

**Argyll and Bute Council
Development & Economic Growth**

This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) consultation on the Section 36C Variation Application to the Section 36 consent granted on 29th October 2021 to construct and operate Blarghour Wind Farm, on land approximately 7km north west of Inveraray and 4.5km south of Portsonachan.

Reference No:	23/00537/S36/ECU00004754
Applicant:	The Scottish Government on behalf of Blarghour Wind Farm Limited
Proposal:	Electricity Act Section 36C and Electricity Generating Stations (Applications for Variation of Consent)(Scotland) Regulations consultation from the Energy Consents Unit for Proposed Variation to Blarghour wind farm (consented 29 th October 2021). The S36C variation proposes to vary the S36 consent from 17 wind turbines, 136.5m in height to blade tip to 14 wind turbines, 180m in height to blade tip.
Site Address:	Land approximately 7km north west of Inveraray and 4.5km south of Portsonachan.

(A) THE APPLICATION

Section 36C Variation Application made up of the following key elements:

- Up to 14 turbines of a maximum ground to tip height of 180m
- a crane hardstanding area at each turbine base
- external turbine transformers adjacent to each turbine
- up to three meteorological masts or hardstanding areas for the placement of remote sensing equipment for collecting meteorological data
- a network of access tracks, turning areas and passing bays linking the turbines and the substations/ control building
- substations and compound
- control building
- three temporary construction compounds
- underground electrical, telecommunication and control cabling linking the turbines with the substation
- up to three on site borrow pits
- a scheme of aviation lighting, including medium intensity red lights fitted to the nacelle of turbines T2, T3, T5, T11, T12, T16 and T17
- an access track linking the A819 and
- associated ancillary works and engineering operations.

Connection to Electricity Grid - The grid connection does not form part of the section 36C application for the Proposed Varied Development. Any required consent for the grid connection would typically be sought by the relevant owner of

the local distribution or transmission network. The Network Operator would be responsible for the consenting, construction and operation and maintenance of the grid connection.

(B) RECOMMENDATION:

That the ECU be notified accordingly that:

- **That Argyll & Bute Council DOES NOT OBJECT to this application, subject to the inclusion of the conditions recommended by consultees in any consent granted by the ECU. These should also include the condition proposed by the Applicant to allow the lighting scheme to be revisited in the future to take account of emerging technological solutions which would reduce the impacts of visible lighting, such as transponder radar activated lighting.**
 - **Notwithstanding the above, it has not been possible for Argyll & Bute Council to reach a conclusion on the acceptability of this proposal in respect to Ornithological matters. This is due to the fact that these matters have not been resolved.**
 - **In respect to the outstanding Ornithological matters, Argyll & Bute Council would defer to the expert advice of NatureScot and the RSPB.**
-

(C) CONSULTATIONS:

ENERGY CONSENT UNIT RESPONSES:

NatureScot (18th July 2023) – advice to the ECU is summarised as follows:

Ornithology

- **NatureScot advise there is a high risk the G/LAE1B golden eagle territory could be abandoned.**
- NatureScot request clarification regarding the flight data used in the CRM calculations and
- NatureScot recommend post-construction monitoring.

Landscape

- The Landscape and Visual Impact Assessment (LVIA) and night-time assessment do not allow a clear understanding as to how conclusions have been reached by the Applicant and do not highlight/ identify new significant effects or intensification of existing significant effects as a result of the Proposal. NatureScot therefore consider that further work is required to understand effects from the Proposal.

- There would be intensified significant cumulative landscape and visual effects when the Proposal is considered in-addition to and sequentially with the nearby operational An Suidhe wind farm and new significant combined and sequential cumulative effects with neighbouring proposals.
- The Proposal would introduce turbine lighting into an area of dark skies around Loch Awe and would result in extensive new significant night-time landscape and visual effects which would be compounded by new cumulative night-time effects with the neighbouring proposals and
- Significant intensified visual effects would extend up to around 13km and would be mainly concentrated on settlements, roads and recreational receptors on the west side of Loch Awe with new significant day-time visual effects identified for six representative viewpoints.

Applicant (21st August 2023) – submitted a rebuttal to NatureScot’s advice to the ECU. This concluded that, they remain confident that the submitted LVIA and associated Technical Appendices are robust and provide a transparent and fair assessment of the likely significant residual landscape and effects of the Proposed Varied Development for both daytime and night time periods and are based on contemporaneous guidance. The Proposed Varied Development would not result in significant additional visibility, and whilst undoubtedly being more prominent in views from a number of receptor locations, would mainly result in levels of effect that are consistent with that of the Consented Development. Whilst the reduced lighting scheme for the Proposed Varied Development would give rise to some significant effects on the character and visual amenity of the area, the principal affected locations would be confined to localised viewpoints around Loch Awe and a small number of summits adjoining the site, which are not known for frequent visitation after dark.

