

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: 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

Supplementary Report No. 1

(A) FURTHER INFORMATION

(i) Ecology Report

An Ecology Appraisal, dated October 2012, recently submitted by the applicant's agent concludes that "due to the site's minimal footprint on what is classified as improved and semi improved grassland, which is an abundant habitat type in the area, there will not be a significant impact on the habitat present."

It appears that the agent had intended to submit this report when the application was submitted but the department had no record of its receipt. Scottish Natural Heritage has now been provided with a copy of the Appraisal. If SNH concurs with the report's conclusions, reason 2 for refusing this application would no longer be appropriate. Any update will be reported verbally.

(ii) Further representations

One letter (by e-mail dated 15 April 2013) and further e-mail (dated 16 April 2013) of support have been received from Councillor Dick Walsh. The letter and subsequent e-mail are attached for reference.

One letter of objection has been received from Mr J. Thomas, Balmory Hall, Ascog, Isle of Bute (letter dated 11 April 2013). A copy is attached for reference.

Comment: The issues raised in both representations have broadly been raised by other contributors and addressed in the assessment. It should be clarified that the present application only includes a minor resiting of the turbines compared with the previously withdrawn application, contrary to advice from your officers. Furthermore, to ensure consistency of assessment

across Argyll and Bute, applications are assessed against the Argyll & Bute Landscape Wind Energy Capacity Study which advises on appropriate scales of turbine for different landscape types. Additionally, a protocol has recently been introduced for any wind turbine application to be reviewed by officers with experience across the whole of the Council area. The recommendation on this application is entirely consistent with those assessments.

(B) RECOMMENDATION:

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

Author of Report: Brian Close

Date: 16th April 2013

Reviewing Officer: David Eaglesham

Date: 16th April 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.

2. Insufficient ecological and biodiversity information has been submitted in respect of potential impacts to protected species including otter, bats and bird species. Notwithstanding the general nature of the ecological mitigation proposed, the Environmental Report is considered to lack site-specific survey information for otters, bats and birds. It is therefore considered that the methodology, findings and conclusions in the Ecology section of the Environmental Report are of a general nature only and cannot be relied upon in terms of a reliable assessment of potential impacts of this development upon protected species.

The proposal is therefore considered to be contrary to 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).

3. No information on existing private water supply has been submitted in respect of potential impacts to existing registered (and un-registered) private water supplies in the vicinity of the development site. The Environmental Report is considered to lack appropriate information on existing private water supplies any mitigation measures to protect these supplies during construction and decommissioning. It does not therefore enable a reliable assessment of potential impacts of this development upon existing water supplies.

The proposal is therefore considered to be contrary to Policy STRAT RE 1 of the Argyll and Bute Structure Plan 2002, and to Policies LP ENV 1, LP REN 1 and LP SERV 4 of the adopted Argyll and Bute Local Plan (2009).

To all Members of PPSL Committee

Dear Colleague,

Planning Application ref no 13/00004 – Mr John Stirling – Application for the erection of two 225W Wind Turbines and associated meter houses, formation of crane hardstandings and vehicular access.

I wish to represent as one of the local elected members for the Ward 7 area in Cowal in support for the approval in principle of this application with further discussions following the supply of further information on any habitat detriment , water quality impacts and a site inspection to satisfy the misplaced concerns of our planning officers.

Members should note following reading the planning report that there would appear to be no issue in principle with the land in question accommodating wind turbines but with the issue as seen by planners with the size of the turbines proposed. Further that with this difference in height is the main factor with the assessment that the proposed development would have an adverse landscape impact and in consequence be inconsistent with the provisions in the Development Plan. I would not concur with this advised view.

In doing so I have had regard to the location and nature of the proposed development, the extent of representations and the economic impact from the development proposed. As previously mentioned I do not concur with the assessment and the advised impact on the local landscape and feel that this is overstated/exaggerated leading to the conclusion with recommendation that what is proposed is inconsistent with the Development Plan policies and their intent.

No proper regard has been given within the recommendations to the current features of local landscape and its adjoining impacts or to the suggestion of locating the wind turbines lower down the slope together with colour alterations to blend in with that landscape change and local benefit.

I fully subscribe to the view that the development as proposed due to its massing and scale will not have an adverse environmental or detrimental impact on the local landscape quality, the Toward valleys or Clyde Coastal edge. Further that with the siting of the turbines further down the hill area to a less elevated location will significantly mitigate any perceived impact. The height of the proposed turbines fits with the height of existing telecommunication towers located nearby and follows the guidance in the Argyll and Bute Landscape Wind Energy Capacity Study . As stated the painting of the turbines with an appropriate colour that would blend fully with the altered hill location would mitigate further any perceived detriment.

Having regard to the above , to what the development proposes and to the local landscape character I consider that rather than be in conflict with the Development Plan policies what is proposed is consistent with the policies and their intent.

The design of the turbines and the ancillary structures follows current wind energy practice and with the exception of the height of the turbines it is understood that the design and location of the ancillary buildings is acceptable and sympathetic to the receiving landscape. Members should note that from the detail in the report our planners appear to have an issue with turbine heights beyond 35metres and if this application is refused are we creating a precedent for turbines beyond 35metres and how will this fit with future development and current wind energy requirements and practice.

Because of the scale of the proposal and the location there was no requirement for an Environmental impact assessment so visual impacts, land quality impact ,noise, wind flicker are not seen as issues likely to following the approval of the development.

Photomontage detail has been supplied together with a Planning Statement. From the supplied detail members will be able to assess the consistency with this proposal and previous approvals and their impact on the landscape and with the amended colouring significantly improving any perceived impact.

