



ENVIRONMENT AND PROTECTIVE SERVICES COMMITTEE: 7 FEBRUARY 2012

**APPLICATION FOR PLANNING PERMISSION FOR TWO 900KW WIND TURBINES,
SUBSTATION AND ACCESS TRACK AT KIRKIBOST, BERNERA
(REF NO 11/00380/PPD)**

Report by Director of Development

PURPOSE OF REPORT

This application has received more than six letters of representation from separate parties, which contain matters, which are relevant material, planning considerations, and therefore cannot be determined under delegated powers.

COMPETENCE

- 1.1 There are no legal, financial or other constraints to the recommendation being implemented.

SUMMARY

- 2.1 The planning application is for the construction of two 900kW wind turbines at Kirkibost. It is also proposed that access tracks, a sub-station, an underground electricity cable network, hard standings and temporary construction storage areas are constructed. The application was accompanied by an Environmental Statement. A petition with 98 signatures was submitted objecting to the development and 12 representations have been received. Although there was some support for the development most of the representations objected to the development for reasons relating to tourism, the economy, crofting, visual impact, landscape, natural and built heritage, noise, planning policy, and transportation. In addition, a number of concerns relating to the Environmental Statement (ES) and the legal requirements of the Environmental Impact Assessment (EIA) Regulations have been submitted.
- 2.2 The development has been assessed as having an adverse effect on the setting of the Callanish Standing Stones; a Scheduled Ancient Monument (SAM). This view is corroborated by an objection to the development from Historic Scotland. It is acknowledged that, in accordance with EIA Regulations, further information would be required to be submitted before the Comhairle could be in a position to assess the overall environmental impact of this development fully. However, it is not considered reasonable for the Planning Authority to require this additional information to be submitted by the Developer at this stage given that the development is considered to be contrary to the Development Plan and that there is a significant objection from a statutory consultee.

RECOMMENDATION

- 3.1 **It is recommended that the application be REFUSED for the reasons as set out at Appendix 1 to the Report.**

Contact Officer	Mairi Mackinnon Tel: 01851 822690 Email: mmackinnon@cne-siar.gov.uk
Appendix	1 Schedule of Reasons for Refusal
	2 Location Plan
	3 Turbine Drawing
	4 Photomontage Drawing VP2a
	5 Photomontage Drawing VP3
	6 Views of Applicant
Background Papers	None

BACKGROUND

- 4.1 This planning application was submitted by an association of SAC Environmental and Farm Energy Consulting Ltd, on behalf of Mr N MacDonald, for the construction of two wind turbines at Kirkibost. Ancillary works are also proposed and these include the construction of access tracks, substation, an underground electricity cable network, hard standings and temporary construction storage areas.
- 4.2 The application states that the developers intend to transport the turbines directly to the island using a hired vehicle ferry. It is intended to construct a temporary slipway on the shore allowing the turbine tower, blades and components to be transferred onto the site access track. As no details of the slipway have been submitted, a further application would be necessary. The proposed wind farm would consist of two Enercon E44 turbines or similar with a rated power of 900 kW each. The hub height of the turbines is 45 m with a tip height of 67 m.
- 4.3 The application site is located in the township of Kirkibost, Great Bernera to the north of number 24 Kirkibost. The turbines are to be sited on a relatively high point within Bernera and will be particularly prominent within this landscape. There are several houses to the south and south east of the site, the six nearest houses are located between 476 metres and 582 metres from the proposed position of turbine 1. The site is not within any natural heritage designations but is within 10 km of the South Lewis, Harris and North Uist National Scenic Area. There are no Scheduled Ancient Monuments or Archaeological sites within the development site. There are several Scheduled Monuments in the general area, the most important being the Callanish Standing Stones which are 4.2 km away.
- 4.4 In order to properly consider all relevant matters this Report is structured as follows:
- | | |
|------------|--|
| Section 4 | Background; |
| Section 5 | Legislative framework and duties of the planning authority |
| Section 6 | Environmental Statement; |
| Section 7 | Representations; |
| Section 8 | Responses to Consultation; |
| Section 9 | Views of Applicant; |
| Section 10 | Decisions affecting the Site; |
| Section 11 | Policy Context; |
| Section 12 | Other material planning considerations; |
| Section 13 | Conclusion. |

LEGISLATIVE FRAMEWORK AND DUTIES OF THE PLANNING AUTHORITY

THE TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

- 5.1 In assessing an application for Planning Permission, the Comhairle must base its decision on the statutory Development Plan unless material considerations indicate otherwise. The development proposal is therefore assessed against the Development Plan and consideration given to material considerations including Scottish Government Guidance, and relevant third party representations.

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2011 (THE EIA REGULATIONS)

- 5.2 Installations for the harnessing of wind power for energy production is a type of Development identified in Schedule 2 Column 1 (Energy industry - 3(i)) of the EIA Regulations.

ENVIRONMENTAL STATEMENT (ES)

- 6.1 This section, paragraphs 6.2 to 6.18, of the Report provides a summary of the contents and conclusions of the Environmental Statement submitted by the developer.

ENVIRONMENTAL STATEMENT ECOLOGY

- 6.2 A bird survey was done for a previous layout of 5 turbines. The impact on eagles was assessed to be acceptably low and, as the number of turbines has now decreased to two, it is assumed in the ES that there will now be even less impact. The ES concluded that the proposed development is unlikely to have a significant impact on any other species of conservation concern.

IMPACT ON LANDSCAPE ELEMENTS

- 6.3 The landscape and visual impact assessment considered the effect that the proposed wind farm development would have on the surrounding landscape and the people that view it.
- 6.4 The turbines are located in an area which does not carry any national or regional landscape designations, although it is recognised that the South Lewis National Scenic Area is located within 10 km. Images are presented that show what the turbines will look like from 12 locations and although some of the viewpoints are considered to be medium to high impact it has also been shown that there are many viewpoints in the area where the turbines will not be seen.

ENVIRONMENTAL STATEMENT ARCHAEOLOGY AND CULTURAL HERITAGE

- 6.5 Due to the number of visitors that they attract, two sensitive viewpoints have been identified in the Environmental Statement, Callanish and Dun Carloway. The proposed turbines will be visible from the Callanish stones although they are not close enough to be considered in the ES to be over-bearing. It is deemed that the proposed development on this historic site is assessed as a combination of high sensitivity and low-medium magnitude. Dun Carloway is a significant distance from the proposed site and the turbines will be largely hidden therefore the impact is considered to be negligible to low.
- 6.6 The ES suggests that there is likely to be some effect on the landscape character of the area but it is envisaged that two medium scale turbines can be adequately accommodated within this landscape.
- 6.7 The impact of the proposed development on cultural heritage and archaeology has been examined in the ES. The assessment showed that there are no Scheduled Ancient Monuments or archaeological sites within the proposed development area. The area to be disturbed by construction of tracks and foundations would appear to be far enough away from any known artefacts for there to be little concern. The landscape impact is discussed in the landscape appraisal.

ENVIRONMENTAL STATEMENT AIRCRAFT, MOD, RADAR AND TELECOMMUNICATIONS

- 6.8 The site is located about 27 km west of Stornoway Airport, which is the closest major airport to the development. The proposed site is within the area covered by Sandwick SSR but due to the distance from the station and its size at this range it is envisaged that the turbine will not create a significant problem to the radar. It is also outwith the consultation distance for the National Air Traffic Control Service. The proposed site is also outwith the consultation distance for the radar located at Forsnabhal. Communication links that may be affected by this proposal have been assessed and have concluded that no conflict will arise. The BBC online tool for checking television interference suggests that no properties would be affected for whom there is no alternative off air service.

ENVIRONMENTAL STATEMENT NOISE ASSESSMENT

- 6.9 A noise assessment was carried out to determine whether the proposed development will cause disturbance to the people living in the area. Noise generated from a wind farm can be divided into construction noise and operational noise.

CONSTRUCTION NOISE

- 6.10 The construction noise at this development will be of relative shorter duration as only two turbines are being erected. The creation of the foundation will require a steady

supply of concrete but as this will need to be done continuously the noise will only be an issue for 1 day maximum per turbine. The erection of the turbine will not create much noise and again is of short duration.

- 6.11 The procedure used is based on the guidance contained in the publication "The rating and Assessment of noise from wind farms" as published by ETSU. This states that if the noise level from the turbine during the day is above 35 decibels (dB(A)) then it must be shown that the noise will not exceed 5 dB(A) above the background noise. At night the level is allowed to be slightly higher. A reduction of 10 dB(A) is assumed to be achieved when indoors, even with the windows open. To ensure a comprehensive indication of background noise levels in the area two sites were monitored. The wind speed data was obtained from a wind mast installed at the site. Using the sound power output of the turbine provided by the manufacturer, and adding one decibel uncertainty it has been shown that during the night all properties will receive less than 38 dB(A) as required by the ETSU guidance. During the day the 35 dB(A) limit may be exceeded by some of the nearby houses, which meant that the background noise levels needed to be measured. This was done at two sites and the results show that the calculated turbine noise is still within 5 dB(A) of the background noise. In addition, the prevailing wind is away from the nearest houses which would normally be expected to reduce the noise at the residences.

ENVIRONMENTAL STATEMENT SHADOW FLICKER

- 6.12 An assessment was carried out in order to determine if shadow flicker will cause disturbance to nearby residents. Shadow flicker will not occur if the residential dwellings are located outside rotor diameters of the proposed turbine. In this case the minimum distance is calculated at 440 m and therefore shadow flicker will not be an issue.

ENVIRONMENTAL STATEMENT GENERAL SAFETY

- 6.13 The greatest hazards occur during construction, repair works and decommissioning, when the public will be excluded from the site. Turbine safety is also important and Enercon turbines are manufactured to withstand weather conditions in the UK. Safety of turbines is ensured through design, quality control and manufacture.
- 6.14 Turbine blades are designed to discourage the build up of ice. Ice throw is often mentioned as a hazard from turbines. This would only happen if the blades were stationary during a long cold, still, period allowing ice to accumulate without movement dislodging it. For the Kirkibost development the build up of ice on the rotors during still periods is unlikely due to the maritime climate and the almost continuous wind. Even so, safety measures will be adopted in the form of signage on site to warn the public/staff of the danger as well as shutting the turbine down where a significant risk exists.

ENVIRONMENTAL STATEMENT SOCIO-ECONOMIC CONSIDERATIONS

- 6.15 This area has a high number of tourist visits, most coming to enjoy the environment, scenery and also to visit the historic sites. Whether the presence of two turbines in the view will affect the visit to the extent that visitors will either not come back, or recommend others not to visit is unknown. There is currently no evidence that confirms that relatively small developments have a seriously detrimental impact on tourism.
- 6.16 This development will create significant investment within the Western Isles. The development will benefit local companies, contractors and their employees. Indirect expenditure in local shops, service stations etc is also expected. Once operational, there will also be a requirement for maintenance engineers to undertake the supervision and maintenance. A significant financial contribution from annual planning gain payments will benefit the local community through improvements to the local amenities.

ENVIRONMENTAL STATEMENT CONCLUSION

- 6.17 The development will contribute to helping fulfil the ambitious renewable energy targets the Scottish and UK Governments. The potential adverse impacts on ecology, surface water, archaeology and cultural heritage and communications will be limited. Landscape and visual analysis has shown that the turbines can be accommodated in the landscape while noise and shadow flicker will be within the acceptable limits.
- 6.18 The safety of the public will be safeguarded through proper safety awareness and management programme and the development will bring significant investment into the rural agricultural economy. The proposal is clearly in accord with the principals of sustainability and will provide significant environmental, economic and social benefits to the local community.

REPRESENTATIONS

- 7.1 Representations have been received from the following:
- Dr D E Michael, Ardglas, Breacleite, Great Bernera;
 - Mrs Margaret Blair, 25 Kirkibost, Great Bernera;
 - Mr Iain Angus Macaulay, 22 Kirkibost, Great Bernera;
 - Mrs Madeleine MacAulay, 15 Kirkibost, Great Bernera;
 - Neil James Macaulay, The Anchorage, Kirkibost, Great Bernera;
 - Ian Mackay, 13 Kirkibost, Great Bernera;
 - Malcolm Macdonald, 7 Tobson, Great Bernera;
 - Janice Maciver, 21 Kirkibost, Great Bernera;
 - Kenneth R Macaulay, Primrose Villa, 25 Kirkibost, Great Bernera;
 - Mr & Mrs Evans, Corncrake, 21a Kirkibost, Great Bernera;
 - A petition with 98 signatures;
 - Martin Scott, RSPB Conservation Officer;
 - Barry Love for Environmental Law Chambers Ltd, on behalf of Dr David Michael.
- 7.2 The full terms of the Representations can be read on the file at the Development Department. However, they can be summarised as follows:

Supportive

- We would be delighted to look out of our window on a cold, wet day to see wind turbines turning and producing green electricity.
- We should all care about our environment and where our energy comes from.
- We do like wind turbines and would welcome any such scheme on our island.

Tourism/Economy

- There is potential for tourism to have a more significant impact on the economy.
- The proposed turbines will damage the immediate and long term development of the islands.
- There is no community benefit.
- There are no long term employment benefits to the island.
- The development may deter visitors.
- The community gains no benefit from this development.
- The development will seriously impact on the area's environment, visual amenity and potential for developing and maintaining tourism in an area with a unique Scottish history and heritage.
- The unique habitat contributes to the Western Isles economic matrix.

- The application does not state where the turbines will be constructed and the economic employment benefits to be gained by the local community from this development.
- There is a likelihood of a depreciation in house prices which have a direct impact on the economic wealth of the neighbourhood.
- There is no indication of local economic contribution, such as employment, and what sectors of the economy would benefit.

Crofting and Community

- There is a clause in the terms of the apportionment that forbids this development.
- This scheme would be detrimental to other proposed schemes that involve community benefit.

Landscape/Visual Amenity

- The proposed wind turbines will be dominant in the landscape, and detrimental to it.
- They will blight the natural beauty of the island.
- The development would compromise the landscape character.
- The cumulative visual impact would compromise the landscape character.
- The size of the development is out of proportion with the local environment.
- With the development of more efficient turbines do we face the prospect of the landscape being scarred when these machines become redundant?
- There would be unacceptable landscape and visual impact in and around the Bernera area, settlements in the Westside and the South Lewis, Harris and North Uist National Scenic area.
- The development is too close to houses.
- The turbines will overshadow all adjacent properties.
- Turbines should not be sited closer than 1 mile.

Natural Heritage

- The environment will be adversely affected, including breeding game birds and birds of prey.
- It will be in conflict with the ecology of the area affecting protected species of wild birds.
- The bird survey was dated 2007 and for a different five turbine scheme. It is therefore out of date and irrelevant.
- There is inadequate information on the likely environmental effects particularly on golden eagle populations. The bird survey should be up to date and based on the proposals, not a different scheme.
- The applicant was informed 7 years ago that the presence of golden eagles was likely to be an issue.
- The flight lines show that area is used by eagles so the dietary information does not assist in determining whether or not birds are attracted into the area.
- PAT modeling could have been a useful indicator of ranging behaviour of these birds.
- It is unclear what turbine location is being considered and this clarification is essential.
- A complete list of dates on which bird site survey was undertaken is missing.
- There is no indication whether breeding was successful during survey years.
- The Bernera golden eagle pair does not form part of the Lewis Peatlands SPA breeding population, but does form part of the Natural Heritage Zone.
- In absence of PAT modeling or further analysis the effect on the NHZ and Lewis Peatlands population should not be dismissed.
- The Comhairle will be required to undertake an Appropriate Assessment of the impact of the qualifying interests of Natura Sites. RSPB Scotland does not consider that there is sufficient information to reach the conclusion that the effect on the integrity of the site will not be significant.

- Building turbines and a substation will disrupt the shoreline and moorland, which will have an adverse effect on the ecosystem.
- There is a need for all developments to take into consideration sustainable development.
- There are problems with the otter survey; it concluded that there was the potential to have wide ranging impacts on otters and otter habitat.
- The scale and nature of the development in relatively close proximity to several natural heritage sites (particularly the Lewis Peatlands RAMSAR site, Lewis Peatlands SAC and SPA and Loch Laxavat Ard and Laxavat Iorach SSSI) has the potential to impact on sensitive bird species and otters.
- The Council would be in breach of its statutory duty to further the conservation of biodiversity if it relied upon the out of date bird study based on a 5 turbine scheme.

Built Heritage

- The development will be visible from the Callanish stones and as such will have an adverse effect on that site.
- It will significantly and detrimentally impact upon the Callanish standing stones.

Noise/Safety

- Noise will disturb local residences.
- There have been cases where turbines have broken close to roads and houses.
- This development is too close to houses.
- The noise emitted from the turbines is magnified in rural areas where there is no background noise.
- The noise and the shadow and strobing effect caused by the reflection of sunlight off the rotating blades will have an adverse effect on those residing in adjacent properties.
- The site is close to residential property and will have a detrimental effect on the quality of life.

Policy

- The development does not comply with the Structure Plan particularly Policies DM1, DM7, DM9.
- The development will be detrimental to local crofting activity.
- There is still much debate on alternative energy. The planning guidance provided by the Comhairle is relatively undeveloped on these matters due to the early stage of the development process. Due consideration needs to be given to the long term impact in an area where there is potentially other routes and areas to tap alternative energy.
- The turbines are 897 m from the nearest house. This conflicts with the guideline in paragraph 190 of SPP which recommends a distance of 2000m. The council would have to be satisfied that there are overwhelming reasons to depart from the guidelines. It is suggested this can not be justified in this instance.

Transport

- Access problems; the application does not address how traffic is going to cross the road and as this is the main road through the village further information is required.
- Some form of landing stage will be required to allow access from the sea which is not good for the environment.
- The application does not provide clear indication of the impact the traffic will have on the roads.

EIA Regulations

- There have been breaches of EIA procedures in that there has been unwarranted duplication, failure to require an updated ES, an unacceptable delay in advertising and 'inadequate' access on the planning portal.
- The EIA directive requires an EIA to consider the 'interaction' between the various environmental factors, there is no evidence that the issue of interaction has been considered which means that ES fails to meet the requirements of Schedule 4 of the EIA Regulations.
- There are inadequacies in the information submitted; any assessment of ZTV should extend out to 20km, the alternatives considered in the ES are not sufficient.
- The applicant has failed to submit appropriate alternatives, under the EIA regulations the consideration of alternatives is supposed to show, by a consideration of environmental effects, why the proposal site was favoured. The document submitted by the developer has concentrated on financial matters.
- Appropriate assessment through the EIA process should have allowed a more accurate measure of the magnitude, frequency, and reversibility of the potential natural heritage impacts of this proposal.
- Our client reserves the right to seek to have the Scottish Ministers make a scoping direction under Regulation 15(1)(a) with a view to a fresh EIA being prepared.

Other

- If approved the cumulative effect would be detrimental to other schemes that may arise.
- There are other alternative forms of renewable energy that could be utilised.
- Approval of this application will set a precedent for other similar developments.
- The development could set a precedent for other wind turbines.
- To limit comment to computer mail is discriminating.
- Drainage/infrastructure problems: the large foundations are likely to affect drainage.
- It should be clarified who is the applicant, Mr Macdonald or Farm Energy Consulting.
- If planning consent is granted it would clearly be in contradiction to terms that were set out when the apportionment was granted.
- This requires further community involvement.
- The applicant has not consulted with the local community.
- There will be severe diminution in the value of property.

RESPONSES TO CONSULTATION

HISTORIC SCOTLAND

- 8.1 *'We have considered your consultation and **we wish to object** to the proposals because of the impact on the setting of the scheduled monument known as **Calanais or Callanish Standing Stones (Index 90054)** (also a property in the care of Scottish Ministers) as outlined below:*

The proposed development would appear above the skyline, which forms an important part of the monument's setting; and

The proposed development would form a prominent feature within: 1) panoramic views from Calanais; and 2) views of Calanais from the eastern approach and related monuments to the east.

The development would therefore have a significant adverse impact on Calanais' setting which contributes considerably to its cultural significance. This would be contrary to national and local planning policy. The reasons for this objection are outlined more fully in the Annex to this letter.

Annex

The Monument and its Setting

Calanais or Callanish Standing Stones is a well preserved and impressive monument. It comprises a Neolithic stone circle at the centre of a cruciform arrangement of stone rows, together with a later central burial cairn. It was deliberately sited on a ridgeline where it was afforded wide panoramic views out over, and was visible in views from throughout, the surrounding area. It forms the centre of a wide prehistoric ritual landscape, incorporating a number of related and often intervisible stone circles, standing stones and natural features.

Calanais' setting includes its presence in the views from throughout the surrounding area and outward panoramic views which expand out to include the skyline through 360°. The surrounding area is composed over a relatively open landscape, incorporating low lying and scattered buildings; three static telecommunications masts puncture the skyline to the north and east.

Calanais is one of the foremost cultural heritage assets in the Western Isles. It is a property in the care of Scottish Ministers; it is widely promoted and continues to draw large numbers of visitors from across the world for its cultural, aesthetic and spiritual associations. It therefore contributes to the local and national economy. As noted in the Comhairle nan Eilean Siar's Structural Plan: "Many consider that the Calanais group of standing stones has qualities that are the equal of Stonehenge". Indeed, it is difficult to understate its cultural significance.

Calanais' setting, extending out to the skyline, is central to its understanding, appreciation and enjoyment, and contributes to its cultural, aesthetic and spiritual values.

Policy Context

The Scottish Government's Scottish Planning Policy seeks to support sustainable development that is compatible with the fabric, setting and character of the historic environment and recognises there are occasions where the importance of the heritage asset is such that change may be difficult or may not be possible (para. 111). It goes on to state that: "Development which will have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances" (para. 118).

The Comhairle nan Eilean Siar's Local Plan (2008) LP/RM2 Archaeology and Archaeologically Sensitive Areas states that the Comhairle will only permit development adversely affecting Scheduled Ancient Monuments in exceptional circumstances and where there is overriding public interest. RM15 Scheduled Ancient Monuments and Other Archaeological Sites of the Structure Plan (2003) further states that "Development proposals affecting nationally important remains (whether scheduled or not) will normally not be permitted".

The Impacts of the Proposed Development

The proposed development would introduce two 67m high turbines 4.2km to the northwest of Calanais. The intervening topography is relatively low-lying. As demonstrated by the photomontages provided in support of this application, the turbines would puncture the skyline and form a prominent, highly visible and moving feature into views from Calanais. It would be a reoccurring and constant presence at the monument, appearing in views as visitors move around the monument and from the east. Most visitors' first experience of Calanais is as they view it from the main modern day approach from the east.

Both the ZTV and a recent site visit suggest that the turbines would be visible in views of Calanais from two of the related stone circles to the east, Calanais II and Calanais III (scheduled as, respectively: **Ceann a' Gharaodh, Stone Circle and Cairn 250m N of – Index 5433** and **Cnoc Fillibhir Bheag, Stone Circle and Stone Settings – Index 5437**). In views from these two stone circles the turbines would be likely to be skylined behind Calanais.

The introduction of these proposed turbines would be incongruous to Calanais' setting. The skyline in views to the east of and from Calanais currently has no large scale or moving development of similar scale. Given the scale and prominence of the turbines within the skyline they would significantly detract from Calanais' setting and amenity. The development would therefore have a significant detrimental impact on Calanais' setting and on these grounds Historic Scotland objects to this planning application.

The nature of the intervening topography suggests that repositioning or lowering the height of the turbines is unlikely to mitigate the impacts.'

SCOTTISH WATER

- 8.2 'Scottish Water has no objection to this planning application. There are no public sewers in the vicinity of the proposed development. There are no public water mains in the vicinity proposed development site.'

SCOTTISH NATURAL HERITAGE

- 8.3 'We have considered the proposal, including the Environmental Statement (ES) and the golden eagle and otter reports.

The golden eagle and otter reports demonstrate that fieldwork for these species has been carried out thoroughly, while the analysis has correctly assessed the potential impacts upon these species. However, both reports are based on data which is now some six years old. In our view, it is not safe to base consideration of impacts upon data which is becoming increasingly out of date. Another consequence of the time lag between the writing of these reports and the submission of this application is that the otter report has not referenced the most recent relevant legislation. The otter report appears not to have an accompanying map.