NatureScot (12th October 2023) – advised the ECU that the Applicant’s rebuttal doesn’t raise any new issues that require them to reconsider their advice issued on the 18th July 2023. In line with their Service Statement they do not intend to provide any more comment or advice, in relation to landscape and visual consideration, prior to the case being determined.

Historic Environment Scotland (HES) (6th June 2023) – advised the ECU they do not object to the proposed variation. While they accept aspects of the proposals will have an impact on the settings of a number of scheduled monuments in the vicinity they do not consider those impacts merit objection for their statutory interests. Although they consider the proposed development would not raise issues of concern for their interests sufficient to object to the scheme, the turbines would still have significant impacts on the settings of: Ardchonnell Castle & Island of Innis Chonnell, Loch Awe (SM291); Caisteal Suidhe Cheannaidh, dun 470m NW of Achnacraobh (SM 4120); Tom nan Clach, cup and ring marked rock 560m ENE of Hazelbank (SM3246); and Ardchonnell, Long Cairn (SM4173). This could be mitigated further by deleting, relocating or lowering the height of turbines T9, T10, T11, T12 and T17.

Transport Scotland (2nd May 2023) - advised the ECU they have no objection, subject to conditions being attached to any consent to secure the

submission and approval of an updated Abnormal Loads Assessment; approval of the proposed route for any abnormal loads; approval of any accommodation measures (removal of street furniture, junction widening, traffic management); any additional signing or temporary traffic control measures must be undertaken by a recognised Quality Assured traffic management consultant; submission and approval of proposals for an abnormal load delivery trial run to be undertaken with the involvement of Police Scotland; submission and approval of a Construction Traffic Management Plan (CTMP); all vehicles transporting construction material to be sheeted; installation of vehicle wheel cleansing facilities; and prior to any decommissioning, a Decommissioning Plan shall be prepared and submitted for approval.

Scottish Environment Protection Agency (4th May 2022) – advised the ECU they have no objection subject to a condition to secure the submission of a detailed site-specific Peat Management Plan (PMP) for approval to the determining authority, in consultation with SEPA, at least two months prior to commencement of development. This should demonstrate how micrositing and other measures have been used to further minimise peat disturbance following ground investigations and detailed design work. Additionally, SEPA recommend that Condition 7 (Micrositing) be amended to state that ‘no micrositing shall take place within areas of peat of greater depth than the original location’.

Scottish Forestry (3rd May 2023) – advised the ECU they note from the variation information that the wind farm open ground will be reducing from 18.2ha to 15.2ha. Scottish Forestry recommend that the new area of 15.2ha replace the 18.2ha in condition 10. Replanting of Forestry ANNEX 2 – Part Two – Conditions attached to Deemed Planning Permission, of the Consent. Scottish Forestry have nothing more to add in relation to this variation to the consented development.

Royal Society for the Protection of Birds (RSPB) (2nd May 2023) – provide advice to the ECU on: net biodiversity gain (NPF4); data used is nearly 10 years old – an update would be prudent; directional lighting for divers; cumulative impact – an area landscape scale management plan should be established; breeding seasons monitoring for key species (to inform HMP); location – turbines located outwith commercial forestry will reduce open ground habitat for key bird species, as well as impacts on peatland; and Grid connection and OHL - RSPB are aware that the Creag Dhubh to Inveraray 275kV OHL is proposed to transect some of the Blarghour Wind Farm HMP area. Discussions have taken place between applicants, SSE and landowners regarding mitigating this loss. However, the new area being allocated for the HMP is less than the area impacted.

Scottish Water (13th March 2023) - advised the ECU they have no objection. This does not confirm the proposal can be serviced. Advice is provided on: water assessment; foul assessment; drinking water protected areas and surface water.

Defence Infrastructure Organisation (25th April 2023) – advised the ECU they have no objection, provided the extant conditional requirements that the development is fitted with aviation safety lighting (Condition 23) and

that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction are included in any new consent that may be issued (Condition 22).

National Air Traffic Services Safeguarding (NATS) (13th March 2023) – advised the ECU the proposal has been examined by their technical safeguarding teams and does not conflict with their safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.

Highlands & Islands Airport Limited (HIAL) (3rd May 2023) – advised the ECU that the proposal is located outwith their consultation zone, as such they have no comment and need not be consulted further.

Aberdeen International Airport response (13th March 2023) – advised the ECU the proposal is located out with their consultation zone. As such they have no comment.

Glasgow Airport (30th March 2023) – advised the ECU the proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria and they have no objection.

Glasgow Prestwick Airport (9th March 2023) – advised the ECU the proposed development lies outside the GPA safeguarding area and consequently they would have no comment or valid objection to make.

Edinburgh Airport (14th March 2023) – advised the ECU the proposal lies out with the Aerodrome Safeguarding zone for Edinburgh Airport and they have no objection.

Joint Radio Company (10th March 2023) – advised the ECU they have previously cleared this development and have nothing to add. Clearance still stands.

Office for Nuclear Regulation (13th March 2023) – have advised the ECU that they have no comment on the proposed development as it does not lie within a consultation zone around a GB nuclear site.

