

Planning Applications Committee Report

**CHANGE OF USE OF LAND TO FORM CARAVAN SITE, ERECTION OF TOILET BLOCK AND BOATHOUSE, ERECTION OF WIND TURBINE (25.5M BASE TO TIP), INSTALLATION OF SEPTIC TANK AND REED BED AND ERECTION OF DWELLINGHOUSE
AT WIGTOWN HARBOUR, WIGTOWN, NEWTON STEWART**

Application Type: Full Planning Permission

Applicant: Mr A Wykes

Ref. No.: 12/P/1/0295

Recommendation - Refuse

Ward - Mid Galloway

Hierarchy Type (if applicable) - Local

Case Officer - Billy Murray

1 BACKGROUND

1.1 The application site comprises an irregularly shaped generally level area of land extending to some 0.56 hectares at Wigtown Harbour, on the northern bank of the River Bladnoch some 400 metres to the south-east of Wigtown. The river is tidal at this location.

1.2 The site essentially comprises two elements: the first being that to the south-west, where the caravan site, toilet block and wind turbine are proposed, which is a grassed area fronting directly into the riverbank with an access track and a number of picnic tables located towards the landward (northern) boundary; and the second being where the dwellinghouse is proposed, located some 40m to 125m inland on the north-eastern side of the access track and presently comprises the access track and cut verges with rougher ground containing an element of small tree and shrub growth merging into wetlands to the north-east.

1.3 Access to the site is via Harbour Road, which is a public road (U383w) for the first 90m or so (from the junction of Harbour Road and Station Road), and thereafter is a private access track. The access route from Wigtown to the harbour is an alleged right of way.

1.4 The following constraints and designations apply to the application site and / or are relevant to the consideration of this application:

- Site within the Galloway Hills Regional Scenic Area (RSA);
- Site within area identified as being at 1 in 100 year (1.0% probability) risk of coastal flooding (SEPA Indicative River and Coastal Flood Map & Council constraints map);
- Part of the south-western section of the site and the harbour and quay itself is identified as an Archaeological Zone;
- A Scheduled Ancient Monument and associated Archaeological Zone (site of Wigtown Castle) lies some 200m to 250m to the north-north-west of the proposed dwellinghouse;
- Site is partially within the Wigtown Bay Nature Reserve, which encompasses the River Bladnoch and spur at this location and extends to include the estuary to the east;
- Site is partially within the River Bladnoch Special Area of Conservation (SAC), which includes the river itself with all tributaries and is identified for its Atlantic Salmon interests;
- The Cree Estuary Site of Special Scientific Interest (SSSI) is located to the south-east, east and north-east of the application site, at distances ranging from some 50m to 75m (southern bank of the River Bladnoch) to some 250m or so (mud flats and estuary to the east); and
- The Dumfries and Galloway Landscape Assessment 1998 (the DGLA), designates the area surrounding the site as being within Landscape Character Type 2 (Coastal Flats), as does the Dumfries and Galloway Wind Farm Landscape Capacity Study (the DGWLCS)

1.5 There is no relevant planning history on this site.

1.6 The proposed development includes the following elements:

- The erection of a substantial two-bedroom single-storey dwellinghouse with two-storey circular 'turret' projection and integral garage on footprint of some 175 square metres. Materials and finishes proposed are: natural slate roof (with 2 functional chimneys and multiple roof windows in turret); white wet dash render walls with natural stone detailing; timber vertical sliding sash and case windows; painted timber doors; black uPVC rainwater goods; 900mm high curved stone wall on south-western (road) frontage. Indicative levels show finished floor level of the dwellinghouse to be some 900mm above existing ground level on corner of harbour wall;
- Change of use of the south-western part of the site, on the existing level parking / picnic area fronting onto the riverbank, to form a caravan site. The submission indicates four caravans with 1.2m high vertical boarded timber fencing to the river frontage;
- The erection of a combined toilet block and boat shed adjacent to the proposed caravan pitches, on a footprint of some 64 square metres. Materials and finishes proposed are: natural slate roof with three rooflights; white wet dash render walls; painted timber windows and doors; black uPVC rainwater goods. Indicative levels show finished floor level of toilet/boat shed to be some 400mm above existing ground level on corner of harbour wall; and

- The erection of one three-bladed tapered mono-pole wind turbine - 20.5m high to hub with 10m diameter blades, giving a maximum height to blade tip above ground level of 25.5m.

1.7 In addition to the drawings and other details submitted, the applicant has submitted a 'Business Plan' in relation to the proposed development at Wigtown Harbour.

2 CONSULTATIONS

2.1 Royal Burgh of Wigtown and District Community Council:- No objections. Following detailed discussion on various issues generating a variety of opinions on whether to support the application or not, it was resolved to offer no objection.