Further, the assessment of impacts in these reports is based upon a different layout to that which is the subject of the current application. The current application is for fewer turbines, but we have not been able to read across from the turbines in the reports to ascertain which, if any, of these turbine positions are still being utilised in the current proposal.

We also consider that the ES, which was written in 2011, is too cursory in it's consideration of ecological and natural heritage impacts.

Our advice is therefore that further, or more precisely, up to date information is required to enable us to assess impacts upon golden eagle and otter in particular. The results of more current fieldwork should be analysed in relation to impacts upon the layout which is presently proposed.

I hope you find these comments helpful. Please get back to me with any further queries.'

SEPA

- 8.4 'In our response dated 31 August 2011 we advised that with respect to our interests, we did not require Environmental Impact Assessment (EIA) and that we had no objections to the planning application. We have reviewed the submitted EIA and proposed construction methods and can confirm that we still have no objection to this planning application.

Thank you for consulting SEPA on the screening opinion for the above development proposal by way of an email which we received on 12 August 2011. We consider that, with respect to our interests, Environmental Impact Assessment (EIA) is not required for the above proposal under Schedule 2 of the Regulations.

Please note that if EIA is not required the subsequent planning application appears to fall below the 10MW threshold for windfarms that we would want to provide site specific advice on. We would therefore refer you to our standing advice for small-scale local development which is available at www.sepa.org.uk/planning.aspx when the application is submitted. Appendix 1 of this document now provides standing advice for small scale windfarms below 10 MW not subject to formal EIA.

Please only re-consult us if the development is to produce greater than 10 MW or if the application is accompanied by an EIA. General advice on all scales of windfarm development can also be found contained in the energy section of our website - www.sepa.org.uk/planning/energy.aspx.

We also advise that we would have no objection to this application on the basis of Flood Risk.

Please also note the advice below:

Advice for the Planning Authority

1. Flood Risk

1.1 We have reviewed the information provided in this consultation. There are only two aspects of the proposals which have any flood risk implications these being (a) the proposed ferry slipway and (b) the stream crossing.

1.2 In relation to the proposed slipway, although that part of the site is within the coastal flood extent of the Indicative River and Coastal Flood Map (Scotland) we would consider that the type of development falls into the exceptions allowed for within the Risk Framework of Scottish Planning Policy (SPP), i.e. the location is essential for operational reasons. SPP states that such development should be designed and constructed to remain operational during floods.

1.3 For that purpose, an approximate 1 in 200 year water level for the area is 3.15mAOD based on extreme still water level calculations using the Coastal Flood Boundary dataset. This does not take into account the potential effects of wave action, funnelling or local bathymetry at this location.

1.4 In relation to the stream crossing, the stream to be crossed has an extremely small catchment area and is steep in nature. Any crossing provided it is adequately sized is unlikely to have any impact on flood risk.

1.5 We therefore have no objection to the proposed development on flood risk grounds. It is recommended that contact is made with your Flood Prevention Authority regarding these issues as they are likely to have further advice regarding freeboard and construction methods.

1.6 The Indicative River & Coastal Flood Map (Scotland) has been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river cross-sections and low-lying coastal land. The outlines do not account for flooding arising from sources such as surface water runoff, surcharged culverts or drainage systems.

The methodology was not designed to quantify the impacts of factors such as flood alleviation measures, buildings and transport infrastructure on flood conveyance & storage. The Indicative River & Coastal Flood Map (Scotland) is designed to be used as a national strategic assessment of flood risk to support planning policy in Scotland. For further information please visit www.sepa.org.uk/flooding/flood_map.aspx.

1.7 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Comhairle nan Eilean Siar as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from www.sepa.org.uk/flooding/flood_risk/planning_flooding.aspx.

2. Private Water Supplies

2.1 From OS maps there are several properties in the area, the closest of which lies approximately 50 m from the proposed access track. The closest property to a site of excavation (turbine foundation) is approximately 460 m from Turbine 1. The applicant states that the nearest water supply to the development lies 440 m from Turbine 1 (ES App 6.20), but the location of this water supply is not provided. The applicant should demonstrate that properties in the area are either on mains water supplies, or that their private water supplies (PWS) have been investigated, with information submitted for grid reference of source and type of source (e.g. well, borehole). If any PWS source is present within 250 m of an excavation (turbine foundation) or within 100 m of track or trench a quantitative hydrogeological assessment is required to demonstrate the risk to the water supply is not significant.

3. Regulatory requirements

Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: 2 James Square, James Street, Stornoway HS1 2QN Tel: 01851 706477.'

HIGHLANDS AND ISLANDS AIRPORTS

- 8.5 *'With reference to the above, our calculations show that, at the given position, this development is unlikely to infringe the safeguarding surfaces for Stornoway Airport.*

No objection as long as a steady red obstacle light is fitted at hub on one of the turbines.'

ENVIRONMENTAL HEALTH

- 8.6 *'I have looked at the EIA and I would recommend the following conditions:*

Operation

Noise

The applicants have provided a detailed noise assessment for the proposed development. The assessment has stated that the development will meet the criteria of ETSU _R_97, using a level of 38dB(A) or 5dB(A) or above background be used for the night time limit and 35dB LA90, 10min or the Background Noise Level plus 5 dB(A) for the daytime limit.

I would therefore recommend that the following conditions are applied:

Conditions to apply-

Condition 1 At wind speeds not exceeding 12m/s, as measured or calculated at a height of 10m above ground level at the nearest wind monitoring mast; the wind turbine noise level at any dwelling or other noise sensitive premises shall not exceed:

- (a) during night hours, 38dB LA90,10min, or the Night Hours LA90,10min Background Noise Level plus 5dB(A), which ever is the greater;*
- (b) during Quiet Waking Hours, 35dB LA90,10min or the Quiet Waking Hours LA90,10min Background Noise Level plus 5 dB(A), which ever is the greater.*

“wind turbine noise level” means the rated noise level due to the combined effect of all the wind turbines, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R-97, pages 99-109.

“Background Noise Level” means the ambient noise level already present within the environment (in the absence of noise generated by the development) as measured and correlated with Wind Speeds.

“wind speeds” means wind speeds measured or calculated at a height of 10 metres above ground level on the wind farm site at the wind monitoring mast nearest to the premises of interest.

“Night Hours” means 23:00 – 07:00 hours on all days.

“Quiet Waking Hours” means 18:00 – 23:00 hours on all days, plus 07:00 – 18:00 on Sundays and 13:00 – 18:00 hours on Saturdays.

“Noise Sensitive Premises” means premises, the occupants of which could be exposed to noise from the wind farm and includes hospitals, residential homes, nursing homes, etc.

Reason To protect the amenity at noise sensitive premises.

Condition 2 At the request of the Planning Authority, following a valid complaint to the Planning Authority relating to noise emissions from the wind turbines, the company shall measure, at its own expense the level of noise emissions from the wind turbines. The measurement and calculation of noise levels shall be undertaken in accordance with “The Assessment & Rating of Noise from Wind Farms”, September 1996, ETSU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of the Schedule, pages 95 to 97; and Supplementary Guidance Notes to the Planning Obligation, pages 99 to 109.

Reason To quantify the loss of amenity at noise sensitive premises resulting from the operation of the windfarm.

Condition 3 Should the noise levels in the foregoing condition be exceeded, the company shall take steps to ensure that noise emissions from the wind farm are reduced to the aforementioned noise levels or less.

Reason To ensure adequate mitigation is in place to protect amenity at noise sensitive premises.

Construction

Noise

There is a potential for noise disturbance from the demolition/construction of this development, and from activities associated with it. The following conditions are recommended.

Condition 1 Demolition/Construction shall be carried out in accordance with the practice described in BS5228 and with the Environmental Statement (Section 11). Hours of operation should be restricted to 08.00 – 19.00 Monday to Saturday and no working on Sundays.

Reason To protect the amenity at noise sensitive premises.'

COMHAIRLE ARCHAEOLOGIST

- 8.7 *'We do not have any direct issues with the proposed development. However the proposed development's impact on the (Pre) historic environment may have setting implications on four Scheduled Monuments. Three of the sites make up part of the Callanish Stones complex (SMR.2484, SMR.2485 & SMR.212), situated approximately 4.5 km ESE. The fourth scheduled monument (SMR.1714) is in close proximity to the proposed approximate access route for the development. Historic Scotland will need to give an opinion in this regard for this application.'*

TECHNICAL SERVICES - ROADS

- 8.8 *'The surface and general integrity of all roads and bridges used by the respective developers should be maintained at their expense during all construction works.*

Any access that joins a Comhairle road should be constructed in accordance with the enclosed access detail drawing 11/00380, and be located to achieve the required visibility splay.

Details of the route to site should be submitted. If the turbines travel on the road network on Lewis before being ferried to Great Bernera further conditions may apply.'

NATS (EN ROUTE) PUBLIC LIMITED

- 8.9 *'The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.*

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NERL (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NERL in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.'

MOD

- 8.10 *'I am happy to inform you that the MOD has no objection to the proposal. Our assessment has been carried out on the basis that there will be 2 turbines, 67 metres in height from ground level to blade tip, located at the grid references below:*

- 1 NB 17655 34929
- 2 NB 17685 35252

The MOD requests that in the interests of air safety, all turbines be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

The principal safeguarding concerns of the MOD with respect to the development of wind turbines relate to their potential to create a physical obstruction to air traffic

movements, and cause interference to air traffic control and air defence radar installations.

If planning permission is granted you must tell us:

- *the date construction starts and ends;*
- *the maximum height of construction equipment;*
- *the latitude and longitude of every turbine.*

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

If the application is altered in any way we must be consulted again as even the slightest change could unacceptably affect us.'

VIEWS OF APPLICANT

- 9.1 The agent has submitted additional information in support of the application and this has been attached at Appendix 5 to this Report.

DECISIONS AFFECTING THE SITE

- 10.1 The following decision relates to the site:

Ref. No.	Description	Decision	Date
11/00380/SCR	Two 900kW turbines (Screening Opinion)	Environmental Impact Assessment required	8 August 2011

POLICY CONTEXT

- 11.1 This section of the Report aims to discuss, in general terms, current planning and other policy context relevant to the Wind Farm development. The section does not however seek to evaluate the proposal against policy.

Climate Change and Energy Policy

- 11.2 *Climate Change* - Climate change is seen as the main challenge to deliver future development that is sustainable. The principal area of agreement concerns the urgent need to tackle greenhouse gas emissions. In Scotland it is the Climate Change (Scotland) Act 2009 that sets out the Government's commitment to reduce greenhouse gas emissions and reduce Scotland's vulnerability to the impacts of Climate Change. The Act introduces ambitious, world-leading legislation to reduce emissions by at least 80 per cent by 2050.
- 11.3 An increase in the amount of renewable energy generation (electricity and heat) as a means of reducing carbon emissions in support of efforts to tackle climate change is supported. The Scottish Government's Climate Change Act sets a target of reducing emissions by 80 per cent by 2050, including emissions from international aviation and shipping. It also sets a world-leading interim target for a 42 per cent cut in emissions by 2020.
- 11.3.1 The Scottish Government is committed to promoting the increased use of renewable energy sources. This commitment recognises renewables' potential to support economic growth. It also seeks to provide new opportunities to enhance the manufacturing capacity and to provide new employment, not least in the remote and rural areas.
- 11.3.2 The Government has continued to set increasing targets for renewable energy generation. The latest targets are set out in the Routemap for Renewable Energy in Scotland 2011, published in June 2011. This updated and expanded Routemap sets the challenge of a new target to meet an equivalent of 100% of Scotland's gross annual electricity consumption from renewable sources by 2020, as well as a target of 11% renewable heat generation.

**Scottish Planning Policy
National Planning Framework**

- 11.4 In 2008 Scottish Ministers began the process of preparing a second National Planning Framework (NPF2) that acknowledges that the islands continue to face the problems of population and economic decline.
- 11.5 NPF2 was published on June 25 2009. Unlike the first Framework, NPF2 provides spatial guidance for a range of national developments based on the principle of promoting sustainable economic growth. Climate Change is seen as one of the principal challenges and recognises the role that renewable energy would play in addressing it.

**Scottish Planning Policy
National Planning Framework**

- 11.6 NPF2 sees rural areas as being well placed to contribute to and benefit from the development of renewable energy given the location of the necessary wind, wave and water resources. It aims to develop the extensive renewable energy potential while safeguarding the environment and communities to achieve the Government's commitment to development and sustaining Scotland's energy industries.
- 11.7 The potential of the west coast for renewable energy development is recognised and to that end NPF2 has included, as one of the national developments, grid reinforcements to support renewable energy development and specifies a new sub sea cable link to the Outer Hebrides.

Scottish Planning Policy and Advice

- 11.8 The Scottish Government's key policy document on the operation of the Planning system is 'Scottish Planning Policy' (SPP) which was published in February 2010. This document provides a statement of the Scottish Government's policy on nationally important land use planning matters. The treatment of any large scale renewables application is guided by the framework set out in SPP.
- 11.9 SPP provides a positive framework to encourage the development of renewable energy technologies. It sets targets for the production of energy from renewable sources and the requirement for Planning Authorities to provide a spatial framework for onshore wind farms of over 20 megawatts generating capacity. With specific reference to wind farm developments some key policy issues are raised in the SPP as noted below.
- 11.9.1 Confirmation of the renewables targets for 50% of Scotland's electricity to be generated from renewable sources by 2020 and 11% of heat demand to be met from renewable sources. Although this has now been superseded by a further Ministerial Statement in September 2010 whereby Ministers want renewable sources to generate the equivalent of 80% of Scotland's gross annual electricity consumption by 2020 with an interim milestone of 31 per cent by 2011. Similarly, a target has been set for renewables sources to provide the equivalent of 11 per cent of Scotland's heat demand by 2020:
- Hydro and onshore wind is expected to continue to make the most significant contribution to the targets;
 - Planning Authorities are to see the Development Plan as the key framework for considering site selection and should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Development Plans should ensure that an area's renewable energy potential is realised and optimised in a way that takes account of relevant economic, social, environmental and transport issues and maximises benefits;

- When considering cumulative impact, Planning Authorities should take account of existing wind farms, those which have permission and valid applications for wind farms which have not been determined;
 - Planning Authorities should set out in the Development Plan (or supplementary guidance) a spatial framework for onshore wind farms of over 20 megawatts generating capacity. The spatial framework should identify: areas requiring significant protection; areas with potential constraints where proposals will be considered on their individual merits against identified criteria, and areas of search where appropriate proposals are likely to be supported subject to detailed consideration against identified criteria;
 - The main consideration in determining 'areas of search' in Development Plans are natural heritage, landscape, historic environment, tourism and recreational interests, aviation and defence interests, cumulative impacts, the wind resource, impact upon communities, and the electricity grid;
 - When granting planning permission, Planning Authorities should include conditions for the decommissioning of developments, including their ancillary infrastructure, and for site restoration. Planning Authorities should also ensure that sufficient finance is set aside to enable operators to meet their restoration obligations, and should consider financial guarantees through a planning agreement. A range of benefits are often voluntarily provided by developers to communities in the vicinity of renewable energy developments. These can include community trust funds. Such benefit should not be treated as a material consideration unless it meets the tests set out in Circular 1/2010 *Planning Agreements*.
- 11.10 The general thrust of SPP, with regard to renewables is towards a positive approach and a clear focus on the Development Plan as the key means to guide development. The Comhairle's Development Plan is discussed in more detail below.
- 11.11 Additional Scottish Planning advice of importance to this application includes web based renewables guidance, which supersedes 'PAN 45' and 'PAN 45 Annex 2: Spatial Frameworks and Supplementary Planning Guidance for Windfarms 2008'.
- 11.12 The web-based planning advice on 'Onshore Wind Turbines' sets out guidance on good practice in terms of Renewable Energy. Of particular relevance to this application are the following:
- Renewable energy is seen as a positive driver for rural development;
 - The adequacy of noise mitigation measures – mechanical and aerodynamic;
 - The degree of disturbance caused by construction activity;
 - The control of vehicle movements during construction and operation;
 - The reinstatement of roads that are not strictly required for ongoing operation once construction complete;
 - The restoration arrangements after decommissioning;
 - The duration of consent (usually linked to life of the turbines);
 - Icing problems with regard to blades;
 - The impact on communications systems;
 - The impacts upon civil and military aviation;
 - The mitigation proposed for interference with television reception;
 - The proximity to roads – at least height of blade tip (appears to have been achieved);
 - Shadow flicker;
 - The under grounding of power lines from turbines to sub stations; impacts of power lines from substation to the distribution system;
 - The sensitivity of the hydrology of peat habitats;

- Colour;
- Locating power lines, fences, masts, buildings etc to minimise clutter;
- Visual assessments; and
- The cumulative effects of neighbouring wind farm developments – the advice states that in assessing cumulative landscape and visual impacts, the scale and pattern of the turbines plus the tracks, power-lines and ancillary development will be relevant consideration. It will also be necessary to consider the significance of the landscape and the views, proximity and inter-visibility and the sensitivity of visual receptors.

11.13 In particular, the advice provides detail on landscape and biodiversity issues, in summary:

- The ability of the landscape to absorb development often depends largely on features of landscape character such as landform, ridges, hills, valleys, and vegetation. This can also be influenced by careful siting and the skills of the designer. Different layouts of turbines may be more or less suited to particular landscape types and the physical form and/or colour of turbines may also be relevant. Selecting an appropriate route for access, considering landform change, surfacing and vegetation can also influence to what extent proposals are integrated into the landscape setting.
- As more areas of search are taken up and as more sites are proposed within or near sensitive landscapes, landscape protection and designing appropriate mitigation through conditions and/or legal agreements, will become a more routine consideration alongside maximising the potential of wind energy. In relation to landscape impact, a cautious approach is necessary in relation to particular landscapes which are rare or valued, such as National Scenic Areas.
- *Landscape Assessment:* Analysis of landscape impact normally requires the preparation of a zone of theoretical visibility map, to show where the windfarm may be seen from, a viewpoint analysis based on key viewpoints throughout the surrounding area, computer modelling and photo or video montages. SNH is the Scottish Government national agency and statutory advisor on landscape matters. Their guidance is expected to be followed in the first instance in respect of landscape character appraisal, landscape and visual impact analysis and wind farm design.
- Any supplementary information used to deliver local solutions to local problems must not conflict with national standards and must be a proportionate and reasonable burden on the applicant.
- *Impacts on Wildlife and Habitat, Ecosystems and Biodiversity:* Wind turbine developments have the capacity to have both positive and negative effects on the wildlife, habitats, ecosystems and biodiversity of an area. For example, the effects of climate change are known to have damaging effects on wildlife, habitats, ecosystems and biodiversity, and the production of renewable energy counters this. There are also many opportunities for wind turbine developments to introduce environmental improvement through land management, land restoration and habitat creation, as part of a development scheme.
- At the same time, there is also the potential for negative environmental effects, with possible loss of or damage to valuable habitat resulting from construction of turbine bases, access tracks or other works. Such impacts can be significant particularly if they relate to habitats that are difficult to replicate. There is also the potential of collision risk, displacement or disturbance by forcing birds or bats to alter flight paths. Wind farms should not adversely affect the integrity of designated sites protected under EU and UK legislation (Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Sites of Special Scientific Interest (SSSIs)) or wider conservation interests outlined in the SPP.

Negative effects can also be at a distance from the turbines if works alter the hydrology of an area or if access roads create barriers to movement of protected species. Again, there is scope for mitigation in the location of wind turbines, construction techniques, design measures and management.

Historic Environment Policy

- 11.14 Scottish Historic Environment Policy December 2011 (SHEP) sets out Scottish Ministers' policies for the historic environment, provides direction for Historic Scotland and a framework that informs day to day work for those who have responsibility for managing the historic environment.

- 11.14.1 Historic Scotland's document 'Managing Change in the Historic Environment' provides guidance on managing change in the historic environment. This is one of a series of guidance notes on managing change in the historic environment for use by planning authorities and other interested parties. The series explains how to apply the policies contained in the SHEP. Some of the key issues identified include:

- 1 *'Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. Planning authorities must take into account the setting of historic assets or places when drawing up development plans and guidance, when considering various types of environmental and design assessments/ statements, and in determining planning applications.'*
- 2 *Where development is proposed it is important to:*
 - *identify the historic assets that might be affected;*
 - *define the setting of each historic asset;*
 - *assess how any new development would impact upon this.*
- 3 *Setting often extends beyond the property boundary, or 'curtilage', of an individual historic asset into a broader landscape context. Less tangible elements can also be important in understanding the setting. These may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.'*

- 11.14.2 In determining a planning application, *'thought must be given to whether new development can be incorporated sensitively. Depending on the nature of the historic asset or place, relatively small changes in the wider landscape may affect its setting.'*

- 11.14.3 *'An understanding of the impact of a proposed change on setting should not be confined to whether key views to and from the historic asset or place are interrupted, but should also assess whether the proposed change would dominate or detract in a way that affects our ability to understand and appreciate the historic asset. For instance, a new development could form a backdrop to, or be skylined in, key views. In some cases it will be necessary to consider whether the proposed change will significantly alter the character of the landscape.'*

Development Plan

- 11.15 The current Western Isles Development Plan consists of two elements. Strategic Land Use Policy is set out in the Western Isles Structure Plan, approved in 2003, and detailed local guidance is set out in the Western Isles Local Plan, adopted June 2008. The Development Plan provides a framework to develop and sustain the communities of the Outer Hebrides and will favourably consider renewable energy developments, subject to the considerations set out within its policies and proposals. In line with the modernisation of the planning system and new legislation requirements, preparation of the new Outer Hebrides Local Development Plan has commenced, which will in due course supersede the existing Development Plan. In September 2011 the Comhairle approved a Proposed Local Development Plan and

associated documents for public consultation which was open for comment until November 2011.

- 11.16 A number of more specific Structure Plan policies have a bearing on this application, covering the topics of Development Management, Resource Management, Economic Development, Housing, Community and Leisure Facilities, and Transportation. The main renewable energy policy, a criteria based approach, is contained in the Structure Plan, policy ED2 below:

ED2 Development of Alternative and Renewable Energy Resources

- 11.16.1 *'The Comhairle, in partnership with other public agencies and the private sector, will develop proposals that help realise the latent renewable energy development potential of the Western Isles. It will also promote improvements to the interconnector with the mainland to enable the export of energy.'*
- 11.16.2 *Development proposals for hydro, solar, wave, tidal and wind (on-shore and off-shore) energy schemes and associated infrastructure, including proposals for non-grid, domestic-scale schemes, will be viewed positively, subject to satisfactory assessment of all of the following:*
- i) the impact on local communities and any other existing or proposed land uses and interests;*
 - ii) the impact, including cumulative impact, on natural and built heritage resources;*
 - iii) the local and wider benefits that the proposal may bring;*
 - iv) the adequacy of reinstatement arrangements;*
 - v) the requirements of other Structure Plan policies.*
- 11.16.3 *Non-permanent structures will normally be approved for a temporary period.*
- 11.16.4 *Having regard to the above criteria, the Local Plan will identify potentially suitable sites including provision of safeguarding or exclusion areas to ensure that future neighbouring developments or activities do not undermine the viability of the energy resource.'*
- 11.17 Taking account of SPP by the Comhairle supplementary guidance was approved by the Comhairle in July 2010 and is a material consideration in the determination of planning applications for wind energy developments, as part of the Development Plan (see below for further details). Once the new Outer Hebrides Local Development Plan is adopted this Supplementary Guidance will become statutory as part of the Development Plan. The Supplementary Guidance has recently been reconsulted upon as part of that process.
- 11.18 Some of the key issues for this development from the Development Plan are:
- The Structure Plan provides the criteria based approach to assessment.
 - The Comhairle has supplementary guidance in place for renewable energy.

