

Report To: The Planning Board

Date: 5 November 2014

Report By: Head of Regeneration and Planning

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Plan 11/14

**Major Application
Development**

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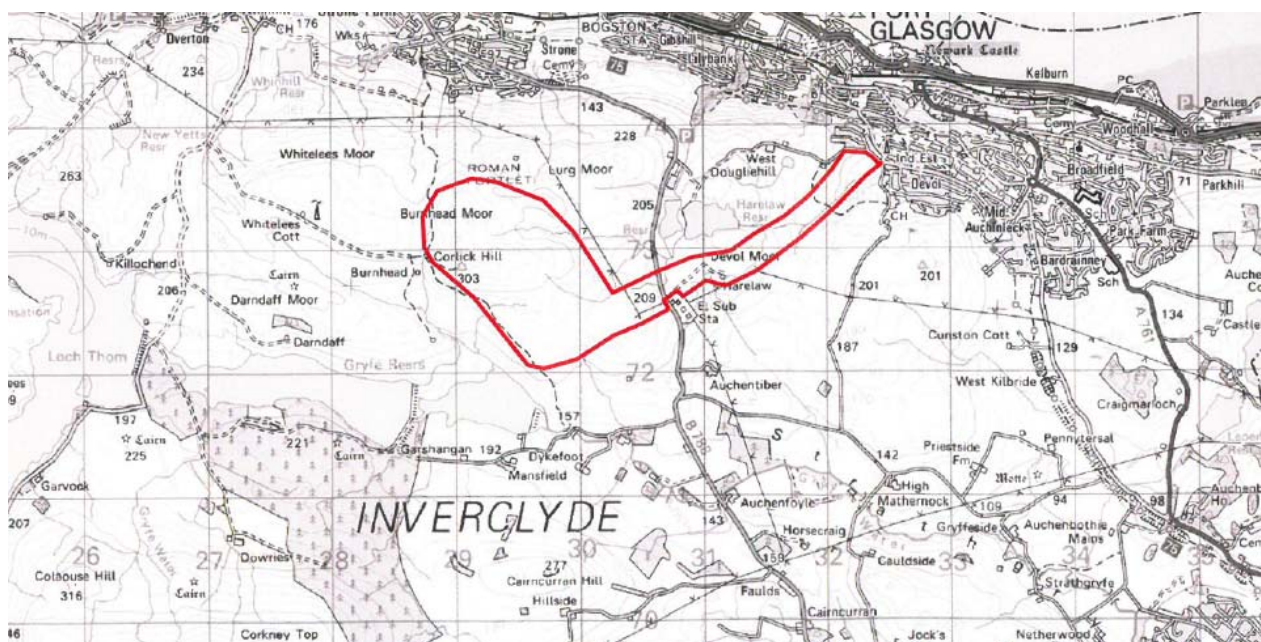
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Subject: Erection of 8 wind turbines, the construction of access tracks and ancillary development (including crane hardstandings, cabling, transformers and culverts), the formation of a borrow pit, the erection of a sub-station and control building, the formation of a car park and the erection of temporary construction compounds at

Land north and east of Corlic Hill, Greenock

SITE DESCRIPTION

The application site covers 209 hectares and centres on parts of Burnhead, Lurg and Maukinhill Moors and Corlic Hill, from where it extends north-eastwards in a narrow strip towards Dougliehill Road, Port Glasgow. The boundaries of the site are approximately 3km to the south-east of Greenock town centre, 2.25km to the south-west of Port Glasgow town centre and 6km from Kilmacolm village centre. Within Greenock, the houses closest to the turbines are in Luss Place (1.2kms), while in Port Glasgow and Kilmacolm the closest houses are in Mackie Avenue (1.8kms) and Auchenbothie Gardens (4.6kms). There are individual houses scattered across the fringes of the Moors with those closest to turbines being at Mansfield (approximately 975m), Dykefoot (approximately 1km) and Garshangan (approximately 1.1km).



The site is bisected by the B788 which links Greenock and Kilmacolm. The land to the west of the road is open upland moorland drained by burns flowing towards Knocknairshill Reservoir. The highest parts are concentrated to the north and west around Burnhead Moor, from where the application site generally slopes downwards in an easterly and southerly direction. Moorland or semi-improved pastures generally encircle the site, beyond which are the Gryffe reservoirs to the south and Harelaw Reservoir and the Devol Moor electricity sub-station to the east. To the north the escarpment slopes downward to the housing of upper Greenock while to the south there are scattered individual houses in a mainly moorland setting.

The Glasgow and the Clyde Valley Landscape Character Assessment categorises the land mainly as "Rugged Moorland Hills". The eastern parts of the site are categorised as "Rugged Upland Farmland". Much of the application site is unimproved upland moor grazed by sheep and cattle, consisting of heathers, wild grasses and peat bogs drained by several surface watercourses. Man made features include fences, dry stone walls, electricity pylons and overhead lines. The part of the application site to the east of the B788 consists of mainly semi-improved and improved pasture.

Excepting the eastern part beyond the B788, the application site is within the Clyde Muirshiel Regional Park. There are two Scheduled Monuments (a Roman Fortlet with a Roman Road and a Hut Circle, both on Lurg Moor) outside but close to the eastern application site boundary.

PROPOSAL

The applicant seeks planning permission to construct a wind farm of 8 turbines with ancillary development of transformers, crane hardstandings, cabling, a sub-station and control building, a borrow pit, a car park, a temporary construction compound and a network of access tracks and culverts. The initial proposal was for 10 turbines, but in response to representations made at the initial consultation stage the two most northern turbines were withdrawn and the positions of others were subject to small positional adjustments, generally southwards.

The proposed turbines are 110m in height to blade tip and 65m to hub height. Each turbine has three blades on a rotor hub and is capable of generating 2-3 Megawatts of power. The applicant anticipates the turbines will be grey in colour and positioned on reinforced concrete hardstandings. Transformers and switch gear will be provided adjacent to each turbine and encased in a housing measuring 2.5m by 2.5m by 3m high.

The control building, containing the electricity sub-station, operational controls for the wind farm and a comfort space for personnel is proposed immediately to the west of the B788 and opposite the Devol Moor sub-station. The building is a utilitarian "L" shaped design, a maximum of 21m by 6.2m by 4.6m high and set within a 30m by 30m fenced security compound. A temporary construction compound, measuring 50m by 60m is proposed next to this to provide portable office accommodation, toilet and welfare facilities, storage areas, parking, a receiving area for incoming vehicles and a bunded area for the storage of fuels and oils.

A borrow pit is proposed on site to minimise the volume of stone that will require to be brought into the site for the construction of access tracks. It is anticipated that approximately 35,000 cubic metres of stone will be excavated to cover approximately 7,662sqm of surface. The borrow pit would be restored following excavation.

A network of access tracks, typically 6m wide including "shoulders" on either side, are proposed from Dougliehill Road, extending across Devol Moor and crossing the B788. This will develop into a network of paths connecting the turbines and linking into popular walking routes in the area. The track to the east of the B788 would be approximately 2.1kms in length with those to the west of the B788 totalling approximately 4.9kms. The tracks would mainly be cut into the ground although there will be short stretches of "floating" track across areas of soft ground, including those areas with peat less than 1m deep. There will also be some water crossings creating culverts.

If approved, it is estimated that construction will take 9-12 months. Using average expenditure per Megawatt for the industry, the applicant estimates that the proposal could generate 23 jobs in Inverclyde and 146 in Scotland during construction. On completion, there is the potential for 5 jobs in Inverclyde and 17 in Scotland to facilitate ongoing maintenance.

The wind farm is expected to have a life of 25 years. If no further application is approved before the end of this time period the turbines will be dismantled and removed, although the turbine bases and the network of tracks would remain in place. The decommissioning period for a wind farm of this size is estimated at six months.

Finally, the applicant supports the principle of Community Funds, with the offer of at least £5,000 per megawatt quoted by the applicant. On the basis of the 30 Megawatts capacity, this would mean £150,000 community fund per year. The £5,000 per Megawatt figure originates in the Scottish Government guidance document "Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments".

Both a bond associated with decommissioning of the wind farm and securing of the community fund would be addressed under the terms of a Section 75 Agreement should planning permission be granted.

SITE HISTORY

The application covers part of a larger site that was the subject of a previous proposal for a wind farm. This application, submitted in 2003 to the Scottish Ministers under Section 36 of the Electricity Act 1989, was for consent to construct and operate twenty two 100 m high turbines with associated infrastructure. The Council as a statutory consultee objected to the proposal resulting in a public inquiry being held in 2005. Permission was refused as the proposal was contrary to the then development plan primarily as a result of the detrimental impact on Clyde Muirshiel Regional Park and on the operation of Glasgow Airport, conflicting with support for the airport's future growth.

