



Directorate for Planning and Environmental Appeals

Appeals cannot be validated until all necessary documentation has been submitted.

Thank you for completing this appeal form:

ONLINE REFERENCE 000068563-001

The online ref number is the unique reference for your online form only. The Directorate for Planning and Environmental Appeals will allocate an Appeal Number when your form is validated. Please quote this reference if you need to contact the Directorate for Planning and Environmental Appeals about this appeal.

Appellant or Agent Details

Are you an appellant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this appeal)

Appellant Agent

Agent Details

Please enter Agent details

Company/Organisation:	SAC Commercial
Ref. Number:	
First Name: *	Giliane
Last Name: *	Mallia
Telephone Number: *	0131 535 3464
Extension Number:	
Mobile Number:	
Fax Number:	0131 535 3031
Email Address: *	Giliane.Mallia@sac.co.uk

You must enter a Building Name or Number, or both:*

Building Name:	Pentland Building
Building Number:	
Address 1 (Street): *	Bush Estate
Address 2:	
Town/City: *	Penicuik
Country: *	UK
Postcode: *	EH26 0PH

Is the appellant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Appellant Details

Please enter Appellant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Adrian"/>
Last Name: *	<input type="text" value="Tear"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text" value="Ascog Farm"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Ascog"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Rothesay"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="PA20 9LL"/>

Site Address Details

Planning Authority:	<input type="text" value="Argyll and Bute Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="ASCOG FARM"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="BALMORY ROAD"/>	Town/City/Settlement:	<input type="text" value="ISLE OF BUTE"/>
Address 3:	<input type="text" value="ASCOG"/>	Post Code:	<input type="text" value="PA20 9LL"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="663052"/>	Easting	<input type="text" value="210349"/>
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Description of Proposal

Please provide a description of your proposal. The description should be the same as given in the application form, or as amended (with the agreement of the planning authority): *
(Max 500 characters)

Planning appeal against the planning refusal of application 12/02202/PP; Ascog Wind Energy Project 3 wind turbines (74 m to tip height) and associated ancillary development.

Type of Application

What type of application did you submit to the planning authority? *

- Application for Planning Permission (including householder application – excluding application to work minerals).
- Application for Certificate of Lawfulness.
- Application for Listed Building Consent.
- Application for Conservation Area Consent.
- Application for Advertisement Consent.
- Application for Prior Approval.
- Application for Tree Works Consent.
- Application for Certificate of Appropriate Alternative Development.
- Application for Planning Permission to work minerals.

What type of planning application was submitted to the planning authority? *

- Application for Planning Permission.
- Application for Planning Permission in principle.
- A Further Application (including renewal of planning permission, modification, variation or removal of a planning condition etc).
- Approval of matters specified in conditions.

What type of decision did you receive from the planning authority and are now appealing against? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision - deemed refusal (NB: This does not apply to Prior Approvals).

Statement of Appeal

You must state in full, why you are appealing against the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your appeal: * (Max 500 characters)

Note: you might not have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You will though be entitled to comment on (i) any additional matter which may be raised by the planning authority in its response to your appeal, or (ii) any representations the Scottish Government might receive from any other person or body.

Please refer to appeal statement document

Have you raised any matters which were not before the planning authority at the time the decision you are appealing against was made? *

Yes No

Please provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal: * (Max 500 characters)

1. Appeal Statement, 2. Non-Technical Summary, 3. ES, 4. Planning Statement, 5. Appendices Part A-E, 6. Appendix F Part 1, 7. Appendix F Part 2, 8. Appendices G-H, 9. Revised Noise Assessment, 10. Additional LVIA information, 11. Ascog Decision Notice, 12. Ascog Handling Report, 13. ABC Screening Response, 14. ABC Scoping Response, 15. SNH Scoping Response, 16. LWECS Part 1 ? Introduction, 17. LWECS Part 5 (Isle of Bute) 18. Ascog Planning Application Form

Are you providing a separate statement of your Grounds of Appeal? *

Yes No

If Yes then please be prepared to upload this when you reach the end of the form.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

12/02202/PP

What date was the application submitted to the planning authority? *

10/10/12

What date was the decision or certificate issued by the planning authority? *

23/05/13

Appeals Procedure

The person appointed to determine your appeal will decide upon the procedure to be used. However you should indicate what procedure you think is the most appropriate for the handling of the appeal.