Supplementary Guidance

- 11.19 The Comhairle has approved Supplementary Guidance as of July 2010. Whilst this is not statutory Supplementary Guidance (adopted as part of the Local Development Plan) it should be regarded as a material planning consideration. As outlined above this guidance will become statutory under the new Local Development Plan in due course and has been subject to recent consultation.
- 11.19.1 The Supplementary Guidance: Large Scale Wind Energy Developments (>20MW) Comhairle was prepared following stakeholder/public consultation and was approved by the Comhairle in July 2010. The aim of the guidance is to set out policies and

other advice to assist in positively planning for the provision of large scale wind energy developments (over 20 Mega Watt) in the Outer Hebrides. However, the guidance is also of relevance to this scale of development.

- 11.19.2 A number of sizeable search sites have been identified in the Supplementary Guidance which provides a clear steer to developers on locations which are more likely to be acceptable, in principle, for large-scale wind farm developments. It should be borne in mind that the areas of search identified in this Guidance are essentially 'search areas of least constraint' rather than 'preferred areas of development', and development within these areas will still be subject to the policies of the Guidance's Development Criteria and those of the Development Plan.
- 11.19.3 The Development Criteria set out in the Supplementary Guidance aim to provide clarity on the issues that should be addressed to enable development to take place. For large scale developments all criteria must be satisfied in all areas of the Outer Hebrides.
- 11.19.4 The Guidance assesses a development in relation to the following Development Criteria: Natural Heritage; Landscape and Visual Impact; Community; Water Resources; Historic Resources; Aviation and Defence; and Cumulative Impact.
- 11.19.5 The Spatial Policy and Development criteria are also supported by Additional Advice and Good Practice and developers are encouraged to evidence that they have considered the issues raised in this section.
- 11.20 In addition, the following supplementary guidance will be used in the consideration of development proposals:
 - 1 In the assessment of the likely impact of proposed onshore wind energy developments, consideration will be given to the "Landscape Capacity Study for Onshore Wind Energy Development in the Western Isles" (2004).
 - 2 Medium and large scale renewable energy developments (as a rule, those with more than 1 MW generation capacity) will normally be subject to a requirement for completion of an agreement under Section 75 of the Town and Country (Scotland) Act 1997 to include:
 - Land restoration during and after completion of the development phase, and at any time when any part of the development is modified or becomes redundant and the taking out of a reinstatement bond to ensure acceptable restoration;
 - Off site works to roads or other services that reasonably require improvements to accommodate the proposed development;
 - Any safeguarding or remediation works to any off site feature or receptor that may be affected by the proposal.

THE DEVELOPMENT PLAN

- 12.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 says, "*Where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.*" Attention is therefore drawn initially to any relevant policies or other elements of the Development Plan. This is then followed by comment on any other material considerations before a conclusion is reached.
- 12.2 **Western Isles Structure Plan**

PLAN REF	RELEVANT TERMS	IMPLICATIONS FOR THIS CASE
SC10	<i>In conjunction with its Community Planning partners, the Comhairle will</i>	The proposed development would

seek to encourage land use and development solutions that assist in utilising resources efficiently, reducing pollution, minimising waste and promoting the use of recycled materials where possible.

utilise the area's wind resource.

DM1

Development proposals that can be absorbed without harming the local social, economic or environmental characteristics of the Sustainable Community Area in which they are located, will generally be supported.

The area has a medium to high sensitivity to wind turbines, as stated in the Landscape Capacity Study for Onshore Wind Energy Development in the Western Isles 2004. It is assessed that the impact of the development will be significantly detrimental to the environmental characteristics of the area. The development is therefore not considered compatible with this planning consent.

DM7

In dealing with applications for development the Comhairle will take account of the requirements of other relevant Structure Plan policies and will ensure:

- i) quality siting, landscaping and designs that incorporate sustainable management techniques. (In this regard the Comhairle will encourage development that follows the guidance contained in the Scottish Executive publication 'Designing Places' as well as its own Design Guidance);*
- ii) no undue harm to neighbouring uses as a result of the development;*
- iii) appropriate measures are in place for the safe movement of traffic and associated parking both on and off site;*

The Comhairle will seek to facilitate development that would otherwise be unacceptable by the imposition of conditions.

The proposed access is acceptable providing it is in accordance with the requirements specified by the Director of Technical Services. Effects during construction phase may be mitigated against by planning conditions.

DM9

Developers should be willing to negotiate with the Comhairle, statutory agencies and service providers at an early stage to ensure planning and environmental concerns are taken on board prior to the submission of a formal planning application.

Where appropriate, the Comhairle

In this case the applicant has

will seek to maximise the opportunity for additional benefits to the local community arising from major development proposals through negotiations with developers and securing 'planning agreements'.

offered to seek completion of a planning agreement prior to consent being issued.

RM11

The Comhairle will not normally grant consent for developments on land or water that would have a significant adverse effects upon habitats or species listed under the EC Habitats Directive, the EC Wild Birds Directive** or the Wildlife and Countryside Act 1981 (as amended)***. The Comhairle will encourage the appropriate management and enhancement of features of the landscape which are of major importance for wild flora and fauna.*

SNH considers that the information in the ES is not sufficient to assess fully whether the proposal will have a significant effect on any qualifying interests either directly or indirectly. The Planning Authority has no information to the contrary and is entitled to give due weight to the view of SNH as a statutory consultee.

In the event of a proposed development having an adverse impact on breeding or resting places used by these species, it should only proceed if:

- i) action must be to preserve public health or safety, or for other imperative reasons of overriding public interest including those of a social or economic nature; and*
- ii) there is no satisfactory alternative; and*
- iii) there will be no adverse impacts on the species as a whole”.*

** Annex 1, 2 & 4 **Annex 1
***Schedules 1, 5 and 8*

RM15

The Comhairle will support proposals that seek to protect, enhance and interpret Scheduled Ancient Monuments and other archaeological sites. Development proposals affecting nationally important remains (whether scheduled or not) and their settings will normally not be permitted.

The development is visible from the Callanish Standing Stones, an important scheduled ancient monument. The proposed development is assessed as significantly affecting the setting. This view is supported by the advice received from Historic Scotland which has objected to the application. The Planning Authority is entitled to give due weight to the view of Historic Scotland in this matter.

Where development is likely to affect an archaeological monument, site or possible remains:

- i) early discussion with development control officers and the regional archaeologist is encouraged;*

- ii) *the developer will normally be required to allow the regional archaeologist (or nominee) access to the development site at any time during the course of development to make such recordings as may be reasonably required;*
- iii) *the developer may be required to arrange or fund an archaeological evaluation prior to the determination of planning applications in areas of potential importance; and*
- iv) *the developer may be required to arrange or fund an archaeological excavation, and/or recording of the affected monument or site where in situ preservation is not possible.*

The advice from the Comhairle Archaeologist did not state that the developer would be required to employ an archaeological expert to observe work in progress and record items of interest.

ED2

The Comhairle, in partnership with other public agencies and the private sector, will develop proposals that help realise the latent renewable energy development potential of the Western Isles. It will also promote improvements to the interconnector with the mainland to enable the export of energy.

Development proposals for hydro, solar, wave, tidal and wind (on-shore and off-shore) energy schemes and associated infrastructure, including proposals for non-grid, domestic-scale schemes, will be viewed positively, subject to satisfactory assessment of all of the following:

- i) *the impact on local communities and any other existing or proposed land uses and interests;*
- ii) *the impact, including cumulative impact, on natural and built heritage resources;*
- iii) *the local and wider benefits that the proposal may bring;*
- iv) *the adequacy of reinstatement arrangements;*
- v) *the requirements of other Structure Plan policies.*

The proposal is within this group of development.

The development will not have a significant impact upon the existing land uses.

The impact on the setting of the Callanish Stones is considered to be unacceptable as outlined in the implications for RM15 above.

These could be the subject of planning conditions.

Non-permanent structures will normally be approved for a temporary period.

If planning consent were to be granted it would be for a temporary period based on the estimated

Having regard to the above criteria, the Local Plan will identify potentially suitable sites including provision of safeguarding or exclusion areas to ensure that future neighbouring developments or activities do not undermine the viability of the energy resource. lifespan of the turbines.

12.3 Western Isles Local Plan

PLAN REF	RELEVANT TERMS	IMPLICATIONS FOR THIS CASE
LP/DM1	<i>In assessing development proposals an appropriate and acceptable quality of development and design that relates to setting will be required...In assessing small scale development of all types the potential incremental impact of development on the area as a whole will be considered.</i>	Given the effect the proposal would have on the setting of the Callanish Stones the proposed development is assessed as being not in line with this policy.
LP/RM2	<p><i>The Comhairle will only permit development adversely affecting Scheduled Ancient Monuments and nationally important sites in exceptional circumstances and where there is an overriding public interest. To assess such proposals the criteria set out in Structure Plan policy RM15 will be applied.</i></p> <p><i>For development affecting regional or locally important sites, the importance of the remains, including the potential for amenity, tourism and education purposes, will be weighed against the benefits of the proposed development.</i></p> <p><i>Where development is acceptable, in addition to the excavation and recording arrangements set out in Structure Plan policy RM15 long term management, access and interpretation of the site may also be required.</i></p>	The proposal would have a significant effect on the setting of the Callanish Stones and there is no evidence to support the argument that there is an overriding public interest.

OTHER MATERIAL PLANNING CONSIDERATIONS

13.1 Ecology

The ES provides a bird survey and otter survey which was done for a previous layout of 5 turbines and completed six years ago. While SNH has indicated that it considers the field work to be thorough and analysis correct for the 5 turbine scheme at that time, it states that the data on which conclusions are based is now considered to be out of date, not specific to the proposal now being assessed and in the case of otter does not reflect current legislation; SNH has advised that it would be unsafe to take any decision based on this information and that the ES, which was written in 2011, is too cursory in it's consideration of ecological impacts. A number of points have been made in the representations regarding the competency of the bird survey;

- 13.2 The ES has briefly outlined the implications for the ecology and the natural heritage but this is not considered to be in sufficient depth to justify the conclusions made.
- 13.3 Therefore to enable a thorough assessment the advice from SNH is that further, or more precisely, up to date information upon golden eagle and otter in particular is required. The results of more current fieldwork should be analysed in relation to impacts upon the layout which is presently proposed.
- 13.4 Several of the objections received relate to natural heritage issues. Given the requirement for additional environmental information it is not possible at this stage to make any conclusions on this issue.

EIA Regulations

- 13.5 Under the EIA Directive a Planning Authority must make its decision on certain types of development with the full knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for these types of development before they can be approved. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood before it makes its decision.
- 13.6 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (EIA Regs) set out what must be done. A decision that fails to comply fully with these regulations may be challenged legally. A number of points were made in the representations regarding the procedure and the quality of the environmental information submitted. It is acknowledged that the requirements of the regulations have not been fulfilled entirely. There would evidently be substantial financial and time implications for the developer associated with requesting further studies. Given that there is an outstanding fundamental objection to the development from a statutory consultee (which does not relate to these deficiencies) it was considered unreasonable to ask for further environmental information at this stage.

Landscape and Visual Impacts

- 13.7 The site is classified as 'Knock and Lochan' in the Landscape Capacity Study for onshore wind energy development in the Western Isles (2004). This is character type which has a medium - high degree of sensitivity.
- 13.8 The Landscape Capacity Study states '*The nature of visibility is also sensitive due to containment of landform meaning that views of development would be sudden and short range causing a large impact. It would be very difficult to locate any commercial scale wind energy here without causing significant character change. It is possible that very occasional single turbines at the smallest end of the commercial spectrum could be sited in coastal locations with low visibility where the relationship with the expanse of sea may overcome landscape issues. Single lighthouses can be accommodated in this landscape on a similar basis. Domestic scale turbines could relate to existing dwellings. There are no real forces for change in this type which would have any bearing on these.*'
- 13.9 The visual impact of the proposed development has been assessed in the ES and the impact from some viewpoints is considered in the ES to be medium to high. Whilst the turbines are not in a National Scenic Area they are within 10 km of the South Lewis Harris and Uist NSA. The turbines will, because they are visible from most viewpoints, change the landscape. It has also been shown that there are many parts in this general area where the turbines will not be seen.
- 13.10 The turbines do however impact on the landscape; the assessment must then be whether the impact would be acceptable. It is particularly important to look at the turbines in the context of particularly sensitive sites. The ES has shown that the proposed turbines will be visible from the Callanish Stones. The impact on this

scheduled monument is discussed elsewhere in the Report where the impact on the built heritage is considered.

- 13.11 Within the local context of Bernera the visual impact should be considered. The ES provides wireframes of the development from Kirkibost; a photomontage from this aspect would have assisted the assessment but was not included. However the photomontage of the turbines from Crulabhig helps illustrate the local impact. The turbines are to be sited on a relatively high point within Bernera and will be particularly prominent within this landscape which has a medium to high degree of sensitivity. Their impact locally is therefore considered significant.

Archaeology and Cultural Heritage

- 13.12 The ES provided by the developer stated that there are no Scheduled Ancient Monuments or Archaeological sites within the development site. The Comhairle's Archaeologist has confirmed that there are no significant local archaeological interests within the development site itself but highlights the role of Historic Scotland in advising on the wider impact of the development, in terms of national interest.
- 13.13 Although several significant archaeological sites in the area have been identified in the ES, Historic Scotland is particularly concerned about the impact the development would have on the Callanish Standing Stones. This is a Scheduled Ancient Monument and Historic Scotland's view is that the impact of the development would adversely affect the setting of the monument as detailed above.
- 13.14 Several of the objections to the development are on the grounds of the detrimental effect on the Callanish Stones.
- 13.15 The development is approximately 4.2 km from the stones and will be clearly visible from there. The ES provides photomontages of the development as viewed from Callanish (Appendix 4). The Historic Scotland response outlines the importance of the setting of the monument and stresses the adverse impact the development would have on it. In terms of the Development Plan, The *Local Plan* (2008) LP/RM2 *Archaeology and Archaeologically Sensitive Areas* states that '*the Comhairle will only permit development adversely affecting Scheduled Ancient Monuments in exceptional circumstances and where there is overriding public interest.*' It is considered clear that the development would affect the setting of the stones and whilst the Comhairle's planning policy is in principle supportive of renewable energy developments there is insufficient evidence to justify the view that there is overriding public interest for approving this particular development. Scottish Planning Policy provides a range of specific subject policies; with reference to Scheduled Monuments it states that '*Development which will have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances.*' It is considered that this development would have an adverse effect on the Callanish Stones but it has not been shown that there are exceptional circumstances to justify approval. More information on scheduled monuments is provided in Scottish Historic Environment Policy December 2011 (SHEP). This document outlines Scottish Ministers' policies for the historic environment, it says that '*Scotland's historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic and environmental resource of great value.*'
- 13.16 Although this is not a large scale wind farm The Outer Hebrides Local Development Plan Supplementary Guidance: Large Scale Wind Energy Developments also provides guidance that is relevant.
- 13.17 The Supplementary Guidance supports the Development Plan and assists applicants with aspects of detailed planning matters. Large Scale Wind Energy Supplementary Guidance was adopted in July 2010, and statements made in this guidance do not

have statutory weight but are to be treated as material considerations in determining planning applications.

- 13.18 As part of the review of the current Development Plan, Proposed Statutory Supplementary Guidance was published for concurrent consultation with the Proposed Plan in 2011. This included a revised version of the 2010 Large Scale Wind Energy Guidance. The consultation has now closed and the Proposed Plan is about to be submitted to Scottish Ministers for examination of unresolved representations. It is expected that the new Outer Hebrides LDP will be ready for final approval in 2012. Once adopted the LDP will replace the Comhairle's existing Development Plan.
- 13.19 It is hoped that the revised Large Scale Wind Energy Supplementary Guidance will be adopted in the summer of 2012 and supersede the Guidance that currently applies. When linked to the Local Development Plan (when adopted), this Supplementary Guidance will have statutory status once adopted.
- 13.20 For a development of this size the Supplementary Guidance states that '*regard will be given to the Development Criteria section of the guidance*'. Development Criteria 2 (DC2) says that whilst assessing the impact on landscape particular attention should be paid to the site and setting of Scheduled Ancient Monuments. In addition DC5 requires the implications for historic landscapes, the historic character and associations with the wider landscape to be satisfactorily addressed. The photomontages presented show how visible the turbines will be from the Callanish Stones. It is considered that the turbines would have a significant impact on the setting of the stones. It is therefore concluded that this aspect has not been satisfactorily addressed as required by the supplementary guidance.
- 13.21 The supplementary guidance provides a spatial policy for large scale wind farms i.e. more than 20 MW. The current proposal is below the threshold of 20MW for the spatial policy maps none the less consideration of the processes involved in the preparation of the maps illustrates the importance of Callanish Stones. A range of potential constraints were used to establish broad areas of search, these included designated natural heritage sites, areas of low landscape capacity, aviation and MOD consultation zones, proximity to settlements, conservation areas, scheduled ancient monuments and listed buildings. In carrying out this exercise specific attention was paid to the importance of the Callanish Stones, it was felt that the Stones justified special consideration both for its international importance (for their archaeological value) and their local importance (for their cultural significance and value to the economy as the top visitor destination in the islands). A 5 km buffer was applied to protect the immediate setting of the Callanish Stones and the surrounding inter-related stone circles from inclusion as a search area

Procedure

- 13.22 In addition to the legal requirement to comply with the terms of the EIA Regulations mentioned above the Comhairle should be aware that if the decision of the Comhairle as Planning Authority is to approve this application as there is an outstanding objection from a Government agency it is required to notify the Scottish Ministers. Paragraph 3 of The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 states that '*a planning authority must not grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this Direction before the expiry of a period of 28 days beginning with the date notified to them by the Scottish Ministers as the date of receipt by the Scottish Ministers of the information which the planning authority are required to give to the Scottish Ministers under paragraph 2.*'

Air Craft, MOD, Radar and Telecommunications

- 13.23 In terms of any possible effect on aviation, radar and telecommunications no adverse comments have been received from any of the consultees. The only requirement is that in order to ensure air craft safety one of the turbines be lit with a steady red obstacle light.

Noise Assessment

- 13.24 It is accepted that noise will be generated during both the construction and operational phases of the development. Some of the representations cite noise as a reason for refusing the development. However on the basis of the information provided in the detailed noise assessment in the ES Environmental Health has no objection to the development providing certain planning conditions are attached to any consent.

Shadow Flicker

- 13.25 Shadow flicker was mentioned in the representations as a reason for objecting. In certain circumstances where the sun passes behind the rotor of a turbine a shadow may be cast over neighbouring properties. When the blades rotate 'shadow flicker' may occur inside buildings where the flicker appears through a narrow window opening. It is widely accepted throughout the industry that shadow flicker will only occur within a certain angle either side of north from a turbine, and within a distance equivalent to 10 rotor diameters from any turbines. In this case that would be a distance of 440 metres. Given the distances to the nearest houses are in excess and to the south and east shadow flickering is not likely to be a problem for this development.

General Safety

- 13.26 The safety of the development has been assessed in the Environmental Statement. Some concerns relate to this matter but the general conclusions of the ES on this subject are accepted.

Socio Economic Considerations

- 13.27 If approved the turbines would have an effect on the visual amenity of the area. What is not clear though is whether a development of this scale would have a significant impact on the tourism in the area. There is no conclusive evidence to support this view.
- 13.28 The ES states that during the construction phase there would be economic benefit to local companies, contractors and their employees. Indirectly local shops and the service station could benefit. No estimates of the total input to the economy are provided but the construction phase is estimated at 8-12 weeks.
- 13.29 During the operational phase the development would require maintenance and supervision, no details of what level of employment would be required. The ES also indicates that the applicant is willing to contribute to a community fund.

Transportation

- 13.30 The plan submitted with the application shows an access track from the site of the proposed turbines to the shore where it is intended that the turbines will be delivered by sea. No details of the works required at the shore for this operation to be achieved have been provided. These details would have to be submitted for approval in the form of another planning application.
- 13.31 In addition, the non technical summary anticipates that during the construction phase there will be three types of vehicular traffic; exceptional loads, conventional HGV movements and cars and vans. There are no objections from the Director of Technical Services to the development providing the integrity of the roads is maintained, details of the route are submitted and the access road is constructed in accordance with the drawing provided by the Director of Technical Services.

Other Issues Raised in Representations

Cumulative Effect

- 13.32 The Planning Authority must consider the merits of this development, and the cumulative effect with other similar schemes in the area, but only those schemes which are in the planning process.

Alternative Forms of Renewable Energy

- 13.33 There may be other alternative forms of renewable energy but the planning authority must consider the development on its merits.

A Precedent for Other Similar Developments

- 13.34 The Comhairle has already approved several other similar schemes and such schemes are generally supported by the Development Plan and Supplementary Guidance.

Acceptability of Form of Representation

- 13.35 Representations must be in writing and are accepted electronically by email or by letter.

Drainage/infrastructure problems

- 13.36 Appropriate planning conditions can ensure that drainage issues are dealt with.

Applicant Details

- 13.37 The applicant is identified on the planning application but the application is assessed on its planning merits, who the applicant is, is not a material planning consideration.

Croft Apportionment

- 13.38 The terms of the apportionment granted to the applicant relate to land tenure and are not material in the consideration of the planning application.

Further Community Involvement

- 13.39 If additional environmental information was submitted there will be a further opportunity for the public to make representations.

Value of Property

- 13.40 Any possible effect on property values is not a material planning consideration.

CONCLUSION

- 14.1 As outlined in the policy context section of this report the Scottish Government is committed to increasing the amount of renewable energy produced. The target it has set for renewable electricity and its planning policy seek to encourage renewable energy developments and is generally supportive of wind farms. In principle, the Comhairle's planning policy is generally supportive of renewable energy projects, but the Comhairle must assess each application on its merits and consider the details of the specific project, assessing the potential impact it may have. The most important consideration is the assessment of the proposed development against the Development Plan. Section 25 of the Town and Country Planning (Scotland) Act 1997 says, "*Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.*"
- 14.2 In this case it is concluded that because the wind turbines would have an adverse effect on the setting of the Callanish Stones the development would be contrary to Policy DM15 of The Western Isles Structure Plan and Policy LPRM2 of the Western Isles Local Plan. Only in exceptional circumstances and where '*there is overriding public interest*' could a development significantly affecting a Scheduled Ancient monument be permitted. Although there would be some benefits to the area it could not be argued that '*there is an overriding public interest*' for allowing this application.

In addition to the general steer towards renewables from the Government and the Development Plan the Large Scale Wind Energy Supplementary Guidance is also generally positive towards wind farm developments. However when the development is assessed against the criteria for wind farms set out in the document it was concluded that the proposed development would not be considered appropriate.