DEVELOPMENT PLAN POLICIES

Glasgow and the Clyde Valley Strategic Development Plan

Strategy Support Measure 9 – Natural Resources Planning

Low carbon economic growth requires that indigenous supplies of natural resources continue to be developed and that, where feasible, a phased programme of development be established through the life of the plan.

Broad areas of search for surface coals, sand and gravel aggregate, biomass wood-fuel production and wind energy have been outlined in the Spatial Development Strategy and it will be for Local Development Plans to take forward the refinement of these areas to establish their long term potential.

LOCAL DEVELOPMENT PLAN POLICIES

Policy SDS1- Climate Mitigation and Adaptation Reducing Carbon and Energy Use

The reduction of greenhouse gas emissions through a wide range of measures designed to mitigate and adapt to climate change will be promoted by having statutory requirements enforced in relation to improving the energy efficiency of buildings (existing and new); assisting in achieving renewable energy targets, including micro-renewable energy; assisting the move to zero waste; protecting and enhancing land uses that act as 'carbon sinks' (for example extending woodland

cover and protecting valued peat lands); and encouraging more sustainable forms of transport and active travel.

Policy SDS8 - Green Belt and the Countryside

There will be a presumption against the spread of the built-up area into the designated Green Belt and careful management to prevent sporadic development in the designated Countryside, as identified on the Proposals Map.

Policy ENV1 - Designated Environmental Resources

(a) International and National Designations

Development which could have a significant effect on a Natura site will only be permitted where:

- (i) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
- (ii) there are no alternative solutions, and
- (iii) there are imperative reasons of overriding public interest, including those of a social or economic nature.

Development that affects a SSSI (or other national designation that may be designated in the future) will only be permitted where:

- (iv) it will not adversely affect the integrity of the area or the qualities for which it has been designated, or
- (v) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

(b) Strategic and Local Designations

Development adversely affecting the strategic and local natural heritage resources will not normally be permitted. Having regard to the designation of the environmental resource, exceptions will only be made where:

- (i) visual amenity will not be compromised;
- (ii) no other site identified in the Local Development Plan as suitable, is available;
- (iii) the social and economic benefits of the proposal are clearly demonstrated;
- (iv) the impact of the development on the environment, including biodiversity, will be minimised; and
- (v) the loss can be compensated by appropriate habitat creation/enhancement elsewhere.

Policy ENV2 - Green Belt and the Countryside

Development in the Green Belt will only be considered favourable in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or

- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and
- (e) it does not adversely impact on the natural and built heritage, and environmental resources;
- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice.

Policy ENV7 - Biodiversity

The protection and enhancement of biodiversity will be considered in the determination of planning applications, where appropriate. Planning permission will not be granted for development that is likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.

Inverclyde Council, in conjunction with its partners, will continue to develop habitat and species action plans through the approved Local Biodiversity Action Plan (LBAP) in order to manage and enhance the biodiversity of the Inverclyde area.

Policy ENV8 - Water Quality and the Water Related Environment

Proposals for all developments should have regard to their potential impact on the water environment, and specifically to the Clyde Area Management Plan (2009 - 2015) (and future reviews) which supplements the River Basin Management Plan for Scotland. In particular there should be no deterioration to the quality of any water body, and where possible sustainable improvements will be sought. In this regard the Scottish Environment Protection Agency (SEPA) will be consulted by the Council where appropriate. The culverting of watercourses should be avoided wherever possible. Where culverts currently exist, they should be opened up as part of any development, if appropriate and practicable.

Policy INF1 - Renewable Energy Developments

The Council will support development required for the generation of energy from renewable sources, subject to the proposal not having significant adverse effects upon:

- (a) natural heritage designations (international and national designations should not be compromised);
- (b) the landscape and wider environment;
- (c) neighbouring settlements;
- (d) tourism, recreation and conservation matters;
- (e) the built heritage;
- (f) biodiversity and the water environment;
- (g) air quality;
- (h) road safety and service infrastructure; and
- (i) the cumulative effect of such proposals.

Policy HER6 - Development Affecting Archaeological Sites

Development which will have an adverse effect on Scheduled Monuments or their setting will only be permitted in exceptional circumstances and where it is satisfactory having regard to Historic Scotland's 'Managing Change in the Historic Environment' guidance note series. Development on or adjacent to other archaeological sites, as included on the Council's database of sites of archaeological importance, will normally be permitted only where there is no adverse impact on the resource.

Where development is permitted affecting these sites of archaeological importance, conditions will be attached to planning permissions to allow for excavation and recording before or during development. Any survey reports or works sought by the Council will require to be funded by the developer.

CONSULTATIONS

Transport Scotland - No objection subject to conditions to control the movement of any abnormal loads on the trunk road, signage and temporary traffic control measures.

Head of Environmental and Commercial Services - The size and weight of abnormal load vehicles required to transport components has to be advised. Any locations where changes to infrastructure will be required to accommodate vehicles are also to be advised to the Council (including the number and proposed dates of delivery trips). Transport Scotland and Strathclyde Police will also require to be notified of the latter. Any remediation works to roads or verges require to be approved. Section 56 approval will be required at the access point to Dougliehill Road.

Confirmation of SEPA's acceptance to the proposal in relation to Controlled Activities Regulations should be submitted for approval.

Details of the appropriate watercourse crossing designs should be provided. Confirmation of Scottish Water's acceptance to the proposal should be submitted for approval. This should include reference to water quality and emergency provisions for dealing with spillage both during and after construction. Details of both the construction phase and permanent SUDS provisions should be provided together with SEPA's acceptance of the proposals. The developer will remain responsible for the maintenance of all water course crossings.

Argyll And Bute Council - The scale of the turbines, the extent of rotor visibility and the eye catching nature of the rotation of the blades in views from the vicinity of Cardross is such that the development will exert a commanding presence on the skyline above the Clyde. The Council objects to the application.

North Ayrshire Council - Refusal is recommended as North Ayrshire Council's Landscape Capacity Study identifies the Loch Thom Landscape Character Type (which contains the application site) as a landscape of "high overall sensitivity" with no capacity for wind farm development. The proposal will have an unacceptable landscape and visual impact.

Renfrewshire Council - No objection.

Glasgow Airport Safeguarding - Object as the application site is within the Glasgow Airport Control Zone and on one of the main entry/exit lanes to Glasgow Airport. The turbines would impact on radar screens increasing the risk of misidentification of aircraft, increasing controller workload and impacting air safety.

Civil Aviation Authority - The position of all aviation consultees should be established. If approved, the locations, heights and lighting status of the turbines and masts and the height of construction equipment require to be reported to the MOD.

MOD Safeguarding - No objection, but it is required that further contact be made regarding the construction timetable, the maximum height of the construction equipment and the latitude and longitude of every turbine.

National Air Traffic Services - Object due to an anticipated unacceptable impact on 3 radar.

Prestwick Airport - No objection.

Clyde Muirshiel Park Manager - Object due to adverse visual, landscape, ecology and cumulative impacts. There will be habitat disturbance and potential bird strike, and potential adverse effects on tourism, recreation and the cultural heritage.

City Design Co-operative Ltd (the Council's Landscape Consultants) – The siting of 8 wind turbines at 110m high close to the top of Corlic Hill will mark a significant change in the character of the area and in how it is perceived from a distance. The revised proposal will dramatically change the skyline, particularly when seen from a distance. The local impacts on the existing ground conditions and related habitat are likely to be significant and permanent. Local hydrology will be permanently affected by the proposal. Loss/destruction of peat remains a major concern. Overall the form, size, location and impacts of this proposal will be detrimental to the landscape and environment.

Scottish Natural Heritage – The nature and scale of the proposal in this highly sensitive coastal location will result in significant adverse landscape and visual effects and the proposal would have adverse cumulative effects on the wild land area, but this is not considered of sufficient magnitude as to raise an objection.

Relocation of the borrow pit, some turbines and their associated crane pads and access tracks to a less sensitive habitat is suggested. If this is not done a Habitat Management Plan should be secured. The full range of mitigation measures in the Environmental Statement should be adopted. The cumulative landscape and visual impact assessment does not appear to consider the overall effect on either the Rugged Moorland Landscape Character Type or the Clyde Muirshiel Regional Park and there is limited analysis of the impacts of the proposal on recreational access to the Park. The Council should consider securing habitat improvement for birds outwith the turbine envelope to lessen the risk of attracting birds into it. Ground or vegetation clearance should take place outwith April to August inclusive to protect breeding birds. A series of recommended ecological measures are also set out.