There would appear to be no adverse infrastructural or site servicing implications or with any impacts with scheduled ancient monuments located nearby within the study area. Further no adverse impacts with noise, aviation or road traffic with the development proposals.

The Rural Policy Centre recently identified Dunoon and Cowal as being one of the poorest performing areas of Scotland. Agriculture has been one area of economic activity to be impacted on in particular in Toward with the demise of dairy farming. Many of the farms in Toward in recent years despite activities with diversification has seen a decline with employment leading to a factor with reductions in the local population, reductions in families with children and a focus on the local schools due to under occupancy.

With the approval of this development I believe will assist with local community benefit and the sustainability of many local and voluntary services through financial support. I would suggest to members that in considering all the policies and their balancing the weight should be given to promoting activity, accepting this development in principle and then tidying up the outstanding issues that will satisfy the planners concerns around water quality impact and habitat.

In terms of the land use strategy for Scotland “ Getting the best from our land” document published in 2011 and the principles of the translation of strategies and policies into decision making to ensure that we get the best use of our land I concur with the view that

land use decisions should be informed by an understanding of the opportunities and that land should continue to contribute to delivering climate change adaptation and mitigation.

Where land ceases to fulfil a useful function because it is derelict or vacant, this represents a significant loss of economic potential and amenity for the communities concerned. Our priority therefore should be to examine all the options for the utilisation of such land to economically, socially or environmentally productive uses.

This proposal is consistent with many of our Development Plan policies, with our Economic Development Plan (EDAP) with our Renewable Energy Action Plan (REAP) and therefore should on balance be supported.

I remain convinced that the adverse implications of the proposed development are overstated in the report before members. Whatever we do in Argyll and Bute /Scotland has the potential to impact on our landscape in particular the coastal fringe areas but that should not mean that we stifle development. Dunoon and Cowal in particular is crying out for activity. The balancing will be with what is positive. This development will generate significant locally community benefit much needed at this time.

My request therefore is to accept the principle of this site being developed as proposed, that a site inspection be held and that in the interim discussions progress on the outstanding issues mentioned in the report by our planners.

Yours sincerely

Dick Walsh

From: Walsh, Dick
Sent: 16 April 2013 10:46
To: Gilmour, Angus
Cc: Reppke, Charles
Subject: RE: PPSL Meeting - Wednesday 17th April 2013

Thank you Angus,

I have noted what you say. I understand from my reading of the report (see page 125 iv under supporting information also page 134) and the planning statement on impacts that the location of the turbines had already been moved within the proposal lower down the ridge from the original proposal to mitigate any impact. That is what I was referring to and not promoting an entirely different proposal .Have I read this incorrectly or am I incorrect with this.

With my representations I am at ease with what the developer proposes for this part of Toward and the scenic coast and not wishing to promote something that is entirely different and that will require a fresh application.

The one issue that I have picked up and appears to be the concern of the author of the planning report is with the height (the blade tip differential) of the two turbines, the suggestion of built clutter and the interpretation that this will have an adverse impact on the landscape and consequently be at odds with a number of Development plan policies. I do not concur with the policy interpretation. I also noted that generally our Planners had a discomfort with any of these types of developments that promoted turbines that were of a height around 35m – 50m from base to blade tip. I would suggest if I am correct in my reading and interpretation then this pre-determined position has the potential to be at odds/inconsistent with many local and national policies and their intent and purpose for this type of development, calls into question the assessment of the application and interpretation of policy, be discriminatory towards turbine developments with a height greater than 35m and potentially be ultra-vires. I also feel that there has been insufficient regard in the assessment paid to the environmental Report supplied by the applicant when considering the overall impact/benefits of the proposal to the Toward/Clyde community/environment. I concur with the view “that the height fits with the existing telecommunication towers in terms of their scale and follows the guidance in the Argyll and Bute Landscape Wind Energy Capacity Study. The approach to turbine height should not be a blinkered view to the interpretation of massing and scale and thereafter the interpretation of planning policy. With the balancing considerations a cohesive approach is required that recognises wind energy developments our EDAP, REAP and the social/economic requirements of our communities. I noted in the report (page 138 cumulative impact)a reference to an application of a similar type (identical turbine) that has been lodged for a site in another part of Toward and in the process of being assessed but as yet not determined. Are we therefore saying that in order to secure the same social/economic impact that a larger number of smaller turbines would have less of an impact on the landscape or are we saying that in certain areas we just will not accept wind turbines 35m-50m in height. If this is the case then our guidance requires to change.

For the avoidance of any doubt what I am recommending be considered is that Members agree a site meeting/investigation to satisfy the position that I am promoting in terms of landscape impact, that they accept what is proposed in principle and that further due to the issues raised by the author despite no comments/concerns from SNH or Public Protection in the report related to any perceived impacts on water quality and habitat and the need for further detail on this that discussions be progressed on this with the applicant/agents and that this be presented at either the site investigation meeting or at the next meeting to finalise any required condition.

I find the concerns expressed within the report by our colleagues from Inverclyde and North Ayrshire somewhat ironic/inconsistent with current planning practice when you consider their complete disregard for our view or the panoramic quality (skylines/ridgelines) following their consistent determinations of planning developments along the Clyde Coastal route. Cowal and in particular South Cowal urgently needs social and economic activity to generate some hope for our area rather than the current despair. There are no local objections (1) to what is proposed with this development illustrating our need for sympathetic development of local benefit.

I hope this assist you with clarity and your supplementary report to members. Apologies for the length of reply.

Best regards

Dick