Met Office (10th March 2023) – have advised the ECU that the proposal is not in any Met Office safeguarded areas. Therefore they would not expect any significant impact on their radar operation, and would not normally expect to be consulted.

Strachur Community Council (26th April 2023) – have advised the ECU that they have no comments to make on this variation proposal.

ARGYLL & BUTE COUNCIL RESPONSES

ABC Consultant Landscape Architect Review (May 2023) – concludes that the proposal would be much more prominent than operational wind farms and would be visible in every open view from the southern half of Loch Awe and across Loch Avich. However, the degree of change incurred by the variation would not alter the already significant adverse effects associated with the consented scheme in the context of the broad

parameters considered in LVIA. Although there would be an exacerbation of significant adverse landscape and visual effects, these effects would be relatively limited in extent principally affecting the middle part of Loch Awe. No designated or other formally valued landscapes would be significantly affected by the proposal. In view of the policies set out in NPF4, it is recommended that no objection should be raised in terms of landscape and visual effects.

This proposal would introduce lighting to the dark skies of Loch Awe and while the number of visual receptors is likely to be low during hours of darkness, it is considered that it is imperative that radar activated lighting should be installed at the earliest opportunity as this would substantially reduce the duration and impact of night-time lighting.

Significant adverse combined cumulative landscape and visual effects would be likely to occur where this proposal was seen together and sequentially with the An Carr Dubh, Eredine, Ladyfield and Beinn Ghlas Repowering wind farm proposals.

ABC Roads & Amenity Services (26th May 2023) – no objection subject to the following conditions: connection of the site access to the public road to be, 160 x 2.4 x 1.05 metres; connection the site access to the public road, access to be constructed as per the Council's standard detail drawing ref: SD 08/001 Rev a, or otherwise agreed in writing by Roads & Infrastructure Services; a positive surface water drainage system to be installed to prevent the discharge of surface water onto the public road, details to be agreed with Roads & Infrastructure Services, prior to any works starting on site; Junction geometry, surfacing and drainage to be fully completed, prior to any work starting on site; Advanced warning signs for the site access to be erected on either approach, prior to any works starting on site; Strictly no vehicular access from the B840 East Lochaweside Road. All vehicles must enter and exit the site from the A819 Inveraray - Dalmally Road; Traffic Management Plan to be submitted for approval by Roads & Infrastructure Services, prior to any work starting on site. The Traffic Management plan should include details of all materials, plant, equipment, components and labour required during the construction works; A detailed Method Statement in relation to access and transport of materials, plant and equipment. Method statement to be submitted for approval by Roads & Infrastructure Services, prior to any work starting on site; and a detailed condition survey to be carried out between the A83 Tarbet - Campbeltown Trunk Road / A819 Inveraray - Dalmally Road junction and the application site, prior to any work starting on site. The condition survey to be recorded by means of video and photographs. A copy of the video and photographs to be submitted to Roads & Infrastructure Services for approval, prior to any work starting on site. The Area Roads Engineer also advises that a Road Opening Permit will be required and there should be no surface water discharge.

ABC Local Biodiversity Officer (LBO) (15th June 2023) – notes the contents of the supporting documents for the ecological interest, these outcomes are consistent with the original application as the Proposed Varied Development would not have a significant effect on ecology or bird interest; with regards to Peat interest, the predicted land take is to be less than the original consent, the supporting documentation such as Peat Management Plan, Peat Landslide Hazzard Risk Assessment along with

the Outline Construction and Decommissioning Environmental Management Plan are relevant even though there is a reduction in turbines and land take. The LBO notes that the cumulative impacts have also been considered and the reassessment has resulted in no likely significant ecological residual effects associated with the Proposed Varied Development. Mitigation, including avoidance and minimisation of impacts on sensitive ecological receptors and enhancement opportunities have been identified. In summary, with the reduction in the number of turbines from 17 to 14 with the addition of an increase in height, the ecological and peat interests have been reviewed with the conclusion that there will be no significant effect due to the reduction in land take and the management details in specific management plans.

ABC Flood Prevention Officer (30th May 2023) – no objections subject to conditions. It is recommended that planning conditions to the effect of the following be attached to any consent granted for this application: any proposed watercourse crossings should maintain and not to reduce the existing capacity of the channel; and surface water drainage should be designed in accordance with CIRIA C753 and Sewers For Scotland 4th edition and ensure that post development surface water runoff does not exceed the pre-development surface water runoff. The surface water drainage should be in operation prior to the start of construction.

ABC Environmental Health (10th May 2023) - advise that the current arrangement is that Environmental Health are unable to review the application and they suggest that Planning consider employing a noise assessment contractor to assess this wind farm application.