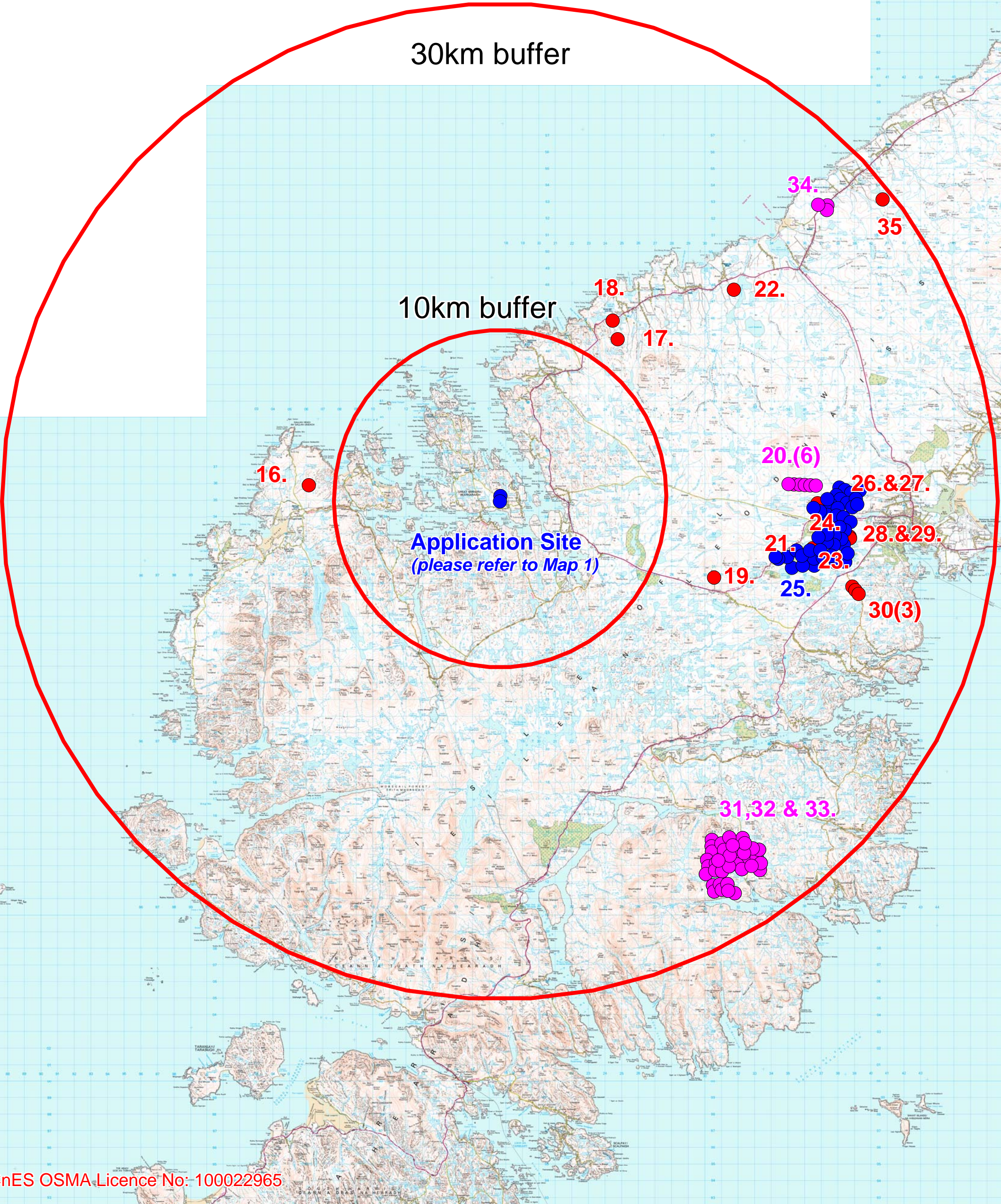
- 14.3 SHEP says that Ministers believe that change in this dynamic environment should be managed intelligently and with understanding, to achieve the best outcome for the historic environment and for the people of Scotland. Such decisions often have to recognise economic realities. SHEP also acknowledges that the historic environment faces many challenges including the needs of renewable energy generation. It goes on to outline the responsibilities of Historic Scotland for assets in their care, (as the Callanish Stones are) and says that these are considered to be the most important historic assets in government care. The consultation response from Historic Scotland must be considered in context of its responsibility to carry out the Scottish Ministers' policies for the historic environment.
- 14.4 In assessing the proposals the Planning Authority must also comply with the requirements of the EIA Regulations. Notwithstanding the clear objection from Historic Scotland and the assessment that the development would be contrary to policies in Development Plan and the Supplementary Planning Guidance, it is clear from the discussion above regarding the Environmental Statement, that the Planning Authority could not justify a favourable view of this development until it was satisfied with the quality and accuracy of the Environmental Statement on a number of topics and that all the requirements of the EIA Regulations had been fulfilled. This would involve additional investment by the developer, but it was not considered appropriate to request this given the fundamental objection from Historic Scotland and the assessment that the development would be contrary to Development Plan Policy and Supplementary Planning Guidance.
- 14.5 Based on the above assessment it is concluded that the development is not considered acceptable and is recommended for refusal.

Map 2 Kirkibost 30km radius buffer

- Development in situ
- Development consent extant - but not implemented
- Development pending determination



Scale 1:215,000@A3



Detail of Map 2 (Area West of Stornoway)



Development in situ

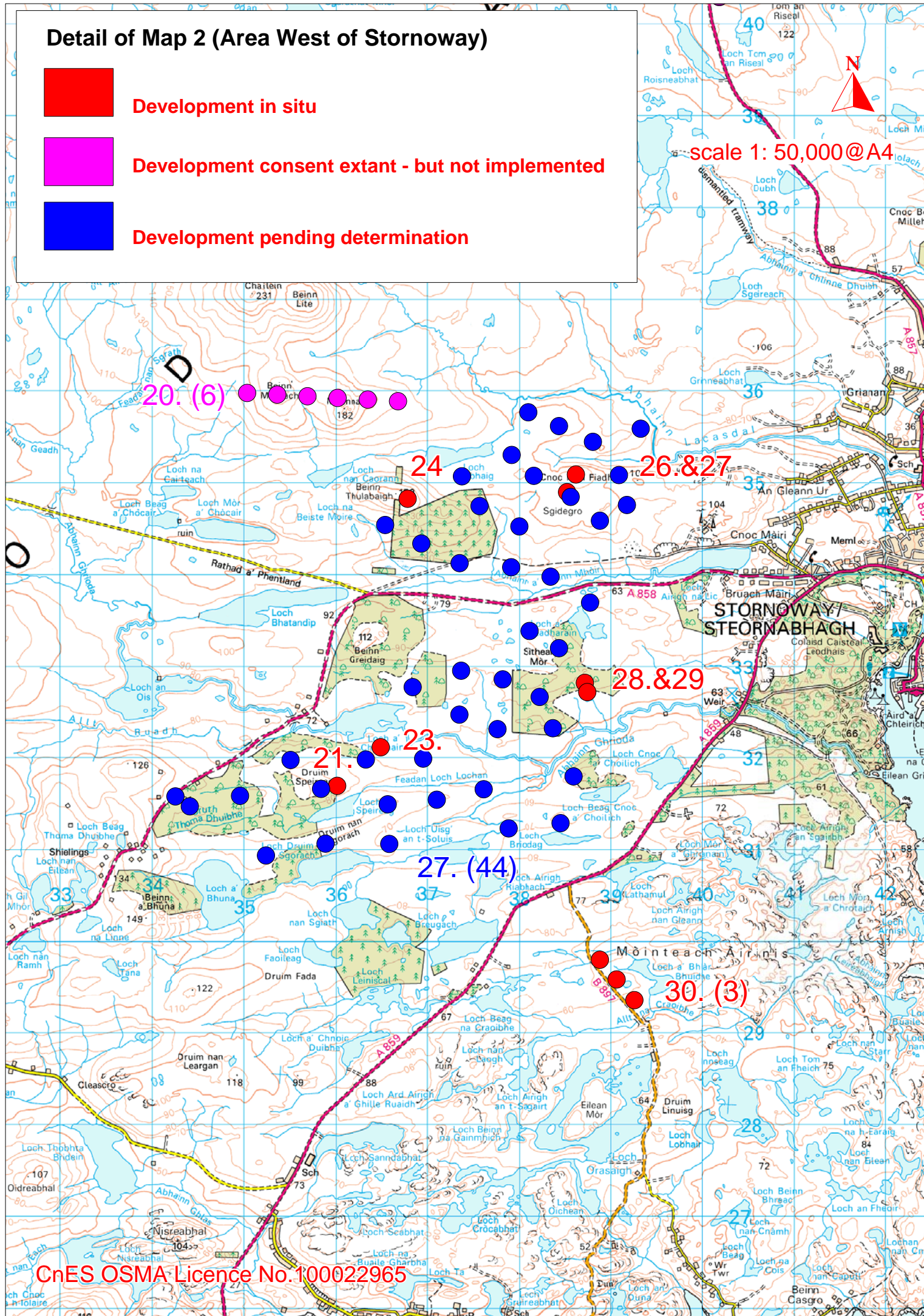


Development consent extant - but not implemented



Development pending determination

scale 1: 50,000@A4



DPEA Reference: NA/CES/009

Statement of the Council ('the Comhairle') dated 12 September 2012 in relation to the Application for Planning Permission for 2 No. 900KW Wind Turbines, Substation and Access Track at Kirkibost, Bernera (Ref No. 11/00380/PPD) ('the Application').

The Comhairle voted on 15 February 2012 to inform the Scottish Government that it was minded to approve the Application subject to conditions to be determined by the Director of Development and the conclusion of a Section 75 Planning Agreement.

Historic Scotland Objection

The Comhairle does not agree that the proposed development ('the Development') will have a significant effect on the Callanish Standing Stones. Further the Comhairle does not believe it is reasonable to impede the Development for the sole reason that it will be visible from the standing stones. On consideration of the photomontages the Comhairle considers the visual effect of the proposed turbines from the stones to be minimal and would therefore not accord with the views of Historic Scotland ('HS').

HS refers to the Scottish Government's Scottish Planning Policy at paragraph 111 which states that: *'Development which will have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances'*.

The Comhairle does not agree that there will be an adverse effect on a scheduled monument or the integrity of its setting in this instance. The Comhairle believes that the visual impact of these turbines at the given distance from the Callanish Stones is insignificant and does not therefore have an adverse effect on the monument or the integrity of its setting. The Comhairle does not accept that any development which may be seen (however insignificant the extent) from the setting of the stones should be curtailed for that reason alone.

Policy LPRM2 of the Western Isles Local Plan states the following:

'The Comhairle will only permit development adversely affecting Scheduled Ancient Monuments and nationally important sites in exceptional circumstances and where there is an overriding public interest.'

As the Comhairle maintains that there is no adverse affect in this instance it is not necessary to consider whether there is an overriding public interest.

The Comhairle is however also keen to clarify the importance of such developments in a fragile economy. The Comhairle wishes to capitalise on the significant renewable energy generation potential in and around the Outer Hebrides. The Comhairle believes that local people should be able to make use of the natural resource of wind power. To prohibit the Development would indicate that the people of this area (in the locality of the Application site) will never be in a position to make use of this natural resource. The Comhairle believes that any such prohibition (for what are seen to be insignificant reasons) inhibits enterprise in the community and promotes the view that enterprise will not be rewarded. There is a danger that this will have a chilling effect on enterprise and initiatives in the area.

The Comhairle also wishes to make clear that the welfare and economic development of the people in the local community is more important than the insignificant visual effect that the Development may have on the Callanish Stones.

The Development is likely to benefit both the crofter applicant and the local community. To enable crofting to be sustainable it is understood that diversification is important. The Development will create such diversification and allow money to be recycled into the local economy. The Development has the potential to create jobs and promote sustainable development. There may also be a financial contribution from potential annual planning gain payments which will benefit the local community on a wider scale.

Scottish Natural Heritage Comments

The Comhairle notes Scottish Natural Heritage's comments concerning the ES. The Comhairle considers however that the data upon which the reports are based is not adversely affected by the fact that it is six years old. The Comhairle does not believe that the risk of any potential change in the nature of the findings in that time is significant (particularly in the context that the development permission will be for 25 years).

The assessment of impacts in the reports is based upon a different layout to the Application. As the Development is significantly smaller, the Comhairle has taken the view that the reports are sufficient. The reports show that the impact of the larger proposal (5 turbines) on otters and eagles would be insignificant. The Comhairle believes it is clear that a reduced development would have even less effect.

Cumulative Effect/Onshore Windfarms

Cumulative effects are described in the SNH Guidance as:

'additional changes caused by a proposed development in conjunction with other similar developments'.

Maps Provided by the Planning Department on Request by the DPEA

- Map showing the locations of all existing wind turbines and other structures (including telecommunications masts) over 10m in height within 10 km of the site.

There appears to be an Application for 2 turbines (each of 3.5kw) near to the Application site. These are slightly over 14m and are not considered to be of significance to the Application. The other developments (in situ) highlighted are domestic turbines and telecommunications masts under 16m in height. These are well dispersed over the area and do not appear to be significant in a consideration of cumulative effects. The only development with a concentration of turbines is that at Gearrannan, Carloway (4 turbines under 13m in height). This is on the periphery of the 10km zone from the Application site. This does not appear to contribute to any adverse cumulative effect in the context of the Application.

- Map showing the locations of all existing wind turbines and other structures (including telecommunications masts) over 30m in height within 10 – 30 km.

The Application site is not within close proximity to other structures/developments over 30m in height. East of the Application site, permission has been granted for the Pentland Road Wind Farm (6 turbines at 120m height) and an application has been

submitted for the Stornoway Wind Farm (44 turbines at 143.5m height). South east of the Application site is the Muaithebbhal Wind Farm (39 turbines at 150m height). These are significant developments but are some way towards the periphery of the 30km buffer from the Application site. It is submitted that the Development would not contribute to any cumulative adverse affects in the context of any of the structures/proposals.

- Map showing boundaries of (a) all areas of protected landscape and (b) all designated natural heritage sites

The Application site is not within any natural heritage designations. It is understood the site is within 10 km of the South Lewis Harris and Uist National Scenic Area. The effect of the Development on the National Scenic Area (and other protected landscape) is submitted to be insignificant.

Given the distance between the Development and existing developments/proposed developments and the particular nature of these, it is submitted that the siting of the Development would not contribute to a cumulative effect on the physical fabric or character of the landscape. The Comhairle also believes that the potential cumulative visual effects are insignificant given the scarcity and relatively small size of the developments closer to the Application site and the distance of the Application site from the more substantial developments as described above.

For the same reason it is considered unlikely that the Application development would have any additional impact on bird populations.

It is noted that SNH has not objected to the application for cumulative impact or any other basis.

Summary

A review of the Development considered in the context of existing/proposed structures as shown on the plans does not alter the views of the Comhairle. The Comhairle is clear that the effect of the Development on the Callanish Stones is insignificant and that the information provided in the Applicant's ES is sufficient.

For those reasons, the Comhairle recommends the Scottish Government approve the Application subject to planning conditions and the conclusion of a Section 75 Planning Agreement (dealing with restoration and decommissioning and any offsite works if necessary).

DPEA Reference: NA/CES/009

Supplementary Statement of the Council (“the Comhairle”) dated 31 October 2012 in relation to the Application for Planning Permission for 2 No. 900KW Wind Turbines, Substation and Access Track at Kirkibost, Bernera (Ref No. 11/00380/PPD) (“the Application”)

The Comhairle has reviewed the further information submission of the Applicant and the response submissions of the Applicant, Dr D.E Michael (and from his representative, Mr Barry Love), Historic Scotland and SNH.

As the Reporter has made it clear that submissions should not repeat points previously made the Comhairle wishes simply to confirm that it maintains its position as outlined in its statement of 12 September 2012 and to make the following comments:

- At Paragraph 1 of Annex 2 of its response submission Historic Scotland states that the Comhairle altered its view in relation to the Application. This is not the case. The matter was not delegated to the Head of Development Services and therefore fell to be decided by the elected members of the Comhairle. Due process was followed and members had access to the relevant information at both committee and full council stages. The matter was first considered by the Environment and Protective Services Committee on 7 February 2012 and the full council on 15 February 2012. Following the vote of the full council the meeting found that the Comhairle was minded to approve the Application subject to planning conditions and conclusion of a Section 75 Agreement.
- It is averred in a number of the response submissions that the Comhairle did not comply with The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (“the Regulations”) in relation to the Application. On consideration of the information available the Comhairle took the view that the Environmental Statement was sufficient. In respect of the quality of the information submitted the Comhairle considered compliance with the Regulations was achieved.

For the reasons outlined in the statement of 12 September 2012 the Comhairle maintains its recommendation that the Scottish Government approves the Application subject to planning conditions and the conclusion of a Section 75 Planning Agreement (dealing with restoration and decommissioning and any offsite works if necessary).

Directorate for Planning and Environmental Appeals

Report to the Scottish Ministers



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by Donald Harris, a Reporter appointed by the Scottish Ministers

- Case reference: NA/CES/009
- Site Address: Kirkibost, Great Bernera, Isle of Lewis
- Application for planning permission dated 5 August 2011 called-in by notice dated 26 April 2012
- The development proposed: erection of two 900 kw wind turbines, substation and access tracks
- Date of site visit by Reporter: 11 July 2012

Date of this report and recommendation: 14 November 2012



Summary of Report following Site Inspection in relation to Called
in Planning Application



**Erection of two 900 kw. wind turbines, substation and access tracks
Kirkibost, Great Bernera, Isle of Lewis**

• Case reference	NA/CES/009
• Case type	Application for planning permission
• Reporter	Donald Harris
• Planning application reference	11/00380/PPD
• Applicant	Mr N MacDonald
• Planning authority	Comhairle nan Eilean Siar
• Other parties	Historic Scotland Scottish Natural Heritage Various interested parties and persons
• Date of application	5 August 2011
• Date case received by DPEA	1 March 2012
• Method of consideration and date	Site Inspection 11 July 2012
• Date of report	14 November 2012
• Reporter's recommendation	That planning permission be refused

Ministers' Reason for Call in

The call-in direction was given in view of the proposal's possible detrimental impact on the setting of the Callanish Standing Stones Ancient Monument.

The Site

The site extends from the southern shore of the island of Great Bernera up to the high ground where the two turbines would be located. The mainland of Lewis is about 0.5 kilometres to the south and the main group of Callanish Standing Stones (Callanish I), also on the mainland, is some 4 kilometres to the east-south-east.

Description of the Development

The two turbines would each measure 45 metres to the hub and 67 metres to blade tip. A substation would be erected between them. An access track would connect them to the shore line, as it is proposed to transport the turbines to the site by sea.



The Comhairle's Case

The Comhairle was minded to approve the application subject to conditions and the conclusion of a s75 agreement. The proposal would not have a significant effect on the Callanish Stones or on the integrity of their setting. The turbines would have no cumulative impact on the landscape.

Although the data on which the Environmental Statement is based is six years old, the risk of the findings having changed is insignificant. As they relate to an earlier, larger scheme of 5 turbines, the present reduced scheme would have even less effect on otters and eagles. The information provided in the Environmental Statement is sufficient.

Local people should be able to make use of the potential for renewable energy generation in the Outer Hebrides. Prohibition of the proposal for insignificant reasons would inhibit enterprise in the community and frustrate the applicant's efforts to diversify his crofting business. The community would fail to benefit from the potential to create jobs and inject money into the local economy.

The Applicant's Case

The proposal is relatively modest in scale. There is nothing in the development plan or other guidance to support a refusal of the application.

Historic Scotland's concerns about the visual impact on the Callanish Standing Stones are based on the protection of a landscape that has not existed for many decades. The notion that the three Callanish stone circles formed part of a wide prehistoric ritual landscape is highly speculative. The stones and their setting have changed innumerable times over the past 5900 years. Against this, the maximum 25-year life of the proposed turbines is short. They would have no significant adverse impact on the setting of the Callanish Stones. That setting includes modern development, including a plethora of vertical man-made elements. The wind turbine at Linshader and the industrial chimney to the north are much closer than is the application site. The Scottish Ministers' decision on the proposal to erect 3 turbines at Merranblo in Orkney (DPEA reference NA/ORK/1) should not be seen as a precedent for rejecting the present application at Kirkibost. Unlike Callanish, the Brodgar-Stenness area of Orkney is a World Heritage Site and was protected by policies specifically restricting damaging development within the area including Merranblo.

The application site is not subject to any protective designation and is recognised by Scottish Natural Heritage as having a landscape capacity sufficient to accommodate the proposal. The submitted photomontages show that the visual impact of the turbines on the surrounding area would be acceptable. Cumulative impact is not an issue, as wind turbine developments are concentrated in the east of Lewis.

The effect on the local community would be beneficial. The present proposal would contribute to economic development, encouraging job creation and harnessing the abundant natural resource of wind power. The proposed turbines would help to diversify the applicant's crofting business; diversification is crucially important to the survival of

crofting communities. No dwelling is so near the site that the occupants would suffer problems of noise, shadow flicker or ice throw.

The effect on fauna is thoroughly examined in the submitted Environmental Statement. There is no evidence to suggest that the findings are no longer reliable, given that the number of turbines has been reduced from five to just two.

The constraints on wind energy developments are so extensive that it becomes unlikely that any proposal will satisfy all the criteria. There is no spatial guidance identifying those areas where there will be, in effect, a presumption in favour of developments below 5 megawatt generating capacity. On the contrary, if substantial buffer zones around Neolithic monuments were to be established on an ad hoc basis, such a precedent would have a very serious negative impact on the ability to meet renewable energy generation targets. Given the over-riding need to meet these targets, the proposal should benefit from a positive bias. The Scottish Ministers are therefore respectfully requested to permit the development.

The case for Historic Scotland

Historic Scotland objects to the proposals. The Callanish Standing Stones (Callanish I) are a well preserved and impressive monument. It was deliberately sited on a ridgeline so that it overlooks and is seen from a wide area. It formed the centre of a wide prehistoric ritual landscape which included two related stone circles to the east (Callanish II and III). These also survive in the modern landscape.

From Callanish I there are panoramic views in all directions over a relatively open landscape to the skyline. This setting is central to the understanding of the monument and to its appreciation and enjoyment. The proposed turbines would puncture the skyline to the north west to form a prominent moving feature which would be highly visible from the monument. They would also be visible in views of the main monument from the other two stone circles. The proposed development would therefore detract significantly from the setting of the monuments.

The Callanish Standing Stones are widely promoted and continue to draw large numbers of visitors from across the world. They therefore contribute to the local and national economy. It is difficult to understate their cultural significance. The level of public interest could be said to place on Ministers an additional duty of care to protect the visitors' experience of this monument.

The Scottish Government's *Scottish Planning Policy (SPP)* states that development having an adverse effect on the integrity of the setting of a scheduled monument should not be permitted unless there are exceptional circumstances. There would appear to be no such circumstances which would outweigh the major adverse impact on the setting of the monument.

This application raises issues similar those of the to the Merranblo Wind Energy case of 2008. That application for three 67m high wind turbines would have affected the setting of

the complex of Neolithic monuments in the Brodgar-Stenness area of Orkney, despite the proposed location being more than 5 kilometres from the nearest of the sites (the Ring of Brodgar) and within a modern farming landscape. Scottish Ministers refused permission for that application because of the impacts on the wider setting of the Monuments.

The Comhairle fails to give an adequate explanation of why it rejected the advice of its planning officer and came to a conclusion contrary to national policies and its own development plan.

The case for Scottish Natural Heritage

Regarding the submitted Environmental Statement, the golden eagle and otter reports show that the field work has been carried out thoroughly and the potential impacts correctly assessed. However, the data is some six years old and the assessments are based on a different layout of five turbines. It is not safe to base consideration of impacts on such data. Up to date information is required to enable a proper assessment of impacts on golden eagle and otter in particular.

Other Parties' Cases

The RSPB and another objector draw attention to the inadequacy of the ES. Other local residents emphasise the heavy reliance of Great Bernera on tourism. Much of the island's appeal to tourists rests on its unspoilt, undeveloped nature. The proposal would make Bernera far less attractive, so depressing the local economy and hastening depopulation. Turbines are not opposed in principle, but those now proposed would be in the wrong place – in the middle of a village and on one of the highest points in the island, overlooking at least 40 houses. This would have a serious visual impact on nearby residents.

Mr Jamie McGrigor MSP supports the proposal, referring to the distance of Callanish from the site and the consequent minor effect of the turbines. The monument's attraction to tourists would not be diminished. Renewable energy satisfies the need for crofters to diversify and become greener and can provide significant funds which boost the local economy. Refusal of this application would be a precedent restricting other crofters in the area from obtaining permission for similar developments. This would waste an excellent opportunity to improve living standards and agricultural standards on Lewis.

Against the 7 letters of objection from local residents (one covering a petition), one letter was submitted welcoming the proposal.

Reporter's Reasoning:

1. The Issues

The five issues are the effects on:-

- (a) the settings of the Scheduled Monuments;
- (b) the landscape;
- (c) the tourist experience;
- (d) the local community; and
- (e) fauna.

(a) Settings: The crucial effect is that on the setting of the main monument at Callanish (Callanish I). The wide view to the west and south – the view that would include the two proposed turbines – is particularly important. It complements the monument with its wild and unspoilt landscape of sea loch, moorland, rocky hills and distant mountains. The proposal would seriously compromise the quality of this landscape setting. There are parallels here with the proposal for the erection of three 67 metres high turbines on a site some 5 kilometres from the Ring of Brodgar standing stones in Orkney. That application was refused by the Scottish Ministers. Although Callanish is not a World Heritage Site and is not protected by such stringent development plan policies, it is significant that the impact of the three proposed turbines at a distance of some 5 kilometres from the Orkney World Heritage Site was found to be unacceptable.

