



Town and Country Planning (Scotland) Act 1997 Appeal Decision Notice

Decision by Ailie Callan, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-160-2041
- Site address: land east of Broomhill Wood, Bonhill, Alexandria, G83 9ND
- Appeal by Harris Smith against the decision by West Dunbartonshire Council
- Application for planning permission DC23/177/FUL dated 13 September 2023 refused by notice dated 19 April 2024
- The development proposed: erection of single wind turbine, 30m hub and 43m tip, access track, substation and associated works
- Date of site visit by Reporter: 3 September 2024

Date of appeal decision: 03 December 2024

Decision

I dismiss the appeal and refuse planning permission.

Preliminary matters

The proposed development falls within the description of development in paragraph 3 (j) of column 1 of the table in schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 as amended (the EIA regulations), and exceeds the threshold in column 2 of that table namely an as “installation for the harnessing of wind power for energy production (wind farms)” where “(ii) the hub height of any turbine or height of any other structures exceeds 15 metres”. As council did not issue a screening opinion, I was required to issue a screening direction in accordance with regulation 13 of the EIA regulations. Having taken account of the criteria in schedule 3 of the EIA regulations, I made a direction on 3 October 2024 that the proposed development is not an EIA development.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this appeal consists of National Planning Framework 4 (NPF4) adopted in February 2023, and West Dunbartonshire Local Plan (WDLP) adopted in March 2010 and its associated supplementary guidance.

2. The appeal proposal is for a single wind turbine of a height up to 30 metres to hub and 43 metres to tip, an access track, substation and other associated works. The appeal site is undeveloped green field land located in the Kilpatrick Hills Local Landscape Area (the LLA), outwith the settlement boundary and is located within the green belt between Alexandria and Dumbarton.

3. The site is located in open countryside and forms part of a larger area of land in the appellant's ownership, which contains the ancient woodland to the north west and south west but not immediately adjacent to the appeal site. Highdykes Farm with its associated farm buildings and residential property is located to the north east of the site, close to the beginning of the proposed track. Broomhill Crescent, part of the residential development in Bonhill, is located to the north west and screened from the site by existing tree coverage including ancient woodland. The site has open views towards the south west, and a row of mature trees lining the north eastern boundary. On my site inspection, I saw what appeared to be self-seeded trees within the undeveloped site. An existing track in poor condition runs from the adopted road on Broomhill Crescent to Highdykes Farm.
4. Having regard to the provisions of the development plan, the main issues in this appeal are the impacts on the surrounding landscape character and visual amenity and whether the proposed development would be acceptable in the green belt.

Impacts on landscape character and visual amenity

5. Policy 11 (energy) of NPF4 provides policy support under part a) clause iv) for small scale renewable energy generation technology. Whilst support is given in principle to renewable energy proposals under policy 11 of NPF4, this does not mean such development would be supported at any cost. This support is subject to additional considerations relating to project design and mitigation outlined in a number of sub-clauses to part e) of the policy. Under clause ii) of part e) of policy 11, proposals should demonstrate how significant landscape and visual impacts have been addressed through project design and mitigation.
6. Proposals such as a wind turbine are by their nature more likely to be located in rural or countryside areas rather than urban areas. Policy 4 (natural places) of NPF4 provides support under part d) to development proposals that affect sites designated as local landscape areas in the LDP only where i) it would not have significant adverse effects on the integrity of the area or qualities for which it has been identified, or ii) any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
7. Policy DC 6 (renewable energy) of the WDLP permits proposals for renewable energy development where it can be established without unacceptable detriment to visual impact and effect on landscape character, including the landscape quality of the Kilpatrick Hills Regional Scenic Area and the role and function of the green belt amongst other considerations
8. The council's Renewable Energy Local Development Plan planning guidance, (published November 2016) is not statutory, but provides additional information on the spatial framework for wind farms including identifying areas where more or less protection is expected. The appeal site would be located within 2km of the urban area of West Dunbartonshire defined as group 2, or areas of significant protection. The guidance also provides a description of the Kilpatrick Hills as an important recreational landscape with a significant presence in views from across the Clyde basin. Maps from the Landscape Capacity Study for wind turbine development in Glasgow and the Clyde Valley form Appendix 1 to the council's Renewable Energy planning guidance. The appeal site would be located in an area identified as 'rugged moorland hills' and having a high to medium sensitivity to small to medium turbines (31-50m to tip).

