

Appeal Decision Notice

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Decision by Richard Hickman, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-130-2032
- Site address: Ascog Farm, Isle of Bute PA20 9LL
- Appeal by Mr Adrian Tear against the decision by Argyll and Bute Council
- Application for planning permission 12/02202/PP dated 10 October 2012 refused by notice dated 23 May 2013
- The development proposed: Erection of 3 wind turbines and ancillary development
- Date of site visit by Reporter: 15 October 2013

Date of appeal decision: 4 December 2013

Decision

I dismiss the appeal and refuse planning permission.

Description and background

1. The 3 proposed turbines would form an alignment extending southwards from the summit of the Hill of Ascog, approximately one kilometre southeast of the outskirts of Rothesay. The hill rises steeply westwards from the coast to a height of just over 100m, and is mainly in agricultural use. The turbines would be 74m high to blade tip, with access provided by a new track rising across the farmland from the south.
2. The extensive reasons for refusal given by the council are, in summary, that the proposed turbines would be wholly out of scale in their immediate and wider landscape context, dominating the scale of this part of Bute. The development would impinge on adjacent small scale and settled landscapes, and adversely affect a highly sensitive coastal edge and coastal skylines, all to the detriment of landscape character. There would be further adverse effects on the adjacent Area of Panoramic Quality. The council contends that the development would therefore be inconsistent with the provisions of Scottish Planning Policy and the Scottish Government's specific advice sheet on onshore wind farms; and with policies STRAT SI 1 (Sustainable Development), STRAT DC 4 (Development in Rural Opportunity Areas), STRAT DC 5 (Development in Sensitive Countryside), STRAT DC 8 (Landscape and Development Control), and STRAT RE 1 (Wind Farm/Wind Turbine Development) of the Argyll and Bute Structure Plan (2002); and with policies LP ENV 1 (Development Impact on the General Environment), LP ENV 10



(Development Impact on Areas of Panoramic Quality), LP ENV 19 (Development Setting, Layout and Design); and LP REN 1 (Wind Farms and Wind Turbines) of the Argyll and Bute Local Plan (2009); and with the Argyll and Bute Landscape Wind Energy Capacity Study (March 2012). These various adverse effects would not be sufficiently offset by the benefits of renewable energy generation of the proposed turbines.

3. The consultations on the application resulted in no substantive objections on technical grounds from National Air Traffic Services, the Ministry of Defence, Trunk Road and Bus Operations, the Coal Authority, and the council's environmental health service and road engineers, although conditions would be required to safeguard some matters. The Royal Society for the Protection of Birds and Historic Scotland had no objections. Scottish Natural Heritage consider that the proposed development would not be appropriate in this sensitive location, due to the overall scale of the turbines and their siting; and the Bute Community Council objects to the application in its current form.

4. Advertisement of the application resulted in around 70 expressions of support and around 490 representations objecting to the proposal.

5. Support for the proposal is based on the benefits of renewable energy production for a significant number of homes on the island; offsetting carbon dioxide emissions; making Bute less vulnerable to the disruption of the electricity supply from the mainland; economic benefit to the local economy and community; and generally signalling that Bute is forward looking and recognises the importance of renewable energy generation, without having an adverse effect on the character of the island.

6. Most of the objections to the proposal are based on concerns about the visual impact of the turbines, and (in many instances) the consequential deterrent effect on attracting tourist visits to the island. There are also various other concerns, including the potential adverse effects on the setting of various buildings listed as being of architectural or historic interest; the residential amenity of houses in the vicinity of the turbines, due to noise, air quality, vibration and health matters; wildlife; property values; television reception; and the enjoyment and income of the Rothesay Golf Club. Objectors also question the economics and efficiency of generating power from wind turbines.

7. Section 25 of the planning act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Thus the determining issues in this appeal are whether the proposal would be likely to result in the breaches of planning policy specified by the council in the reasons for refusal, or for other relevant reasons raised by those objecting to the proposal; and if so, whether the renewable generation and other benefits of the proposal, or other material considerations would justify approval of the application.