Can this appeal continue to a conclusion in your opinion, based on a review of the relevant information provided by yourself and other parties without any further procedures? *

Yes No

Please advise which further procedures are relevant.* (A combination involving more than one further procedure can be selected if necessary).

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

The site is partly visible from public land but cannot really be inspected from any of the public roads or public land

In the event that the Scottish Government Reporter appointed to consider your appeal decides to inspect the appeal site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here. (Max 500 characters)

Please note that there is livestock on the farm and therefore it would appropriate care needs to be taken when on site.

Other Appeals Submitted Details

Have you or anyone else made any other related appeals to Scottish Ministers regarding this building and/or site?

Yes No

Checklist - Appeal Against Planning Authority Decision Or Failure Of Planning Authority To Give Decision

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid. The Directorate for Planning and Environmental Appeals cannot start processing your appeal until it is valid.

Are you submitting a supplementary statement with your grounds of appeal? *

Yes No

If the appeal concerns approval of matters specified in conditions, or a Further Application to vary conditions – please attach a copy of the application, approved plans and decision notice from that earlier consent.*

Submitted Not Applicable

Copy of Plans/Drawings: *

Yes No

Copy of planning authority decision notice (If no decision then this is deemed as a refusal). *

Yes No No decision

A copy of original application form and if applicable include certificates relating to land ownership. *

Yes No

Other documents, materials and evidence which you intend to rely on. *

Yes No

The Report of Handling prepared by the planning authority in respect of your application, where one exists. *

Yes No

Declare - Appeals against Refusals and other decisions

I/We the applicant/agent certify that this is an appeal to Scottish Ministers on the grounds stated.

Declaration Name: Giliane Mallia

Declaration Date: 16/08/2013

Submission Date: 16/08/2013

Ascog Wind Energy Project
12/02202/PP
APPEAL STATEMENT



Prepared for: Directorate for Planning and Environmental Appeals

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Date: 16/08/2013

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List of Documents Submitted

Below is a list of all documentation that has been submitted along with the appeal statement **(Document 1)** as part of the appeals process.

The following documentation was submitted as part of the original submission along with the planning application to Argyll and Bute Council on 10th October, 2012.

- **Non-Technical Summary (Document 2)**
- **Environmental Statement (Document 3)**
 - Chapter 1 – Introduction
 - Chapter 2 – EIA Process
 - Chapter 3 – Proposed Development
 - Chapter 4 – Planning Policy Summary
 - Chapter 5 – Ecology
 - Chapter 6 – Ornithology
 - Chapter 7 – Landscape and Visual Effects
 - Chapter 8 – Cultural Heritage
 - Chapter 9 – Land Use and Agriculture
 - Chapter 10 – Geology, Soils and Hydrology
 - Chapter 11 – Noise
 - Chapter 12 – Access and Transport
 - Chapter 13 – Socioeconomics and Community Issues
 - Chapter 14 – Other Technical Issues
- **Planning Statement (Document 4)**
- **Technical Appendices**
 - Appendix A – Site Plans **(Document 5)**
 - Appendix B – Summary of Pre-Planning Consultation and Scoping Responses **(Document 5)**
 - Appendix C – The Proposed Development **(Document 5)**
 - Appendix D – Ecology Appendix **(Document 5)**
 - Appendix E – Ornithology Appendix **(Document 5)**

- Appendix F – LVIA Appendix (Methodology, Glossary, Viewpoint Analysis and Technical Drawings) **(Documents 6 and 7)**
- Appendix G – Cultural Heritage Appendix **(Document 8)**
- Appendix H – Noise Appendix **(Document 8)**

The following information was submitted following requests from the Local Council and/or other consultees during the planning process.

- **Revised Noise Assessment submitted on the 6th March 2013 (Document 9)**
- **Additional LVIA information submitted on the 7th March 2013 (Document 10)**

The following is a list of documents that are relevant to this appeal and have been submitted as part of the appeal.

- **Decision Notice (Document 11)**
- **Handling Report (Document 12)**
- **ABC Screening Response (Document 13)**
- **ABC Scoping Response (Document 14)**
- **SNH Scoping Response (Document 15)**
- **LWECS Part 1 – Introduction (Document 16)**
- **LWECS Part 5 (Isle of Bute) (Document 17)**
- **Copy of Planning Application Form (Document 18)**

1. Introduction

This statement supports the appeal of the Ascog Wind Energy Project that was refused on the 23rd of May 2013 by Argyll and Bute Council. This statement has been prepared by SAC Consulting and AMEC Environment and Infrastructure Limited.