9. The Statement of Importance for the LLA identifies a high level of visual and landscape sensitivity within the LLA. Its boundary extends beyond the appeal site to the settlement edge at New Bonhill, the residential development to the north west of the site. The appeal site is located in the part of the LLA that is characterised by the rising slopes and exposed hillsides of the Kilpatrick Hills, where the transition from the urban development in Dumbarton to the hills behind is clearly viewed.
10. From what I saw on site, I agree with the reasoning given in the Statement of Importance that the transitional slopes, where the appeal site is located, provide an important contribution to the landscape diversity found in the LLA. The long views to the site from the south across the urban conurbation emphasises this landscape transition between the developed land and the hillsides, ridges and hill tops in the LLA. When viewed from the Carman Reservoir on Cardross Road to the west, the appeal site is visible within this important feature of the LLA and the natural backdrop to Dumbarton and New Bonhill.
11. The proposed turbine would be shielded from view from the north by the topography of the site, and from the existing residential development to the west of the site by the existing trees and woodland. However, from what I saw on site, the turbine would be in an exposed part of the LLA, open to view points from the south and west. There is a clear visual delineation and contrast between the urban areas at Dumbarton and Bonhill and the countryside and slopes of the LLA. The proposed turbine would be near the western edge of this delineation but separated from the residential estate at Bonhill by the existing woodland, which would be retained, and from Dumbarton by the undeveloped slopes to the south of the site.
12. From viewpoints to the east of the site, in particular viewpoint G, although the urban development of Bonhill forms the foreground, the turbine would be visible as an individual man-made structure. Although the turbine would be of a relatively modest height and would not break the skyline, it would be incongruous in the landscape setting. The turbine would be clearly viewed from the south of the site, as illustrated from viewpoint H, where the turbine would be seen in the context of the surrounding open countryside and Kilpatrick Hills. The proposed turbine would also be visible from more distant views from the west, as represented by viewpoint H (Cardross Road) and from the south, as represented in viewpoint S (Dumbarton Castle), and from viewpoint O (B789 Road, Langbank) as a standalone structure, out of context with the undeveloped countryside that would form the background to the turbine.
13. Due to the size and scale of the proposed wind turbine and the proposed substation, the proposed colouration of the structures would reduce their visibility in the landscape when seen from some of the furthest identified viewpoints, for example at viewpoints identified at M (around 15km from the appeal site) and N (over 9km from the appeal site) and from viewpoint P where the turbine would be seen with Dumbarton to the south providing a more urban background to the structure.
14. However, the proposed turbine would be visible and incongruous in the countryside when observed from other viewpoints, in particular from viewpoints O, S and T, as referred to above. I consider that the visibility of the proposed turbine from these wider, and more distant viewpoints indicate that the visual impacts would extend beyond a localised impact.
15. The visibility of the proposed turbine from these viewpoints as an isolated man-made structure in the open countryside, outwith the built up areas of Dumbarton and Bonhill illustrates the adverse effect the proposal would have on the landscape, and the setting of these settlements. Although the proposed substation and track and ancillary works would

have limited visual impact due to their proposed massing and the siting of the track, I consider, due to the disproportionate visual impact that would arise from the proposed wind turbine in particular when seen from the south, that the visual impact would overall not be minimised.

16. The LLA Statement of Importance accepts that developments that bring positive change should be facilitated, but those that would undermine the sense of perceived naturalness and remoteness should be resisted. Whilst the site is not located in an area of remoteness, I consider that there is a perception of naturalness in the landscape it is located within that would be undermined by the proposed development. Whilst the proposed turbine would not intrude into the skyline, in my opinion the siting of a wind turbine at the appeal site would result in a man-made structure intruding into undeveloped countryside that acts as part of the visual and physical transition from urban development on the lower slopes of Kilpatrick Hill to the rural and rugged landscape of the wider LLA. I consider that this would result in a significant adverse effect on the integrity of the LLA and would be contrary to part d) clause i) of NPF4 policy 4.

17. The proposal could be supported by part d) clause ii) of NPF4 policy 4 were these adverse effects clearly outweighed by social, environmental or economic benefits of at least local importance. However, the proposed wind turbine would generate up to 250kW, which is a very small scale energy generation. I consider that, contrary to NPF4 policy 4 part d) clause i) the significant adverse effect the proposal would have on the integrity of the LLA and the qualities for which it has been identified would not be overcome by the limited environmental or economic benefit that may arise from the proposed energy generation.