2.2 Council Roads Officer:- No objections, subject to conditions..

- Access via public road for first 91m (U383w) - thereafter by private track.
- Access is an alleged right of way.
- Parking for two cars and turning area required at house.
- Area proposed for caravans bounds the river - barriers would be required to prevent possibility of vehicles running over bank into the river.
- Each caravan pitch would require one car parking space - turning space for car and trailer / caravan also required within site.
- Visitor parking (to harbour) to be retained elsewhere on land adjacent.

2.3 Council Archaeologist:- Objection.

- Significant concerns that proposal would have unacceptable adverse effect on the setting and public amenity of Wigtown Harbour.
- Existing harbour was built in 1818 and has been restored, conserved and enhanced by a series of publicly funded projects since the 1980s.
- Harbour is now a peaceful location for "low-key" recreational activity in pleasant, historic and scenic location - many aspects of the proposal would detract from this [historic] amenity.
- Objection under Structure Plan Policy E12.

2.4 Council Countryside Development Officer:- Comment as follows:

- Considerable amounts of public funding has been spent on re-building and upgrading the harbour over recent years - some as recently as 2011 - Council also puts resources into maintaining harbour.
- Council has an agreement with owner of harbour, which was signed following some of the above expenditure.
- Part of development site lies within the Local Nature Reserve (LNR) - amendments to LNR bylaws would be required.
- House would alter the character of the harbour.
- Location currently supports Japanese Knotweed - this would require to be dealt with in the appropriate manner.
- Impact on Castle Field wetland uncertain - although being in the quietest corner of wetland, birds may become acclimatised.
- Small scale camping on picnic area site would be supported - however, core path passes through site so applicant would need to demonstrate that it would not be blocked or access deterred.

- (h) 1200mm vertical clad timber fence would be out of character.
- (i) Site is subject to flooding.
- (j) In conclusion, while generally accept that a presence in the harbour area could have positive benefits, would be concerned that such an enterprise may lead to visitors being deterred from using harbour and bird hide, all of which have been subject to considerable investment by the Council in the past few years.

2.5 Council Environmental Standards Officer:- No objections.

No objection subject to advice regarding need for Caravan Site Licence and imposition of standard conditions in respect of any planning permission for wind turbine.

2.6 Council Contaminated Land Officer:- No objections.

2.7 Council Flood Risk Management Team:- Objection.

- (a) Area proposed for development lies entirely within the 1 in 200 year (0.5% probability) coastal floodplain as detailed on DGI mapping (information from SEPA).
- (b) DGI is an interactive tool designed to highlight areas potentially at risk of flooding.
- (c) Council has no historical data showing flooding in the surrounding area.
- (d) Nature of the development would put more people at risk of flooding in relation to house and caravans.
- (e) Objection on grounds that proposal is within floodplain thus putting further people at risk of flooding.

2.8 Scottish Environment Protection Agency (SEPA):- Objection.

- (a) Site lies within 1 in 200 year (0.5% probability) flood envelope of Indicative River and Coastal Flood Map (Scotland) and may therefore be at medium to high risk of flooding.
- (b) SPP (Para. 203) states that for planning purposes, the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year. Development on functional flood plain will not only be at risk itself but will add to risk elsewhere. Built development should not therefore take place on the functional flood plain.
- (c) SPP further states (Para. 204) that exceptions may arise if a location is essential for operational reasons e.g. for navigational and water based recreational uses, transport or some utilities infrastructure and an alternative lower risk location is not achievable. Such infrastructure should be designed to remain operational during floods.
- (d) Further information required to assess flood risk to entire development - acknowledged that boat house may be essential for operational reasons and thus seen as an exception under SPP – notwithstanding this, flood mitigation measures should be put in place as well as use of water resistant materials and form of construction, as outlined in PAN69.
- (e) Object to development until flood risk assessment or other information provided - objection would be removed if assessment (or other) demonstrated that development accords with principles of SPP.
- (f) New septic tank and reed bed is proposed - no information has been supplied regarding this sewage treatment system - area is prone to tidal flooding and this may affect operation of proposed system.
- (g) Object to proposal until further details provided which satisfactorily demonstrates that development will not have any negative effect on the water environment (surface and ground) and that no hydraulic surcharge will occur.

- (h) No site-specific comment on propose small wind turbine - refer to standing advice.
- (i) Objection on grounds of lack of information on flood risk and drainage - objections could be removed if issues identified were adequately addressed.