Royal Society for the Protection of Birds - No objection, but concerns are expressed on the potential impacts on hen harriers from Renfrewshire Heights Special Protection Area, whooper swans at the Black Cart Special Protection Area, and the loss of blanket bog habitat seeking restoration of bog elsewhere. Should planning permission be granted it is suggested some matters be addressed by planning conditions, including a finalised Species and Habitat Management Plan (SHMP) in consultation with the Habitat Management Group addressing the enhancing of foraging habitat for hen harriers away from the turbine footprint. The establishment of a monitoring group in respect of the SHMP, including annual monitoring is suggested. Vegetation clearance should not be carried out between April and July inclusive. A contribution should be sought for off-site management works to help re-direct Whooper Swans away from turbines.

Historic Scotland - Object due to the potential for significant adverse effects on the setting of the Lurg Moor Roman Fortlet and Roman Road.

Head of Safer and Inclusive Communities – No objection subject to conditions which will regulate noise emissions from the turbines nearest to houses if these result in disturbance to residents. The submitted information and the distances between the houses and the turbines combined with the prevailing wind direction does not, however, suggest that this will be a problem. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

Scottish Environment Protection Agency West - No objection provided conditions can be attached to a grant of planning permission to address the potential impact on the water environment and the submission of a construction environmental management plan for the site at least 6 weeks prior to construction commencing. If these conditions cannot be applied then SEPA objects to the application.

Scottish Gas Networks - It is essential that no work or crossings of the existing high pressure pipeline occur until a detailed local consultation with Scotland Gas Networks is carried out. A safe distance of one and a half times the hub height requires to be kept from the pipelines.

Scottish Power - No objection provided the turbines are outwith the falling distance from the overhead power lines. It is not clear how Scottish Power apparatus will be affected at this stage.

Scottish Water - No objection.

PUBLICITY

The application was advertised in the Edinburgh Gazette and the Greenock Telegraph on 12 July 2013 and 30 May 2014 advising of the submission of an environmental impact assessment. The application was also advertised in the Greenock Telegraph on 12 July 2013 and 6 June 2014 as a Schedule 3 development, as it is contrary to the development plan, and as there are no premises on neighbouring land.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

704 representations have been received consisting of 703 objections and 1 supporting representation. The points made may be summarised as follows:

Objections:

Policy concerns:

- The site is under the Scottish Government's recommended distance of 2kms from the nearest houses.
- The proposal is contrary to the Glasgow and the Clyde Valley Strategic Development Plan as it does not identify Inverclyde as an "area of search for a major wind farm development".
- As the development is set within the Clyde Muirshiel Regional Park, the proposal is contrary to the Clyde Valley Joint Structure Plan and the Local Development Plan.
- The Local Development Plan identifies land less than 900 metres to the north of the site as potential for residential development.
- The Council has to apply its own historic environment policies and schedule new archaeological finds in the area.

Visual amenity concerns:

- The turbines will adversely impact on the landscape in which they are to be sited.
- The turbines will adversely impact on views from Corlic Hill, which is a popular local recreational attraction.
- The turbines will dominate the skyline and adversely impact on Greenock, the wider land in this area including views from across the river within the Argyll & Bute Council area, and will set an unfortunate precedent.

- The visual impact of the access tracks will deter visitors from visiting this part of the countryside.
- Little thought has gone into the design or location of the control buildings.
- The visual impact of turbines will remain once the wind farm ceases to operate.
- This will lead to a visual industrialisation of the Clyde Muirshiel Regional Park.

Residential amenity concerns:

- The turbines are too close to existing housing; the UK Noise Association recommends that wind turbines not be within 1 mile (1.6km) of houses.
- Noise (including sub-sonic noise and infrasound) from turbines causes sleep disturbance and related health issues (tinnitus, epilepsy, menieres disease, autism, hyperacusis and cardiovascular problems).
- This may result in the pollution of domestic water supplies (this applies to the nearest isolated dwellings which rely on groundwater for their supplies. Access tracks cut across springs that feed the water supplies to 4 houses).
- To avoid contamination of water supplies the applicant should be made to install mains water supplies for the houses most affected.

Environmental concerns:

- There may be pollution of watercourses adversely affecting water supplies to lochs, dams and rivers that support a range of life.
- Development will disrupt the natural drainage of the area irreversibly damaging peat bogs.
- Loss of peat and disturbance to wetland habitat will lead to flooding.
- Construction of the turbine bases, the access tracks, the additional buildings and the formation of the borrow pit will adversely affect the fragile ecosystem.
- Disturbance of peat and blanket bogs will release CO₂.
- There will be a loss of recently planted trees to form the access track.
- The Regional Park is an International Union for Conservation of Nature (IUCN) Category V protected area and an area of Great Landscape Value.
- The development is close to a Special Protection Area (SPA) and a SSSI; both will be adversely impacted.
- There will be an adverse impact on the Wild Land resource.
- EIAs inadequately assess the true impact of windfarms.

Archaeology:

- Insufficient consideration has been given to archaeological related issues. There is a lack of a professional archaeology service within the Council so it cannot reach an informed opinion on this issue and it leads to a failure to meet the terms of the Scottish Planning Policy and Planning Advice Note 2/2011.
- This is an area of major archaeological significance and remains could be disturbed, destroyed, otherwise lost or have their setting adversely affected by the proposed developments.
- The proposal will end the possibility of this area becoming a major archaeological attraction.
- The “reversible damage to setting” argument advanced by the applicant is an unsustainable position.
- Remains found to date suggest that the area is archaeology rich. Future remains could be lost with development.

Traffic related issues:

- Excessive traffic on the roads will cause disruption.
- There will be noise from construction vehicles.

- There are concerns over the ability of roads to support HGVs (fears of subsidence).

Aircraft safety/aviation issues:

- There will be adverse impacts on radar at Glasgow Airport causing a safety issue.

Tourism:

- The wind farm could adversely impact on the attraction of tourists to Inverclyde and adjoining areas; it will adversely affect the tourist trade which sustains long term employment for a considerable and increasing number of residents in the many small towns and villages around the Clyde Muirshiel Regional Park.
- The potential for tourism is underplayed in the Environmental Statement.

Specific turbine safety related issues:

- Turbines can break, throw ice in winter, fall over or go on fire; as such they are a danger to people, birds and animals.
- Should a fire occur within a turbine the fire service will not be able to tackle it due to the height of the nacelle.
- The pressure waves from turbines can kill bats.
- Turbine blades can cause bird strike.
- There will be potential adverse impacts of shadow flicker from the sun and the moon.
- ETSU-R-97 is an outdated mode of assessing noise from a wind farm [in the UK wind farm noise is generally regulated by ETSU-R-97 which was published in 1996 and is a method of assessment and rating devised by a group of consultants, developers and environmental health officers assembled by the then Department of Trade and Industry].
- Windfarms are inefficient with respect to overall returns.
- Turbines can cause interference with TV reception, radio and mobile phones.

Specific Clyde Muirshiel Regional Park issues:

- All three Planning Authorities connected with the Regional Park require to consider the application.
- It is contrary to the Regional Park's Charter aims.
- If approved, the applicant may seek to site more turbines in the vicinity (based on developments elsewhere in the Regional Park).
- There is an excessive number of turbines/turbine applications within the Park.
- As the site is within a Regional Park there is concern that precedent may adversely affect designated recreational space in Scotland.

Employment Opportunities:

- Job creation is short term with little in the way of long term employment opportunities to outweigh the other adverse impacts of the proposal.

Concerns over decommissioning

- A decommissioning/restoration bond is required for ground clearance/reinstatement if the developer goes into administration or ceases trading.
- Damage to the site is not totally reversible as tracks and turbine bases will remain after decommissioning.

General points on wind farms/renewable energy

- The carbon “payback” times on wind farms are always underestimated.
- Wind turbines are inefficient.
- Wind farms are no longer wanted by the public in Scotland.
- CO2 savings are exaggerated as conventional power stations are required as back-up for 70% of the time when wind turbines cannot produce electricity.
- Wind power is the worst of the non-fossil fuel generation alternatives when considering CO2 produced during manufacturing of the turbines and quarrying operations.
- CO2 is generated in the manufacturing process.
- There are concerns over profits made by energy suppliers on the back of the Renewable Obligation Certificate.
- More investment should be directed to tidal, wave, hydro or off-shore renewable energy projects.
- Diesel generators will operate on site when turbines do not work.
- There should be a moratorium on further wind energy projects until shale gas as an alternative source of energy is explored.
- Allowing global warming to progress and then deal with the end product would be cheaper than subsidising wind farms.