ABC Noise Consultant (31st October 2023) – concludes that in general, good practice has been adopted by the Applicant with a few issues identified. The most significant of these issues are the omission of a key receptor Blarghour House; and the omissions of two operational turbines at Blarghour Farm nearby within the assessment of cumulative impacts. The two turbines were in operation at the time of the baseline noise survey in 2017 and within around 550m of a baseline monitoring position. The influence of turbine noise on the results is not discussed or accounted for. However, it should be noted that the derived noise limits are not applied within the assessment presented in the 2023 Variation Application. Further information on these aspects should be sought from the Applicant. Following a satisfactory response to the above issued from the applicant, it is considered that there would be no reasons to object to the scheme on noise grounds. A suitably worded condition such as that included in Section 4 of the Noise Consultant's report to limit the noise levels, tonality and amplitude modulation should be applied to control noise levels from the proposed scheme.

Applicant's response to ABC Noise Consultant's advice (4th December 2023) – The Applicant provided a note responding to the request for clarifications set out in the ABC Noise Consultants review in respect of predicted noise impacts on Blarghour House, and the consideration of cumulative noise impacts including the two Blarghour Farm 20 kW wind turbines.

The results presented by the Council's Noise Consultant in their review show that predicted operational noise levels from the Proposed Varied Development are below the noise limit applied to the Consented Development and the ETSU-R-97 simplified noise limit of 35 dB LA90 by a minimum margin of 7.7 dB. Predicted operational noise levels are therefore considered to be not significant as they comply with the limits already imposed on the Consented Development

In respect of the two small turbines at Blarghour Farm, notwithstanding that these could be scoped out of the cumulative assessment due to their size (the generating capacity of the two turbines is less than 50 kW), the turbines are owned and operated by the residents of the properties at Blarghour Farm who are directly financially involved with the Proposed Varied (and Consented) Development. The relevant noise limit at financially involved properties is 45 dB LA90, and predicted operational noise levels from the Proposed Varied Development are negligible in relation to the financially involved limit (i.e. they are 17.3 dB below the financially involved noise limit), as well as contributing only an additional 0.4 dB to the cumulative operational noise levels of the two Blarghour Farm turbines and An Càrr Dubh Wind Farm. No significant cumulative effects are therefore predicted at Blarghour Farm and surrounding properties

ABC Noise Consultant (8th December 2023) - has responded to the Applicant's note as follows:

Missing Receptor – Blarghour House - The Council's Noise Consultant would agree that Blarghour House, and the associated properties should be included in the assessment, and subsequent condition, noting that they are 'financially involved' for which a 'lower fixed' noise limit of up to 45dB LA90 can be applied. The applicant should clarify exactly which properties are included in this for the avoidance of doubt, and whether a limit relative to background, or just a fixed limit should be applied. The proposed planning condition would need to be modified to include these limits for the affected financially involved properties.

Missing Consideration of the two turbines at Blarghour Farm - The Council's Noise Consultant considers that these two turbines should be included in the cumulative assessment of noise, especially as they have no noise limit attached to them. Whilst they agree that the planning assessment of a new 50kW turbine falls outside the scope of the IOAGPG, they would point out that ETSU-R-97 states the following in respect of a cumulative assessment at paragraph 58 "...absolute noise limits and margins above background should relate to the cumulative effect of all wind turbines in the area which contribute to the noise received at the properties in question..." There are no exclusions for small turbines in the IOAGPG from the cumulative assessment, and as noted in the Mott MacDonald report, there are properties who would exceed the current proposed 35dB LA90 condition for all properties when all turbine noise is taken into account. The Council considers that it is important to set the appropriate limit in the event of a tonal and / or AM penalty for enforcement purposes. The Council would agree that the inclusion of the Blarghour Farm turbines in the cumulative noise assessment would not change the conclusions reached in terms in terms of noise impact of the scheme.

Amplitude Modulation Condition - The Council's Noise Consultant confirms that they consider an amplitude modulation condition to be necessary for this wind farm as set out in their report.

West of Scotland Archaeology Service (2nd August 2023) – have confirmed that the proposed changes raise no archaeological issues.

Please note: the above are summaries and the full consultee responses can be viewed on the Energy Consent Unit and Argyll & Bute Council websites.

(D) REPRESENTATIONS:

As the Council is not the determining Authority all letters of representation are considered by the Energy Consents Unit. At time of writing, public representation figures stand at 4 objections, which are published on the ECU website. The main issues raised are summarised below:

- Adverse landscape and visual impact – unacceptable height, increased damage to land due to requirement for larger foundations.
- Adverse impact on wildlife.
- Adverse impact on ornithology
- Adverse impact on tourism
- Adverse impact on human & animal health
- Poor community benefit
- Lack of Community Consultation
- Adverse impact on property values
- Adverse Tourism impact
- Wind Farms are not environmentally effective as claimed – renewable & environmentally friendly are not the same thing.
- Potential for future applications to increase number of turbines
- Query whether this variation (height of turbine) would have been granted originally or whether developer has used staged approach to secure consent for larger turbines.
- Whilst number of turbines has been reduced, profitability and output will be greater due to height increase.
- Existing wind farms are often stationary due to lack of grid demand (including those existing at Loch Awe)
- Loch Awe is a place of great scenic beauty and worthy of National Scenic Area status. Scottish Government declined status and declared the entire area of Loch Awe “identified as a wind development area”.
- Rapid deforestation combined with extensive peat bed drilling will cause landslides
- Ongoing United Nations body investigation (Aarhus Convention Compliance Committee ACCC) into whether the Scottish and UK governments have broken international law through failure to allow the public the right to challenge planning decisions that would damage the nations precious environment, landscape and wildlife. Complaint has found complaints admissible and a five month time limit has been given for the governments to provide written explanations. Decision on this application should therefore be delayed until the committee’s judgement is published.