2.9 Scottish Natural Heritage (SNH):- No objection. Comment and recommendations as follows:

- (a) Do not consider there to be any landscape issues likely to affect any natural heritage interests of national importance.
- (b) Much of proposal is actually within small spur of River Bladnoch Special Area of Conservation (SAC), designated for Atlantic Salmon interests - developer should be aware that this may require assessment to determine whether there would be any likely significant effect.
- (c) Proposal is approximately 70m from edge of Cree Estuary SSSI, designated for internationally important population of wintering Pink-Footed Geese.
- (d) Bats are common in area of proposed development where there are numerous habitat features favoured by bats as foraging territory nearby (wetlands, hedgerow, woodland edge, flooded ditches, bunds etc) - some in close proximity to proposed wind turbine - therefore recommend that survey be carried out by suitably qualified and experienced surveyor to determine likely impact of proposal on bats.
- (e) In terms of ornithology, development is located in area identified by RSPB as having medium sensitivity rating (4) and within Zone 2 (medium) of SNH Strategic Locational Guidance for Onshore Wind Farms, although only 180m from edge of Zone 3 (high). These sensitivity ratings result from close proximity to Cree Estuary SSSI (Pink-Footed Goose).
- (f) Goose feeding distribution data indicates that can hold up to 4000 geese (although numbers will fluctuate) - this is therefore an area where high levels of flight activity would be expected.
- (g) Proposed turbine, at 25m, is relatively small - therefore would only be significant issue if large numbers of geese flying low over the area (e.g. taking off/landing at roost / feeding sites).
- (h) SNH concerned that there could be potential impact on notified feature of SSSI due to proximity of turbine to roosting/feeding areas by virtue of collision risk. While risk is low, it would need to be assessed via vantage point survey work (36 hours over winter), although given use primarily by Pink-Footed Geese in spring, it could be that this work was undertaken mid-January to mid-April rather than over full winter period.
- (i) If the turbine was moved closer to the house, where there are also trees nearby, which would need to be retained, then it would be reasonable to assume that geese and other waterfowl would adjust flight lines to avoid, thus significantly reducing collision risk with turbine.

2.10 RSPB Scotland:- No objection.

- (a) While do not object, have concerns relative to potential increase in disturbance to breeding and wintering waterfowl as a result of [increased] recreational activities on this site.
- (b) Concerns relate to potential for increased disturbance to breeding / wintering waterfowl on surrounding wetlands on both sides of Harbour Road and perhaps on merse within Cree Estuary SSSI, which also forms part of the Wigtown Local Nature Reserve.
- (c) Consider current use of site by visitors to bird hide and harbour is sustainable and that

there is potential for increase in this use at the site. However, concerned that private dwelling and caravans have potential to increase disturbance to birds on both a daily and seasonal basis. While it is not thought that there is likely significant impact on SSSI / LNR, it would be disappointing if development was permitted that reduced the area's value as a wildlife resource.

(d) Should application be approved, recommend that a condition be attached requiring construction during the months of July and August to avoid the breeding bird and wintering periods.

2.11 Scottish Water:- No objection.

No public sewer or water main in the vicinity of the proposed development

3 REPRESENTATIONS

Objection (13):

Mr J & Mrs A Bainbridge, Dunaverty, Braehead, Newton Stewart

Mr Paul N Collin, Gairland, Old Edinburgh Road, Newton Stewart

Mr Clive Cooper, 120 Marsh Lane, Yeovil, Somerset

Mr Derek Farr, Braefoot, Tonderghie Road, Isle of Whithorn, Newton Stewart

Mr Andrew W Firth, Hillcrest House, Maidland Place, Wigtown

Mr John Jennings, Sheeppark Farm, Waulkmill, Whauphill, Newton Stewart

Ms Frances Manuel, Maytrees, Braehead, Kirkinner, Newton Stewart

Joan Rodger, Airilea, Braehead, Newton Stewart

Alasdair C Steven, 2832 Blue Spruce Lane, Silver Spring MD 20906, USA

Mr J Steven, 10 Dargai Terrace, Dunblane

Neil Steven, Beaufort Cottage Stables, High Street, Newmarket, Suffolk

Nancy Venman, Airilea, Braehead, Newton Stewart

Mr Andrew Wilson, 4 Bank Street, Wigtown, Newton Stewart

3.1 The points of representation can be summarised as follows:

(a) Development would disturb peaceful and tranquil environment of sympathetically restored harbour area;

(b) Development cannot be justified under Structure and Local Plan policies;

(c) No significant social or economic benefit - no demonstrable need for caravan site in "undeveloped" area - other existing facilities nearby - scale of use renders potential for wider economic benefit negligible;

(d) Functional need for house linked to 4-caravan site not demonstrated;

(e) Presence of house with associated activity and pets could compromise wildlife interests;

(f) Wind turbine visually intrusive and could impact on birdlife;

(g) Noise from wind turbine may impact adversely on users of car park and picnic area;

(h) No indication on extent of proposed [1.8m] fence - fence not needed and would have negative impact on environment;