General points

- Insufficient publicity has been given to the application.
- Financial sweeteners in the form of community funds should not take precedence over environmental and other impacts.
- The proposed community benefit of £150,000 is insufficient to mitigate other adverse effects.
- The photomontages are visually inaccurate (turbines look smaller and more distant than they will be in reality).
- As a result of the Aarhus Convention, EU law requires a Council to carry its own environmental assessment of wind farm proposals.
- To allow the proposal will contravene Article 8 of the Human Rights Act (“everyone has a right to respect for his private and family life, his home and his correspondence”).
- The tracks could be used by joyriders/quadbikes.
- The site may become subject to fly tipping.
- The travelling community could be attracted to set up camp.
- The development will devalue neighbouring properties.
- There will be an adverse impact on flying model airplanes.
- It will adversely affect attempts by the Council to address depopulation of the area by acting as a visual deterrent.
- Legally an LLP should not be running a wind farm.
- Unexploded bombs on the moors could be a construction hazard.
- A life cycle assessment under ISO14040 has not been done [this is part of a family of standards related to environmental management that exists to help organisations minimise how their operations negatively affect the environment, comply with applicable laws, regulations etc., and seek continual improvement of these].
- The nature of the applicant’s parent company business interests (coal mining is specifically quoted) are of concern.

Point of support:

- The proposal will contribute towards low carbon targets.

ASSESSMENT

In the hierarchy of proposals, this application is a major planning application as defined by The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. National planning policy has to be considered including the National Planning Framework (NPF) 3, the Scottish Planning Policy (SPP), the Scottish Historic Environment Policy and the Managing Change in the Historic Environment Guidance Notes. A relevant Scottish Government Circular is 8/2002 (Control of Development in Airport Public Safety Zones) whilst relevant Scottish Government Planning Advice Notes are PAN 2/2011 (Planning and Archaeology), PAN 1/2011 (Planning and Noise). Online Scottish Government renewables advice in the form of the "Onshore Wind Turbines" guidance is also available.

As a government agency, Scottish Natural Heritage (SNH) also provide significant guidance in the form of "Glasgow and the Clyde Valley Landscape Character Assessment", "Siting and Designing Wind Farms in the Landscape", "Assessing the Cumulative Impact of Onshore Wind Energy Developments", "Strategic Locational Guidance for Onshore Wind Farms in Respect of the Natural Heritage" and "Visual Assessment of Wind Farms: Best Practice".

The Development Plan consists of the Glasgow and the Clyde Valley Strategic Development Plan and the Inverclyde Local Development Plan. The Local Development Plan is supported by "Supplementary Guidance on Renewable Energy".

Section 25 of The Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. In addition to Scottish Planning Policy, guidance and advice, including related advice from Government agencies, further material considerations are the consultation responses, the public representations, the applicant's supporting information including the environmental statement, the planning history of the site and the "Landscape Capacity Study for Wind Turbine Development in Glasgow and the Clyde Valley" published by the Clyde Valley Strategic Development Plan Authority. The study examines landscape sensitivity to wind turbine development with the aim of presenting a strategic view of landscape sensitivity with reference to landscape character.

The material considerations require to be taken into account when examining the determining issues. Determining issues are the potential impact on the safe operation of Glasgow Airport and aircraft generally; visual impact (from points of interest within the site, nearby settlements, notable landmarks and wider viewpoints on the Clyde Coast); landscape character impact (the significance of the change to the existing character and landform); residential amenity considerations (including noise during construction and operation and shadow flicker); impact on tourism and recreational use of the area; impact on the setting of the scheduled national monuments and other archaeological remains; ecological impact (habitat disturbance, ornithological issues, potential pollution of watercourses and peat disturbances); economic benefit and traffic impact.

Prior to assessing the determining issues it is appropriate to set out the national, strategic and local policy context.

The Policy Context

National Policy

The National Planning Framework (NPF) and the Scottish Planning Policy (SPP) are the two key national planning documents that set the framework for development across Scotland. NPF3 sets a target of 100% of gross energy consumption from renewables by 2020 with an interim target of 50% by 2015. The proposed development would contribute to these targets.

The SPP reinforces the aims of the NPF. It charges the planning system with enabling the transformation to a low carbon economy including deriving 30% of overall energy demand from

renewable sources by 2020. This is to be achieved by supporting the development of a diverse range of electricity generation from renewable energy technologies, including the expansion of renewable energy generation capacity. It should also guide development to appropriate locations and advise on the issues to be taken into account when planning applications are assessed. Planning authorities are to set out in the development plan a spatial framework examining suitability for onshore wind farms in three categories: areas where wind farms will not be acceptable (group 1); areas of significant protection (group 2) and areas with potential for wind farm development (group 3). Group 2 requires a maximum 2km separation distance from communities. The extent of the area is to be determined by a planning authority based on landform and other features which restrict views out from towns and villages. The SPP also requires that strategic and local development planning authorities, working together where required, should identify where there is strategic capacity for windfarms. Where acceptable it sets out a list of considerations for wind farm proposals. It also advises that if a proposal is acceptable in land use terms and consent is to be granted, local authorities may wish to engage in negotiations to secure community benefit in line with other Scottish Government guidance.

Strategic Policy

The Glasgow and the Clyde Valley Strategic Development Plan (SDP) sets out a strategic vision to be implemented through a spatial development strategy. A series of support measures are set out to aid implementation of this strategy; the most relevant to natural resources planning is Strategy Support Measure 9. This indicates that in order to promote low carbon economic growth indigenous supplies of natural resources will require to be developed. Wind energy is identified as an environmental action point. The city region has significant potential for onshore wind energy development and the Plan consequently defines broad areas of search for strategically significant wind energy developments having a capacity of 20 MW or more.

Diagram 4 of the SDP provides a framework for assessing development proposals. The proposed wind farm is not within a broad area of search and consequently is not in line with the Spatial Development Strategy of the SDP. In such cases a sustainable location assessment is required. Many of the criteria to be used for undertaking the sustainable location assessment are positive with regard to low carbon energy and minimising climate change, and in terms of demand, the Scottish Government has set ambitious targets for renewable energy generation. Consequently, the proposed development can be assessed positively against Diagram 4, but nevertheless all applications remain subject to Local Development Plan assessment.

Local Policy

As a development which would contribute to achieving renewable energy targets, the proposal is supported in principle by Policy SDS1 of the Local Development Plan (LDP). The associated proposals map locates the application site within the Green Belt and the Countryside under Policy SDS8 and within Clyde Muirshiel Regional Park, a designated environmental resource, under Policy ENV1. Policy ENV2 addresses development in the Green Belt and Countryside, stipulating that renewable energy development will only be considered favourably where it can be supported with reference to criterion (a). A wind farm is the type of development more associated with rural areas which are generally within Green Belt or countryside locations but consideration needs to be given as to whether or not it is appropriate to the application site. Policy INF1 indicates the Council's support for development required for the generation of renewable energy subject to there being no significant adverse effects on various criteria including the landscape and wider environment; neighbouring settlements; tourism, recreation and conservation matters; the built heritage; biodiversity (also reflected in Policy ENV7) and the water environment (also reflected in Policy ENV8); road safety and service infrastructure and the cumulative effects of such proposals. Given the proximity of archaeological resources, Policy HER6 is also of relevance.

The LDP is supported by "Supplementary Guidance on Renewable Energy". This assists the assessment of renewable energy development proposals and aims to balance between promoting renewable technologies and meeting apparently conflicting national guidance including on the

natural environment. The LDP aims to locate renewable energy developments where the technology can operate efficiently and environmental and cumulative impacts can be addressed satisfactorily.

Given the potentially significant impact of the proposal it is appropriate that all aspects of national, strategic and local policy be considered together when addressing the determining issues.

The Determining Issues

Aviation issues

The proposed turbines are predicted to be visible to Glasgow Airport's Primary Surveillance Radar and Glasgow Airport Safeguarding (GAS) advises that this conflicts with safeguarding criteria. This will impact the routing of commercial traffic and general aviation traffic both inbound to and outbound from Glasgow Airport and traffic transiting controlled airspace. It will also increase the risk of misidentification of aircraft, increasing controller workload and impacting air safety.

National Air Traffic Services (NATS) also advises that the proposal has been examined by its technical safeguarding teams and conflicts with their safeguarding criteria, identifying Lowther Hill, Cumbernauld and Glasgow Airport Radars as being of concern.