18. Taking all of this together, I accept that the proposed turbine is small in scale and that the proposed track and substation and other ancillary works would not be of a significant scale of development. However, the visual effects at the various viewpoints I have mentioned above and the views to the protected landscape are particularly sensitive. Consequently, the visual impact even of a small turbine would be significant. I consider that the proposed development would have a significant adverse effect on the landscape character of the LLA given its incongruity, its prominence in views from the south and west, and its impact on the perception of the landscape's naturalness. For these reasons, the proposal would be contrary to part d) of policy 4 of NPF4 and to policy DC 6 of the WDLP.

Development within the green belt

19. The appeal site is located within the green belt, as identified on the WDLP proposals. Policy DC 6 of the WDLP gives support in principle to renewable energy proposals, subject to the consideration of any impact on the role and function of the green belt. There is a general presumption against development within the green belt under policy GB 1 (green belt) of the WDLP, other than in specific circumstances, including where there is a specific locational requirement and established need for the development. The policy also has a general presumption against development which would have an adverse effect on the landscape character of the local area.

20. In principle support for renewable energy developments in the green belt is also given in part a) clause i) of NPF4 Policy 8 (green belts), subject to proposals satisfying the five requirements set out in part a) clause ii) of the policy. Under the first bullet point of clause ii), proposals are required to provide reasons as to why a green belt location is essential, and why the proposal cannot be located on an alternative site outwith the green belt. The appellant has stated that the site would be appropriate for the proposed turbine due to wind speeds, although more detailed information on this matter was not provided. I

accept that there is a need for renewable energy development in order to support the achievement of national renewable energy targets and greenhouse gas emission reduction targets, in line with policies 1 (tackling the climate and nature crises) and 2 (climate mitigation and adaptation) of NPF4. Proposals such as wind turbines are by their nature more likely to be located in rural or countryside areas rather than urban areas. The appellant has submitted that the location proposed is necessary in order to deliver the proposed turbine and associated ancillary structures and developments. On this basis, I consider that the first requirement of clause ii) of policy 8 of NPF4 has been satisfied.

21. The second requirement under policy 8 part a) clause ii) is that the purpose of the green belt at that location is not undermined. The WDLP refers in paragraph 3.6.2 to the purpose of the green belt, originally specified in the now-superseded Glasgow and Clyde Valley Joint Structure Plan, as managing the long term growth of urban areas with further objectives referred to as protecting the character, landscape setting and identity of the urban area, particularly where settlements are at risk of coalescence. The landscape setting to Dumbarton is largely formed by the Kilpatrick Hills, where the appeal site is located, which function as an undeveloped countryside backdrop to the settlement. As I have found above, the proposal would be incongruous in the countryside and introduce a man-made structure which would interrupt the existing the countryside landscape setting to Dumbarton located to the south of the site. I consider that the proposal would have an adverse effect on the landscape setting of Dumbarton.

22. I have considered the third and fourth requirements of policy 8 part a) clause ii) - compatibility with the surrounding established countryside and landscape character above under my assessment of the impacts on landscape character and visual amenity. In my view, the proposal would result in an unacceptable visual effect on viewpoints O, S and T and an unacceptable effect on the setting of Dumbarton. The proposal would not, as a result of these unacceptable effects and the overall adverse impacts on the integrity of the LLA, be compatible with the established countryside and landscape character.

23. The fifth requirement of policy 8 part a) clause ii) requires that there would be no significant long-term impacts on the environmental quality of the green belt from the proposed development. Although the proposal would require excavation of the site to enable the construction of the wind turbine and track, and additional construction work would be required to create the substation and other proposed works, and that these would be long-term impacts, due to the scale of the proposed turbine, substations, tracks and other proposed works, I do not consider that these would be significant impacts when looking at the environmental quality of the whole green belt.

24. Overall, I consider that the incompatibility of the proposal with the surrounding established countryside and landscape character, and the adverse effect on the setting of Dumbarton and the integrity of the LLA would be contrary to the green belt purpose of protecting the setting of settlements. For these reasons, I consider that on balance the proposal would not be supported overall by policy 8 of NPF4. Furthermore, as a consequence of the detrimental effect to the green belt and Kilpatrick Hills as an important component of the green network, it would be contrary to policy GN 1 (green network) of the WDLP.