1.1 Site Location

The proposed Development would be located on Ascog Hill, Ascog, Bute. The site is located about 2 km south of the town of Rothesay at grid reference NS102635, as shown in Figure 1.1. Ascog Hill rises to an elevation of approximately 100 m AOD however, the location of the proposed Turbines would be slightly to the south of the highest point.

Figure 1.1: Site Context Map (Contains Ordnance Survey Data © Crown Copyright & Database Right 2013)



The proposed site and the surrounding area is comprised of improved grassland, predominantly grazed by cattle and sheep with abundantly managed hedgerow boundaries and irrigation ditches. There are extensive areas of dense and scattered gorse scrub.

1.2 Proposed Development

The proposed Ascog Wind Energy Project consists of three wind turbines with a hub height of 50 m and a total tip height of 74 m. The application also encompasses the construction of associated ancillary development such as crane hardstanding areas, an access track, underground cabling and an electrical site control building. The total site development boundary area is 0.68 ha however the total area which would be permanently developed for the Wind Energy Project would be 0.52 ha. This represents 0.9% of the farms' total land holding. The site layout can be seen on the plans in Appendix A of the Environmental Statement (ES) **(Document 5)**.

There is an existing tarmac road leading from the coast road (A844) past Mid Ascog Farm in the direction of the water and sewage works. A gate will be created off this road and a new access track will be built to the turbine sites.

The proposed Development would have a maximum installed capacity of 2.7 MW and yield assessments based on the onsite measured wind resource indicate that up to 8.28 GWh per year of electricity may be generated. This equates to the consumption of approximately 2,133 homes¹ and in turn offsets around 3,612 tonnes of CO₂² equivalent emissions each year.

The site selected from the proposed Development is close to a population centre and the water and sewage treatment plant where demand for power is high and also in close proximity of an effective power distribution network.

1.3 The Applicant

The applicants, Mr A Tear and Ms E McVey, purchased Ascog Farm in 2008 on the Isle of Bute where Ms McVey's family have been farming since the early part of last century. The farm is permanently occupied by Ms McVey's parents and is only one of four privately owned farms on the island.

¹ 3,880 kWh/house/year. Strathclyde University Figures

² 1,693 kg CO₂/year. Strathclyde University Figures

With long established connections to the island, the applicants are aware of the need to stimulate the local economy and support the local community. The launch of the Community and Renewables Energy Scheme (CARES) in April 2011 by the Scottish Government was an ideal opportunity to achieve these objectives. The Scottish Government recognises the great potential of renewable energy in Scotland and set up CARES to help communities, farmers and landowners to engage in the expensive pre-planning assessment costs that would otherwise be a financial barrier to developing renewable energy projects. Following thorough assessment by CES and the Energy Saving Trust, the Ascog Wind Energy Project was awarded this loan.

The applicants have committed to a £10,000/MW/year or 20% of the net profit (whichever is greater) for 20 years to the local community. The fund would be administered by the applicant's chosen local partner Towards Zero Carbon Bute (TZCB) that is a project of Fyne Futures, a registered Scottish Charity, for the benefit of all those on Bute. Further details can be found in Section 3.3 below and in the Planning Statement (**Document 4**).

2. Planning Process

2.1 Pre-Planning Consultation

As part of the feasibility assessment of the Development, detailed consultation was undertaken with the Local Council and other consultees. A screening opinion was sought from Argyll and Bute Council (ABC) in 2010 (**Document 13**). The Council established that an Environmental Impact Assessment (EIA) was required and would be viewed as being material to the determination of the subsequent planning application.

A scoping opinion was subsequently requested from ABC. The scoping opinion was received on 21 January 2011 (**Document 14**). The implications of the scoping opinion and the consultations which were undertaken are presented in Chapter 4 (**Document 3**) and Appendix B of the ES (**Document 5**).

Separate consultation was also carried out with SNH (**Document 15**), Historic Scotland, West of Scotland Archaeology Service and all potentially affected telecommunications providers.

The proposed Ascog Wind Energy Project initially consisted of four turbines however following consultation the number of turbines was reduced to three in order to mitigate against potential impacts on the setting of Balmory House. Removing this turbine resulted in a substantially reduced direct effect on known and potential previously unrecorded archaeological features and has minimised the indirect effect on the setting of Balmory House.