(i) No information on how public access would be affected;

(j) No assessment of potential impact on wetlands from proposed septic tank and reed bed - potential for smell nuisance [from reed bed] to affect public amenity;

- (k) No substantive information regarding stated aspiration to attract boats to harbour - thus no weight should be given to this element of submission;
- (l) Public access to harbour is a long-established "right";
- (m) Development of harbour area could restrict / discourage access by walkers, bird watchers, picnickers and wildfowlers;
- (n) Much public money expended on harbour and surroundings, including Castle Field wetland - full public access should therefore be retained;
- (o) Vehicular access unsuitable for caravans - narrow with no passing places;
- (p) Site subject to flooding - caravan site of particular concern where also threatened by erosion of riverbank; and
- (r) Caravans would be visually intrusive at this location.

4 REPORT

Relevant development plan policies:-

Dumfries & Galloway Structure Plan

D4 - Housing in the Countryside

D24 - Caravan & Chalet Development

D36 - Design of Development

E2 - Regional Scenic Areas

E3 - Landscape Character

E4 - International Sites

E5 - Sites of Special Scientific Interest

E6 - Conservation of Habitats & Species

E12 - Development Affecting Archaeological Sites

S3 - Development in Flood Risk Areas

Wigtown Local Plan

General Policy 1 - Development Principle

General Policy 2 - Development Considerations

General Policy 3 - Settlement Boundaries

General Policy 7 - Siting & Design

General Policy 15 - Housing in the Countryside

General Policy 33 - Tourist Facilities & Accommodation

General Policy 37 - Public Rights of Way

General Policy 38 - Access Routes

General Policy 42 - Regional Scenic Areas

General Policy 44 - Nature Conservation Sites of International Importance

General Policy 45 - Nature Conservation Sites of National Importance

General Policy 46 - Nature Conservation Sites of Local Importance

General Policy 48 - Undeveloped Coast

General Policy 54 - Known Archaeological Sites - Including Scheduled Ancient Monuments

General Policy 58 - Flood Risk & Development

General Policy 60 - Water Sewerage & Drainage Provision

General Policy 65 - Traffic Management & Road Safety

Other material considerations:

Scottish Planning Policy (SPP)

Dumfries and Galloway Structure Plan Strategy Statements 1 and 3

Dumfries and Galloway Landscape Assessment 1998 (DGLA)

Dumfries and Galloway Interim Planning Policy: Wind Energy Development (IPP)

Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS)

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, requires that:- *“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”*.

4.2 In addition to relevant subject policies, the overall aims and objectives of the development plan must also be considered. The guiding principle of the Dumfries & Galloway Structure Plan is to encourage the growth and development of sustainable communities. To achieve this aspiration, the following aims have been set for the Structure Plan:

- To support development of the local economy;
- To support urban and rural communities;
- To support and protect the natural and built environment; and
- To make best use of services and facilities.

4.3 Key policy considerations in determining this application are:

- The principle of the development;
- Flooding;
- Archaeology and historic environment;
- Impact on amenity;
- Impact on natural heritage; and
- Wind turbine.

Principle - Caravan Site

4.4 Policy support for new caravan site proposals is subject to the six requirements of Structure Plan Policy D24 being met. The first of these criteria is that sites should either be physically associated with farm buildings or hotels or should form an integral part of a proposed comprehensive recreational scheme. The site is not physically associated with farm buildings or a hotel and clearly fails to meet the first part of Policy D24(1). The second element of Policy D24(1) is that the proposal should be an integral part of a proposed "comprehensive recreational scheme". There is no definition of what constitutes such a scheme so proposals must be assessed on a case-by-case basis. In this case, it is considered that some generalised hypothetical proposals to promote use of the harbour, bird-watching and fishing cannot be taken to represent a comprehensive recreational scheme. Consequently, and while noting that the proposed caravan site is very small-scale, advice is that the proposal also fails to meet the second part of Policy D24(1).

4.5 With regard to criteria 2 and 3 of Policy D24, it is considered that, while the site could

be seen as "visually exposed" to some degree, the small scale of the development proposed means that it could be successfully integrated into the landscape. This is particularly so given the natural screening to the north and north-west from existing bunding and scrub/tree growth and in the context of the existing harbour with associated parking and picnic areas.

4.6 Criteria 4 and 5 of the Policy are met, in that there is more than adequate open space and parking available, no need for internal landscaping and the access road is capable of accommodating the type and level of traffic likely to be generated.