Aviation related issues are not specifically addressed within the policies of the LDP but the issue of public safety raised by the consultation replies from GAS and NATS is significant and would form a basis for refusal of the application. Neither consultee is indicating that there is an acceptable solution at this stage. Whilst there have been instances of planning permissions for wind farms being granted subject to a suspensive condition on radar mitigation being addressed, I have to be influenced by the indication from GAS, in particular, that it would not be agreeable to such a condition as matters stand. I also recognise that the appeal decision on the previous wind farm application at Corlic Hill stated the detrimental impact on the operation of Glasgow Airport and conflict with support for its future growth as a reason for refusal.

Visual impact: considerations

That the construction of 8 wind turbines each to a height of 110m and the associated infrastructure will have a visual impact is not in doubt. Enhanced photographs forming part of the environmental statement have been taken from a series of vantage points within the site, from the nearest population centres of Greenock, Port Glasgow and Kilmacolm, from nearby tourist and recreational attractions including Lyle Hill, and from the wider area including Dumbarton Castle, Helensburgh and Loch Lomond and the Trossachs National Park. The visibility of the proposed wind farm from all of these locations indicates the potential widespread impact. It is acknowledged that photomontages will be influenced by weather conditions at the time the photographs were taken, the position of the camera and the nature of the lens used, but they are nevertheless useful in illustrating the scale and position of turbines relative to the landscape and the skyline.

I also note the applicant's position that the visual impact of a wind farm is temporary and largely reversible and I recognise that conditions and a bond arrangement may be put in place obliging the removal of the turbines and associated buildings within a set period of time following decommissioning of a wind farm. Nevertheless I have to consider that the turbines will be in place for at least 25 years and that there is no proposal to remove the access tracks.

My assessment of visual impact is considered with reference to three key groups of visual receptors: those within or immediately adjacent to the site, those within the nearest towns and villages, and on those in the wider area and, in particular, towns, villages and key vantage points in the wider Clyde Estuary. This is not to deny that others may also consider themselves affected by the visual impact of the proposal.

Visual impact: within the site

It is clear from public comment and from the Clyde Muirshiel Regional Park Manager that the application site and the area around it is very popular with walkers and ramblers. Indeed, the applicant's environmental statement makes the point that "this is a uniquely wild part of the Clyde Muirshiel Regional Park: unique in the sense that it is a relatively undisturbed area but is in close proximity and highly accessible to nearby populations." It also points out that "its relative lack of development when compared with the settled landscapes that surround it and its proximity to these areas ensure its popularity with local people for recreation in a landscape where they are able to gain a sense of isolation and experience nature. There is a sense of surprise when one reaches the higher ground that one can "escape" so quickly from the settled landscapes below." Clearly the visual impact of the proposed development on recreational users of this part of the Park merits consideration.



View from Corlic Hill

Corlic Hill is a popular local destination for the experience of wilderness and because of views from the site, particularly across the Clyde Coast. Standing on Corlic Hill the viewer is struck by the relatively unspoiled wilderness of the area. Although there is limited existing electrical infrastructure in the form of pylons and overhead lines, the predominant human influence in the landscape is traditional farming in the form of field boundary walls and the calm of reservoirs. As viewed from Corlic Hill the pylons and overhead lines do not break the skyline and are absorbed into the landscape. This point provides a 360 degree view of an almost unspoilt panorama, particularly towards the Clyde Coast, and across the firth to Helensburgh, Cardross and the mountainous terrain towards Loch Lomond and the Trossachs National Park. The proposed turbines would, on the basis of the applicant's photomontages, evidently break the skyline, compromise views including the crucial outlook north and north-eastwards across the Clyde and have a more immediate visual impact than the existing electrical infrastructure on grounds of their proximity, height and animated nature. Furthermore, the network of tracks connecting the turbines would introduce a visual clutter at ground level which is not presently experienced. There would also be some temporary visual impacts on the site, especially in the opening of a borrow pit to secure on-site construction material.

The recreational user's overall experience of views from Corlic Hill and the landscape would be significantly changed by this development. If the applicant's assertion of the attractiveness of this site is to be accepted then the impact would be adverse as the sense of isolation and experience of nature would be compromised.

In close proximity to the application site there is a series of core paths which facilitate recreational users. The Council's Consultant Landscape Architect considers that "it is in the nature of path users from urban or urban fringe areas, where paths are close to home, to use them habitually. The magnitude of change will be substantial along many of the paths in the area and the significance of the visual impact will be high." Furthermore, the SNH guidance "Siting and Designing Wind Farms in the Landscape" states "impacts on tourists and those taking part in recreation may be relatively brief, but their sensitivity to landscape change is regarded as high because their purpose is

specifically to enjoy their surroundings.” I am supportive of both the Council’s Consultant Landscape Architect’s assessment and mindful of the SNH guidance and consultation reply in concluding that the visual impact on recreational users would be significant and that this application would adversely affect their appreciation of the natural environment.

Finally under this heading, I acknowledge that the proposed buildings within the site will also have a visual impact. It is considered, however, that careful redesign and use of finishing materials on these buildings could give them an appropriate rural appearance. This matter may be addressed by conditions and would not form a basis for refusal of the application.

Visual impact: adjacent to the site and nearest towns and villages

Although there are individual dwellings within close proximity to the application site boundary (Mansfield is approximately 975m distant, Dykefoot is approximately 1km away and Garshangan is approximately 1.1kms remote), town and village views would be most imposing from Greenock. Significant parts of Greenock are within the 2km “community separation” area identified within the SPP. It should, however, be noted that the closest houses at Luss Place, for example, do not have a direct view of the wind farm due to the intervening topography.



View from Newton Street, Greenock

Whilst the escarpment to the rear of Greenock provides a partially successful visual barrier to views of the proposed wind farm from those parts of Greenock closest to it, many residents within 2km would nevertheless have at least a partial view of a number of the turbines. The wind farm would be substantially visible from parts of Greenock. The applicant, in the environmental statement, lays emphasis on the orientation of “key” windows of houses in Greenock away from the wind farm towards the coastline, and seeks to diminish the significance of the proposal to residents. The Council’s Consultant Landscape Architect considers, however, that “in reality the receptors are the living, moving community whose attention will be drawn to the turbines on top of the hill as they go about their daily routines. Change and impact will be very significant within the communities from which the proposal can be seen from the street or garden.” Furthermore, the Landscape Capacity Study for Wind Turbine Development in Glasgow and the Clyde Valley notes that “groups of people who are most sensitive to their visual environment are usually considered to be residents in their homes and communities, and people accessing the countryside for recreation...” recognising the importance of the mobility of the community in perceptions of views.

Due to the intervening topography and landform there are less residences and public vantage points within Kilmacolm that would have clear a view of the proposed wind turbines. The key impacts would be limited to the western extremities of the village, including in particular the elevated areas such as Auchenbothie Gardens and western approaches to the village including along Knockbuckle Road. Views from Port Glasgow are mostly limited to upper areas, and are typically restricted to blade tips and nacelles.

I also note the guidance contained within the SNH publication, "Siting and Designing Wind Farms in the landscape" includes reference to the impact of a wind farm on the skyline. It states that "if the skyline is "simple" in nature, for example over moorland and hills, it is important that wind turbines possess a simple visual relationship to this feature, avoiding variable height, spacing and overlapping of turbines and also, visibility of blade tips intermittently "breaking" the skyline." As clearly viewed from Newton Street in Greenock as an example, but also from other viewpoints, the turbines appear to be of variable height, spacing between is apparently inconsistent and some appear to overlap whilst the blades of others intermittently break the skyline. The proposal fails to comply with this SNH guidance. I conclude that the layout of the wind farm will have such an impact on a considerable number of residents, particularly in Greenock, as to make the proposal significant and adverse in terms of visual impact in these areas.

Visual impact: Wider area

It is important to recognise that the elevated nature of the site means that it will have a visual interaction with the wider area as well as the immediate environs and closest towns and villages. In this wider sense receptors, particularly from the north banks of the Clyde Estuary, will visually experience the turbines as part of a landscape defined by a series of rolling hills. There is the occasional pylon on the horizon but again, in the context of the proposed wind farm, these have a relatively minor visual impact. There is a substantial shoreline and resident population on the north side of the Clyde that would have sight of the wind farm and, as an example, the enhanced photographs from Helensburgh provided by the applicant illustrate the strong visual impact that the turbines would have. It is the opinion of the Council's Consultant Landscape Architect that "the impacts on acknowledged mobile receptors, road users, are down-played [in the environmental statement] by ignoring the frequency of travel. The sensitivity of these routes is greatly understated" and "the proposed wind farm will be viewed frequently by travellers on this route, possibly twice a day throughout the working week. It is incorrect to assume that simply being a moving receptor on such a route will diminish the significance of the proposal." Indeed, cars and buses using the A814 and rail users on the West Highland Line will have extended views across the Clyde towards the wind farm.