2.2 Planning Decision

The application and all accompanying Environmental Assessment Reports were submitted to ABC on the 10th October 2012. In April 2013, the planning officer issued the handing report with a recommendation for refusal subject to the holding of a discretionary hearing. At the Planning Protective Services and Licensing (PPSL) Committee Meeting of the 22nd of May, 2013 it was decided that there would be no added value in holding a hearing and the application was refused at that stage.

2.3 Reason for Refusal

On the 22nd May 2012, the application was refused by the PPSL for the following reasons (Document 11):

- 1. The proposed three wind turbines, inclusive of the means of access required, would be located on the Hill of Ascog approximately 2 kilometres south west of Rothesay, within the 'Bute Rolling Farmland with Estates' Landscape Character Type (ref 'Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final Main Report and Appendix March 2012' - SNH/Argyll & Bute Council) which is intended to guide SNH and the Council on the strategic implications of further wind farm developments in the landscape. The proposal lies within a sensitive and highly valued landscape character type where it occupies a prominent coastal location where it would be viewed from ferry and recreational boat traffic together with roads on the island of Bute. The value of the landscape surrounding the application site has been accorded regional status by being designated as an Area of Panoramic Quality in the Council's adopted Local Plan. The LWECS identifies that the visual sensitivity within this Landscape Character Type is high for the small-medium typology (i.e. between 35 metres to 50 metres to blade tip) and, as a consequence, it would be high for a medium typology of between 50 metres to 80 metres to blade tip. The relatively low-lying landscape of gently rolling small hedged pastures and extensive wooded policies forms a lush pastoral scene contrasting with the more rugged higher ground on north Bute and the exposed landscapes of the west coast. There would be high-medium landscape sensitivity to the small-medium typology and, consequently, high landscape sensitivity to medium typology, due principally to the effect of taller turbines on the scale of the landform, its diverse vegetation cover and on settlement.*

At 74 metres in height to the blade tip, 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 this part of the Isle of Bute. 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 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 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 4 – Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; STRAT DC 8: Landscape & Development Control; 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 ENV 10: Development Impact on Areas of Panoramic Quality; 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** *There is a scale disparity between the height of the turbines and the hill on which they sit, as the turbines are 74m to blade tip height and they are sited on the Hill of Ascog which is generally 104m AOD. Therefore, the vertical scale of the proposal does not follow the guidance of Scottish Natural Heritage contained within the document entitled "Siting and Designing Windfarms in the Landscape (December 2009). Paragraph 4.33 of this document states "A key design objective for a wind farm will be finding an appropriate scale for the wind farm that is in keeping with that of the landscape. To achieve this, the siting and design of the development will need*

to ensure that the wind farm is of minor scale in relation to the key features of the landscape (typically less than one third)". This scale disparity is illustrated by, for example, Viewpoint 1 - Common Hill, Isle of Bute, Viewpoint 3 – Rothesay, Isle of Bute and Viewpoint 10 – Wemyss Bay to Rothesay ferry route. The layout has resulted in overlapping turbine rotors and towers as illustrated by Viewpoint 1 – Common Hill, and this visual stacking is an effect that does not correspond to good design principles, as laid out in section 3 of SNH guidance. The layout and scale of the turbines overwhelm the distinctive skyline of the Isle of Bute as illustrated by Viewpoints 3 - Rothesay, 8 – Knock Castle and 10 – Wemyss Bay to Rothesay Ferry Route, and this does not accord with SNH guidance paragraph 4.29 which states that “design of a wind farm from key viewpoints and sequential routes should ensure a wind farm does not detract from the character of a distinctive skyline. Care should be taken to ensure that a wind farm does not overwhelm a skyline.” This concern is strengthened by examining Viewpoints 22 - Adjacent to Braeside, 23 – B881 Between Lochend and Crossbeg and 24 – Additional Wemyss Bay to Rothesay Ferry Crossing. The scale and layout of the development in its highly prominent location in the landscape results in it being viewed from the Rothesay Golf Course and the local road network together with ferry and recreational boat traffic and from other islands as well as from mainland roads and other key viewpoints. In view of the above, it is considered that the impact of the development on key views would be particularly detrimental, given the disproportionate scale of the turbines relative to their landscape setting and the overall sensitivity and scenic value of the receiving environment. Having due regard to the above, it is considered that the proposal conflicts with the provisions of SPP and Scottish Government’s Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