Public Consultation – Whilst not a statutory requirement for Section 36 applications, the applicant has undertaken Public Consultation. Further information on this is contained in the Blarghour Statement of Community Consultation (October 2022) which is available on the ECU website (reference: ECU00004754).

Note: The comments raised above are addressed in the assessment of the proposal at Appendix A of this report.

Note: Please note that the letters of representation above have been summarised and that the full letters of representation are available on the Energy Consents Units website.

(E) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Impact Assessment Report (EIAR): Yes

EIAR (February 2023) presented in 4 volumes:

- Volume 1: Non-Technical Summary (NTS)
- Volume 2: Main Report
- Volume 3a: Figures
- Volume 3b: Visualisations
- Volume 4: Technical Appendices

Key topics covered in the EIAR include: Introduction; Description Proposed Development; Comparative Environmental Assessment; Landscape and Visual Amenity; Cultural Heritage; Ecology; Ornithology; Noise; Aviation and Telecommunications; and Traffic and Transport.

The EIAR should be read with the following supplementary documents:

- Blarghour Planning Statement (February 2023)
- Blarghour Statement of Community Consultation

(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: NatureScot will advise

(iii) A Design or Design/Access statement: No

(iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc.: All relevant reports are encompassed within the EIAR

(F) Statutory Development Plan (NPF4 and LDP) and any other material considerations over and above those listed above which have been taken into account in the assessment of the application:

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

National Planning Framework 4 (Adopted 13th February 2023)

Part 2 – National Planning Policy

Policy 1 – Tackling the Climate and Nature Crises

Policy 2 – Climate Mitigation and Adaption

Policy 3 – Biodiversity

Policy 4 – Natural Places

Policy 5 – Soils

Policy 6 – Forestry, Woodland and Trees

Policy 7 – Historic Assets and Places

Policy 11 – Energy

Policy 12 – Zero Waste

Policy 23 – Health and Safety

Policy 33 – Minerals

Annex B – National Statements of Need

3. Strategic Renewable Electricity Generation and Transmission Infrastructure

'Argyll and Bute Local Development Plan' Adopted March 2015

Policy LDP STRAT 1 – Sustainable Development

Policy LDP DM 1 – Development within the Development Management Zones

Policy LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

Policy LDP 5 – Supporting the Sustainable Growth of our Economy

Policy LDP 6 – Supporting the Sustainable Growth of Renewables

Policy LDP 8 – Supporting the Strength of our Communities

Policy LDP 10 – Maximising our Resources and Reducing our Consumption

Policy LDP 11 – Improving our Connectivity and Infrastructure

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016 & December 2016)

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity

SG LDP ENV 2 – Impact on European Sites

SG LDP ENV 4 – Impact on SSSIs and National Nature Reserves

SG LDP ENV 5 – Impact on Local Nature Conservation Sites (LNCS)

SG LDP ENV 6 – Impact on Trees / Woodland

SG LDP ENV 7 – Water Quality and the Environment

SG LDP ENV 11 – Protection of Soil and Peat Resources

SG LDP ENV 12 – Impact on National Scenic Areas (NSAs)

SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)

SG LDP ENV 14 – Landscape

SG LDP ENV 15 – Impact on Historic Gardens and Designed Landscapes

SG LDP ENV 16(a) – Impact on Listed Buildings

SG LDP ENV 19 – Impact on Scheduled Ancient Monuments (SAMs)

SG LDP ENV 20 – Impact on Sites of Archaeological Importance

SG LDP PG 1 – Planning Gain

SG LDP BAD 1 – Bad Neighbour Development
SG LDP Sustainable – Sustainable Siting and Design Principles
SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 3 – Drainage Impact Assessment
SG LDP SERV 4 – Contaminated Land
SG LDP SERV 5 – Waste Related Development and Waste Management
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework
SG LDP MIN 2 – Mineral Extraction
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 – Development and Public Transport Accessibility
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision
SG LDP TRAN 7 – Safeguarding of Airports

Supplementary Guidance 2- Renewable Energy (December 2016) (December 2016)

Note: The above supplementary guidance has been approved by the Scottish Government. It therefore constitutes adopted policy and the Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