8. The most relevant provisions of the development plan policies cited by the council in the reasons for refusal are :

Argyll and Bute Structure Plan (2002)

STRAT SI 1 (Sustainable Development) : (h) to avoid significant adverse impacts on naturalheritage resources (i) to respect the landscape character of an area and the setting of settlements.

STRAT DC 4 (Development in Rural Opportunity Areas) : (C) In special cases, medium or large scale development may be supported if a capacity evaluation demonstrates that it will integrate sympathetically with the landscape, and will yield significant benefits or has a locational need.

STRAT DC 5 (Development in Sensitive Countryside) : as for STRAT DC 4.

STRAT DC 8 (Landscape and Development Control): (A) Development which damages or undermines key environmental features of a visually contained or wider landscape or coastscape shall be treated as non-sustainable and contrary to this policy. Important and vulnerable landscapes include landward and coastal areas with panoramic quality.

STRAT RE 1 (Wind Farm/Wind Turbine Development): Wind farm development is encouraged where it is consistent with policies STRAT DC 7, 8 and 9, and will be supported where there is no significant adverse effect on local communities landscape character and visual amenity. STRAT DC 7 covers nature conservation interests. STRAT DC 8 is covered above. STRAT DC 9 covers the historic environment.

Argyll and Bute Local Plan (2009);

LP ENV 1 (Development Impact on the General Environment) : The council will resist development proposals which, in terms of form, location and scale, do not take account of (A) structure plan policies STRAT DC 1 to 6; (B) Likely impacts ... on amenity ... and the environment as a whole; (C) Protect the established character and local distinctiveness of the landscape; and (D) Areas of Panoramic Quality.

LP ENV 10 (Development Impact on Areas of Panoramic Quality) : Development in or adjacent to an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse effect on the character of the landscape unless these effects are clearly outweighed by benefits of national or regional importance.

LP ENV 19 (Development Setting, Layout and Design): Development shall be sited and positioned to pay regard to the context of the location, and to effectively integrate with the countryside setting.

LP REN 1 (Wind Farms and Wind Turbines) : Wind farm developments will be supported where there will not be an unacceptable impact Issues oflandscape ... character scenic quality and visual amenityand important tourist facilities ... or routes must be satisfactorily addressed.

9. The appeal site is located within a designated Area of Panoramic Quality which embraces all of Bute and the mainland abutting the Kyles of Bute and Loch Striven, outwith the small National Scenic Area at the north end of Bute.

Reasoning

Landscape Impact

10. Although the reasons for refusal embrace several inter-related policies of the structure plan and local plan, the council's refusal of planning permission is based

essentially on concerns about the visual impact of the proposal, and this a recurring theme in the letters of representation from those opposed to the development.

11 The developer has supplied extensive documentation to provide an assessment of the landscape and visual impact of the proposal, including :

- Mapping of the theoretical zone of visibility (ZTV) of the turbines, based on ground topography and taking account of the earth's curvature, but without the benefit of any screening effects of vegetation and buildings.
- Wireframe and photographic images to show the appearance of the proposal from various viewpoints.
- Similar mapping and imagery to show the cumulative implications of the proposal together with existing and other approved wind energy developments.
- A detailed explanation of the methodology and assessment of the results, contained in chapter 7 of the Environmental Statement. This includes assessments of the visual impact from various viewpoints, including road and ferry routes, recreational routes and tourist destinations, and settlements and residential properties.
- A response to comments made by the council.

12. The summary of the results of the landscape and visual assessment (pages 202-204 of the statement) concludes that there would be significant effects in views from the following locations :

- The area extending to about 2kms distance from the site, taking in viewpoints 1 (Common Hill - also known as Canada Hill – to the northeast of Rothesay golf course) and 2 (Rothesay);
- Parts of core path C252c, Rothesay Golf Course, and the route of the West Island Way as it passes Loch Ascog and crosses the B881;
- Short sections of the A844, B881, B878, and part of the Wemyss Bay to Rothesay ferry route when passing close to the site.