(b) Landscape: In addition to the view from Callanish I, serious damage would be done to the landscape of Great Bernera itself and to other views of the island from the mainland of Lewis. The two 67 metres high turbines sited on the high ground in the south of the island would dominate the view of Great Bernera as it is approached on the only road access. They would also dominate much of the island.

(c) Tourists: Having passed through a landscape somewhat compromised by electricity transmission poles and the like, the harmonious visitor centre at Callanish 1 and the footpath approach to the monument give a positive first impression. The appreciation of the monument is enhanced by its setting - not the rather unsightly scatter of development to the north and east, but the view to the south and west already described. The intrusion of two turbines would detract from the timeless quality of this landscape. Tourists visiting Great Bernera would find that the unspoilt quality of the approach to the island and of the island itself had been lost.

(d) The local community: The effect on the people of Great Bernera would be mixed. On the positive side, there would be some economic benefits, although the workers required to erect and maintain the turbines are unlikely to live locally. Local services, such as the shop, would benefit, as would the applicant's crofting business. Also, there would be a significant annual payment of community benefit. Against this, the important tourist trade would suffer, as the unspoilt quality of the island was found to have been lost. Residents, particularly those living close to the application site, would also find their environment compromised. On balance, the effect on the local community would be harmful.

(e) Fauna: The possible effect on eagles is of particular relevance. As the submitted Environmental Statement does not meet the requirements of the relevant European legislation, a more up-to-date survey is required. However, this would result in severe delay, as it would be necessary to cover the nesting season. It would also incur considerable expense. As it is possible to come to firm overall conclusions on the merits of the application in all other respects, this issue is left on one side. Should Ministers nevertheless be minded to permit the development, the scope of the required new Environmental Statement is set out.

2. Assessment against the provisions of the development plan - and other material considerations

As the current development plan is likely to be superseded very soon by the Outer Hebrides Local Development Plan, the proposed development is assessed on both bases. However, the difference between the two sets of relevant policies is not significant. Both give support to wind energy schemes, but this is qualified by the need to protect interests which include the settings of Scheduled Ancient Monuments, the landscape, the local economy, the environment and fauna.

Some of the policies protecting those interests are subject to there being no special circumstances which would indicate that the proposal should nevertheless succeed. It is therefore not possible to assess whether the proposal would be generally consistent with the policies of the development plan without an assessment of any special circumstances. That involves the examination of other material considerations.

Foremost among these are the national policies supporting renewable energy developments. Their very considerable weight derives from the challenging targets of the *Climate Change (Scotland) Act 2009* and of the *National Planning Framework (NPF 2)* together with the latter's specific encouragement of small scale projects (particularly in remote rural and island communities). *Scottish Planning Policy (SPP)* adds support by pointing to the contribution to more secure and diverse energy supplies and to sustainable economic growth. These are powerful considerations supporting the present proposal.

However, *SPP* advises that while wind farms are supported, they should be located where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Also, there will be occasions where the sensitivity of the site or the nature or scale of the proposed development is such that the development should not be permitted. A specific reference to the protection of the setting of a scheduled monument states that development having an adverse effect on the integrity of its setting should not be permitted unless there are exceptional circumstances. These also are powerful considerations, but they weigh against the proposal.

3. Final conclusions

This is not the only possible site for wind turbines, whereas the Callanish Standing Stones are immovable. The setting of such a supremely important national monument merits the most careful treatment. It is the wide view from Callanish I to the west and south – the view that would include the two proposed turbines – that is so important in complementing the

monument, with its wild and unspoilt landscape of sea loch, moorland, rocky hills and distant mountains. The proposal would seriously compromise the quality of this landscape setting.

The effect of the proposed turbines as seen from other points in the surrounding area (notably from the approach to Great Bernera and from within the island) adds significantly to the damage that would be done. Together with the damaging effect on the experience of tourists and the net disadvantage to the local community, the disbenefits of the proposal are very considerable. The proposal is not generally consistent with the policies of the development plan, whether the application is considered on the basis of the current development plan or of the adopted local development plan. The national policies supporting renewable energy developments carry great weight, but are nevertheless insufficient to indicate that planning permission should be granted.

Directorate for Planning and Environmental Appeals

4 The Courtyard

Callendar Business Park

Falkirk

FK1 1XR

The Scottish Ministers

Edinburgh

14 November 2012

**REPORT FOLLOWING SITE INSPECTION ON 11 JULY 2012
ERECTION OF TWO 900 kw WIND TURBINES, SUBSTATION AND ACCESS TRACKS
KIRKIBOST, GREAT BERNERA, ISLE OF LEWIS**

Site and surroundings

1. The site is long and narrow. It is divided into three parcels by two roads. The most southerly parcel is on the shore of Loch Barraglom, which separates the island of Great Bernera from the mainland of Lewis. It contains a meadow and the dwelling and curtilage of no. 24 Kirkibost. The second parcel is north of the road which runs from Bernera Bridge to the main settlement of Kirkibost (*the lower road*). It is used for grazing, but includes much rough rocky ground. The land rises steeply for some 500 metres to the road from Kirkibost to Breacleit, in the centre of the island (*the higher road*). The third parcel is on the north side of that road and is also rocky land used for rough grazing.
2. Great Bernera is roughly up to 5 kilometres from east to west and up to 6 kilometres from north to south. Its coast is very indented and much of the island is hilly, with areas of exposed rock. There are a few small settlements. In the vicinity of the application site, the lower road serves a few dwellings in addition to no. 24 Kirkibost. From this general area on the south side of the island there are views of the hilly and rocky area on the mainland of Lewis to the south. Typically, the hills there rise to between 100 and 180 metres AOD, producing a very distinctive landscape. This area on the mainland is practically uninhabited except for a few dwellings near the loch shore. Through it runs the B8059, the only approach to Great Bernera. It connects Bernera Bridge with the B8011 some 5 kilometres to the south-east.
3. To the south-west of the island, the landscape becomes increasingly mountainous, giving fine views in this direction. To the east, the landscape of the mainland is less elevated, being typified by peat bog vegetation inland from the shore line of the sea lochs. Settlements are effectively confined to the lower ground near the sea lochs and are served

by the A858. The largest settlement in this area is Callanish, a loose-knit community some 4 kilometres from the application site as the crow flies.

4. The Callanish Standing Stones Scheduled Ancient Monument (the Callanish Stones) is on the south side of the village. The main site (Callanish I) is on a ridge. It is approached by a footpath leading up from the visitor centre and car park to the south. There is also an access from the village to the north. The two smaller sites (Callanish II and III) lie about 1 kilometre further to the east-south-east.

The proposal

5. The proposed development is as follows:-

- The erection of two wind 900 kw turbines, standing at 45 metres to hub and 67 metres to blade tip.
- Turbine 1 would be located towards the northern end of the second parcel, where the land is high at about 52 metres AOD.
- Turbine 2 would be on similarly high ground in the third parcel at about 49 metres AOD.
- A substation would be erected between turbine 1 and the nearby higher road.
- A 4-metre wide access track (in 3 sections) would run within the site
- The first section of the access track (in the first parcel) would run up from the shore through the meadow and to the lower road. This section is required to transport the turbines, which would arrive by sea.
- The second section would run up the length of the second parcel to serve turbine 1, an adjacent area of hardstanding and the substation. It would then join the higher road.
- The third section would run from the upper road to turbine 2 and its adjacent area of hardstanding.

The layout of the proposed development is shown on drawing no. 11793-001_A1.

6. Provisional proposals for the grid connection are that there should be an underground connection from the turbines to the substation and thence to a connection with the existing overground 11kV cable route. This runs parallel to the lower road and a short distance to the north of it. It continues over Bernera Bridge and thence south-eastwards to cross the loch near the Callanish Stones. Here it goes underground for a short distance, finally connecting with the Callanish sub-station. (drawing no. RM01/01)

Reason for call-in

7. On 26 April 2012, the Scottish Ministers directed that Comhairle nan Eilean Siar (“the Comhairle”) refer the planning application to them in view of the proposed development’s possible detrimental impact on the setting of the Callanish Standing Stones Scheduled Ancient Monument.

Statutory and Policy Context

Statutes

8. The Climate Change (Scotland) Act 2009 requires a reduction in greenhouse gas emissions by at least 80% by 2050 with an interim target of a 42% reduction by 2020 (sections 1 and 2). A public body is required to act in the way best calculated to contribute to the delivery of the targets and in a way that it considers is most sustainable (section 44(1)). The generation of renewable energy is one means of achieving these targets.
9. Section 37 (2) of the Town and Country (Scotland) Act 1997 (as applied by s46 (4)) requires an application for planning permission to be determined with “regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”. This requirement is strengthened by s25(1), which requires that “where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise to be made in accordance with that plan.....”.

The Development Plan

10. The development plan consists of the *Western Isles Structure Plan 2003* (SP) and the *Western Isles Local Plan 2008* (LP). However, these documents are expected soon to be superseded by the *Outer Hebrides Local Development Plan* (LDP). I have therefore drafted my report in such a way that the recommendations cover both the present situation and the expected future situation when the LDP is adopted.
11. Regarding the current development plan, the policies most relevant to the present proposal are as follows:-

Support for wind energy schemes is given by SP policy ED2, subject to requirements which include the satisfactory assessment of the impact (including cumulative impact) on natural and built heritage resources. This term clearly covers the landscape and Ancient Monuments. I interpret it as including not only the monuments themselves, but also their landscape settings. A satisfactory assessment of the impact on local communities is also required. Development proposals in general are supported by SP policy SC10, which seeks to assist in the efficient utilisation of resources. They are also supported by SP policy DM1, provided they can be absorbed without harming the local social, economic or environmental characteristics of the Sustainable Community Area in which they are located.

The settings of Scheduled Ancient Monuments are also protected by SP policy RM15, which states that development proposals affecting nationally important

remains will not normally be permitted. LP policy LP/RM2 prohibits development adversely affecting such monuments unless there are exceptional circumstances and an overriding public interest. Again, I interpret such an adverse effect as including the effect on the setting of the monument.

Habitats or species listed in European Directives and in the Wildlife and Countryside Act 1981 are protected from developments having a significant adverse effect on them by SP policy RM11. Exceptions may be made if there are imperative reasons of overriding public interest, or if there is no satisfactory alternative, or no adverse effect on the species as a whole.

Policies relating to the local economy include SP policy RM1, which supports development proposals appropriate to the diversification of crofts and SP policy DM9 which seeks community benefit from major development proposals.

The Draft Outer Hebrides Local Development Plan (LDP)

12. The draft LDP includes the following policies particularly relevant to the present application:-

Policy 1: Development proposals in the *outwith settlement areas* (the relevant type of area) are to be assessed against five criteria. These include references to (a) the need for the proposed development, (b) the capacity of the surrounding landscape to accommodate it and (c) sensitive siting and design to minimise the impact on the open and rural character of the landscape, avoiding raised or high level locations.

Policy 2: This sets out five requirements in the assessment of development. These include the need to avoid a significant adverse effect on biodiversity and ecological interests; and to take account of safeguarding zones notified by the Civil Aviation Authority and others. The policy states that all development will be assessed for its impacts individually, incrementally and cumulatively. Also mentioned is the possibility of a fair and reasonable contribution to be made towards infrastructure and/or services required as a consequence of the proposed development.

Policy 4: Proposals must demonstrate a satisfactory quality of siting, scale and design that respects and reflects the characteristics of the surroundings.

Policy 5: Proposals should relate to the specific landscape and visual characteristics of the local area, ensuring that the overall integrity of the landscape is maintained. The *Western Isles Landscape Character Assessment* will be taken into account, a summary of which is at Appendix 1 of the plan. The application site is in an area of *Knock and Lochan*, a complex moorland landscape of irregular knocks interspersed with small lochans. It is noted that any development tends to be highly prominent; to be acceptable, it needs to appear of inferior scale to the knocks.

Policy 19: Support will be given to proposals contributing to meeting national objectives relating to the generation of renewable energy. Proposals should be

appropriately located and sited and have no unacceptable adverse impact on landscape, cultural heritage resources, amenity (including noise and shadow flicker), aviation etc. They should be required to demonstrate acceptable decommissioning and site reinstatement arrangements.

Policy 28: On fauna, planning permission will not normally be given for development likely to have an adverse effect on a protected species on (or thought to be on) the site, or which would possibly be affected.

Policy 34: Development proposals adversely affecting nationally important remains and their settings will not normally be permitted.

Supplementary Guidance

13. The *Supplementary Guidance for Large Scale Wind Energy Developments*. This was approved by the Comhairle in 2010. It was reprinted in September 2011 for consultation preparatory to its inclusion in the LDP. Notwithstanding the title, small scale wind energy developments (50KW-5MW capacity) are covered by parts of this document, as indicated in section 6 and Table 1. The table is intended as a guide only, its relevance being a matter of judgement. However, attention is directed to the development criteria (section 5). In outline, the most relevant aspects of these criteria provide that there should be no adverse effects on: -

- protected species (policy DC1);
- the landscape character – there should be no significant visual impact or impact on the landscape character, with particular regard to (among other things) residential properties, settlements, views (from popular public viewpoints, transport routes and recognised visitor locations), the site and setting of scheduled ancient monuments and the *Landscape capacity study for onshore wind energy development in the Western Isles* (DC2) ;
- community amenity at sensitive locations (including residential properties) (DC3);
- the water environment (DC4);
- historic resources (including the sites and settings of scheduled ancient monuments (DC5);
- airport, defence or emergency service operation (DC 6); or
- a wide range of factors by way of cumulative impact (DC 7).

14. Although the document directs attention to the development criteria in section 5, the spatial policies (SP1-3) may also be applied to small scale developments. The extent to which they may be applicable will depend on the scale of development proposed. Each of the three policies has a related map:-

- policy SP1 provides a steer for developers on broad areas of search where turbines are more likely to be acceptable. The application site is not included in any of the areas shown on Map 1; but it is notable that the boundary of a broad area of search for large scale wind energy developments is shown within about 5.0 -5.5 kilometres to the south-west of the Callanish Stones.

- policy SP2 identifies areas of potential constraint. Although development should be steered away from Scheduled Ancient Monuments, the associated Map 2 indicates only the sites of Callanish I-III, with no buffer zone. But the application site is included in an area within 1.5 kilometres of a settlement; also within an aviation and MOD consultation zone;
- policy SP3 identifies areas of significant protection. The application site is not covered by any such area, although Map 3 shows the western margin of Great Bernera within the South Lewis National Scenic Area. To the east and south, on the mainland of Lewis, lies the Lewis Peatlands Ramsar site. The nearest part of the boundary is some 6 kilometres to the east, along the edge of the moorland beyond Callanish.

15. A revised version of the guidance, titled *Draft Supplementary Guidance for Large Scale Wind Energy Developments*, was published in September 2012. It was issued for consultation as part of the LDP. Three policies are added to refer to different scales of turbine development. The current proposal falls into the medium category (policy 2), under which proposals will be assessed against the following policies: LDP policies 1 and 19, and supplementary guidance policies SP2-3 and DC 1-9. This has the effect of firming up the range of policies to be applied.

National policies and guidance

16. The *National Planning Framework (NPF 2)* states that in line with EU objectives, the Scottish Government is committed to working towards deriving 20% of total energy use from renewable resources by 2020. It is encouraging a mix of renewable energy technologies and aims to develop Scotland's renewable energy potential whilst safeguarding the environment and communities. Small scale projects can make a valuable contribution locally and can play a vital role in supporting the sustainable development of remote rural and island communities in particular. (paragraphs 144-9)

17. *Scottish Planning Policy (SPP)* is the statement of the Scottish Government's policy on nationally important land use planning matters. Paragraph 33 states that increasing sustainable economic growth is the overarching purpose of the Scottish Government. "Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth" (paragraph 182). Planning authorities are advised to support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed (paragraph 187).

18. Paragraph 118 of SPP states that "where works requiring planning permission affect a scheduled monument, the protection of the monument and its setting are important considerations. Development which will have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances". Scottish Ministers' policies for the historic environment are set out in Historic Scotland's *Scottish Historic Environment Policy (SHEP)* (December 2011). This recognises the historic environment as one of Scotland's greatest assets - economic, cultural and social. It is capable of attracting millions of visitors to Scotland each year

(paragraph 1.56). SPP says that SHEP should be taken into account in planning decisions, as also should Historic Scotland's *Managing Change in the Historic Environment* guidance note series. The note on *Setting* (October 2010) states that setting often extends beyond the immediate confines of an historic structure into the broader landscape and lists the factors which contribute to a setting (sections 2 and 3). It then advises on assessing the impact of change (section 4)

19. On landscape and natural heritage, SPP notes their sensitivity to inappropriate development although "with careful planning and design the potential for conflict can be minimised and the potential for enhancement maximised. However, there will be occasions where the sensitivity of the site or the nature or scale of the proposed development is such that the development should not be permitted." (paragraph 131)

Other policies and advice

20. Two documents are specific to the Western Isles. The *Western Isles Landscape Character Assessment* (SNH, 1998) includes the site in the Knock and Lochan landscape character type. It is considered typically very difficult to locate new development here without it seeming to create a focus that contrasts with the characteristic prevalence of natural features and lack of definite scale indicators. Any new developments need to appear of inferior scale to the knocks and of minor prominence to avoid disrupting the characteristic balance of high and low points, with no single feature typically dominating.

21. This document was followed by the *Landscape capacity study for onshore wind energy development in the Western Isles* (SNH commissioned report no.042), 2004. This recognises the knock and lochan character type as highly sensitive. It would be very difficult to locate any commercial scale wind energy here without causing significant character change. It is possible that very occasional single turbines at the smallest end of the commercial spectrum could be sited in coastal locations with low visibility where the relationship with the expanse of sea may overcome landscape issues.

22. Other relevant policies and advice are referred to in the paragraphs below. They include the Scottish Government's web-based planning advice on *Onshore Wind Turbines* and *Planning Advice Note (PAN) 2/2011*. Guidance documents by Scottish Natural Heritage include *Assessing the impact of small-scale wind energy proposals on the natural heritage* (February 2012) and *Siting and designing windfarms in the landscape* (2009).

The Environmental Statement

23. This section notes the main topics covered in the submitted *Environmental Statement* and *Additional Information*. It does not discuss the adequacy of this material, an assessment of which is included in Annex A to this report. References are to the numbered chapters of the Environmental Statement (ES).

(1.0) Introduction: This gives background information on the application, the applicant, neighbouring properties, policy background, site selection and technical and planning background.

(2.0) The Proposed Development: This covers the proposed site layout, access, wind turbine specifications, foundations, the construction process, environmental considerations and decommissioning. Details are given of the distances of the proposed turbines from the eight nearest dwellings, which are built along the lower road. Turbine 1 would be 445 metres from the nearest dwelling and turbine 2 some 770 metres. [Note: information on the design of the proposed substation on the site and the routing of the connection to the national grid is lacking from the ES, but the information received from the applicant by DPEA on 9 August 2012 (drawing nos. SPEN/GS/001 and RM01/01) remedies this deficiency.]

(3.0) Soil and Hydrology: A report assesses the site before and after development. The main pollution risks would be contaminated surface run-off and chemical spills contaminating the adjacent surface and ground water systems. The location of the site together with mitigation measures would minimise the risks.

(4.0) Ecology: Coverage of this item consists of two reports:-

(a) Ornithological Survey Report and Golden Eagle Collision Risk Assessment.

This report refers to a previous proposal for 5 turbines, with the surveys carried out in the period March 2005 – April 2006. The report includes details of surveys of moorland breeding birds, divers and raptors, together with vantage point watches. Also monitored were the breeding attempts of a pair of eagles 4 kilometres from the site. In the vantage point watches, six target species were seen, but of the 148 flights recorded, the majority (114) were by golden eagles. A golden eagle collision risk assessment is provided.

(b) Otter Survey: This survey was undertaken on dates in May 2005 and February 2006; again, it was prepared in relation to the previous proposal for 5 turbines. It established that there was a population of resident otters, which led to recommendations which could be met by conditions.

(5.0) Landscape and Visual: The landscape character of the area indicates that it is of medium to high sensitivity with a low to medium capacity for wind development. Zone of theoretical visibility (ZTV) diagrams illustrate the potential visibility of the proposed 2 wind turbines from a distance of up to 15 kilometres. Within this area it is noted that there is relatively little visibility beyond 5 kilometres, with almost none to the south and little to the north. The turbines would be seen intermittently from the A858 when driving westwards to Callanish and for a short stretch on the B8011. Within 5 kilometres, the turbines would be seen from the roads in the south of Bernera and by those driving north on the A858, although there would be some places where only the tips would be visible.

Photomontages and/or wireframes are produced for views from 12 defined viewpoints. Special attention is given to viewpoints in the historic sites of Callanish and Dun Carloway on account of the number of visitors they attract.

The proposed turbines would be almost entirely visible from some locations in Callanish. But because they would be relatively distant, they would not be overbearing. Moreover, there are many good positions for viewing the stones where the turbines would not be visible at all. The turbines would not interfere with the setting sun. The impact on this historic site is assessed as a combination of high sensitivity and low-medium magnitude. The overall impact on the area of the three viewpoints at the site (Viewpoints 1-3) is considered to be **medium – high**.

From the two viewpoints at Dun Carloway (viewpoints 10-11) little would be seen of the turbines. They would be at the considerable distance of 6 kilometres and largely hidden. The impact is considered to be **negligible - low**.

The impacts from the remaining viewpoints are as follows:-

- VP4: This is from the B6011, some 7.1 kilometres to the south-east. Impact: **low-medium**.
- VP 5: This view is from the south looking across Loch Barraglom. The turbines would be seen from the houses on this side, but the distance (1.8 kilometres) is sufficient for them not to be overbearing. Impact: **medium**.
- VP6-8: These views are from 3 of the houses nearby in Kirkibost. Looking north, turbine 1 would be large on the horizon; but the views from these houses are mainly to the south. Impact: **high**.
- VP9: The viewpoint is some 2.5 kilometres north of the site in the centre of the island. The turbines would be seen on the skyline at relatively large size. Impact: **medium - high**. [Note: this assessment takes into account that the site is in the National Scenic Area, but it is in fact just outside the boundary]
- VP12: This view is from the A858 at a point due east from the site (distance 3.2 kilometres). The turbines would be almost entirely visible, but further to the north, their visibility would be reduced as they would be seen against a backdrop of the hills. Impact: **medium - high**.

Note: Although the submitted ES mentions other wind turbine sites in the general area, no systematic information is submitted on the cumulative effect of the proposed development. However, the Comhairle has since produced information on the locations of existing and planned wind turbines and other structures (including telecommunications masts) in the land area up to within 30 km of the application site: also a map showing the boundaries of all areas of protected landscape and all designated natural heritage sites within 30 kilometres. (See section on further information below.)

(6.0) Archaeology and cultural heritage: The Callanish Standing Stones and the broch at Dun Carloway are noted, together with 5 other archaeological sites in the area. There are no remains of archaeological interest in the application site itself.

(7.0) Aircraft, MoD, Radar and Telecommunications: consultations have been carried out and no problems under this heading are expected.

(8.0) Noise Assessment: The level of noise that would be received by the nearest dwellings is calculated. At all wind speeds the turbine noise levels would be within 5dB(A) of the background noise levels, as recommended by the ETSU guidelines.

(9.0) Shadow Flicker: As there are no properties within 10 rotor diameters (440 metres) of the proposed turbines, there would be no problem.

(10.0) General Safety: During construction, repair works and decommissioning, risks would be minimised by ensuring that work was undertaken by competent staff. When operating, the turbine would shut down if the wind speed became excessive. In the unlikely event of possible ice throw, preventative action would be taken.