- 3** *It is considered that the proposal would be highly visible as well as being visible from areas which are not currently affected by wind development. It has the potential*

to spread visibility of wind turbine development along either side of the Firth of Clyde thereby creating a sense of extended wind farm/wind turbine development. The creation of a sense of extended wind farm /wind turbine development would be unacceptable and detrimental in landscape and visual terms. It is not only the cumulative impact of wind turbines on road users but also on the main Wemyss Bay to Rothesay ferry route and recreational sailors. The very large Zone of Theoretical Visibility (ZTV) highlights the number of settlements and scenic areas which would be affected in a wider landscape where larger windfarm schemes are already located. These larger schemes and potential windfarms in preferred areas would however be undermined by the presence of small groups of 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.

3. Grounds for Appeal

3.1 Assessment of Reasons for Refusal

The reasons for refusal of this application all relate to concerns regarding the landscape and visual impacts of the proposed Development. The concerns relate to impacts on the Landscape Character, the scale of the Development, the cumulative impact and the impact on key transport routes as well as setting a planning precedent. These concerns are all based on the negative landscape and visual impacts that the Local Council feels the Development would result in.

It is important to note that only one statutory consultee lodged a formal objection. The Bute Community Council (BCC) voted 8 -3 against the proposals at their meeting on the 21st November 2012. The objection letter does not raise any material considerations and just notes that BCC are not in favour of the proposed Development. The planning consultations and responses are summarised below.

Subject Matter/Consultee	Comments
Cultural Heritage	No objection by Historic Scotland
Noise and Shadow Flicker	No objection by the Council's Environmental Health Department
Ecology and Ornithology	No objection by SNH or RSPB
Landscape and Visual	SNH did not raised a formal objection to the application however highlighted concerns
Bute Community Council	BCC objected to the proposed Development in its current form however there were no further details in their letter.
Aviation and Radar	No concerns raised by NATS or MOD
Access and roads	No objections by the Council's Roads Department or Trunk Roads and Bus Operations Directorate

On the key points that can be objectively assessed it is clear that there are no concerns and the proposed Development does comply with policy. The basis of the refusal is entirely based on landscape and visual impacts, which by its nature are more subjective.

This section should be read in conjunction with **Document 10** which was a technical note prepared by AMEC responding to issues raised by the Council and SNH during the planning process

3.1.1 . Argyll & Bute Landscape Wind Energy Capacity Study (LWECS)

During the decision making process ABC and SNH have drawn heavily on the LWECS (**Documents 16 and 17**). This document itself states that it is a ‘a *strategic study which identifies broad landscape and visual constraints and opportunities for a defined number of wind energy development scenarios and individual wind farm applications will therefore need to be considered on a case-by case basis with Environmental Impact Assessment (EIA) studies, where relevant, providing more detailed information on landscape and visual issues*’. Landscape Capacity studies should not replace or take precedence over site specific landscape and visual assessments³ such as the detailed assessment that was carried out for the proposed Development as by nature these are broad area studies that do not take local sensitivities and opportunities into consideration. This point that was raised by the Reporter in the appeal of the Ferneylea wind turbines in East Lothian⁴.

Recently, LWECS has been used by ABC as justification for refusal of planning permission in at least three separate applications (ABC references 13/0004/PP, 12/02281/PP and 11/02521/PP) ranging in scale from a single 225kW turbine of 45.9m tip height through to this application to a single 800kW turbine of 84m tip height, this last currently also the subject of an appeal to the DPEA (PPA-130-2030). This indicates that in several instances across the region, the LWECS

³ GLVIA 3 (3rd Edition Guidance from IEMA / Landscape Institute) page 89

⁴ Planning Appeal Ref PPA-210-2025. Page 3, points 9 and 10

‘9. Policy NRG3 states that regard will be had to the findings and recommendations of the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005). This study concluded that there is no capacity for wind turbine development within the Eastern Lammamuirs Fringe landscape, as it would diminish the vertical scale of the small hills and affect the pattern of predominantly open tops and contained wooded valleys. A more recent landscape capacity study – the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) also concluded that, due to the complex rolling landform, diverse land cover pattern and distinctly rural character of the Eastern Lammamuirs Fringe landscape, there is no capacity to accommodate turbines of the height that is currently proposed.