13. In addition, the summary states that there would be limited localised significant effects on views from the following locations :

- Within Rothesay around Ballochgoy (viewpoint 3), Roseland caravan site and Hillhouse Road, where there are open views towards the site.
- Views from a further 8 residential properties would also be significantly affected.
- Limited significant visual effects may also occur at a distance of between 2 and 3 km from the turbines to the south and southwest in the vicinity of Loch Ascog and the West Island Way.
- There could also be some limited significant effects when viewed from recreational sailing craft and kayaks on the Firth of Clyde within approximately 3kms of the project.

14. No significant cumulative visual effects would be expected as the proposed site is isolated from other windfarms, the nearest being at the Kelburn Estate on the mainland, approximately 15kms away.

15. The appellant has responded to landscape concerns expressed by Scottish Natural Heritage and Argyll and Bute Council, including the following points :

- The developer disagrees that the location of the application site within an Area of Panoramic Quality is a valid reason for refusal. Many wind farms have been approved within locally designated landscapes.
- The scale and number of turbines is considered to be appropriate within the particular landscape character of the area, which has been assessed as of medium sensitivity.
- The level of overall effect on the landscape is considered to be slight/negligible, and not significant, although it would be very high/high within the immediate vicinity (approximately 800m radius).
- The hilly landform in the vicinity will reduce the impact of the turbines, as they would be screened from many viewpoints.
- There would be only a slight effect on the Kyles of Bute National Scenic Area (viewpoint 7) as it is 9kms away from the nearest turbine and the turbines would be visible from only about 10% of the designated scenic area.
- The developer acknowledges that the site is of some visual prominence in some views, for example in views from the Weymss Bay ferry. There is a precedent for this at Stornoway where there is a far larger and more prominent wind farm.
- The turbines are considered to be in keeping with the scale of the location, taking account of the higher hill (Canada Hill) a short distance to the north and the much higher hills on Arran, to the southwest.
- The SNH approach (that turbines should not exceed one third of the height of the hills where they are located) is disputed, and would preclude any turbines in flat landscapes.
- The ferry viewpoint is the only location where the full scale of the hill and the turbines can be seen together. The magnitude of change in the views from the ferry is assessed to be low, and the overall effect of the turbines as moderate to slight.

16. The main visual matters of concern to the council are summarised in the extensive reasons given for refusal (see paragraph 2 above). The main points are :

- The site is within 2kms of Rothesay in a sensitive and highly valued landscape type designated as an Area of Panoramic Quality.
- This is a prominent coastal location visible from ferry traffic and recreational boats, and from local roads.
- This is a relatively low-lying landscape of small hedged pastures and wooded policies, having a high sensitivity to turbines of this height, which would dominate this part of Bute.
- There is a scale disparity between the height of the turbines (74m) and the hill (summit 104m).
- The turbines would be seen in a stacked alignment from viewpoint 1 (Common Hill), and would be highly prominent when viewed from the neighbouring golf course.
- The turbines would overwhelm the distinctive skyline of Bute seen from viewpoints 3 (Rothesay) 8 (Knock Castle) and 10 (Weymss Bay ferry route).
- The turbines would be seen from a very wide area, from where other windfarms would also be visible.

17. Many of the letters of representation raise general objections to the proposal on landscape grounds. There are also individual concerns about the impact on views from specific properties and locations. Scottish Natural Heritage considers that the proposal would be inappropriate at this sensitive location.

18. I have considered the extensive landscape assessment documentation lodged in support of the application and appeal, including the ZTV mapping and viewpoint imagery; the submissions relating to visual intrusion made by the council and those opposing the proposal; and I have viewed the site from the ferry route, several of the identified viewpoints, and various places on the local road system.

19. Although there is some criticism of the choice of viewpoints for the visualisations, I am satisfied that they provide a good overall impression of the probable appearance of the proposal, in conjunction with site visits to confirm the validity of the results.

20. I agree with the council and those opposing the development that the area to the south of Rothesay offers a very attractive and varied landscape, combining interesting topography in a coastal setting with small scale fields and woodland. I can understand why this area has been included in the designated Area of Panoramic Quality.