(11.0) Socio-economic Considerations: There is no evidence that relatively small developments are seriously detrimental to tourism. Indeed, many tourists would recognise and appreciate the generation of power in an area that is clearly windy. As regards other impacts on the local economy, local businesses and their employees would benefit from construction operation and maintenance work. The payment of community gain would be a new source of income for the local community; a minimum rate of around £2000 per megawatt per annum would give the community £3600 per annum.

(12.0) Conclusion: The proposals meet the relevant guidelines and would have a net positive impact on the community at large. Any concerns on matters of detail could be controlled by the imposition of appropriate conditions and/or legal agreement.

A non technical summary is provided.

Alternatives: An outline of the main alternatives studied by the applicant is submitted as additional information. These were seen as wind energy, solar power and tidal and wave power. Wind power was chosen, as the Western Isles have some of the highest wind speeds in Europe and it is a proven solution ensuring a stable income to the applicant's crofting business. The impact on the landscape would be relatively small; any negative aspects are outweighed by the need to achieve renewable energy targets and the provision of a sustainable income for the local community.

Further Information

24. At my request, the Comhairle submitted further information comprising maps and a schedule of wind turbines and other tall structures within 30 km. of the application site. A distinction is made between developments which are (a) existing, (b) permitted but not yet developed and (c) proposed, but the application is not yet determined. The main results are as follows:-

- Within 10 kilometres there are 9 sites with existing structures exceeding 10 metres in height. 3 of these are telecommunications masts and 6 are wind turbine developments. None of the 9 is taller than 18 metres. The existing turbine (15.05 metres tip height) at Linshader is about 1 kilometre south of the main Callanish Stones site (Callanish I). The 2 existing turbines at Hacklete, Bernera (about 3 kilometres to the west of the application site) are 17.75 metres to blade tip. Another turbine (14.025 metres to blade tip) has been permitted in the north of the island. [The applicant refers to a current proposal for 3 turbines (14 metres to blade tip) at Breacle Community Centre] Near the application site, turbines (14.025 metres tip height) are proposed at nos.16 and 22 Kirkibost. [The applicant refers to these as now having been permitted, together with two further turbines of a similar height in Kirkibost.]
- Between 10 and 30 kilometres of the site, the tallest structure is the 160 metres high broadcast mast at Achmore, about 14 kilometres to the east-south-east. [However, the applicant states that its height is 367 metres] At Pentland Road (18 kilometres to the east) 6 turbines are permitted, with a height of 120 metres to blade tip. At Eisken (23-28 kilometres to the south-east) 39 turbines are permitted, with a height of 150 metres to blade tip. The proposed Stornoway wind farm (17-22 kilometres to the east) would have 44 turbines 143.5 metres to blade tip. Most of the other structures over 30 metres in height in this area are wind monitoring masts 50 – 70 metres high.

Summary of submissions

The Comhairle

25. The Comhairle was minded to approve the application subject to conditions and the conclusion of a s75 agreement. Having considered the photomontages, members concluded that the proposal would not have a significant effect on the Callanish Stones or on the integrity of their setting. The development should not be curtailed on account of the view from the setting of the Stones. The development plan (local plan policy LPRM2) is not breached by the proposal.

26. On the question of possible cumulative impact on the landscape, the maps provided at the request of the Reporter indicate that the proposal would not contribute to any such effect. The developments closer to the application site are scarce and relatively small, while more substantial developments are distant.

27. The map of all designated natural heritage sites shows that the site is within 10 kilometres of the South Lewis, Harris and Uist National Scenic Area. However, it is

submitted that the effect of the proposal on this and other protected areas would be insignificant.

28. Although the data on which the Environmental Statement is based is six years old, the risk of the findings having changed is insignificant. As they relate to an earlier, larger scheme of 5 turbines, the present reduced scheme would have even less effect on otters and eagles. The information provided in the Environmental Statement is sufficient and it complies with the relevant EIA regulations.

29 It is notable that Scottish Natural Heritage has not objected to the application on the basis of cumulative impact or any other basis.

30. Most importantly, in the context of a fragile economy, the proposed development has a significant contribution to make. Local people should be able to make use of the potential for renewable energy generation in the Outer Hebrides. Prohibition of the proposal for insignificant reasons would inhibit enterprise in the community and frustrate the applicant's efforts to diversify his crofting business. The community would fail to benefit from the potential to create jobs and inject money into the local economy.

31. The Comhairle proposes that 35 conditions should be attached to any grant of planning permission (letter to the Directorate for the Built Environment of 22 March 2012). These include conditions proposed by the Comhairle's officers covering environmental health, technical services (roads) and archaeology. The conclusion of a s75 agreement dealing with restoration and decommissioning of any off-site works (if necessary) would also be required.

The applicant

32. The applicant considers that the impact on the settings of the Scheduled Monuments would be negligible. The proposal is a small scheme and the turbines would be some 4.3 kilometres from the main site of the Callanish Standing Stones. They would not be seen by visitors approaching the site from the car park and visitor centre. Although visible from a few points within the monument, their perceived height would fall between one third and one tenth of the actual height of the stones themselves. The most important views from the monument along the primary axis would be entirely unaffected. Nor would the turbines block the sunset.

33. Moreover, the surrounding landscape is far from being pristine. Visitors approaching Callanish from Stornoway are desensitised by a plethora of extremely prominent vertical man-made elements in the landscape ranging from a 367 metres high transmission mast and wind turbines down to the prevalent lines of electricity transmission poles beside the road. Arriving at the main site, the surroundings are spoilt by the many electricity transmission poles and street lighting columns in Callanish itself. Beyond the village, a factory chimney at Breascleit is visible. In the opposite direction is the turbine at Linshader. Both these intrusions are much nearer to the Callanish Stones than the development under consideration.

34. Although SHEP sets out policies in relation to Scheduled Monuments, it provides little in the way of detailed guidance on how to approach the current proposal, given the need to have regard to the setting of the Callanish Stones. It appears to be focussed on the protection of the physical fabric from the consequences of development within its more immediate setting.

35. The proposed turbines would not be seen from the Callanish II or III monuments on account of the intervening high ground. In any case, the claim by HS that these sites are part of an historical ritual landscape is at best unsubstantiated and speculative, as there is no evidence that they were linked in terms of common alignment or layout, or were built at the same time, or had a common purpose. HS is wrong to imply that the sum of the parts is greater than the whole. Rather than being part of an historical ritual landscape, the monuments sit in a modern landscape setting formed over many decades without reference to them. Their setting keeps changing and in relation to their long history, the 25-years life span of the turbines would be very brief.

36. A fourth Scheduled Ancient Monument in the vicinity is the broch at Dun Carloway. The turbines would be at a distance of 6 kilometres and largely hidden. Their impact would be minimal.

37. The proposal does not breach policy RM 15 of the structure plan as in terms of HS's own assessment guidance, the turbines would have no significant impact on the setting of the Callanish Stones because there would be no effect on the primary vista that appears to be the fundamental reason for the location and shape of the monument. Also, other substantial man-made vertical elements abound in closer proximity to the monument. For the same reasons, there is no breach of development criterion DC5 of the supplementary guidance, which forms part of the emerging LDP.

38. The Area of Potential Constraints map in the supplementary guidance does not include a protective designation or buffer zone around the monument. In the context of the present proposal it would appear that HS is attempting to apply a buffer on an ad hoc basis. Such a precedent would have a very serious negative impact on the ability to meet the national renewable energy generating targets. Had HS wished to achieve special protection for the setting of the Callanish Stones, it should have advanced this through the plan preparation process, but failed to do so. It did not take advantage of the opportunity given by the Main Issues Report of the draft LDP to ensure that the Callanish Stones were specifically covered by the policies on the natural and built heritage. Nor did it make a representation when the draft LDP was published. Its whole approach runs counter to the plan-led system, which is geared to removing uncertainty from the development process. Had it engaged fully in that process, any proposal to constrain development within a given distance of the Callanish Stones could then have been properly tested.

39. HS wrongly asserts that the draft supplementary guidance of September 2011 shows a 5 kilometre buffer around the Callanish Stones. The only buffer affecting the application site is a 1.5 kilometres settlement buffer, identifying an area of potential constraint. Moreover, the draft supplementary guidance shows a broad area of search for large scale

wind energy developments within 5.0 -5.5 kilometres to the south and west of the Callanish Stones. This boundary is clearly visible from the monument.

40. There is no justification for associating the Callanish Stones with Stonehenge and the Brodgar-Stenness area of Orkney, as the latter two are World Heritage Sites (WHS). Similarly, the Scottish Ministers' decision on the proposal to erect 3 turbines at Merranblo in Orkney (DPEA reference NA/ORK/1) should not be seen as a precedent for the present application at Kirkibost. The WHS status of the Orkney site inspired restrictive development plan policies, including the prohibition of any development within the zone of theoretical visibility of the WHS that would have an adverse impact on its setting. Also, there were sensitive designations (including National Scenic Area and Area of Great Landscape Value) in the surrounding area. This degree of protection simply does not exist for Kirkibost.

41. The possible effect on the landscape is illustrated by the photomontages and wireframes produced in the Environmental Statement. They all present an acceptable visual impact, as is agreed by the planning authority and in accordance with the SNH landscape capacity guidance. As regards the possibility of an undesirable cumulative impact, it is clear that there is an existing high level of wind energy development interest in the east of Lewis and a more modest level of interest in the area surrounding the application site. Cumulative impact is not an issue; no cumulative impact assessment was required by the planning authority, a decision consistent with the SNH advice that such an assessment should only be sought where it is considered that significant cumulative impacts could affect the planning decision. The additional information provided by the planning authority (on developments up to 30 kilometres from the application site) confirms the concentration of development interest in the east and the more modest level nearer the application site. Any cumulative impacts would be insignificant.

42. In the *Western Isles Landscape Character Assessment* (which is required by policy 5 of the emerging LDP to be taken into consideration), the site is included in the Knock and Lochan landscape character type. The difficulty is acknowledged of locating any commercial scale wind energy here without causing significant character change. However, it is accepted that very occasional single turbines at the smallest end of the commercial spectrum could be sited in coastal locations with low visibility where the relationship with an expanse of sea may overcome landscape issues.

43. The site is not within any area of protection. It is therefore afforded a lesser degree of policy protection than if it were in one of the National Scenic Areas (which account for over 40% of the area of the Western Isles); or in an area of wild land character (where wind energy proposals are subject to policies 5 and 1 of the emerging LDP); or located in the extensive areas of peat bog.

44. Peat bog is protected because disturbance may lead to the release of stored carbon (policy 10 and SPP paragraphs 37 and 133). This protection runs counter to SNH's *Landscape capacity study for onshore wind energy development in the Western Isles* (2004), which concludes that boggy moor landscapes are amongst those with the highest capacity to accommodate wind energy developments. With a *medium-high* capacity, Boggy Moor 1 character type tops the list of ten types in table 9, while Boggy Moor 2 is one

of only two types listed with a *medium* capacity. The remaining types have *low-medium* or *low capacities*). It is notable that in 2008, Ministers refused permission for the Lewis Wind Farm on the grounds that it did not comply with European law in relation to the Lewis Peatlands Special Protection Area.

45. As a result, the constraints are so extensive that it becomes unlikely that any proposal will satisfy all the criteria. If the Government's targets are to be achieved a compromise has to be made. There is a need for guidance to be sufficiently accommodating of development while at the same time responding with adequate sensitivity to the constraints. The latest national document is the planning advice on *Onshore Wind Turbines* (updated May 2012)). While remaining totally committed to meeting the renewable energy targets, it looks to planning authorities to "assess whether existing spatial plans provide sufficient clarity to '*support the development of wind farms in locations where the technology can operate efficiently and the environmental and cumulative impacts can be satisfactorily addressed*' (SPP)". Although the Comhairle's *Supplementary Guidance for Large Scale Wind Energy Developments* includes maps indicating areas of search, areas of potential constraint and areas of special protection, these refer to large scale wind energy developments. There is hardly any spatial guidance regarding small developments such as that now proposed. The supplementary guidance fails to adopt a positive stance towards the identification of those areas where there will be, in effect, a presumption in favour of developments below 5 megawatt generating capacity.

46. The effect on the local community would be beneficial. The development plan recognises the inherent disadvantages that arise from the islands' physical remoteness from mainland markets. The real challenges are the need to sustain population levels and to deliver a diverse economy. Accordingly the structure plan includes three policies for achieving sustainable communities:-

- (a) policy SC1 identifies 13 sustainable community areas, one of which is Uig and Great Bernera;
- (b) policy SC2 seeks to retain population and encourage in-migration; and
- (c) policy SC 3 seeks to reduce the cost of living.

The present proposal is supported by these policies and furthers them by contributing to economic development, encouraging job creation and harnessing the abundant natural resource of wind power. Local contractors could benefit from the construction, operation and maintenance of the turbines. There could well be an increase in trade in local shops and other services in the area. Also, there would be local benefits in that the applicant has agreed that he would enter into a Section 75 agreement which would provide a new source of income for the local community. This accords with structure plan policy DM9 and the vision of the emerging LDP, which seeks to "enable realistic economic growth and help facilitate strong thriving communities".

47. Moreover, the Uig and Bernera community area is recognised as being particularly remote. Policy DM2 of the Structure Plan refers to remote and peripheral areas and requires specific consideration to be given to development opportunities. The present proposal is clearly such a development opportunity.

48. The proposed turbines would help to diversify the applicant's crofting business. Development on crofts is the subject of the first of a series of structure plan policies on resource management with the objective of ensuring "prudent stewardship of the cultural, natural and built heritage resources in ways that maximise their economic potential in a sustainable manner". Unless there are negative effects, the policy (RM 1) supports "initiatives to assist crofters to diversify, especially when such activities may bring wider economic or environmental benefits". This is substantial support for the present proposal.

49. As regards any effect on nearby dwellings, the nearest would be 445 metres distant. This is outside the generally accepted minimum separation distance of 400 metres. At this distance, neither shadow flicker nor noise would be a problem. Ice throw is no longer a serious issue, due to improved blade design and technological advances. The separation distance of 2 kilometres (SPP paragraph 190) does not apply, as it is essentially a coarse sieve to take out areas around established settlements from the areas of search for large wind farm developments.

50. The notion that the residents of Great Bernera oppose wind energy developments is dispelled by the fact that four individual turbines (12.75 -14.05 metres to blade tip) have been permitted in Kirkibost and three more (on two sites) permitted elsewhere on the island. Together with a proposal for three (14 metres to blade tip) at Breacleite, this represents about one turbine per ten households. The presence of these turbines also dispels the idea that Great Bernera is unaffected by modern development. The assertion that the present proposal would dramatically change the environment, so impacting adversely on the tourist industry, is grossly overstated and without foundation.

51. The effect on fauna is thoroughly examined in the submitted ES. This identified impacts on golden eagles and otters which were found acceptable by SNH. The field work was described by SNH as having been undertaken thoroughly. There is no evidence to suggest that the findings are no longer reliable, given that the number of turbines has been reduced from five to just two. There is therefore no breach of structure plan policy RM 11.

52. The Environmental Statement does not breach the EIA Directive. The time taken from the survey to the submission of the planning application is not unreasonable or unusual for a wind turbine proposal. The legislation does not set any time limit. Moreover, the survey data on the eagle and otter populations and the related impact assessments looked at the whole 25-years lifetime of the turbines. The area of the present proposal is less sensitive regarding the otter shelter sites, so this factor, together with the reduced number of turbines, means that the potential impact on otters is reduced. The threat to golden eagles from only two turbines is minimal and any increase in the rabbit population would have no effect, as the supply of food for the eagles was already plentiful.

53. The applicant's conclusions may be summarised as follows:-

- The proposal is relatively modest in scale. There is nothing in the development plan or other guidance to support a refusal of the application.

- There is considerable scope for interpreting the relevant policies and guidance. Given the over-riding need to meet the very challenging renewable energy generating targets, the proposal should therefore benefit from a positive bias.
- The SPP (at paragraph 187) supports the proposal as the site is not subject to any protective designation and is recognised by SNH as having a landscape capacity sufficient to accommodate the proposal.
- Historic Scotland's concerns about the visual impact on the Callanish Stones are based on the protection of a landscape that has not existed for many decades. The modern landscape suffers from a plethora of vertical man-made elements.
- The notion that the three Callanish stone circles formed part of a wide prehistoric ritual landscape is highly speculative, as they initially served different purposes.
- The Callanish Stones and their setting have changed innumerable times over the past 5900 years. Against this, the maximum 25-year life of the proposed turbines is short. They would have no significant adverse impact on the setting of the stones.
- That setting includes modern development. The wind turbine at Linshader and the industrial chimney to the north are much closer than the application site.
- The submitted photomontages show that the visual impact on the surrounding area is acceptable. It accords with the SNH landscape capacity guidance.
- The photomontage taken from within the Callanish Stones shows that the perceived height of the turbines would be a fraction of the height of the stones. From many points within the circle they would not be seen. Nor would they be seen in the main axis of the stones facing south which forms the primary field of view of visitors to the monument.
- Vertical man-made elements are also much in evidence along the main route from Stornoway, so that visitors to Callanish are desensitised when they arrive. They would hardly notice the proposed turbines.
- Historic Scotland's stated concerns find no support from an analysis of the modern landscape surroundings. Indeed, they are at variance with HS's statement elsewhere that the monument stands in a modern setting.
- There is no land designation protecting the setting of the monument, a situation not challenged by HS when consulted on the emerging local development plan.
- If substantial buffer zones around Neolithic monuments were to be established on an ad hoc basis, such a precedent would have a very serious negative impact on the ability to meet renewable energy generation targets.

The Scottish Ministers are therefore respectfully requested to permit the development. The conditions suggested by the planning authority are entirely acceptable.

Historic Scotland

54. Historic Scotland (HS) objects to the proposals, as they would have a significant adverse impact on the setting of the scheduled monuments in the Callanish area. The main monument, the Callanish Standing Stones (Callanish I) is well preserved and impressive, with a Neolithic stone circle at the centre of a cruciform arrangement of stone rows. It was deliberately sited on a ridgeline so that it overlooks and is seen from a wide area. It formed the centre of a wide prehistoric ritual landscape which included two related stone circles to the east (Callanish II and III). These also survive in the modern landscape.

55. From Callanish I there are panoramic views in all directions over a relatively open landscape to the skyline. This setting is central to the understanding of the monument and to its appreciation and enjoyment. It contributes to its cultural, aesthetic and spiritual values.

56. The proposed turbines would puncture the skyline to the north west to form a prominent moving feature which would be highly visible from the monument. They would also be visible in views of the main monument from the other two stone circles. The proposed development would therefore detract significantly from the settings of the monuments.

57. HS considers that the existing infrastructure in the landscape surrounding Callanish does not significantly detract from the ability to appreciate and understand the wider character of the landscape as it relates to the monument: it gives wide open views across open croftland and moorland with scattered housing. None of these elements would compete in terms of impact with the introduction of two significantly larger rotating turbines in the location proposed on the skyline. In the flat and undeveloped landscape to the north-west of Callanish, the turbines would be very obvious modern intrusions into the setting of the monument. When moving around and through the stones, views of the turbines would be seen in conjunction with them. It is HS's view that this would adversely affect the appreciation of this monument in its landscape setting.

58. This would be contrary both to national policies and to the development plan. The Scottish Government's *Scottish Planning Policy* recognises that there are occasions when the importance of a heritage asset may render any change difficult or impossible to accept. It states that development having an adverse effect on the integrity of the setting of a scheduled monument should not be permitted unless there are exceptional circumstances (paragraphs 111 and 118). These policies are reflected in the development plan (local plan policies LP/RM2 and RM 15).

59. The monument is widely promoted and continues to draw large numbers of visitors from across the world. It therefore contributes to the local and national economy. It is difficult to understate its cultural significance. The level of public interest (over 262,000 visitors in 2006) could be said to place on Ministers an additional duty of care to protect the visitors' experience of this monument.

60. However, HS's objection is concerned with the effect on the setting of the standing stones rather than the amenity of tourists. The settings of scheduled monuments are protected by both national and local policies. The applicant wrongly claims that SHEP is focussed on the physical fabric and immediate setting of monuments; rather, it states clearly at Annex 7 that setting is integral to how monuments are understood and appreciated; it does not refer to "immediate setting", nor does PAN 2/2011. Moreover, HS's guidance note on *Setting* makes it clear that monuments can have a wider setting which can extend out into the landscape to natural features and the skyline. Also, "setting" is the current setting rather than a theoretical original setting.

61. Furthermore, SHEP recognises that properties such as Callanish “are more than the sum of their constituent parts. They have important historical, cultural or emotional associations that give them a particular significance to the life of the nation, as well as to the local communities within which they are set. Many have outstanding landscape or picturesque values and settings. Scottish Ministers will conserve the Properties in Care in a way that preserves these qualities within an appropriate setting, and will work with others to protect and enhance their wider setting.” (paragraph 4.23)

62. It is notable that the Comhairle’s Supplementary *Guidance for Large Scale Wind Energy Developments* provides for a 5 kilometre buffer zone around Callanish to protect its setting (policy SP1, broad areas of search). The applicant appears to have overlooked policy 34 of the draft LDP which states that “developments adversely affecting scheduled monuments will not normally be permitted”. Also, he misinterprets the SPP (paragraph 187), which clearly states that development of windfarms should be supported where the technology can operate efficiently and the environmental effects on (among other things) the historic environment can be satisfactorily addressed. In this instance, HS does not consider that the effects on Callanish can be satisfactorily addressed.

63. The applicant’s assessment of the impact on the setting is mistaken in three respects.

64. First, it confuses the concepts of tourist experience and the appreciation and understanding of the setting of a historic asset. The visitor’s appreciation and understanding of the monument in its setting would not be significantly affected by the existing infrastructure in the surrounding landscape. This gives wide open views across open croftland and moorland with scattered housing. The applicant refers to the existing turbine (15 metres to blade tip) at Linshader, but this is mostly shielded from Callanish I and is seen against a backdrop of hills from Callanish II and III, reducing its impact. Moreover, it does not affect the inter-relationships between the three monuments. As for the industrial chimney at Breascleat, this is masked by the topography and is irrelevant.

65. HS fully accepts that this is a modern landscape, but where there is a surviving concentration of monuments (as at Stonehenge, Orkney or Callanish), they can rightly be seen as the surviving fragments of past ritual landscapes. The impact of developments on the settings of such rare complexes requires careful consideration.

66. Secondly, the appellant emphasises one particular aspect of the setting – the view from the north-south axis. Although extremely important, to give it primacy is to misunderstand the setting of a monument of this nature. This has to be considered as a whole and not constrained to a single axis. Indeed, the western axis extends in the direction of the application site.

67. Thirdly, the applicant claims that the turbines would have no visual impact on Callanish II and III; and that in any case, drawing a connection between the sites is speculative. However, the submitted ZTV maps confirm that the turbines would be visible or partly visible from Callanish II (southern turbine only) and III (both turbines). There are no trees or structures to impede the view. It is highly unlikely that this concentration of

Neolithic ritual sites resulted from coincidence. Callanish II and III are probably later than Callanish I and are most likely to have been positioned in relation to it. In this way the complex of monuments in the Callanish area is similar to the Stonehenge and Orkney complexes.

68. Regarding the Comhairle's case, there is no clear reasoning why the planning officer's report of 7 February 2012 was rejected. The report set out very clearly that the proposed development breached policies both of the local plan and of the associated supplementary planning guidance.

69. Although the Comhairle concludes that the Environmental Statement is sufficient, it fails to address certain issues, including the following:-

- the need for a more detailed assessment of the effect on the historic environment;
- the need to examine why the ES chooses a set of criteria for considering impacts which is less severe than the set quoted. This indicates that turbines of this size have the potential to have a major impact due to proximity and are capable of dominating the landscape at a distance of up to 5.5 kilometres;
- the need to discuss the findings at section 5.6 of the ES, where it is noted that the proposed turbines would be almost entirely visible from some locations at Callanish; that there is a possibility that the turbines will be visible between the stones; and that the impact is medium/high; and
- the need for an explanation of the criteria or assumptions on which the conclusions of the very short archaeology and cultural heritage chapter are based. Instead it contains a number of statements which appear to justify the development rather than assess its impact, in particular on Callanish. The ES does not address the issue of setting from an historic environment perspective.