- Draft Energy Strategy and Just Transition Plan (January 2023)
- Onshore Wind Policy Statement (OWPS) (December 2022)
- Historic Environment Policy for Scotland (HEPS, 2019)
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- Scottish Government Good Practice Principles for Shared Ownership and Community Benefit of Onshore Renewable Energy Developments (May 2019)
- Argyll & Bute Landscape Wind Energy Capacity Study (2017)
- Siting and Designing Wind Farms in the Landscape, SNH (August 2017)
- ABC Technical Note – Biodiversity (Feb 2017)
- Onshore Wind Turbines: Planning Advice, Scottish Government (May 2014)
- Guidance for Landscape and Visual Impact Assessment, 3rd Edition, Landscape Institute, and Institute of Environmental Management & Assessment, (2013)
- PAN 1/2011: 'Planning and Noise' (March 2011)
- The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- Views of statutory and other consultees;
- Planning history of the site
- Legitimate public concern or support expressed on relevant planning matters

Argyll & Bute proposed Local Development Plan 2 (November 2019) – The Proposed Local Development Plan 2 (as modified following Examination) was submitted to the Scottish Government on the 23rd October. The Scottish Government notified the Council on the 16th of November that the period for

consideration of the plan would be extended to 56 days. The Council therefore may not adopt the Plan until after this 56 day period.

Until LDP2 is adopted the Development Plan for Argyll & Bute consists of [National Planning Framework 4](#), the Adopted Local Development Plan and any associated Supplementary Guidance.

(G) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No an Environmental Impact Assessment was required.

(H) Has the application been the subject of statutory pre-application consultation (PAC): No PAC is not required for S36 applications.

(I) Does the Council have an interest in the site: No

(J) Requirement for a pre-determination hearing: No

(K) Is the proposal consistent with the Development Plan: Not possible to conclude at this time due to unresolved concerns raised by NatureScot.

(L) Need for notification to Scottish Ministers or Historic Environment Scotland:
No

Author of Report: Arlene Knox **Date:** 7th December 2023

Reviewing Officer: Sandra Davies **Date:** 8th December 2023

Fergus Murray
Head of Development & Economic Growth

COMMITTEE REPORT

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 23/00537/S36

PLANNING LAND USE AND POLICY ASSESSMENT

1. THE SECTION 36C CONSENTING REGIME

- 1.1 Section 36 of the Electricity Act 1989 (“the 1989 Act”) applies to proposals for the construction, extension or operation of an onshore electricity generating station whose capacity exceeds (or, when extended, will exceed) 50 megawatts. Applications to construct or operate electricity generating stations below this threshold which do not require section 36 consent are made to the local planning authority under the Town and Country Planning (Scotland) Act 1997. On granting consent under section 36, Scottish Ministers may also direct under section 57 of the Town and Country Planning (Scotland) Act 1997 that planning permission is deemed to be granted for the development necessary to construct the generating station and any ancillary development.
- 1.2 Section 20 of the Growth and Infrastructure Act 2013 inserted a new section 36C into the 1989 Act to provide for the making of variations to section 36 consents. Prior to 2013, the 1989 Act did not provide for section 36 consents to be varied.
- 1.3 Section 21 of the Growth and Infrastructure Act 2013 amended section 57 of the Town and Country Planning (Scotland) Act 1997 to provide that Scottish Ministers, on varying a section 36 consent, may give either a direction for planning permission to be deemed to be granted, or a direction for an existing planning permission (or the conditions to which that planning permission was made subject) to be varied as specified in the direction.
- 1.4 The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (“the 2013 Regulations”) came into force on 1 December 2013. The regulations make provision for the content of a variation application and the consultation process to be followed with respect to section 36C applications. The regulations also provide that the Scottish Ministers may cause a public local inquiry to be held if they consider it appropriate to do so.
- 1.5 The 2013 Regulations provided for a procedure which ensured that the relevant provisions of Directive 2011/92/EU (now as amended by Directive 2014/52/EU) on the assessment of the potential effects of certain public and private projects on the environment (commonly known as the “Environmental Impact Assessment” or “EIA” Directive) would be implemented as necessary in relation to applications to vary a section 36 consent.
- 1.6 The 2013 Regulations were amended by regulation 42 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (‘the EIA Regulations’). The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 were amended in December 2017 (by The Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2017). Note that at present there is no consolidated version of the EIA Regulations available and the documents therefore need to be read together to comprehend the EIA Regulations. The EIA Regulations essentially apply to variation applications under section 36C as they apply to applications for section 36 consent.