21. For those approaching Bute on the ferry from Wemyss Bay, the viewpoint analysis supplied in support of the application concludes that the level of effect of the 3 turbines would be *moderate* for viewpoint 10, when the ferry is a short way out from Weymss Bay and 9.2kms from the turbine location. A subsequent further assessment requested by the council, for a location about half way along the ferry route (viewpoint 24) at a distance of 4.6km from the turbines, shows the turbines as a noticeable feature on the skyline of the ridge, but concludes that the level of effect would be *moderate to slight* (sic!).

22. As the ferry approaches Bute, the Ascog and Common (or Canada) Hills merge together to form the southern setting of Rothesay. The ZTV mapping shows that the turbines would continue to be at least partially visible as the ferry approaches Bogany Point, approximately 3kms from the turbines, before passing along the coast to enter the harbour area. The ferry route thus offers close views of the appeal site.

23. I agree with the council and others that the 3 turbines on the crest of the ridge of Ascog Hill would be a very prominent feature in this sequence of continually closer views. I also agree that the turbines would be out of scale with this topography, as the height of the turbines would dominate the height of the ridge until the ferry is on the final approach, where the shoulder of Canada Hill would provide screening. I do not accept the argument that Canada Hill, being some 30m higher than Ascog Hill, and the presence of the high hills of Arran some 15 miles to the southwest, nor views of turbines from the Stornoway ferry, would somehow allow the local landscape to absorb the scale of the turbines when viewed from much of the ferry route.

24. Turning to views in and around Rothesay, perhaps the most important is viewpoint 1, on the southern flank of the summit of Canada Hill. This locale is readily accessible on foot from the town centre, offering excellent views, and is marked as a recommended viewpoint

on the 1:50,000 OS map. It is evidently a popular destination, being mentioned regularly in the letters of representation. It is also at the highest point of the Rothesay Golf Course. From here, the turbines would be fully visible to the south, at approximately the same height and almost in alignment, with the nearest turbine at a distance of about 800m. The significant effect on this view is very evident in the imagery supplied for viewpoint 1, and the assessment provided by the applicant concludes that the level of effect from here would be *substantial to moderate/substantial*. I agree that the turbines would be a very prominent, discordant and unwelcome feature within what is at present a very impressive panorama of coast and countryside. I also note that the golf club considers that the turbines would be unwelcome to golfers, and could deter the use of the course by paying visitors. For all these reasons, I conclude that the proposal would form an unacceptable intrusion at this important viewpoint, and would undermine the character of the Area of Panoramic Quality.

25. The town centre of Rothesay is largely located within a north-south valley, with the ridge running southwest from Canada Hill obscuring views towards Ascog Hill. The ZTV mapping confirms that even the tips of the blades would not be seen from this area, nor from most of the ribbon of seaside development that extends from Ascog northwards round Bogany Point and into the town centre. However the turbines would be visible from much of the western part of Rothesay as it rises up the slope at Ballochgoy, at a distance of 2 to 3 kms. Viewpoint 3 represents this area, with the 3 turbines partially visible above the intervening ridge, obscured to some extent by woodland on the skyline. The assessment of this effect is described as *moderate/substantial to moderate*. I agree that the partial visibility of the turbines from this residential area would probably be unwelcome to some residents, although unlikely to have a significant effect on residential amenity due to the distance and partial screening of the turbines.

26. The ZVI mapping shows that the proposal would be visible from some of the country roads in the area, although not from the coast road linking Rothesay and Ascog. At the request of the council, the applicant supplied additional visual impact assessments for views from adjacent to Braeside, on the minor public road that traverses the southern flank of Ascog Hill (viewpoint 22, 400m from the turbines); and from between Lochend and Crossbeg on the B811, a more important road running south from Rothesay to serve the southwest of the island (viewpoint 23) at a distance of 1.3km from the turbines. The level of visual effect recorded in the assessment for these views are respectively *moderate substantial to substantial* and *moderate to moderate/substantial*. I agree with these assessments, especially that for B811 which at this location itself runs along the crest of a parallel ridge, giving prolonged and obvious views of the 3 turbines which would form a conspicuous line on the crest of the nearby ridge to the east.

27. The ZVI mapping shows that there would be very limited visibility of the turbines from the vicinity of the north end of Bute, where the Kyles of Bute national scenic area would be largely unaffected.