70. HS considers that this application raises similar issues to the Merranblo Wind Energy case heard at public inquiry in 2008 (DPEA ref: NA/ORK/1). That application for three 67m high wind turbines would have affected the setting of the complex of Neolithic monuments in the Brodgar-Stenness area of Orkney, despite the proposed location being more than 5 kilometres from the nearest of the sites (the Ring of Brodgar) and within a modern farming landscape. Scottish Ministers refused permission for that application because of the impacts (including effects on the relationships between the sites) on the wider setting of the monuments, which was defined as extending to the skyline.

71. It is notable that the Comhairle's planning officer (at paragraph 13.21 of her report of 7 February 2012) indicated that the Comhairle took the view that Callanish is such a significant site (both for its archaeological value and for its value to the economy as the top visitor attraction to the islands) that it merited a 5 kilometres buffer zone being drawn round the monument to protect its setting.

72. In conclusion, HS considers the proposal to have a significant adverse impact on the setting of the scheduled monuments in the Callanish area. Because of this impact, the proposal is contrary to both national and local policies. There would appear to be no

exceptional circumstances which would outweigh the major adverse impact of the development on the setting of the monument.

Scottish Natural Heritage

73. Scottish Natural Heritage (SNH) has considered the submitted Environmental Statement. The golden eagle and otter reports show that the field work has been carried out thoroughly and the potential impacts correctly assessed. However, the data is some six years old. It is not safe to base consideration of impacts on data that is becoming increasingly out of date. Also, the otter report appears not to have referenced the most recent relevant legislation.

74. Moreover, the assessments are based on a different layout of five turbines. It has not been possible to ascertain which, if any, of these turbine positions are used in the current proposal.

75. In addition, the ES is too cursory in its consideration of ecological and natural heritage impacts.

76. It is concluded that up to date information is required to enable a proper assessment of impacts by the present proposal on golden eagle and otter in particular.

Other Consultation responses and representations

77. SEPA has no objection to the proposal. Reference is made to SEPA's advice on small-scale windfarms. Advice is provided on the present proposal in regard to flood risk and private water supplies.

78. Scottish Water has no objection.

79. Highlands and Islands Airports has no objection provided a steady red obstacle light is fitted at hub on one of the turbines.

80. Neither NATS (NERL) nor MoD (Defence Infrastructure Organisation) has any safeguarding objection.

81. The RSPB objects to the proposal, as there is insufficient information to conclude that there would be no significant effect on the integrity of any Natura site. The data is not up to date and refers to a different scheme. There is a lack of information on the breeding performance of the pair of eagles on Bernera and there have been changes relating to their breeding sites which are not acknowledged.

82. Dr David Michael submits that the ES is inadequate and that if planning permission is to be granted, a fresh ES should be prepared. The Comhairle should have required the

submission of an expanded or more accurate ES, as the coverage of potential landscape and visual impacts, natural heritage impacts and impacts on the historic environment are all deficient. Specific criticisms are:-

- the zone of theoretical visibility (ZTV) should be extended;
- the information on alternatives does not consider the environmental effects;
- the site is close to designated natural heritage sites and there is the potential for impacts on sensitive bird species and otters;
- the information is too old and refers to an earlier, different proposal;
- damaging or disturbing procedures in relation to otters are no longer lawful if they arise “as the incidental effects of lawful operations which could not reasonably be avoided”;
- inadequate consideration is given to the extent of visual and landscape impacts on the Callanish monuments; and
- there is no consideration in the ES of the interaction between environmental factors.

83. Neither the Comhairle nor the applicant has addressed the point that the EIA Directive has been breached. This is a most serious point. The latter’s claim that there will have been no change in the condition of the eagle and otter populations since the original surveys is speculative and unreliable. He implies that once a pristine prehistoric ritual landscape is degraded it is acceptable to degrade it more. Neither this nor his assertion that the effect on the view from the Callanish Stones would be “negligible” is acceptable. Moreover, refusing the proposal on the grounds of its effect on the monument would not set a precedent for the refusal of similar proposals, as the Callanish Stones are an unique iconic national monument.

84. The economy of Great Bernera is heavily reliant on tourism, together with crofting and fishing. Much of the island’s appeal to tourists rests on its unspoilt, undeveloped nature. It has bed-and-breakfast businesses, self-catering cottages and businesses offering tours and boat trips, all of which need tourists. The local shop reportedly benefits greatly from tourism and the cafe in the community centre opens for longer in the tourist season. The proposal would make Bernera far less attractive, so depressing the local economy and hastening depopulation. Businesses based on the internet, such as Dr Michael’s own, would be discouraged from staying on the island or establishing themselves there. Regarding the effect on Kirkibost, the turbines would be too close to dwellings, in conflict with the guideline that there should be a distance of two kilometres between villages and windfarm developments. Overall, any benefits of the proposal, which would not generate very much electricity, are outweighed by the disadvantages.

85. A petition is submitted opposing the proposal. It is asserted that the scheme would impact seriously on the area’s environment, visual amenity and potential for developing and maintaining tourism in an area with a unique Scottish history and heritage. Turbines are not opposed in principle, but these would be in the wrong place – in the middle of a village and on one of the highest points in the island, overlooking at least 40 houses. This would be harmful to the character and appearance of the landscape and have a serious visual impact on nearby residents, severely devaluing their homes and crofts. The petition is from

residents of Bernera and Crulvig (on the south side of Loch Barraglom) and contains 98 names with 68 addresses. Signatures have been redacted.

86. Eight other objectors raise a number of points. Those relating to planning matters not already noted in the paragraphs above include:-

- The Western Isles provide an important habitat for threatened wildlife and flora. This is a key factor in attracting visitors to the island.
- Latest information from the Comhairle notes that there are around 170,000 visitors annually, contributing £39 million to the economy. Tourism accounted for 15.6% of the gross regional domestic product.
- The construction of the turbines would require specialised workers and would not bring jobs to local people.
- If permitted, the proposal would set an undesirable precedent.
- The proposed access road would create a permanent scar on the landscape.
- It has been established that turbines create three types of noise – mechanical (from the gearbox and generator); aerodynamic (from the blades moving through the air); and low-frequency noise (caused when wind and turbulence are high). This is magnified in rural areas where there is no background noise. All can affect the health of those living nearby, so turbines should not be sited less than one mile from houses.
- Small scale land-based wind farms produce a meagre output of energy which is out of proportion to the long term damage caused to the environment and the local community. Offshore windfarms are far preferable.

87. Supporting the proposal is a letter from Mr Jamie McGrigor MSP and one from local residents, Mr RJ and Mrs EA Evans. Mr McGrigor makes the following points:-

- Crofters are continually being told to diversify and become greener. Renewable energy satisfies both these aims and can provide significant funds which boost the local economy.
- Provided care is given to their siting, turbines should be seen as a positive opportunity, contributing to carbon reduction.
- The fact that the Comhairle has approved the application shows local opposition to have been minimal.
- The applicant's croft is more than six miles from the Callanish Stones, which cannot be seen from the application site. Visibility of the turbines from the monument would therefore be minor.
- A refusal of this application would be a precedent restricting other crofters in the area from obtaining permission for similar developments. This would waste an excellent opportunity to improve living standards and agricultural standards in Lewis. A significant impetus for the local economy would be lost.

- Several other turbines in the vicinity of Pentland Road have been approved. These will be twice the height of those now proposed and would be visible from Callanish. Historic Scotland has erected wind turbines near the blackhouse site at Carloway.
- The Callanish Stones were erected over 4000 years ago and must have witnessed many changes in the landscape but are still standing unharmed as a tourist attraction. That attraction would not be diminished by the proposed turbines, which would in fact be an item of extra interest when seen from the monument.

Mr and Mrs Evans live close to the application site and would probably see both turbines from their house. They would be delighted to look out of the window on a cold, wet, windy day to see wind turbines turning and producing green electricity. They comment that some objectors are unable to say why they object and others are planning their own wind turbine schemes.

Reasoned conclusions

The Issues

88. The material issues to be addressed are the effects on:-

- (a) the settings of the Scheduled Monuments;
- (b) the landscape;
- (c) the tourist experience;
- (d) the local community; and
- (e) fauna,

having regard to the development plan. As explained above, I shall consider my conclusions on alternative bases; first, on the basis of the current development plan and secondly on the assumption that the LDP has been adopted without significant further amendment. In so far as they are not reflected in the relevant plan, national policies relating to economic growth and renewable energy are important other material considerations.

89. Regarding other issues (including the effect on the water environment, archaeological remains in the vicinity of the site and the effects on aircraft, radar, telecommunications and Ministry of Defence interests) any problems which might arise could be dealt with by the imposition of conditions on any planning permission. I therefore do not comment on these issues further. My assessment of the adequacy of the submitted ES is at Annex A.

The Settings of the Scheduled Monuments

90. Callanish I, the main monument of the group of ancient monuments at Callanish, is some 4 kilometres from the application site. It is not in dispute that most of the structures of the proposed turbines would be seen from points within the monument and its environs.

The issue is whether they would impact on the setting as an unwelcome modern intrusion, so diminishing the appreciation of this outstanding monument.

91. The appreciation of the monument – a Neolithic stone circle at the centre of a cruciform arrangement of stone rows – is significantly influenced by its setting. When I inspected the monument, it became clear that the quality of the setting varies from one side to the other. To the east and north, beyond some open ground, is a loose pattern of unsightly development, mainly modern. These detract from the enjoyment and appreciation of the monument. But to the west and south, there is a wide scene of sea loch, moorland, rocky hills of the knock and lochan landscape and the distant mountains of Harris. This view includes the southern part of Great Bernera, so that the proposed turbines (67 metres high to blade tip) would be seen, except for the lowest parts of the towers.

92. At present, this wide view is practically unspoilt. Although reference is made to the wind turbine at Linshader, about 1 kilometre distant and to the south of Callanish I, this is only just over 15 metres high to blade tip, is on much lower ground and is not seriously obtrusive.

93. When looking west and south from the monument, the standing stones feel part of this wild landscape. This setting is crucially important to the appreciation of the stones and their aesthetic, cultural and spiritual significance.

94. In my view, it is the wild and undeveloped nature of this part of the surrounding landscape which is so important. Historic Scotland sees Callanish I rather differently – as the centre of a former wide prehistoric ritual landscape from which there are panoramic views in all directions over a relatively open landscape. It appears to me that the inter-relationship of the three monuments Callanish I – III is not so apparent and striking as is the quality of the landscape looking west and south from Callanish I.

95. The Callanish II and III stone circles are clearly of great archaeological interest, but are not so outstanding aesthetically. This is partly due to their immediate surroundings. Callanish II is currently adjoined by a run-down property with a number of abandoned vehicles nearby; and although Callanish III is approached against a fine landscape background to the south west, the view in the opposite direction includes a substantial new house on the main road and the southern part of Callanish village. They would be further from the proposed turbines, with the ridge occupied by Callanish I in between; and even if the turbines were visible, I consider that they would not damage the settings of Callanish II and III. Similarly, I accept that no damage would be done to the setting of the broch at Dun Carloway, as the turbines would hardly be visible from that site.

96. On this issue, I conclude that the proposed turbines would be a serious intrusion into the landscape forming the setting of Callanish I on its west and south sides and would substantially detract from the character of the scheduled monument.

Landscape

97. The submitted photomontages indicate the visual impact of the proposed turbines on viewpoints other than those at Callanish and Dun Carloway. The views which in my opinion give most cause for concern are those in and near Great Bernera itself. The two 67 metres high turbines sited on the high ground in the south of the island would dominate the view of Great Bernera as it is approached on the B8059, the only road connection to the mainland of Lewis. Many visitors to the island would find this a surprising and unfortunate welcome and it is unlikely to be appreciated by the residents.

98. I disagree with the ES assessment of the impact of the turbines on the view from the B8059 as being “medium”. This appears to be based on whether they would have an overbearing effect on the houses there, rather than their effect on the appreciation of the landscape. However, I note that the assessments from viewpoints in the centre of the island and from the mainland looking due west to Great Bernera are both “medium – high”; and from three nearby houses the assessment is “high”. I agree with these assessments.

99. Standing on the site of proposed turbine 1, I was able to see practically the whole length of the southern shore of Loch Barraglom, which means that all of the turbine above eye level would be visible from that side of the loch. Similarly, there were extensive views northwards and westwards over the island from the site of turbine 2: the turbines would therefore dominate much of the island.

100. As for the longer views, I am not persuaded that the turbines would have a damaging effect on views from points further away than 10 kilometres. This is the result not only of the distance involved, but also of the limited area at this distance which is included in the submitted zone of theoretical visibility (ZTV) assessments.

101. As the great majority of existing and permitted turbine developments and other tall structures are in the east of Lewis, I do not consider that there would be any problem of cumulative impact on the landscape.

102. On this issue I conclude that the proposed turbines would cause serious damage to the landscape of Great Bernera and of views of the island from the mainland of Lewis.

The Tourist Experience

103. The experience of visitors to the Callanish Stones is somewhat mixed. Most will approach Callanish from the east, along a route which the applicant fairly describes as being characterised by “a plethora of extremely prominent vertical man-made elements” including a high transmission mast, turbines and lines of electricity transmission poles. The approach to Callanish village itself is also unfortunate. However, the main car park for Callanish I is well below the level of the ridge upon which the monument is sited and the visitor centre is a very pleasant and harmonious building adjoining it. Except for an unsightly shed, the surroundings of the footpath from the visitor centre up to the monument are unspoilt and the sight of the stones against the sky as they come into view is impressive.

104. Once on the site, the extent and sculptural quality of this remarkable survival is immediately apparent. But when looking to the north and east from within the site, the visitor is only too likely to be disappointed by the compromised landscape already described. This makes the long unspoilt views to the west and south all the more valuable in appreciating the monument in a setting free from modern intrusions. The proposed turbines would introduce a seriously disruptive new element in a landscape which can be seen as timeless.

105. The impact on the tourist visiting other parts of the area in the vicinity of the proposed turbines would in my opinion also be substantially negative. On the only approach road to Great Bernera (B8059), the two turbines would, as already noted, be an unwelcome surprise to many as they reached the southern shore of Loch Barraglom, contrasting unfavourably with the preceding wild knock and lochan landscape. Once on the island, they would find large parts of it dominated by the turbines, detracting from its remote and unspoilt character. Although there are already other turbines on the island, these are small and none has been said to be obtrusive.

106. On this issue (which to a certain extent overlaps with the previous two) I conclude that the proposed turbines would result in a negative experience for the visitor. The effect on the local tourist industry is examined in the next section.

The local community

107. The applicant claims that the effect on the local community would be beneficial. He mentions the extra business for local contractors regarding the construction, operation and maintenance of the turbines; and more trade for local shops and services. I accept that there could be some benefit under these headings, although no convincing evidence was submitted that the effects were likely to be substantial. Indeed, it was suggested that local contractors were unlikely to be able to carry out specialised work on the turbines and that local shops and other services were only likely to benefit during the construction phase. However, there would be a significant benefit from a Section 75 agreement securing the payment of community gain, estimated at £3600 per annum. Also, the applicant's business as a crofter would benefit from this diversification, in accordance with SP policy RM1. On this, the applicant is supported by Mr Jamie McGrigor MSP.

108. Against this there is the point that the dominating effect of the turbines on the landscape of Great Bernera would be a powerful deterrent to tourists who are currently attracted to the island by its unspoilt landscape. This was emphasised by local residents, who underlined the importance of the tourist trade to the local economy, noting the presence on the island of a shop, cafe, bed-and-breakfast businesses, self-catering cottages and businesses offering tours and boat trips. Objectors were also concerned about the damage that would be done to the character and appearance of the landscape and the effect on nearby dwellings. Although a number of turbines have been permitted on Great Bernera, these are all under 18 metres high to blade tip, far smaller than the present proposed two turbines which would measure 67 metres to blade tip and be obtrusively located on some of the highest ground on the island.

109. On this issue I conclude that, on balance, the effect on the local community would be harmful. This is because of the effect on the tourist trade and on the residents' own enjoyment of the landscape – the latter problem being the more marked for those living close to the turbines. (However, I am not persuaded that there would be serious problems of noise or shadow flicker.) The limited benefits to the local economy flowing from the erection and maintenance of the turbines, the assistance to the applicant's crofting business and the payment of community gain are in my opinion outbalanced.

Effect on fauna

110. The submitted ES includes information on eagles and otters in particular, but is seriously out of date and refers to a previous scheme for five turbines (for which no site plan was produced). I do not accept that the reduction from five to two turbines renders the lapse of time insignificant; it is quite possible that significant changes in these and other populations have occurred since the surveys were undertaken in 2005-6. More up-to-date surveys related to the present proposal are reasonably required to satisfy the relevant EIA regulations (SI 2011 no, 139). Regulation 3 prohibits the granting of planning permission unless the environmental information (which includes the environmental statement) has been first taken into account. The definition of "environmental statement" in regulation 2 (1) sets out the information that has to be included. In this respect, the submitted ES is found to be unacceptable on account of the inadequate description of the fauna likely to be significantly affected.

111. However, meeting this requirement would result in severe delay, as it would be necessary to cover the nesting season. It would also incur considerable expense. As I am able to come to firm overall conclusions on the merits of the application in all other respects, I propose to leave this issue on one side and refer to it as a qualification to my recommendation. Should Ministers be minded to permit the development, Annex A to this report sets out my assessment of the adequacy of the submitted Environmental Statement, with recommendations regarding the scope of a new Environmental Statement should it be required.

Overall conclusions

Compliance with the development plan - current development plan basis

112. I have concluded that there would be damage to (a) the setting of the Callanish Standing Stones Ancient Monument (Callanish I), (b) to the landscape, (c) to the tourist experience and (d) to the local community.

113. The damage to the setting of Callanish I would engage structure plan policy RM15, as this is a nationally important monument affected by a proposed development which would normally not be permitted. This policy is backed up by local plan policy LP/RM2 which also strongly discourages such development unless there are exceptional

circumstances and an overriding public interest. In order to ascertain whether these two policies are breached it is therefore necessary to consider whether there are special reasons favouring the development. I do this in my examination of other material considerations below. However, the support given to wind energy schemes by structure plan policy ED2 is subject to the impact on built heritage resources being satisfactory. This policy is therefore breached.

114. The damage to the landscape also engages policy ED2, which refers similarly to the impact on natural resources being satisfactory. Again, the policy is breached.

115. It follows that the damage to the tourist experience, which overlaps the preceding two considerations, also breaches policy ED2.

116. The damage to the local community engages structure plan policy DM1. Although this policy generally supports development proposals, they must not harm the social, economic or environmental characteristics of the local area. As (a) the combined negative effects on the tourist trade of Great Bernera and on the residents' own enjoyment of the landscape would outweigh (b) any advantage to the local economy and to the applicant's crofting business, this policy is breached. Policy DM2 is interpreted by the applicant as requiring specific consideration of the present proposal as a development opportunity in a remote and peripheral area. I accept that the proposal is a development opportunity and that this fact favours the development.

117. As explained above, I have set aside consideration of the effect on fauna. Because the ES is inadequate it is not possible to assess the proposal against policy RM 11 of the structure plan. The application is deficient in this respect.

Compliance with the development plan - assuming the adoption of the LDP without significant further amendment.

118. With the adoption of the LDP, the policies of the present development plan would no longer apply. The most relevant policies of the new development plan (unless significantly modified at this very late stage) would be those outlined in paragraph 12 above. I now apply these to the four interests which I have concluded would be damaged.

119. The damage to the setting of Callanish I would engage policy 34 of the LDP, which states that development proposals adversely affecting nationally important remains and their settings will not normally be permitted. In order to ascertain whether this policy is breached it is therefore necessary to consider whether there are special reasons favouring the development. I do this in my examination of other material considerations below.

120. The damage to the landscape would engage several policies. Policy 1 requires account to be taken of the capacity of the surrounding landscape to accommodate a development proposal. Also to be considered is the need for sensitive siting and design to minimise the impact on the open and rural character of the landscape, avoiding raised or high level locations. Policy 4 requires a satisfactory quality of siting and scale that respects the characteristics of the surroundings. Policy 5 requires proposals to relate to the specific

landscape and visual characteristics of the local area, ensuring that the overall integrity of the landscape is maintained. The application site is in an area of *Knock and Lochan*, where any development tends to be highly prominent; to be acceptable, it needs to appear of inferior scale to the knocks. The scope for small turbine developments is seen to be very limited to “very occasional single turbines at the smallest end of the commercial spectrum.....sited in coastal locations with low visibility where the relationship with an expanse of sea may overcome landscape issues”. Finally, policy 19, which is specific to energy resources, requires there to be no unacceptable adverse impact on the landscape.

121. In all these respects affecting the landscape, the proposed turbines breach the relevant policies.

122. It follows that the damage to the tourist experience also breaches the policies affecting the landscape (policies 1,4,5 and 19) as referred to above. As already indicated, whether policy 34 is breached depends on whether there are special reasons favouring the development.

123. The damage to the local community engages policy 2, which states that all development will be assessed for its impacts. As the impact on the local community has been found to be negative on balance, this policy is breached.

124. As explained in paragraph 111 above, I have set aside consideration of the effect on fauna. Because the ES is inadequate, it is not possible to assess the proposal against policy 2, which refers to the need to avoid a significant adverse effect on biodiversity and ecological interests; or against policy 28, which refers to any protected species which might be affected. The application is deficient on account of the inadequate ES.

Other Material Considerations

125. There are other material considerations to be taken into account. These are the same whichever of the two assumptions regarding the currency of the development plan is made – with one exception. This is that the draft LDP is a material consideration when the current development plan is applied. In this context it carries great weight, as it is at such a late stage.

126. National Policies: Although the policies of both the current development plan (structure plan policy ED2) and the draft LDP (policy 19) take into account the benefits of the generation of renewable energy, it is important to ensure that the full weight of the relevant national policies is considered. The *Climate Change (Scotland) Act 2009* requires a reduction in greenhouse gas emissions by at least 80% by 2050 with an interim target of a 42% reduction by 2020. The *National Planning Framework (NPF 2)* records the Government’s commitment to working towards deriving 20% of total energy use from renewable resources by 2020. It states that small scale projects can make a valuable contribution locally and can play a vital role in supporting the sustainable development of remote rural and island communities in particular. Further, *Scottish Planning Policy (SPP)* states that renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth.

127. These are powerful considerations which weigh in favour of the proposal.

128. However, it should be noted that *SPP* advises that while wind farms are supported, they should be located where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Also, it states that there will be occasions where the sensitivity of the site or the nature or scale of the proposed development is such that the development should not be permitted. A specific reference to the protection of the setting of a scheduled monument states that development having an adverse effect on the integrity of its setting should not be permitted unless there are exceptional circumstances. The note on *Setting* makes it clear that setting often extends beyond the immediate confines of an historic structure into the broader landscape.

129. These also are powerful considerations, but given my conclusions on the issues, they weigh against the proposal. It is clear from the national documents referred to that the benefits and disbenefits of the proposal have to be carefully weighed against one another. No single policy can automatically override all others.

130. Supplementary Guidance: The *Supplementary Guidance for Large Scale Wind Energy Developments* is relevant to the present proposals. It was approved by the Comhairle in 2010. Given that the height of the turbines would be 67 metres to blade tip, it would be reasonable to take into account the spatial policies. These exclude the application site from the broad areas of search, but neither is it included in any area of significant protection. However, it is shown as being within 1.5 kilometres of settlement. I interpret this as indicating that care should be taken in considering the impact on the settlement of Kirkibost. In this context the development criteria policies are important, particularly policy DC2, which relates to the visual impact on residential properties and settlements. It is this aspect, rather than the impact of noise, shadow flicker etc (the subject of policy DC3) which I consider to be the most harmful to neighbouring dwellings. Policy DC2 also protects the landscape character of the Outer Hebrides as such and so supports the objection on landscape grounds. Similarly, the settings of Scheduled Ancient Monuments are protected by both policy DC2 and (with greater weight) policy DC5. In these respects, the document therefore tends to count against the development, although its recognition of the need to harness the resource of wind energy should be noted.