4.7 Assessed against Criterion 6 of Policy D24, the proposal is somewhat lacking in detailed information on proposed foul drainage arrangements. A single septic tank is indicated adjacent to the dwellinghouse within an area to the north / north-west of the caravan site and toilet block annotated on the plan as a reed bed. SEPA has objected to the proposal because it has not been demonstrated that the development would not have a negative affect on the water environment (surface and ground water) and that no hydraulic surcharge would occur. It has also been highlighted that the site is within an area is prone to tidal flooding and that this may affect any proposed sewage disposal arrangements. Advice is therefore that the proposal does not meet Policy D24(6) at this stage because adequate drainage arrangements have not been designed to meet SEPA requirements.

Principle - House

4.8 The primary policy against which the proposed house must be assessed is Structure Plan D4, with the only relevant criterion here being Policy D4(5) - *viz. That the house can be shown to be essential at that location for the needs of agriculture or other uses requiring an appropriate rural location which cannot be satisfied by other housing in the countryside opportunities under points 1 to 4 above (of D4). The supporting text to Policy D4 expands on this policy criterion and states that: "The house proposed should be linked with an enterprise or activity with realistic prospects of viability and success and be of a scale to contribute materially to the economic well-being of the rural area. Any proposal should demonstrate a clear need for housing at that location which cannot be provided in nearby settlement or in relation to one of the other housing in the countryside opportunities identified."*

4.9 The policy requirement to show that a house should be *essential* at a specific location is a very strict requirement. It is not enough that it simply be desirable or preferable to a dwellinghouse located elsewhere. An overriding functional need for a house must be shown, based on a business or activity that can only operate from a particular rural location or can only be operated successfully in conjunction with a house on the site.

4.10 The justification put forward for the proposed house here is contained in the submitted "Business Plan". This document is largely speculative, with no figures or substantive information being provided. In very general terms, it simply outlines the proposal, summarises the site history and context and sets out the perceived benefits to the area flowing from the proposed caravan site and use of the harbour in terms of contribution to the tourist based economy. In terms of claimed functional need / special

circumstances to justify the dwellinghouse, it is stated that; *"We need accommodation on the harbour to become site wardens"; and "Campers and caravanners must contact us on arrival to the site. We will oversee the running of the harbour and the need for security, which would be essential"*

4.11 Given that the proposal here is for only four caravans with some mention of camping and harbour use in addition, and that the applicant already lives on a farm less than one kilometre distant, it seems unlikely that a permanent on-site presence is required to operate the site successfully and, even less so, that this can only be done from a dwellinghouse at the location itself. For caravan site proposals of this scale, and assuming that an approval was to be forthcoming for the same and it was accepted that a resident warden was essential, the established approach would be to permit temporary on-site accommodation such as a residential caravan. This is particularly so where the development involves a completely new business when a "trial run" approach would commonly be adopted until such time as the business became established and a proper assessment could be made as to the justification for a permanent dwellinghouse.

4.12 All things considered, advice is that the strict policy test to show an overriding functional need for a dwellinghouse at this particular location has not been conclusively made.

Flooding

4.13 The site is located within an area identified as being at 1 in 100 year (1.0% probability) risk of coastal flooding on the SEPA Indicative River and Coastal Flood Map and the Council Local Plan constraints map.

4.14 Structure Plan Policy S3 and Wigtown Local Plan General Policy 58 both presume against development that would be at significant risk of flooding. Similarly, Scottish Planning Policy (SPP), at Paragraphs 197 and 203, makes it clear that development on the flood plain or that would have a significant probability of being affected by flooding should not be permitted. Paragraph 202 of SPP also indicates that developers and planning authorities should adopt a precautionary approach in taking decisions when flood risk is an issue.

4.15 Both SEPA and the Council's Flood Risk Management Team object to the proposal on the grounds that the development is in the flood plain, would be at risk of flooding and would place further people at risk of flooding. That being the case, advice is that the proposal is contrary to Structure Plan Policy S3 and Wigtown Local Plan General Policy 58.

Archaeology and Historic Environment

4.16 Part of the south-western section of the site and the harbour and quay itself is identified as an Archaeological Zone and there is a Scheduled Ancient Monument and associated Archaeological Zone (site of Wigtown Castle) some 200m to 250m to the north-north-west of the proposed house. The fabric and surroundings of the historic harbour

have been the subject of publicly funded restoration, conservation and enhancement under a number of projects from the 1980s to the present.

4.17 Structure Plan Policy E12 presumes against development that would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments, sites of national importance or "*other areas of significant archaeological interest*". Given the historic interest of the harbour and its designation as an Archaeological Zone, it is considered reasonable to accept that it should be viewed as an area of significant archaeological interest for the purposes of Policy E12.

4.18 The attraction of additional visitors to the harbour and surroundings would not, in itself, have an adverse impact on its setting and historic interest. However, it is considered that the introduction of new development such as the proposed caravan site, dwellinghouse and wind turbine would adversely affect the setting of the harbour and undermine its archaeological and historic interest to the extent that it would represent a material conflict with Structure Plan Policy E12. Advice from the Council Archaeologist similarly indicates that there is a case to object to the proposal under Policy E12.