28. Another potentially important viewing location is the approach and surrounding policies of Mount Stuart House, an exceptional historic building and designed landscape, and an important visitor destination. The ZTV mapping indicates that the turbines would be partially visible above the ridge from the Mount Stuart area. However there is extensive

woodland and hedgerow vegetation on the approach to and in the vicinity of Mount Stuart which would considerably restrict views of the turbines, especially from within the heavily wooded estate policies. Viewpoint 2, at the entry to the estate, shows no view of the turbines due to intervening trees. The turbines may be partially visible from some more open locations. Historic Scotland is content that the turbines would not be visible in the vistas forming elements of the designed landscape, and would be largely screened by woodland elsewhere in the core area of the estate. Consequently Historic Scotland concludes that the impact on the house and designed landscape would not be significant. I agree with this conclusion.

29. I note that views from various other publicly accessible viewpoints have been the subject of assessment and/or individual representations. For example, the turbines would be readily visible from the Roseland Caravan Park.

30. I am satisfied that the combination of adverse landscape effects that would result from the proposed turbines at the viewing locations discussed in the preceding paragraphs 21-26 would amount to an unacceptable intrusion in the countryside setting of Rothesay, views for those approaching on the ferry, and in the Area of Panoramic Quality. I agree with SNH that the proposal would be inappropriate at this sensitive location. Thus I agree with the council and others that the proposal would be contrary to the objectives of structure plan policies STRAT SI 1(i); STRAT DC 8 (A); and STRAT RE 1; and local plan policies LP ENV 1D (A, C and D); LP ENV 10; LP ENV 19 and LP REN 1.

Residential amenity

31. The council's reasons for refusal do not include any specified concerns about residential amenity. However there are representations from the owners/occupiers of various individual properties who are concerned about the potential effects of the turbines on residential amenity. The environmental statement (pages 153 – 169) contains an assessment of the potential impact of the proposal on around 35 properties within 2 kms of the site. The assessment concludes that there would be significant effects on views and visual amenity at 8 properties within one kilometre of the site from which the development would be visible. The turbines would not be visible from other properties within this radius. The assessment states that there would be no significant effects on views from other properties further afield, from where the turbines would (if visible) appear as a distant feature.

32. For the 8 properties where significant visual effects are predicted, the magnitude of change and the level of effects are described as follows :

	Magnitude of change	Level of effect
Ascog Farm	Very high	substantial (significant)
High Bogany	High	substantial (significant)
Braeside	High	substantial (significant)
Beech Park	Medium	moderate/substantial (significant)

Duneastein	High	substantial (significant)
Property 11	Medium	moderate/substantial (significant)
Whin Cottage	Medium	moderate/substantial (significant)
Windyhall	High	moderate/substantial (significant)

33. In the context of these findings, the assessment concludes (pages 152-153) that none of these properties would be significantly affected in terms of their overall visual amenity due to overshadowing, visual domination or oppressiveness. It is contended that there would be no effect on living standards such that the property would become an unattractive place to live when judged objectively.

34. The criteria used in the assessment summarised in the preceding paragraph set a stringent standard for what would be an unacceptable effect on residential visual amenity, based on objective judgements. However it is likely that the residents of these properties will not assess the change in outlook objectively, but in the context the existing outlook to which they are accustomed.

35. I agree that the outlook from these houses would be unlikely to be so severely affected that they would become very unpleasant. However given the high magnitude of change, and the substantial and significant visual effects that are predicted at some of these properties, with clear views of the turbines from within a kilometre in several cases, I consider that the effects on the outlook would lower the amenity of the properties, and be unwelcome to at least some of the residents. (I note representations against the proposal from occupiers of two of these properties, but that occupiers at Ascog Farm support the proposal.)

Noise, shadow flicker and other matters

36. Noise, shadow flicker, and various other matters (including television reception, aviation safety, and site access) are addressed in the environmental statement. and have been considered in detail by the council's technical staff. The council staff are satisfied that any potential problems arising from these matters can be satisfactorily addressed by means of safeguarding conditions, including noise monitoring arrangements. I accept that none of these matters are likely to present insuperable problems.