The applicant has also sought to underplay the visual impact with reference to tree cover filtering views from across the Clyde. The Council's Consultant Landscape Architect takes the view that the screening argument "may be applicable during the summer months but the screening effect is virtually non-existent during the winter months. For almost half the year the proposal will be visible through the trees. The impact of change and the significance of that change upon the view is therefore much greater than is suggested in the environmental statement". I share the concerns of Argyll and Bute Council in considering that although the towns, villages, recreational and tourist areas and travel routes on the north side of the Clyde are more distant from the wind farm, distance does not diminish the change to the character of the landscape that this visual impact will bring. All that changes is the magnitude.

Indeed, both the north and south banks of the River Clyde, at this point, should be viewed as a landscape in an holistic sense; development on the skyline having a visual impact on one side of the Clyde will translate to a visual impact on the other side. When considered together, as matters stand, there are very few human skyline influences on either side, with the urban form traditionally hugging the coastline and lower slopes. Approval of the proposed development would significantly change the perception and appreciation of how development has successfully blended with this natural environment.



View from Kilcreggan

Landscape character impact

Landscape character is the distinct and recognisable pattern of elements that occurs consistently in a landscape leading to the way that it is perceived. Landscape sensitivity is concerned with the inherent character of the landscape and the likelihood that this character would be changed by the introduction of development. Landscape capacity refers to the degree to which a particular landscape type or area is able to accommodate change without significant effects on its character, or overall change of landscape character type.

The “Landscape Capacity Study for Wind Turbine Development in Glasgow and the Clyde Valley” considers the key characteristics of the “Rugged Moorland Hills” landscape character type and concludes that large turbines, of which these are examples, “are unlikely to be successfully accommodated within this landscape.” The Scottish Government advisory document “Onshore Wind Turbines” considers landscape impact and notes that “The ability of the landscape to absorb development often depends largely on features of landscape character such as landform, ridges, hills, valleys and vegetation.” SNH advice in “Siting and Designing Wind Farms in the Landscape” indicates that “it is very difficult to site and design a wind farm upon a variable landform, such as undulating moorland or hills, without presenting a confused image. This is because the wind turbines will be seen from different directions at varying elevations and spacing and against varying backdrops.” Furthermore, it informs that “the character of a skyline may be particularly valued if it conveys a sense of wildness [and] if it forms the backdrop to a settlement.”

Presently, the landscape character is experienced as rolling hills forming a natural backdrop to Greenock and Port Glasgow. Man’s influence on the landscape on and beyond the ridge has been limited, from the Roman Fortlet and associated road, through the construction of stone walls and wire fences, to reservoirs and the electricity pylons and overhead electrical power lines that cross part of the site. The pylons and power lines are noticeable in short distance views from the B788 but are less noticeable from parts of Greenock. Their impact is much lessened by distance. The proposed turbines would have a significant impact on the character of the landscape, including from more distant views due to their animated, visual prominence on the skyline. The applicant has attempted to absorb the turbines into the landscape through their positioning, in particular seeking to reduce the visibility from Greenock. It remains evident, however, that a confused image is presented, notably to Greenock, with overlapping turbines and variable spacing and height. I am also concerned by the visual confusion resulting from the juxtaposition of the turbines and the pylons on the site which contributes to a detrimental impact on the landscape.

The character of the skyline and the site itself would change from one of natural rugged moorland to a quasi-industrial landscape through the construction of what is essentially a large electricity generating facility. Given the elevated nature of the site it has an interaction with surrounding landscape character types which would alter the perception of the landscape generally from more distant views such as, for example, Dumbarton Rock. This overall impact would be noticed by visual receptors both nearby and in longer distance views particularly from the Argyll & Bute Council area. This analysis reflects the concerns of North Ayrshire Council.

I therefore consider that the proposal would have a detrimental impact on landscape character as this location has little or no capacity for a proposed development of this scale. This application and supporting images have confirmed concerns in the guidance from the Scottish Government, SNH and the Landscape Capacity Study for Wind Turbine Development in Glasgow and the Clyde Valley over accommodating a development of this nature within this landscape type.

Overall, considering the visual and landscape character impact on receptors from a wide range of views within Inverclyde and elsewhere, I conclude that the visual impact of the wind farm is significant and adverse to the extent that it is unacceptable.

Residential amenity

Residential amenity can be affected in a number of ways other than visual impact. Concern has been expressed over noise from construction and operation of the proposed wind farm, shadow flicker from individual turbines as they rotate, and the impact of ground works on water supplies for the isolated houses to the south of the site.

Any development project will produce noise during the construction phase and this has to be accepted. It is more important to ensure that disruption from noise is kept to reasonable levels and hours and this is a matter controlled by legislation operated by the Head of Safer and Inclusive Communities. Considering noise from the operation of the wind farm, I note that the Head of Safer and Inclusive Communities concludes that the level of noise likely to be experienced by the nearest houses would be acceptable. Similarly, although I note the comment on the British Noise Association standards I am satisfied from the Head of Safer and Inclusive Communities comments that this is not a basis on which the application should be refused.

Amendment to the initial proposal resulted in the deletion of the turbines nearest to the houses on Luss Place, Dalmoak Road and Arden Road. A combination of distance, ground contours, turbine heights and positioning relative to the sun's path satisfy me that concerns over shadow flicker have been satisfactorily addressed.

The isolated houses to the south and south-east of the site do not receive a water supply from the mains; it comes from an unsecured source outwith their control making it a matter between the householders affected and the neighbouring landowner. This should not form grounds for any refusal of planning permission and, furthermore, the Council has no role to play in requiring the applicant to provide mains connections for the isolated houses.

In summary I am satisfied that the relationship of the wind farm to houses means that residential amenity is not disrupted by the proposal in any manner that could justify refusal of planning permission.

Impact on tourism and recreational use of the area

The application site is within the Clyde Muirshiel Regional Park. SNH defines Regional Parks as "large areas of attractive countryside which lie close to Scotland's larger towns and cities, and which are therefore popular for outdoor recreation". It is viewed by the International Union for Conservation of Nature and Natural Resources (IUCN) as Category V, which by definition considers the application site and surrounding area to play more of a role in providing a destination point for local recreational users than for tourists from outwith the area. Part of the application site

and wider area is presently served by a network of core paths and the applicant suggests that the proposed development, through the turbine linking access paths and extensions of these proposed paths to link in to existing core paths, will encourage visits to the area. I am not convinced of this argument.

As the applicant has made clear, the attractiveness of this site is its unique wildness in close proximity to towns and villages. The development of an electricity generating station on the site will change the very nature of the experience of the landscape that presently attracts visitors. This attraction is evident from the observations of the Clyde Muirshiel Regional Park Manager and from the public representations. The wind farm experience may prove an attraction to people in itself, but they are becoming more commonplace across Scotland. It is likely that familiarity will decrease the “novelty” value. This contrasts with the volume of objections that refer to the relatively natural appearance of the site as a “draw factor” to recreational users. This will be lost should the proposed development take place. On balance, I consider that the area’s value to tourism and recreational use will lose more from the change of landscape character than to be gained from the wind farm “attraction”.



View from Dumbarton Castle

Although the application site is not recognised as a specific tourist destination from outwith the local area in its own right, visitors from further afield are attracted to dedicated tourism related facilities within the Park, including the Cornalees Visitor Centre. Indeed there are concerns that the development of a wind farm at this location would lead to a cumulative impact within the Park, and I share the concerns of the Clyde Muirshiel Regional Park Manager that the proposal could adversely impact upon the attractiveness of this part of the Park area as a recreational resource.

It also has to be considered that the site is highly visible from other tourist destinations, including arrivals at Ocean Terminal and visitors across the Clyde at points such as Dumbarton Castle. These tourists would encounter an altered landscape experience which would be particularly noticeable. Indeed the advice from SNH in the document “Siting and designing wind farms in the landscape” makes the point that “impacts on tourists and those taking part in recreation may be relatively brief, but their sensitivity to landscape change is regarded as high because their purpose is specifically to enjoy their surroundings.” The enhanced photographs provided by the applicant demonstrate how significant a visual impact this would have on a selection of viewpoints in the wider area.