Amenity

4.19 Any potential amenity impact here would be on public amenity in terms of recreational users of the harbour and surrounding area. It is understood that public access to the site and adjacent Local Nature Reserve is secured by legal agreement between the Council and the landowner (applicant). A Core Path also runs through the site.

4.20 There may be some concerns that the introduction of a caravan site and dwellinghouse into the environs of the harbour could discourage general recreational use in terms of visits to the harbour, nature reserve, bird hide, picnic area and car park. It may also be the case that the public perception of the harbour would be detrimentally altered by the introduction of "modern" development. However, given that continuing public access is a legal obligation and that sufficient areas of car parking and amenity space would remain available, it is considered that any adverse impact on public amenity would not be so significant that the proposal should be rejected on those grounds.

Natural Heritage

4.21 The site is partially located within the Wigtown Bay Nature Reserve, which encompasses the river Bladnoch and spur at this location and extends to include the estuary to the east; partially within the River Bladnoch Special Area of Conservation (SAC), which includes the river itself with all tributaries and is identified for Atlantic Salmon interests; and the Cree Estuary Site of Special Scientific Interest (SSSI) is located to the south-east, east and north-east, at distances ranging from some 50m to 75m (southern bank of the River Bladnoch) to some 250m or so (mud flats and estuary to the east) from the application site.

4.22 Based on advice from SNH, the principal natural heritage interests liable to be affected would be Atlantic Salmon, in relation to the SAC; the wintering population of Pink Footed Geese (up to 4000); and bats.

4.23 SNH has raised no formal objection to the proposal but has indicated that assessment may be required to establish whether there would be a likely significant impact on the SAC; recommended that a survey should be undertaken to determine likely impacts on bats from the proposed wind turbine; and raised some concern in relation to potential impact (collision risk) on Pink Footed Geese due to the proximity of the proposed wind turbine to roosting and feeding areas where they are flying low.

4.24 Potential direct policy conflicts on the above issues are indeterminate at this stage in the absence of detailed assessments. However, adopting a precautionary approach, advice is that the proposal is contrary to Structure Plan Policies E4, in relation to the SAC; E5 in relation to the SSSI; and E6 on conservation of habitats and species at this stage. It should be noted however, that these policy conflicts could potentially be overcome through appropriate surveys and mitigation.

Wind Turbine

4.25 The proposal includes a single 25.5m high (to blade tip) wind turbine in the southernmost part of the site, adjacent to the proposed caravans and some 15m distant from the closest of these. A turbine of this height falls into the "Small-Medium" (20-50m) height typology for the purposes of assessment under Interim Planning Policy on Wind Energy Development (the IPP).

4.26 The Dumfries and Galloway Landscape Assessment 1998 (the DGLA) and the Dumfries and Galloway Wind Farm Landscape Capacity Study (the DGWLCS) designate the area surrounding the site as Landscape Character Type 2 (Coastal Flats).

4.27 Council and Scottish Government policy generally support wind energy development where it can be accommodated without significant adverse environmental affects. Principal policies relevant to the assessment of the proposed wind turbine are; Structure Plan Policies S21 (Renewable Energy); S22 (Wind Farm and Wind Turbine Developments); and E3 (Landscape Character). Structure Plan Policy S21 requires renewable energy developments to have no significant adverse impact on the amenity of the surrounding area. This is specifically applied to wind turbine development by Structure Plan Policy S22. Structure Plan Policy E3 requires guidance in the Landscape Assessment to be taken into account when determining any application.

4.28 Interim Planning Policy on Wind Energy Development (approved 14 February 2012) and supporting technical document, the Dumfries & Galloway Wind Farm Landscape Capacity Study (DGWLCS) is the latest statement of Council policy on wind energy development. As such, it is a material consideration of significant weight in the assessment of all such proposals.

4.29 Under the IPP, all applications for turbines less than 50m in height are to be assessed against Wind Energy Policy 3 (WEP3). WEP3 states that all proposals outwith identified Areas of Significant Protection will be considered favourably, subject to assessment against the factors listed in Section 7 of the IPP and any other material planning considerations, provided that the Council has concluded that:

- All relevant considerations contained in Section 7 of the IPP are adequately resolved;
- Following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site;
- Proposals have no significant adverse effects on other Areas of Potential Constraints; and
- Proposals have taken into account and responded to the sensitivity assessments and guidance contained in the DGWLCS.

4.30 Having regard to adopted development plan policies and Section 7 of the IPP, it is considered that the key determining issues in relation to this proposal are landscape and visual impacts, historic environment and natural heritage.