Benefits of the proposal

37. I have concluded at paragraph 30 above that the proposal would be contrary to the development plan policies that seek to ensure that new developments fit satisfactorily into their landscape setting and do not detract from the landscape quality of the locality.

38. Structure plan policy STRAT RE 1 and local plan policy LP REN 1 give support in principle to wind farm and wind turbine development (subject to specified safeguarding concerns), as does Scottish Government national policy, in order to combat the effects of climate change.

39. The supporting information for the proposal states that the following benefits would be expected to result from the development :

- Expenditure inputs to the local economy during construction.
- Direct financial benefit to the landowner and diversification of Ascog Farm.
- A contribution of £10,000/installed MW year to the applicant's local partner (Fyne Futures) during the lifespan of the project (20 years) to be used for the benefit of those living on Bute.
- An installed capacity of 2.7MW, corresponding to the requirements of 2,133 homes.
- A contribution to reducing carbon dioxide emissions from Bute, estimated to be a reduction of 3,610 tonnes out of total emissions (2007) of 51,254 tonnes (about 7%) from all sources on Bute, of which 20,645 tonnes was from domestic sources.
- Further reduction of emissions through better insulation and other initiatives paid for by the community fund.
- Using the additional income to the farm to finance a number of exciting and diverse opportunities for local improvements.

40. In addition to the benefits listed above, those supporting the development envisage further benefits, as summarised in paragraph 5 above. These include reducing the island's dependency on a vulnerable electricity link from the mainland, which was disrupted for two days following a storm early in 2012.

41. The environmental statement states that data from various studies has shown no observable widespread negative effect on property values in the vicinity of windfarms, although the possibility that a small number of homes might be affected cannot be ruled out.

42. Some of those making representations in opposition to the proposal are concerned about the potential negative effect on tourism if visitors are deterred by the presence of the turbines, although some of the project's supporters contend that the turbines will not put them off from making further visits to the island. The first paragraph of section 13.4.6 of the environmental statement states that the impact of wind farms on tourism is not clear cut.

43. I accept that the proposal would result in a range of climate change, financial and community benefits, as indicated in paragraph 39 above, which would support the efforts to provide more energy from renewable sources, as well as making Bute less vulnerable to disruption of the electricity supply . I have also concluded that the proposal would result in an undesirable landscape intrusion, contrary to some of the development plan policies. Thus an assessment has to be made as to where the balance of advantage/disadvantage lies, as so often happens in making planning determinations.

44. I note that paragraph 187 of SPP gives some guidance on how this balance is to be struck in relation to wind farms. I consider that policy guidance to be applicable to the present case. It states that wind farms should be supported where they can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed, taking account of (among other things) landscape and visual impact; the contribution to renewable energy targets; effect on recreation interests; and the benefits and disbenefits for

communities. It also states that the design and location of any wind farm development should reflect the scale and character of the landscape; and that the location of turbines should be considered carefully to ensure that landscape and visual impact is minimised.

45. I consider that some of the criteria specified in paragraph 187 would not be met in this case as the issues of landscape and visual impact have not been satisfactorily addressed and the design and location of the proposed cluster of turbines does not ensure that landscape and visual impact is minimised. Although there would be some community benefits (in terms of the proposed improvement fund and a more reliable electricity supply) it is evident from the very large number of representations against the proposal sent from Bute addresses that there is a great deal of local opposition to this proposal, including from the community council. Thus while some supporters may consider that wind turbines give out a signal that Bute is part of the drive for green energy, many in the community and some visitors consider that the development would jeopardise the quality of the local landscape and undermine an important tourism asset.

46. On balance, taking account of the very significant adverse effect on the local landscape and the potential adverse effect on the enjoyment of the golf course, together with a risk that some tourist visitors to Bute would be deterred, I am satisfied that the potential benefits of the scheme would not outweigh or justify the serious breach of the landscape protection policies that would be involved. I have taken account of the other matters put forward in support of this application, but I find that they do not alter my conclusion. Accordingly I conclude that the appeal should be dismissed.

47. Given this outcome, no issues of cumulative visual impact would arise..

Richard Hickman

R M HICKMAN
Reporter