge including key coastal panoramas and views. The western side of the South Cowal peninsula 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 Firth of Clyde, where development on this scale would undermine these qualities to the detriment of landscape character contrary to Local Plan Policy LP REN 1 by virtue of visually dominating a currently undeveloped and prominent landscape. Approval of the proposal could establish a harmful precedent for such large wind turbines in a relatively small landscape setting, where smaller turbines already exist and 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 proposal by virtue of its scale, its elevated location in the landscape and the motion associated with a large diameter rotor will adversely alter the setting and views from adjacent small scale and settled areas including Toward, Toward Point, Port Bannatyne, Rothesay and Ascog. It will also impinge on views from many settlements along the A78 from Largs to Gourock and sea views including the main ferry crossing from Wemyss Bay to Rothesay by virtue of the turbines becoming an identifiable skyline feature on the prominent Cowal peninsula tip. The scale of the wind turbines proposed results in sky-lining from a number of key viewpoints (Photomontage nos. 02, 03, 05, 06, 07, 08, 14, 15, 18, 20) that cannot be mitigated against by surrounding topography or plantation forestry. Other viewpoints rely on the presence of existing plantation woodland to provide a suitable backdrop to avoid sky-lining but this woodland is scheduled for felling thereby increasing the sky-lining effect further.

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 Firth of Clyde coastline and 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, STRAT DC 6: Development in Very Sensitive Countryside; Policy STRAT DC 8: Landscape & Development Control; STRAT DC 9: Historic Environment & Development; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2002), to Policy LP ENV 1: Development Impact on the General Environment; LP ENV6 Development Impact on Habitats and Species; LP ENV 10: Development Impact on Areas of Panoramic Quality; Policy LP ENV 11 Development Impact on Historic Gardens and Landscapes; LP ENV 13(a) Development Impact on Listed Buildings; LP ENV16 Development Impact on Scheduled Ancient Monuments; LP ENV 19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles); LP REN 1 Wind Farms and Wind Turbines; of the 'Argyll & Bute Local Plan' (2009) and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.