131. Other Guidance Documents: The Scottish Government's web-based planning advice on *Onshore Wind Turbines* provides a guide to the very considerable body of advice on the determination of planning applications for onshore wind turbines. Much of this advice is reflected in the policies discussed above. Most of the documents referred to are published by SNH. I note here only particular points of significance which have not already been adequately covered.

132. The advice in the *Western Isles Landscape Character Assessment* and the *Landscape capacity study for onshore wind energy development in the Western Isles* certainly does not encourage wind turbine developments in the relevant landscape type (knock and lochan). The applicant seeks to justify the present proposal by quoting "very occasional single turbines at the smallest end of the commercial spectrum could be sited in

coastal locations with low visibility where the relationship with an expanse of sea may overcome landscape issues.” Apart from the points that two turbines are proposed and that they can hardly be described as “at the smallest end of the commercial spectrum”, the choice of this extract is unduly selective. The turbines, being sited on knocks, would not be of inferior scale to them, would be of major rather than minor prominence in a highly visible location and would cause significant character change to the landscape. The proposal is contrary to the advice of these two documents.

Final Assessment – current development plan basis

133. I have found the proposal to be damaging to (a) the setting of the Callanish Standing Stones Ancient Monument (Callanish I), (b) to the landscape, (c) to the tourist experience and (d) to the local community. Structure plan policy ED2 of the current development plan is breached under the first three headings and policy DM1 is breached under the fourth. In addition, the damage to the setting of Callanish I would breach two further policies unless there were abnormal or exceptional circumstances, or an overriding public interest. This can be determined by reference to other material considerations.

134. These other material considerations include a wide range of policies and advice. Great weight must be attached to the draft LDP. Regarding the damaging effect on the setting of Callanish I, policy 34 repeats the approach that damaging developments would not normally be permitted. However, policy 19 is breached, as it requires there to be no unacceptable adverse impact on cultural heritage resources. The effect on the landscape involves policies 1, 4, 5 and 19 all of which are breached. On this aspect, the draft LDP gives more detailed protection, requiring consideration of the capacity of the landscape to accommodate the development, sensitive siting and design, satisfactory scale and (in particular) an inferior scale to the knocks in the knock and lochan landscape. In this way, the weight of policies against the present proposal is, if anything, strengthened. This relates also to the damage to the tourist experience and to the local community (where policy 2 is also relevant).

135. The weight of support for renewable energy developments is very considerable. It derives from the challenging targets of the *Climate Change (Scotland) Act 2009* and of the *National Planning Framework (NPF 2)* together with the latter’s specific encouragement of small scale projects (particularly in remote rural and island communities). The *SPP* adds support by pointing to the contribution to more secure and diverse energy supplies and to sustainable economic growth.

136. Yet this is not the only possible site for wind turbines, whereas the Callanish Stones are immovable. The setting of such a supremely important national monument merits the most careful treatment. It is the wide view from Callanish I to the west and south – the view that would include the two proposed turbines – that is so important in complementing the monument, with its wild and unspoilt landscape of sea loch, moorland, rocky hills and distant mountains. The proposal would seriously compromise the quality of this landscape setting. There are parallels here with the proposal for the erection of three 67 metres high turbines on a site some 5 kilometres from the Ring of Brodgar standing stones in Orkney.

That application was refused by the Scottish Ministers. Although Callanish is not a World Heritage Site and is not protected by such stringent development plan policies, it is significant that the impact of the three proposed turbines at a distance of some 5 kilometres from the Orkney World Heritage Site was found to be unacceptable.

137. The effect of the proposed turbines as seen from other points in the surrounding area (notably from the approach to Great Bernera and from within the island) adds significantly to the damage that would be done. Together with the effect on the experience of tourists and the net disadvantage to the local community, I conclude that the disadvantages of the proposal are very considerable. The proposal is not generally consistent with the policies of the development plan, whether the application is considered on the basis of the current development plan or of the adopted local development plan. The national policies supporting renewable energy developments carry great weight, but are nevertheless insufficient to indicate that planning permission should be granted.

Final Assessment – assuming the Local Development Plan has been adopted

138. Again, I recall that I have found the proposal to be damaging to (a) the setting of the Callanish Standing Stones Ancient Monument (Callanish I), (b) to the landscape, (c) to the tourist experience and (d) to the local community. On (a), policy 19 of the LDP is breached, as it requires there to be no unacceptable adverse impact on cultural heritage resources. Policy 34 states that developments adversely affecting nationally important remains and their settings will not normally be permitted; this requires an examination of any considerations which would justify an exception being made. On (b), policies 1, 4, 5 and 19 are all breached. They give detailed protection to the landscape, requiring consideration of its capacity to accommodate the development, sensitive siting and design, satisfactory scale and (in particular) an inferior scale to the knocks in the knock and lochan landscape. These policies, together with policy 19, relate also to the damage to the tourist experience and to the local community (where policy 2 is also relevant). Accordingly, I find that the proposed turbines would breach the LDP under all four headings.

139. Moreover, although there are differences of emphasis as between the current development plan and the LDP, these differences are not so significant that they affect the weighing of the material considerations. My conclusions at paragraphs 135 – 7 above apply equally to the two situations.

Recommendation

140. I recommend that the application be refused.

141. However, in the event of the Ministers being minded to grant planning permission, I recommend that the applicant be first required to submit a new Environmental Statement. This would be necessary to comply with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 as the submitted ES is found to be inadequate.

142. My assessment of the adequacy of the submitted ES, with recommendations regarding the scope of a new ES, should it be required, is at Annex A.

143. Also, in the event of Ministers being minded to grant planning permission, it would be necessary to consider the desirability of the main parties entering into a s.75 agreement concerning the payment of community gain, decommissioning and restoration of the site and any offsite works.

ANNEX A : Reporter's assessment of the adequacy of the submitted Environmental Statement, with recommendations regarding the scope of a new Environmental Statement to be required were Ministers minded to permit the development.

The structure of this assessment is based on that of the submitted document dated 5 August 2011 entitled *Environmental Statement and Additional Information*. I take into account the relevant representations summarised in my report and the contents of Schedule 4 to the EIA Regulations (SI 2011 no.139) titled *Information for inclusion in environmental statements*.

1.0 Introduction: This is generally adequate but would need to be updated, particularly as regards new and revised national and local policies. There is no mention of alternative sites in paragraph 1.5 and the additional information submitted to address the alternatives issue deals with alternative sources of power, not sites. However, the requirement in Part II of Schedule 4 of the EIA Regulations is for an "outline of the main alternatives studied by the applicant". If the applicant has not studied any alternative sites, as in the present case, there is nothing to consider. **Recommendation: update as appropriate.**

2.0 The Proposed Development: This also is generally adequate except that information on the design of the proposed substation on the site and the routing of the connection to the national grid is lacking. The information received from the planning authority by DPEA on 9 August 2012 (drawing nos. SPEN/GS/001 and RM01/01) is adequate and can be incorporated in the new ES. **Recommendation: incorporate the drawings referred to and produce an assessment of the impact on the landscape and on the setting of nearby Scheduled Monuments.**

Note (1) The connection to the grid would be dealt with through an application under s37 of the Electricity Act (which also grants deemed planning permission under the planning acts). So full details are not required; but an outline of the proposed connection is required to accord with Schedule 4 Part I (4) of the EIA regulations.

Note (2) This chapter includes a number of measures which together satisfy the requirement at Schedule 4 Part II (2) of the EIA Regulations that there should be a *description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects*.

3.0 Soil and Hydrology: This is adequate.

4.0 Ecology: Coverage of this item consisted of two reports:-

(a) Ornithological Survey Report and Golden Eagle Collision Risk Assessment.

This report refers to a previous proposal for 5 turbines, with the surveys carried out in the period March 2005 – April 2006. An up-to-date assessment related to the present proposal is clearly required. The report includes details of surveys of moorland breeding birds, divers and raptors, together with vantage point watches. Also monitored were the breeding attempts of a pair of eagles 4 km from the site. The most onerous of these items is the vantage point watches. Six target species were seen, but of the 148 flights recorded, the majority (114) were by golden eagles. Although a repeat of this survey would be expensive in terms of both money and time, the importance of the conservation of golden eagles means that this information is essential to remedy the inadequacy of the ES. The local eagle population is significant as regards the geographical extension of the eagle population of Lewis; and it has been suggested that following the control of mink in the area, Bernera might now have an increased population of rabbits (a major prey), so encouraging more eagles. The complete package should be repeated including the golden eagle collision risk assessment.

Recommendation: Subject to the advice of Scottish Natural Heritage (SNH) the applicant should produce the results of new ornithological surveys carried out on a basis similar to those submitted for dates in 2005-6, but relating to the current application site, namely:-

(a) Moorland breeding birds survey (2 visits in May/June 2013);

(b) Diver survey (2 visits in May/June 2013)

(c) Vantage point watches (average of 12 hours per month over 12 months = 144 hours divided between 3 points).

(d) Raptor survey (search of area within 2 km of the site for breeding birds of prey – also monitoring of breeding attempts of any pairs of eagles up to 4 km from the application site accompanied by a map of their territorial boundaries showing also the location of the two proposed turbines.

Produce a golden eagle collision risk assessment based on the data collected under item (c) above.

(b) Otter Survey

This survey was undertaken on dates in May 2005 and February 2006. It established that there was a population of resident otters, which led to recommendations which could be met by conditions. SNH expresses a particular interest in otters, indicating that they need up-to-date information relating to the current proposals for two turbines, to enable them to assess the impacts. It also identifies two deficiencies in the report.

Recommendation: Produce the results of a new otter survey carried out on a basis similar to that submitted for dates in May 2005 and February 2006, but relating to the current application site. The survey should be carried out in two appropriate months. The report should include a map showing the sites and routes referred to and should include consideration of the implications of the latest legislation concerning the protection of otters.

5.0 Landscape and Visual: Zone of theoretical visibility (ZTV) diagrams illustrate the potential visibility of the proposed 2 wind turbines from up to 15 kilometres. Photomontages and/or wireframes are produced for views from 12 defined viewpoints. Having visited the

site and surroundings, I conclude that the selection of viewpoints is representative and fair. Taking into account the nature of the landscape and pattern of settlement in the area beyond the 15 km radius, I do not think it necessary to extend the survey further. However, a fuller assessment of the effect on the setting of Callanish I is required. Although the submitted ES mentions other wind turbine sites in the general area, no systematic information is submitted on the cumulative effect of adding two more turbines to the landscape. The planning authority has produced information on the locations of existing and planned wind turbines and other structures (including telecommunications masts) in the land area up to within 30 km of the application site. This can be used in making an assessment. **Recommendation: Provide a fuller assessment of the effect on the setting of Callanish I; and an assessment of the cumulative impact of the present proposal on the landscape.**

6.0 Archaeology and cultural heritage: This is adequate, given that the impact on the Callanish Stones is covered in the preceding chapter.

7.0 Aircraft, MoD, Radar and Telecommunications: This is adequate.

8.0 Noise Assessment: This is adequate.

9.0 Shadow Flicker: This is adequate.

10.0 General Safety: This is adequate.

11.0 Socio-economic Considerations: This is adequate. It satisfies the provision of Schedule 4 Part I (3) of the EIA regulations referring to an assessment of the inter-relationship between the aspects of the environment most likely to be affected by the development.

12.0 Conclusion: This would need to reflect the contents of the ES as revised.
Recommendation: Produce a revised conclusion section.

Non-technical summary: Similarly, this would need to reflect the contents of the ES as revised. **Recommendation: Produce a revised non-technical summary.**

Directorate for Local Government and Communities
Planning and Architecture
Planning Decisions

T: 0131-244 7070 F: 0131-244 7555
E: lyndsey.murray@scotland.gsi.gov.uk

Mr R E McGovern
Farm Energy Consulting
Unit 15
Netherton Business Centre
Kemnay
Inverurie
AB51 5LX



Our ref: NA/CES/009
28 January 2013

Dear Sir

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS) (SCOTLAND) DIRECTION 2009

APPLICATION 11/00380/PPD FOR PLANNING PERMISSION FOR THE ERECTION OF TWO WIND TURBINES, SUBSTATION AND ACCESS TRACK AT KIRKIBOST, BERNERA

1. This letter contains the Scottish Ministers' decision on the above planning application lodged with Comhairle nan Eilean Siar on 8 August 2011.
2. The application was notified to Scottish Ministers on 1 March 2012, in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009. In terms of Section 46 of the Town and Country Planning (Scotland) Act 1997, Scottish Ministers directed Comhairle nan Eilean Siar, on 19 April 2012, to refer the application to them for determination.
3. The application was thereafter considered on the basis of written submissions and a site inspection carried out by Mr Donald Harris BSc(Econ) Dip TP MRTPI, a Reporter appointed for that purpose, on 11 July 2012. A copy of Mr Harris's report is enclosed.
4. A description of the application site and surroundings, relevant background and the reason for call-in appears between paragraphs 1 to 7 of the report. The Reporter sets out statutory and policy context between paragraphs 8 to 22 of the report. The Environmental Statement and further information is covered between paragraphs 23 to 24.

Summary of Statements

5. A summary of the Comhairle nan Eilean Siar's case appears between paragraphs 25 and 31 of the report. The applicant's case is summarised between paragraphs 32 to 53, Historic Scotland's case appears between paragraphs 54 and 72, Scottish Natural Heritage's case appears between paragraphs 73 to 76 and representations made by other parties are summarised between paragraphs 77 to 87.

Consideration by the Reporter

6. The Reporter's reasoned conclusions and overall conclusions are contained between paragraphs 88 to 139 of the report with his recommendation, in paragraph 140, that the application be refused.

Scottish Ministers' Decision

7. The Scottish Ministers have carefully considered the written submissions and the Reporter's report of the site inspection. They agree with the Reporter's conclusions and adopt them for the purposes of their own decision and accept the Reporter's recommendation.

8. Accordingly, Scottish Ministers hereby refuse planning permission for the erection of two wind turbines, substation and access track at Kirkibost, Bernera.

9. The foregoing decision of the Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

10. For the avoidance of doubt there are typographical errors in the Reporter's report. At the third bullet-point on the front cover of the report reference is made to '26 April 2012' however it should read '19 April 2012'. Also in the Reporter's main report in the first line of paragraph 7 reference is made to '26 April 2012' however it should read '19 April 2012'. At the fourth last bullet point on the first page of the summary report reference is made to '1 March 2012' however it should read '15 May 2012'.

11. A copy of this letter and the report has been sent to Comhairle nan Eilean Siar, Historic Scotland and Scottish Natural Heritage.

Yours faithfully

LYNDSEY MURRAY

Kirkibost Planning Decision

Meeting with SG and HS – Via Video Conference 21 March 2013

Note of Meeting

Present:

Keith Bray, Head of Development Services Comhairle nan Eilean Siar
Mairi Mackinnon, Planning Officer, Comhairle nan Eilean Siar
Graeme Purves, Assistant Chief Planner, Scottish Government (Via VC)
Angela Gray, Planning Officer, Scottish Government (Via VC)
Barbara Cummins, Director of Heritage Management, Historic Scotland (Via Phone)
Apologies from John MacNairney, Chief Planner, Scottish Government

1. Welcome and purpose of meeting

KB welcomed all to the meeting and thanked everyone for making the time available to discuss the Scottish Ministers decision to refuse a planning application for the erection of two 900kw turbines, Kirkibost, Isle of Lewis.

GP gave apologies for John MacNairney who had planned to take part in the meeting but had been called away on other business.

KB highlighted the purpose of the meeting was to seek clarifications on the Scottish Ministers Decision and to discuss issues arising from the decision.

2. Background to decision

KB summarised the sequence of events leading up to the Scottish Ministers' decision and sought clarification that everyone was aware of the background to the decision.

All were content that they were aware of the general background and lead up to the decision; in that the Comhairle were minded to approve the application, the application was notified to SG, and subsequently 'called in', a Reporter was appointed and the decision taken by Scottish Ministers.

GP clarified that the decision was a decision made by Ministers and not by officials. The decisions had not been challenged in the Court of Session and the time for legal challenge had elapsed and therefore the decision is final.

3. Reporters Conclusion

BC agreed that the Reporter's reasoning which did not relate to the setting of the monument was not all that helpful in relation to how HS would look at a proposal from their statutory remit. All, however, agreed that the primary determining factor in the Report was the impact upon the setting of the Callanish Stones.

GP clarified that the Ministers' decision did not make any comment on the merits of the Reporter's reasoning but that the Ministers had agreed with his conclusion about the impact of the proposed development on the setting of the stones and accepted his recommendation. Scottish Ministers had adopted the Reporter's Conclusions for the purposes of their own decision.

BC agreed, for ease of reference, to pass on information to the Comhairle of similar cases and decisions taken recently.

4. Potential future policy/decision implications

KB indicated that a Report on the Decision and any potential implications would be prepared for the Comhairle's June series of meetings (4 June).

Both GP and BC were happy to contribute to the Report preparation process. KB agreed to keep them informed of progress with the report and may seek information to enable the Report to be completed.

Given concerns raised after the decision was made and the 'status' of the monuments, BC suggested that it may be useful to carry out a piece of work to better inform all parties of what could be regarded as the setting of the Calanish monuments. BC indicated that she could put together a scope of work. All agreed that it would be useful to scope out such a piece of work.

BC also suggested that she would be keen to visit and discuss the issues around 'setting' and the reasoning for HS advice on such matters with the Comhairle Members. KB welcomed that offer and would be back in contact regarding dates once he had consulted with his colleagues in the Chief Executives Department.

GP indicated that the SG were in the process of reviewing SPP and would be happy to participate in such a discussion to explain the national planning policy context and ensure that any lessons for the current review are picked up.

5. Summary

KB thanked those present for taking part in the meeting and summarised agreed actions as:

- BC to pass on information to the Comhairle of similar cases and decisions taken recently.
- KB to consider the need to seek further information from SG and HS whilst preparing a Report to the Comhairle June series of meetings.
- BC progress a scope of work to inform future decisions with regard to the setting of the Callanish Monuments.
- KB to follow up with colleagues on the prospect of a workshop with Members attended by Historic Scotland and Scottish Government and get back with dates etc.
- KB would draft a note of the meeting in due course and circulate it to GP and BC for comment/agreement.

KB 9/4/2013

<p>Case Name and Details</p> <p>Broadmeadows Wind Farm, Scottish Borders Case reference: PPA-140-2029 Date: 24 January 2012 http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qJ13815</p> <p>Summary: HS did not object to this 8 x 112m turbine wind farm as our concerns were resolved with the revised turbine layout.</p> <p>Outcome: Refusal recommended by Council, appealed by applicant and the appeal and planning permission dismissed by the Reporter due to adverse landscape and visual impacts, including those on Broadmeadows/Yarrowford, the Southern Upland Way and the setting of Newark Castle.</p>
<p>Land to SE of Earlsfield Farm, Inch, Aberdeenshire Case reference: NA-ABS-038 Date: 25 July 2012 http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qA284382</p> <p>Summary: HS objected to this 1 x 45.45m turbine on the basis of the significant adverse impact on the scheduled monument Ardlair stone circle (Index No. 3).</p> <p>Outcome: Case called-in by Scottish Ministers and refusal recommended by the Reporter on the basis of the adverse impact on the stone circle.</p>
<p>Newbigging Farm, Chapel of Garioch, Aberdeenshire Case reference: NA/ABS/037 Date: 2 November 2011 http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qJ13560</p> <p>Summary: HS objected to this 1 x 45.5m turbine on the basis of the significant adverse impact on the scheduled monument and PiC Easter Aquorthies stone circle (Index No. 90126).</p> <p>Outcome: Case called-in by Scottish Ministers and refusal recommended by the Reporter on the basis of the adverse impact on the stone circle.</p>

Land at Mossford, Rothiemay, Aberdeenshire

Case reference: PPA-110-2099 Date: 19 March 2012

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qJ14403>

Summary: HS did not object to this 79.6m turbine

Outcome: Refusal recommended by Council and appealed by applicant. Appeal and planning permission dismissed by Reporter due to adverse impacts on cultural heritage, including the category A listed Crommey Castle.

Kirkibost, Bernera, Isle of Lewis, Western Isles

Case reference: NA/CES/009 Date: January 2013

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qA301515>

Summary: 2 x 67m turbines was called in because of the adverse impact on the Callanish standing Stones.

Outcome: Application refused

Daviot Wind Farm, Near Inverness, Highland

Case reference: PPA-270-2080 Date: February 2013

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qA318766>

Summary: HS did not object to this 13 x 115m turbine wind farm, but advised that major impacts identified in the ES on two scheduled monuments (Craggie Cottage, settlement cairns and field system 600m SW of (Index No. 4712) and Mains of Daviot Farm, ring cairn and stone circle 600m NNE of (Index No. 3085) could be mitigated by the deletion of turbines 1 and 2 from the scheme.

Outcome: appeal against refusal of application dismissed by Reporter and refusal of planning permission recommended.

Land to east of Mid Plough Hill of Avochie, Aberdeenshire

Case reference: PPA-110-2127 Date: January 2013

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qA317196>

Summary: HS did not object to this 1 x 67m wind turbine, but we highlighted a significant impact on Arrn Hill, stone circle (Index No. 4),

Rothiemay a recumbent stone circle.

Outcome: Appeal for non-determination dismissed and planning permission refused

11. The Carrach/Welton Mile Hill

Case reference: PPA-120-2022 Date: January 2013

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qA323601>

Summary: HS did not object to this 9 x 84m wind farm. Angus Council recommended planning permission be refused and the developer appealed.

However, we identified an adverse impact on Brankam Hill, houses, barrows, cairns and stone setting (Index No. 4419) and advised mitigation in terms of the removal or relocation of the nearest proposed turbine - about 250m from the monument.

We also said that there would be a medium impact on Balintore Castle (HB Num 13757) at a distance of 2.5 km to the nearest turbine.

Outcome: Planning permission appeal dismissed

Galtway Hill, Milton Farm, Dumfries and Galloway

Case reference: PPA-170-2039 Date: 8 August 2012

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qA298169>

Summary: HS did not object to these 2 x 100m turbines, but highlighted the impact on scheduled monuments in the vicinity, particularly on High Banks cup and ring marks, and the forts at North Milton, Castlecreavie & Doon Hill.

Outcome: Refusal recommended by Council and appealed by applicant. The appeal and planning permission dismissed by Reporter due to the adverse impact on landscape and amenity, including impacts on scheduled monuments.

Culnaightrie Farm, Auchencairn, Dumfries and Galloway

Case reference: PPA-170-2029 Date: 18 April 2012

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qA276880>

Summary: HS objected to this 1 x 75m turbine

Outcome: Planning application not determined by Council and appealed by applicant. Appeal and planning permission dismissed by Reporter due to the adverse impact on the setting of the scheduled Suie Hill fort.

West Kirkcarsewell Farm, Dundrennan, Dumfries and Galloway

Case reference: PPA-170-2040 Date: 26 July 2012

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qA299264>

Summary: HS did not object to this 1 x 79m turbine, but highlighted the impact on the scheduled forts at East and West Kirkcareswell.

Outcome: Planning application not determined by Council and appealed by applicant. Appeal and planning permission dismissed by Reporter due to the adverse impact on landscape and amenity and including the setting of the forts - particularly the one at West Kirkcareswell.

Glenchamber, Glenluce, Dumfries and Galloway

Case Reference: PPA-170-2018 Date: 31 July 2012

<http://www.dpea.scotland.gov.uk/Documents/qJ14409/A3666336.pdf>

Summary: HS did not object to this 11 x 126m turbine windfarm, but did recommend the deletion of three turbines to reduce the impact upon Bennan of Garvilland Fort. The Council, however, objected to the proposals on the grounds of the impacts upon the setting of this fort and a number of scheduled prehistoric burial cairns. Impacts upon aviation were also cited.

Outcome: The Reporter found that it was unreasonable to expect wind farm development without significant impacts upon the landscape and setting of scheduled monuments. She agreed therefore with our findings that the impacts were not so significant to raise issues of national importance and that removal of the three turbines would not meet the tests of reasonableness.

The planning application was approved by Scottish Ministers.