Other matters

25. A number of objections were submitted to the council raising concerns relating to noise and shadow flicker. Under NPF4 policy 11 part e) clause i), these impacts are expected to be addressed. A noise impact assessment was carried out, and potential noise

impacts on the nearest property (identified as 65B Broomhill Crescent) were assessed. The council's Environmental Health officer commented on the proposal and recommended the inclusion of conditions relating to noise which would ensure the proposal would not adversely affect the amenity of neighbouring residents. I consider that the likelihood of noise disturbance would be limited by the distance of over 400 metres between the turbine and the nearest sensitive receptor. If I were minded to grant planning permission, limits for noise emissions could also be imposed by conditions. I am also satisfied that, based on the submitted shadow flicker contour plan (drawing SMI 021), the separation distance from the proposed turbine and the nearest dwellings and the relative height and siting of the turbine, it is unlikely that there would be a shadow flicker impact on sensitive receptors.

26. Policy 11 part c) supports proposals only where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Due to the scale of the proposed single turbine, it is unlikely that it could create employment, business or supply chain opportunities. A number of objections were submitted to the council relating to the potential adverse social impacts on the local community arising from visual impact of the turbine, which I took into consideration.

27. I note that the appellant proposed biodiversity mitigation in the submitted Preliminary Ecological Assessment. However, I have no evidence before me to show any measures to enhance biodiversity that could be delivered through the proposed development, as required through part c) of Policy 3 (biodiversity) of NPF4.

28. The West of Scotland Archaeology Service identified potential issues associated with the visibility of the turbine in the landscape, and that this could be viewed from historic sites such as the Roman Fort at Whitemoss. However, the scale and size of the proposal would not result in a significant adverse effect on the setting or views from the historic sites and as such, the proposal would not be contrary to policy 7 (historic assets and places) of NPF4. I note the comments made relating to the potential for previously unrecorded archaeological remains buried within the site. I am satisfied that, if I were minded to grant approval, a condition as recommended by the council would allow for monitoring of the initial stages of ground disturbance for any archaeological remains that could be found within the site.

Development plan conclusion

29. Policy 1 of NPF4 directs consideration of development proposals to give significant weight to the global climate and nature crises. I have taken into account the contribution, albeit small, that the proposal could make as a source of renewable energy. Under NPF4 policy 11, support is also given under part a) for all forms of renewable, low-carbon and zero emissions technologies which includes wind farms. Similar support is also given in WDLP policy DC 6. However, the support in these policies is given conditionally.

30. In my view, the proposal would be contrary to policy 4 and policy 8 of NPF4 and would also be contrary to policy DC 6 of the WDLP.

31. Whilst the proposal would comply with other development plan policies relating to historic assets and places, noise and shadow flicker, I have not been satisfied overall that the small contribution the proposal could make towards providing renewable energy would outweigh the unacceptable detrimental impact to the landscape and visual amenity. On balance, for the reasons given above, I consider that the proposal would not be supported overall by the development plan.

Material considerations

32. The appellant has referred me to considerations of previous planning applications made for a single wind turbine on the appeal site on the basis that the assessment undertaken by the council of these applications form material considerations to this appeal. I have read the evidence submitted relating to these applications and note that although some favourable comments had been made regarding the wind turbine, the previous application was refused planning permission. Even so, I must make my decision based on the proposal before me and based on the evidence submitted and I am not bound to take the same view as the council.

33. Both parties have directed me to policies contained within the West Dunbartonshire Proposed Local Development Plan 2020 (LDP2). The LDP2 does not form part of the statutory development plan and, although the council has referred to it as the most up to date spatial strategy, it has not been adopted and pre-dates NPF4.

34. Policy GB1 (greenbelt & countryside) contains similar provisions to policy GB 1 of the WDLP and policy 8 of NPF4, seeking to restrict development within the greenbelt and outlining requirements proposed development are expected to meet. Policies KH1 (Kilpatrick Hills) and ENV2 (landscape character) formalise the council's approach towards protecting and enhancing the landscape character of the Local Landscape Area. Policy RE1 (renewable energy) and RE2 (spatial framework for wind energy) take similar approaches to policies DC 6 of the WDLP and policies 8 and 11 of NPF4 regarding the consideration of the adverse impacts of development proposals. I have taken into consideration the comments made by both parties on the LDP2 policies. However, due to the similarities with the policies contained in the WDLP and NPF4 which I have considered above, they do not alter my findings above.

Conclusion

35. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Ailie Callan

Reporter