10. The two landscape capacity studies provide a useful indication of the planning authority’s views on the capacity of this landscape to accommodate wind turbine development and are material considerations that must be taken into account. They do not however provide a site and proposal-specific assessment of the landscape impact of this wind turbine proposal, which is essential if the proposal is to be considered in accordance with the expectations of SPP and the Government’s web-based guidance. Both the appellant and the planning authority have considered the specific impact of this particular development and I have afforded greater weight to the findings of those studies than to the more generalised landscape capacity studies.’

is taking precedence over site specific landscape and visual assessments that specifically concentrate on the proposed Development.

The issue with the LWECS and other similar landscape capacity studies is that these consider the options of wind turbines versus the status quo. In an ever growing and developing world, the demand for power is increasing and it is unrealistic to think that the status quo can be maintained. Therefore, there should be more consideration given to the fact that we need renewable energy sources (in this case wind energy) which means the landscape must change and the focus should be on how this change is best accommodated.

In addition, whilst there was extensive pre-planning consultation regarding the LVIA methodology with both the Council and SNH, at no stage did either organisation highlight that the LWECS study was in fact being undertaken. Also, a draft format of the report was never issued, therefore the first time the LWECS was published was when it was issued in March 2012, by which point all site work and design work for the Ascog Wind Energy Development had been completed.

3.1.2 Scale of Development

The reasons for refusal concentrate on the scale of the proposed Development and quote the SNH 1/3 'rule'. For several reasons this 'rule' is not practical and not always applicable as if this were the case there would be no consented wind turbines on low/flat land or as in this case islands.

The SNH design guidance criteria are meant to guide rather than be applied rigidly to Developments. Taking the consented section 36 wind farm on Stornaway, this is far more prominent than the Development proposed.

In addition, the proposed site should not be viewed on its own as it is part of a much larger seascape panorama that includes Common Hill to the north and Goat Fell on Arran that rises to 847 m AOD. When the Development is viewed in this wider context, it can no longer be considered to be out of scale.

3.1.3 Site Design

The reasons for refusal refer to the apparent stacking of turbines from Viewpoint 1: Common Hill. It is highly unlikely, with any multiple turbine development, that there not be a location from which the turbines will appear to overlap. The linear design of the site was selected as it has the narrowest profile to receptors on Common Hill which provides a good degree of consistent, simple and compact design from all other viewpoints which fully accords the SNH guidance.

ABC has also expressed concern on the effect of the turbines on sensitive skylines. From most views, the skylines are largely simple broken by woodland (as is the case in Viewpoint 3 in **Document 7**). In the case of Viewpoint 8 (**Document 7**), while the skyline is more distinctive it is also very open horizontally and can absorb the effects of the proposed Development. In addition, while the proposed Development will introduce three new turbines in the landscape, this is a landscape that already contains wind turbines within the wider area.

3.1.4 Visibility Extent and Cumulative Effects

The reasons for refusal state that the *'very large Zone of Theoretical Visibility (ZTV) highlight the number of settlements and scenic areas that would be affected by the in a wider landscape'*. The LVIA assessed the pattern of visibility was deemed to be *'sporadic and accounts for 15 % of the total study area.'* In addition the majority of this visibility pattern is on open water. Of note is the exclusion of visibility of much of the northern part of the Isle of Bute and the settlement of Rothesay.

The reasons for refusal also mention the impact of the proposed Development on the ferry route to Bute, recreational boat users and road users. Whilst the LVIA has determined that there would be some limited significant effects on some of the above mentioned users it is unlikely that these groups of receptors will be notably deterred from carrying out the activity itself.

In terms of cumulative effects, as shown in the cumulative ZTV (Drawing 7.12 in Document 7), the reasons for refusal state areas where larger windfarms are already constructed and potential windfarms in preferred areas would be undermined by the presence of small groups of turbines. In reality, there are very few areas where the proposed Ascog Wind Energy Development will be seen in isolation and in a large part of the study area other existing/proposed developments can be seen in conjunction with the proposed Development.

With regards to potential windfarms in preferred areas, we believe that this a superfluous statement as the application needs to be assessed against the developments that are currently operational, consented or in the planning system. The Ascog Development application should not be decided against hypothetical future wind turbine applications that might be made within the region.

3.1.5 Precedent

The issue of precedence is not thought to be a relevant point to raise in the reasons for refusal of this Development. Every new development needs to be assessed on its own individual merits. There are many examples of wind developments in the landscape which have not attracted further development.