Impact on the setting of two scheduled national monuments and other archaeological remains

Scottish Ministers' policies on the historic environment are outlined in the Scottish Historic Environment Policy (SHEP) and SPP. These policies are supplemented by PAN2/2011: Planning and Archaeology. In summary, scheduled monuments should be preserved in situ within an appropriate setting. In particular, paragraph 145 of SPP states that development "where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances". These national policies are reflected in the Inverclyde Local Development Plan where Policy HER6 states that development on or adjacent to scheduled monuments "will normally be permitted only where there is no adverse impact on the resource".

The application site sits within an area where there are two known scheduled monuments: Lurg Moor Roman Fortlet and Roman Road, and Lurg Moor Hut Circle. Other remains are identified and several more are claimed by those making representations on the application. Historic Scotland objects to the impact on the scheduled monuments. It considers that the setting of these monuments has to be considered in a wide landscape context, including approaches from the south. It is also pointed out that the re-scheduling of the Roman Fortlet in 2011 to include the Roman Road has enhanced the Fortlet's relationship with the moorland to the south. The applicant's archaeology adviser considers that only the northern aspects should be taken into account based on the function of the Fortlet. This position is supported by the Council's Consultant Archaeological Advisor.

On balance, however, I consider that the views of Historic Scotland, as the national heritage body and statutory consultee that obliges referral to the Scottish Ministers in the case of a contrary view being supported, holds greater weight. I conclude that the proposed development would adversely impact on the setting of these scheduled monuments, contrary to LDP Policy and with reference to the SPP, there are not considered to be exceptional circumstances which would justify approval of the proposal.

I am also required to consider representations that consider it possible that there may be other potential finds within the application site. This information was considered by the Council's Consultant Archaeological Advisor who has concluded that these would not constitute strong enough grounds for refusal. A watching brief condition across the site would address this matter should planning permission be granted. Such a condition would require that an appropriately qualified consultant be given site access as works proceed to record and recover artefacts and, if necessary divert construction works to allow finds to remain in situ. There is no concern from either Historic Scotland or the Council's Archaeological Advisor that there is any indication at this stage that significant antiquity is likely to be uncovered on the site or that it could potentially be a major archaeological attraction.

Ecology issues

Ecological issues and matters of natural heritage are considered in the environmental statement. Disturbance to ecology would occur during both the construction and operational phases. The statement indicates that the layout of the wind farm has been modified to reduce the impact on site ecology. The ecological issues covered include habitat disturbance, ornithological issues, potential pollution of watercourses and peat disturbances.

The Clyde Muirshiel Park Manager, public comment and the RSPB identify similar ecological interests of concern, the latter expressing particular concern over the impact on hen harriers from the Renfrewshire Heights Special Protection Area, whooper swans at the Black Cart Special Protection Area and the loss of blanket bog.

SNH has considered the environmental statement in depth. It notes that the proposal avoids the areas of deepest peat but also that there is likely to be a degree of hydrological disruption to blanket bog. Impact on bird populations has also been considered by SNH and some concerns are

expressed over collision mortality affecting the birds using the Black Cart SPA, but not of such a level as to affect the integrity of the site. Furthermore, in view of the SNH consultation response it is considered that some of the RSPBs requests go beyond what is reasonable to assess as part of this proposal.

The potential pollution of watercourses is also of ecological concern. Once operational, a wind farm is a type of development that, by its very nature, is unlikely to lead to pollution of watercourses. Pollution incidents would be more likely to occur with fuel leaks from construction traffic or silting of watercourses from disturbed ground. Construction work could also lead to elevated water levels through the disturbance of natural drainage, with possible consequences for raised sediment deposits in reservoirs and spring wells. All this would require careful on-site management. SNH concludes that the applicant should adopt the full range of mitigation measures identified in the environmental statement including the appointment of an Ecological Clerk of Works, the production of a Construction Environmental Management Plan (CEMP) and pre-construction checks for protected species.

Of those making representations on matters of ecology, I am primarily influenced by SNH. It is the national natural heritage body, and although many concerns have been expressed in respect of matters such as pollution to watercourses, disruption to drainage, loss of peat and CO2 release, disturbance to wetland and loss of trees, there is no convincing evidence provided in respect of these ecological matters to persuade SNH to suggest that there is a firm basis for refusal of the application.

I also note concern over the removal of some trees, primarily in the formation of the vehicular access to the east of the B788. Whilst this would be regrettable I do not consider that either the volume of trees or the extent of the area affected would be of such significance to justify refusal of planning permission.

Economic Benefit

Approval of the proposed development would create employment opportunities in the short term during construction and in the longer term with respect to annual maintenance. The number of posts to be created, however, are not significant and do not outweigh what I consider to be the negative impacts of the proposed wind farm.

I note comments in letters of representation relating to the impact on Council aims to redress the de-population of Inverclyde and possible property devaluation, but do not consider that planning permission merits refusal on this basis.

Traffic impact

Some concerns have been raised on traffic related issues, such as the generation of excessive traffic, noise from construction vehicles and the ability of roads to support HGVs. Neither Transport Scotland nor the Head of Environmental and Commercial Services has expressed concerns over the ability of the road network to accommodate the level of construction traffic or of delivery vehicles. It is noted that limited alterations may have to be made to some roads to allow manoeuvring by larger vehicles but this would be achieved through consents issued by the Head of Environmental and Commercial Services. The Head of Safer and Inclusive Communities has expressed no concern over anticipated construction noise levels.

Policy conclusions

The proposed wind farm is a development in the Green Belt and Countryside which, although supported in principle by Policy SDS1, would unacceptably adversely impact upon the landscape character and visual amenity of the area. Significant adverse effects would be experienced by recreational users of Clyde Muirshiel Regional Park and those in close proximity. Significant adverse effects would also be experienced by visual receptors who will have prominent views of

the proposed turbines from parts of Greenock and more distantly Kilmacolm and the north bank of the River Clyde. Furthermore, Historic Scotland has expressed clear concerns over the impact of the proposal on the setting of the Lurg Moor Roman Fortlet and Roman Road. On this basis I consider the proposal to be contrary to the following Local Development Plan policies:

- Policies ENV1, criterion (b)(i) and ENV2, criterion (i), as it will adversely impact on visual amenity and, in the case of the latter, is not capable of satisfactory mitigation.
- Policies ENV2, criterion (f) and INF1, criterion (b), as it will adversely impact on landscape character.
- Policy INF1, criterion (c), as it will adversely impact upon neighbouring settlements in terms of their visual outlook and enjoyment of the landscape.
- Policy INF1, criterion (d), as it will adversely impact on the enjoyment of the landscape by recreational users of Clyde Muirshiel Regional Park.
- Policies INF1, criterion (e), ENV2, criterion (e) and HER6, in that the proposal will have an adverse impact on the setting of the scheduled monument of Lurg Moor Roman Fortlet and Roman Road.

The proposal is also contrary to SNH guidance on “Siting and Designing Wind Farms in the Landscape”, Scottish Government online guidance “Onshore Wind Turbines” and the Clyde Valley Strategic Development Plan Authority guidance “Landscape Capacity Study for Wind Turbine Development in Glasgow and the Clyde Valley”.

With reference to the other relevant aspects of Local Development Plan policies, the economic benefits of the proposal in terms of employment opportunities have been demonstrated (Policy ENV1, criterion (b)(iii)). I consider that the applicant has demonstrated that impacts on biodiversity have been minimised insofar as this is possible given the nature of the development (Policy ENV1, criterion (b)(iv), Policy INF1, criterion (f) and Policy ENV7). I note from the Environmental Statement the potential for compensatory habitat creation/enhancement elsewhere (Policy ENV1, criterion (b)(v)). I also note that the proposal is a renewable energy development would accord in principle with criteria (a) and (k) of Policy ENV2 and that avoidance of the areas of deepest peat would accord with the aims of criterion (h) of Policy ENV2. I am satisfied that issues related to water quality may be addressed through adherence to the proposed CEMP and to the correct SEPA regulatory requirements (Policy ENV8). Finally, although there would be some tree removal as a result of the proposed vehicular access to the wind farm, I do not consider it to be of such significance relative to Policy ENV6 that refusal of the application would be justified on this basis. None of these matters outweigh my view that on balance, the proposal is contrary to the Local Development Plan.

Other material considerations

Notwithstanding my assessment of determining factors against planning policy, it has to be considered whether or not there are any material considerations which suggest that planning permission should be granted contrary to the approved development plan.

I note the general policy position of the Scottish Government on renewable energy and the targets set out in the NPF. There is no doubt that approval of the proposed development and its subsequent implementation would contribute towards national targets for sourcing energy from renewable sources. The crucial issue, however, is the guiding of such development to the right locations; locations which would either have no detrimental impact or would have impacts that could successfully be mitigated to allow the proposed development to take place. It is the role of the Development Plan to consider this at local level with reference to NPF3 and the SPP. The Government has approved both the Glasgow and the Clyde Valley Strategic Development Plan

and the Inverclyde Local Development Plan which combine to form the Development Plan; the Development Plan does not support this application.