4.31 Guidance in the IPP / DGWLCS for the Coastal Flats LCT for "Small-Medium" turbines indicates summary sensitivities as "**High-Medium**" for landscape and "**High**" for visual. For "landscape" sensitivities, this rating is interpreted in the DGWLCS as:

- High-Medium: *Most of the key landscape characteristics are sensitive and usually only smaller typologies can be accommodated or opportunities for change are very limited within the character type.*

4.32 Relevant development constraints highlighted in the DGWLCS are:

- The narrowness of these Coastal Flats where the scale of larger or even small-medium typologies would dominate their extent;
- The natural and diverse character of areas of wetlands and their interface with dynamic tidal estuaries, mud flats and/or extensive sandy beaches;
- The openness and high visibility of these areas close to settlements and roads and their popularity for recreation which increases visual sensitivity; and
- The setting of key archaeological features and historic settlements including those which are particularly prominent around the coast.

4.33 Key detailed sensitivity assessments relevant to this proposal are:

- Settlement and Archaeology: *This typology could also impact on the setting and prominence of archaeological or land mark historic features or more extensive historic landscapes.*
- Perceptual Qualities: *The sense of naturalness, dynamism and elemental qualities associated with the merse and tidal mud flats could be easily compromised by any development, including this typology.*
- Visual Amenity: *This typology will be very visible across the largely level landscapes of the coastal flats and from surrounding areas. The visual setting, as well as views to and from, key natural and historic features, such as the Martyrs' Stake at Wigtown and coastal views from key viewpoints are likely to be most sensitive to this typology.*

4.34 Drawing together all of the guidance, it is clear that this landscape is highly sensitive to turbines in the 20m to 50m height range in terms of both landscape and visual effects.

4.35 The proposed turbine at this location would be far and away the highest, and virtually the only, man-made feature in the landscape, albeit that there would be some degree of screening / mitigation in the arc of views from the north to the west by virtue of small / medium sized trees / bushes on bunds around the harbour. As such, it would appear as an alien and discordant feature that would significantly alter the landscape and visual experience at this particularly sensitive, peaceful and much visited location. Taking all of these points together, it is considered that the proposed turbine would have a significant adverse impact on the landscape character and visual amenity of the surrounding area and the Coastal Flats landscape character type in particular, to the extent that it would conflict with the development plan under Structure Plan Policies S21, S22 and E3.

4.36 Similarly, and for the same reasons as those set out above, it is considered that the proposal fails to meet the terms of Interim Planning Policy WEP3, in that "relevant considerations" under Section 7 cannot be adequately resolved in terms of Landscape and Visual Amenity.

4.37 With regard to the potential impact of the turbine on the historic environment, it is considered that the proposal would, again, diminish and detrimentally alter the character and experience of the historic harbour and its immediate environs. At greater distance, and to a correspondingly lesser degree, the proposal could also impact on views from and to historic sites in the Wigtown area. The proposal therefore conflicts with Section 7 of the IPP on Historic Environment and Cultural heritage.

4.38 On biodiversity or natural heritage, and as indicated by SNH advice, potential adverse impacts relate to those on wintering Pink Footed Geese and bats. As noted in 4.24 (above), however, and accepting that these impacts are indeterminate at this stage, advice must be that the proposal conflicts with Section 7 of the IPP on Biodiversity.

4.39 No cumulative issues arise in relation to this proposal.

4.40 In assessing the overall impact of the proposed turbine, consideration must be given to the fact that it is an element of the larger development scheme including four caravans and a house. Were these latter developments to go ahead, they would provide some context for the wind turbine in that it would appear to display some functional and visual relationship with commercial and residential development and would thus meet advice in Paragraph 7.13 of the IPP to the effect that on-site domestic wind turbines should be sited as close to the premises which they are intended to serve as is safely and technically possible in order that they are visually connected.

4.41 Government policy in SPP supports a diverse range of wind energy developments at a national level but only where it can be shown that the proposal will not have significant adverse environmental impacts. The advantages of the proposal must be balanced against the disadvantages and relevant policy documents recognise that serious impact on the landscape or on the amenity of the surrounding area should be taken into account. In this case it is considered that the proposal would have significant adverse impacts and that these cannot be satisfactorily mitigated.

4.42 Drawing together the above, it is considered that the proposed turbine would have

significant adverse environmental effects in terms of landscape and visual amenity, historic environment and natural heritage and that, taken together, these disadvantages are not outweighed by other material considerations in terms of the advantages of the proposal in addressing climate change issues and general policy support at national level. The proposal therefore conflicts with adopted Council development plan policy and guidance and with Policy WEP3 of the IPP.