- 1.7 The Council's role in this process is one of a consultee along with various other consultation bodies.
- 1.8 The Development Plan is not the starting point for consideration of S36C applications. This is because Sections 25 and 37 of the Town & Country Planning (Scotland) Act 1997 which establish the primacy of LDP policy in decision-making, are not engaged in the deemed consent process. NPF4 and the Local Development Plan now form the Statutory Development Plan. Whilst the Statutory Development Plan does not have primacy in S36C decision-making it still remains an important material consideration informing the Council's response to the proposal.
- 1.9 Schedule 9 of the Electricity Act does require both the applicant and the decision-maker to have regard to the preservation of amenity. It requires that in the formulation of proposals the prospective developer shall have regard to:
- (a) the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and
 - (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.
- Similarly, it obliges the Scottish Ministers in their capacity as decision maker to have regard to the desirability of the matters at a) and the extent to which the Applicant has complied with the duty at b).
- 1.10 Consideration of the proposal against both NPF4 (2023) and the adopted Argyll & Bute LDP 2015 will ensure that proper consideration is given by the Council to the extent to which the proposal satisfies these Schedule 9 duties.
- 1.11 It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by Scottish Ministers. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI) if they are minded to approve the proposal. They can also choose to hold a PLI in other circumstances at their own discretion. Such an Inquiry would be conducted by a Reporter(s) appointed by the Directorate for Planning and Environmental Appeals. In the event that consent is given, either where there has been no objection from the Council, or where objections have been overruled following PLI, the Council as Planning Authority would become responsible for the agreement of matters pursuant to conditions, and for the ongoing monitoring and enforcement.
- 1.12 This report reviews the policy considerations which are relevant to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and 3rd party opinion expressed to the Scottish Government following publicity of the application by them. It recommends views to be conveyed to the Scottish Government on behalf of the Council before a final decision is taken on the matter. The conclusion of this report is to recommend that the Council does not object to this Section 36C consultation for the reasons detailed in this report.

2. SETTLEMENT STRATEGY

- 2.1 Policy LDP DM1 establishes acceptable scales of development in three different 'zones' or the 'Settlement Strategy'. In terms of the local development plan proposals map, the access route traverses through Rural Opportunity Area and Countryside Zone, and the main wind farm site is located within 'Very Sensitive Countryside'. In the Very Sensitive Countryside, only specific categories of development are supported. This however includes renewable energy related development. In principle, policy LDP DM 1 supports renewable energy and ancillary developments in these areas, providing they are consistent with all other Local Development Plan Policies.
- 2.2 Policy 11 – Energy and Policy LDP 6: Renewable Energy provide the primary policy framework for assessing wind farms. In this case, it is considered that it has been demonstrated that the scale and location of the proposal, will integrate sympathetically without giving rise to adverse consequences in terms of: landscape & visual impact (including cumulative). However, due to the outstanding matters raised by NatureScot it is not possible to reach a conclusion on whether the proposal is consistent with Development Plan Policy in this regard. For the reasons detailed below in this report, it is considered that this proposal satisfies Development Plan Policy and associated guidance in respect of renewable energy development in some respects. Areas where it has not been possible to reach a conclusion are also explained.
- 2.3 **Having due regard to the above it is not possible at this time to conclude whether this proposal can be considered 'sustainable' or whether it is consistent with the provisions of LDP DM1 – Development within the Development Management Zones.**

3. ENERGY & SUPPORTING THE SUSTAINABLE GROWTH OF RENEWABLES

- 3.1 Argyll & Bute Council is keen to ensure that Argyll & Bute continues to make a positive contribution to meeting the Scottish Government's targets for renewable energy generation. These targets are important given the compelling need to reduce our carbon footprint and reduce our reliance on fossil fuels, reinforced by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects.
- 3.2 This proposal has been assessed primarily against the criterion in the two lead Statutory Development Plan policies relating to renewable energy. These are: Policy 11 – Energy of National Planning Framework 4 and Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan. Other policies are referred to where relevant. It should be noted that in accordance with the advice of the Chief Planner, where there are discrepancies between these policies or the LDP policy is out-of-date, the default position is to defer to Policy 11 of NPF4. An example of this is the reference to SPP and the Spatial Framework in Policy 6. SPP is no longer extant and the requirement for a Spatial Framework has not been carried forward to NPF4. Consequently, it has not been considered in this report.

4. LOCATION, NATURE AND DESIGN OF PROPOSED DEVELOPMENT

- 4.1 The site for the proposed development is located within Mid Argyll, between Loch Awe and Loch Fyne, and lies approximately 7 km to the north west of Inveraray and approximately 4.5 km to the south of Portsonachan. The site is located on land within

Blarghour and Balliemeanoch farms and includes areas of plantation forestry at Three Bridges and Ardchnonell Forestry block. The site comprises an upland plateau moorland with craggy outcrops, used mainly for sheep farming and commercial forestry.