3.1.6 Decision Making Process

As stated above the planning officer recommended that the application be heard at a PPSL hearing however the PPSL decided that a hearing would not add value to the application. Whilst the undertaking of a hearing is a discretionary decision, the level of representations made regarding this application indicated a significant level of public interest. A hearing would have given the applicant and the council as well as supporters and objectors to raise the points they believe are most pertinent to the application at its decision.

3.2 Environmental Benefits

The direct environmental benefits as a result of the proposed Development would be significant and appear to have been dismissed during the decision making process. As outlined in the introductory section, the proposed Development would be predicted to generate over 8 GWh/year which is equivalent to the consumption of more than 2,000 homes. In addition, this would offset over 3,500 tonnes of CO₂ equivalent emissions each year.

In addition, the community contribution from the proposed Development was intended to be used to finance energy efficient measures in people's homes which would make for a greener, more carbon neutral community (further details in Section 3.3 below).

3.3 Socio-Economic Benefits

The socio-economic benefits of this application would be significant both in terms of direct and indirect benefits to the landowner and the local community.

When the CARES scheme was launched in 2011, Fergus Ewing stated that "*These projects will not only help us meet our ambitious target of generating the equivalent of all Scotland's electricity needs to come from renewables by 2020, but also benefit their local communities.*"

The Ascog Wind Energy Project delivers benefits both in terms of contributing towards the 500 MW target of locally and community owned renewable energy by 2020 as well as direct and indirect benefits to the community.

In terms of economic benefits, direct effects would occur during construction of the Development, where money would typically be spent in the locality and during life time of the wind turbines there would also be a requirement for maintenance engineers to undertake the supervision and maintenance.

In terms of the community benefit of this Development, the developers will give a minimum £10,000/installed MW/year for the lifespan of the project (20 years) to the applicants' local partner Fyne Futures, a registered Scottish Charity, to administer for the benefit of those living on Bute. This will be coordinated through its Towards Zero Carbon Bute (TZCB) project. The value of this benefit would be in excess of half a million pounds over the lifetime of the Development.

This fund would then be used to administer tangible benefits to residents. TZCB have carried out research and consultation which shows that the island has a higher than average number of properties (88.5%) that are non-compliant with the Scottish Housing Quality Standard (SHQS). Therefore there is a high percentage of hard-to-heat, hard-to-treat properties, with low levels of insulation and double glazing. The community fund generated by Development would be targeted at reducing domestic CO₂ emissions and tackling fuel poverty through a number of initiatives:

- Providing insulation solutions for stone built "hard to heat, hard to treat" properties
- Grants for cavity wall, solid wall and/or loft insulation
- Grants to install double glazing windows
- Funds to allow investigation of other renewable energy sources on Bute

In addition, once the Development was operational, this would lead to a diversified revenue stream that would secure the long term future of Ascog Farm which over 40 years has suffered low levels of investment in the buildings and the land. In addition to providing revenue to support farming operations and strategic investment (i.e. drainage improvements etc.), it would also enable the applicants to enable the applicants to undertake a number of projects that would benefit the wider community. These include improving the landscape on the west side of the hill by planting indigenous broadleaved species, 'cutting a Turbine Trail' celebrating the production of energy at Ascog throughout the ages and continuing the improvement in field drainage amongst others.

Further details can be found in Chapter 13 of the ES (**Document 3**) and the Planning Statement (**Document 4**).

4. Conclusions

This appeal statement has considered the reasons of refusal listed in the decision notice by Argyll and Bute Council. The proposed Development has been refused due perceived negative landscape and visual effects of the proposed Development. In reality not all visual impacts by turbines are negative. A Visit Scotland Survey carried out in 2011⁵ regarding people's decisions in selecting a location to visit, found that 80% (of UK respondents) would not be affected by the presence of a windfarm while 83% (of Scotland respondents) would not be affected.

In this appeal statement, we have presented our rebuttal of the decision taken by ABC and of the reasons of refusal. We believe that the substantial social, economic and environmental benefits that would arise from this Development have not been given sufficient weight in the decision making process. In addition we also believe that the Council have relied too heavily on a landscape capacity study when making their decision rather than the site specific LVIA.

On balance we believe that this application should be consented and that it does in fact comply with all the relevant national and local planning policy.

⁵ Visit Scotland, 2011. Wind Farm Consumer Research Topic Paper
<http://www.visitscotland.org/pdf/Revised%20Oct%2012%20%20Insights%20Wind%20Farm%20Topic%20Paper.pdf>