A wide range of other issues have been raised in the representations including application procedure, health impacts, safety issues, interference with technology reception, the Aarhus Convention, Article 8 of the Human Rights Act and ISO14040.

Procedurally it is suggested that the Council alone should not be considering the application and that insufficient publicity has been given to the proposal. The Council is the authorised body to determine the application and adjoining authorities have been consulted and their views have been taken into account. The full, correct publicity procedures have been carried out before and during the processing of the application.

A significant number of issues related to health concerns, or perceptions of health concerns, are raised in public response with a wide variety of conditions and research quoted. It is not for the Council, as Planning Authority, to adjudicate on such claims and, indeed, decisions on planning applications elsewhere suggests that health related matters are not a material planning consideration. As such, health concerns and complaints are not matters that form a relevant or reliable basis for the refusal of planning permission.

Some concerns are also expressed over potential safety issues associated with the operation of wind turbines, such as ice throw from blades, breaking blades and possible fire safety issues. Whilst all of these concerns are based on practical experience reported from elsewhere these concerns do not form a basis for refusal of the application.

Interference with television and mobile phone reception is a material consideration and one of which the applicant is aware. Although there is no certainty that any of these issues will arise in practice, it is standard procedure to address these matters by condition requiring the applicant to agree to a programme addressing them by providing technical assistance to those affected.

The Aarhus Convention is a United Nations agreement relating to public access to information, public participation and access to justice in environmental matters. As a UN convention and not a European Union directive, being in breach of it, if that was to be the case, does not mean that any law has been broken. There is nothing to prevent the Council proceeding to determination of the application. Para 135 of Scottish Government Circular 3/2011 reads "before determining any EIA application, the planning authority.... must take into consideration the information contained in the Environmental Statement, including any additional information, any comments made by the consultation bodies, and any representations from members of the public about environmental issues." It does not require that the Planning Authority must conduct its own independent assessment of the environmental effects of the proposed development.

Article 8 of the Human Rights Act is not prejudiced by consideration of the planning merits of a proposal. Planning legislation ensures that all those with a right to comment are allowed to do so during the entire procedure, from pre-application discussion and through neighbour notification and publicising of the application.

ISO14040 belongs to a family of standards that relates to environmental management and exists to help organisations minimise how their operations negatively affect the environment and to show how they comply with applicable laws, regulations and other environmentally oriented requirements. They also cover how the situation can be continually improved. This all relates to legislation set apart from the Council's obligations in determining planning applications and is not relevant to consideration of the current proposal.

Finally, while I note concerns over the nature of the applicant's business and that of the parent company and the legality of an LLP operating a wind farm, and that granting permission may lead to a subsequent application to extend it; that tracks will be used by bikers/joyriders; that fly tipping may occur; that the site may attract travellers; that the development will impact on model airplanes,

that there may be unexploded bombs on site; and concern over the efficiency of operation of wind turbines, none of these form a basis for refusing planning permission.

Having considered all of the outstanding matters I have to conclude that none of these suggests that a departure from the Development Plan can be justified in this instance.

Community Benefit

The applicant proposes to provide community benefit at a rate of £5,000 per megawatt of electricity produced. The final figure would require to be secured by negotiation in the event of a grant of planning permission, although the proposed level is in line the Scottish Government's recommendations for onshore wind developments. It must be stressed, however, that this is not a material consideration in the planning process and cannot form part of the consideration of the merits of the proposal.

Conclusion

As is evidenced by previous planning approvals, the Council recognises and is supportive of the need for a greater percentage of our future electricity supplies to be derived from renewable sources. Wind farms make an important contribution to Scotland's energy supply and more such developments will be necessary if the Scottish Government's commitment to reduce greenhouse gas emissions is to be achieved. Policies SDS1 and INF1 of the Local Development Plan are representative of the Council's position in supporting renewable energy developments but, in the case of the latter policy, qualifying that support by references to impacts upon the natural heritage designations; the landscape and wider environment; neighbouring settlements; tourism, recreation and conservation matters; the built heritage; biodiversity and the water environment; air quality; road safety and service infrastructure; and the cumulative effect of such proposals. Several individual or small groups of wind turbines have been approved following favourable assessment against the above criteria.

It is also acknowledged that a wind farm located almost anywhere will have a range of impacts, including a visual impact and an impact on the character of the landscape in which it is situated. The nature of that impact will vary, however, depending upon how well it is absorbed into the landscape. Visual prominence is, to a large extent, dependent on vantage point and the perception of the visual receptor on the significance of the visual intrusion. This application, despite the applicant's attempts to absorb the wind farm into the landscape, still remains visually prominent to the detriment of the character of the landscape. The applicant has chosen a site of extreme visual prominence at the top of a rolling hills landform overlooking towns and in one of the most scenic areas of Scotland. The wind farm would be a dominant and incongruous feature of the skyline, as viewed from parts of Greenock, Kilmacolm and the wider Clyde Estuary. It would visually dominate the northern reaches of the Clyde Muirshiel Regional Park, to the detriment of the perception and recreational enjoyment of this part of the Park. It is also clear from the consultation responses that there remain safety concerns as to how the proposed wind farm would impact on the safe operation of Glasgow Airport and en-route air traffic.

In recognition of these impacts and the consequent conflict with a range of Local Development Plan policies and national planning guidance, it is recommended that planning permission be refused. Should planning permission be granted then the application will require to be referred to the Scottish Ministers.

RECOMMENDATION

That the application be referred to the Council with a recommendation that it be refused for the following reasons:

1. The proposed wind farm may adversely impact on the safe operation of Glasgow Airport and en-route traffic to the detriment of public safety.

2. It is contrary to Policies ENV1, criterion (b)(i) and ENV2, criterion (i) of the Inverclyde Local Development Plan as it will adversely impact on visual amenity and, in the case of the latter, is not capable of satisfactory mitigation.
3. It is contrary to Policies ENV2, criterion (f) and INF1, criterion (b) of the Inverclyde Local Development Plan as it will adversely impact on landscape character.
4. It is contrary to Policy INF1, criterion (c) of the Inverclyde Local Development Plan as it will adversely impact upon neighbouring settlements in terms of their visual outlook and enjoyment of the landscape.
5. It is contrary to Policy INF1, criterion (d) of the Inverclyde Local Development Plan as it will adversely impact on the enjoyment of the landscape by recreational users of Clyde Muirshiel Regional Park.
6. It is contrary to Policies INF1, criterion (e), ENV2, criterion (e) and HER6 of the Inverclyde Local Development Plan in that the proposal will have an adverse impact on the setting of the scheduled monument of Lurg Moor Roman Fortlet and Roman Road.
7. The visual impact and impact on landscape character of the proposed development would also be contrary to Scottish Natural Heritage guidance on "Siting and Designing Wind Farms in the Landscape", Scottish Government online guidance "Onshore Wind Turbines" and the Clyde Valley Strategic Development Plan Authority guidance "Landscape Capacity Study for Wind Turbine Development in Glasgow and the Clyde Valley".

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans.
2. Applicant's environmental statement, planning statement and design and access statement.
3. National Planning Framework 3.
4. The Scottish Planning Policy.
5. Scottish Historic Environment Policy.
6. Managing Change in the Historic Environment Guidance Notes.
7. Scottish Government Circular 8/2002.
8. Scottish Government PANs 1/2011 and 2/2011.
9. Scottish Government Online Guidance "Onshore Wind Turbines".
10. Scottish Government guidance document "Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments".
11. Scottish Natural Heritage Guidance "Glasgow and the Clyde valley Landscape Character Assessment".
12. Scottish Natural Heritage Guidance "Siting and Designing Wind Farms in the Landscape".
13. Scottish Natural Heritage Guidance "Assessing the Cumulative Impact of Onshore Wind Energy Developments".
14. Scottish Natural Heritage Guidance "Strategic Locational Guidance for Onshore Windfarms in Respect of the Natural Heritage".
15. Scottish Natural Heritage Guidance "Visual Assessment of Windfarms: Best Practice".
16. Land Use Consultants report "Landscape Capacity Study for Wind Turbine Development in Glasgow and the Clyde Valley".
17. Glasgow and the Clyde Valley Strategic Development Plan.
18. Inverclyde Local Development Plan.

19. Inverclyde Local Development Plan Supplementary Guidance on Renewable Energy.
20. Consultation replies.
21. Representations.



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