Other material Considerations

4.43 Scottish Planning Policy strongly supports sustainable economic development, encourages planning authorities to provide a range of opportunities for housing in the countryside and supports renewable energy proposal as a means to address climate change issues where they can be accommodated without significant adverse environmental affects. On the other hand, SPP clearly discourages development within flood plains or that would be at risk of flooding. However, having assessed the proposal against relevant sections of SPP, advice is that, while some support can be attributed in the context of economic development and wind energy, the contrary is true in the case of housing in the countryside and, most strongly, on the question of flooding, where the development would be in direct conflict with government policy. It is therefore considered that, where there are areas of support in SPP, these are of insufficient weight to override the terms of the development plan in this case.

4.44 Third party representations against the proposal relate primarily to the issues already addressed above and have been given due consideration and weight in the assessment of this proposal.

Summary and Conclusion

4.45 To summarise all of the above, advice is that:

- The proposed caravan site and house do not meet the necessary policy tests on caravan and chalet development and housing in the countryside *in principle* and are thus contrary to development plan policy under Structure Plan Policies D24, D4 and E3, and Wigtown Local Plan General Policy 15:
- Being within the flood plain and in an area liable to coastal flooding, the development is contrary to Council and government policy on development in flood risk areas under Structure Plan Policy S3, Wigtown Local Plan General Policy 58, and SPP:
- The proposal would have a significant detrimental impact on the historic environment and setting of the harbour and is thus contrary to Structure Plan Policy E12: and
- The proposed turbine would have significant adverse environmental affects in terms of landscape and visual amenity, historic environment and biodiversity/natural heritage and thus would be contrary to policy under Structure Plan S21, S22, E3 and Interim Planning Policy WEP3.

4.46 In conclusion, it is considered that the proposal does not accord with the provisions of the development plan under the stated policies and that there are no other material considerations of sufficient cumulative weight to indicate otherwise in this case. The

proposal also conflicts with the Council's Interim Planning Policy on Wind Energy Development. Consequently, under Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), the application should be refused.

5 RECOMMENDATION

5.1 Refuse on the following grounds:-

1. The proposed caravan site is not associated physically with farm buildings or a hotel, does not form part of a comprehensive recreational scheme and does not include adequate drainage and sewage disposal facilities to meet the requirements of the Scottish Environment Protection Agency. As such, the proposal would be contrary to Council development plan policy as stated in Dumfries and Galloway Structure Plan Policy D24 and Wigtown Local Plan General Policy 33.
2. It has not been satisfactorily demonstrated that there is an essential need for a dwellinghouse at this location for the purposes of agriculture or other uses requiring an appropriate rural location in the countryside. As such, the proposed development would be contrary to Council development plan policy as stated in Structure Plan Policy D4 and Wigtown Local Plan General Policies 3 and 15 and to National policy as set out in Scottish Planning Policy (SPP), all of which only permit the erection of new housing in the countryside in special circumstances identified in development plans and none of these circumstances apply in this case.
3. The proposed development is located on a coastal flood plain in an area at 1:100 (1% probability) risk of coastal flooding. As such, the proposal would be contrary to Council development plan policy as stated in Dumfries and Galloway Structure Plan Policy S3, Wigtown Local Plan General Policy 58, and Scottish Planning Policy (SPP).
4. The proposed development would have a significant adverse impact on the setting and historic character of Wigtown Harbour and its significant archaeological interest. As such, the proposal would be contrary to Council development plan policy as stated in Dumfries and Galloway Structure Plan Policy E12.
5. The proposed development would potentially have an adverse affect on the integrity of the River Bladnoch Special Area of Conservation, could compromise the underlying objectives and overall integrity of the Cree Estuary Site of Special Scientific Interest and could have an adverse affect on European Protected Species. As such, the proposal would be contrary to Council development plan policy as stated in Dumfries and Galloway Structure Plan Policies E4, E5 and E6, and Wigtown Local Plan General Policies 44, 45 and 46.

6. The proposed wind turbine would have significant adverse environmental impacts on the surrounding area in terms of landscape and visual amenity, historic environment and biodiversity. As such, the proposal would be contrary to Council development plan policy as stated in Dumfries and Galloway Structure Plan Policies S21, S22 and E3; to Policy WEP3 of the Council's Interim Planning Policy on Wind Energy Development; and to associated guidance in the Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS).

Relevant Drawing Numbers:

Drg. No: 12p10295-001 - Location and Block Plans

Drg. No: 12p10295-002 - Front and Side Elevations

Drg. No: 12p10295-003 - Rear and Side Elevations

Drg. No: 12p10295-004 - Ground and Upper Floor Plans

Drg. No: 12p10295-005 - Toilet Block/Boat Shed Plans and Elevations

Drg. No: 12p10295-006 - C&F Green Energy 15Kw/20m Turbine Details