- 4.2 The Site comprises an upland plateau moorland with craggy outcrops, used mainly for sheep farming. The highest point on the site is located on its eastern edge, at 482 m Above Ordnance Datum (AOD), where the ground slopes up towards Cruach Mhor further to the east. The ground descends to approximately 230 m AOD at the western boundary, and to approximately 60 m AOD where the proposed access route meets the A819 at Three Bridges.
- 4.3 Two areas of commercial forestry lie within the site. Access to the site would be from the southeast, leaving the A819 and travelling through the Three Bridges forestry plantation. To the northwest of the Site is the Ardchnonell forestry plantation.
- 4.4 The site lies within four surface water catchments and is drained by a number of small burns, including the Allt Mor and Allt na h-Airigh. These form tributaries to the larger Allt Beochlich and Allt Blarghour, which flow into Loch Awe, and the River Aray, which flows into Loch Fyne. The site is also characterised by a number of small lochans, including the Lochan Cruaiche Bige.
- 4.5 The wider area is characterised by the Cruach Mhor/Beinn Bhreac ridge line which rises in between Loch Fyne and Loch Awe. The wider area is sparsely populated and the lower ground on Loch Awe side is characterised by farms and holiday cottages, with the closest located at Upper Barr Beithe, approximately 2.2 km to the northwest of the nearest turbine. The nearest settlement is Portsonachan, situated approximately 4.5 km northwest of the site boundary. The nearest road is the A819 (Inveraray to Dalmally) located adjacent to the site boundary.
- 4.6 There are a number of proposed, consented and operational wind farm developments located in the vicinity of the Proposed Varied Development. The existing An Suidhe wind farm is located approximately 4.5 km south of the Proposed Varied Development and comprises 23 turbines with 100 m tip height.
- 4.7 Consented development - The main components of the consented development are:
- 17 turbines, of a maximum ground to tip height of 136.5 metres;
 - a crane hardstanding area at each turbine base;
 - external turbine transformers adjacent to each turbine;
 - up to three permanent anemometer masts;
 - a network of access tracks, turning areas and passing bays linking the turbines and the substation/control building;
 - substation and compound;
 - control building;
 - three temporary construction compounds;
 - underground electrical, telecommunication and control cabling linking the turbines with the substation;
 - up to three on site borrow pits;
 - an access track linking the site with the A819; and
 - associated ancillary works and engineering operations.
- 4.8 Proposed Varied Development – the main components of the Proposed Varied Development are:

- Up to 14 turbines of a maximum ground to tip height of 180 m;
- a crane hardstanding area at each turbine base;
- external turbine transformers adjacent to each turbine;
- up to three meteorological masts or hardstanding areas for the placement of remote sensing equipment for collecting meteorological data;
- a network of access tracks, turning areas and passing bays linking the turbines and the substations/ control building;
- substations and compound;
- control building;
- three temporary construction compounds;
- underground electrical, telecommunication and control cabling linking the turbines with the substation
- up to three on Site borrow pits;
- a scheme of aviation lighting, including medium intensity red lights fitted to the nacelle of turbines T2, T3, T5, T11, T12, T16 and T17;
- an access track linking the A819; and
- associated ancillary works and engineering operations.

4.9 Key Changes – the key changes may be summarised as follows:

- Reduction in number of turbines from 17 to 14 (removal of T1, T4 and T7)
- Increase in tip height from 136.5m to 180m (43.5m increase)
- Access track length - removal of 2.14 km of track
- Turbine Foundations & Hardstanding's, temporary infrastructure land take (per turbine): 0.28 hectares (ha). Permanent land take (per turbine): 0.28 (ha) – no change in per turbine land take
- Meteorological Mast - Increase of up to 33 m. Potential to install remote sensing equipment instead of meteorological masts.
- Substation - Additional buildings for network operator. The area of the substation compound will not change in size.
- Lighting - As the proposed turbine tip height exceeds the 150 m threshold, a scheme of aviation lighting will be required. The Applicant would seek to agree a suitable lighting scheme with the planning authority in consultation the Civil Aviation Authority (CAA). The Proposed Varied Development assessed includes lighting on the nacelle of turbine T2, T3, T5, T11, T12, T16 and T17. The Applicant proposes a condition of consent which would allow the lighting scheme to be revisited in the future to take account of emerging technological solutions which would reduce the impacts of visible lighting, such as transponder radar activated lighting.

4.10 Connection to Electricity Grid - The grid connection does not form part of the section 36C application for the Proposed Varied Development. Any required consent for the grid connection would typically be sought by the relevant owner of the local distribution or transmission network. The Network Operator would be responsible for the consenting, construction and operation and maintenance of the grid connection.

Infrastructure

4.11 Scottish Water have advised the ECU that they have no objection to this proposal. This does not confirm the proposal can be serviced. Advice is also provided on: water assessment; foul assessment; drinking water protected areas and surface water.

4.12 Water Assessment – they have advised that there is no public Scottish Water, Water infrastructure within the vicinity of this proposed development therefore they would

advise applicant to investigate private options.

4.13 Foul Assessment – they have advised that there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore they would advise applicant to investigate private treatment options.

4.14 Drinking Water Protected Areas – they have confirmed that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposal.

4.15 Surface Water - For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water have advised that they will not accept any surface water connections into their combined sewer system.

5. NET ECONOMIC IMPACT, INCLUDING LOCAL AND COMMUNITY SOCIO-ECONOMIC BENEFITS

5.1 Policy 11 – Energy of NPF4 states that proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan require all applications for wind turbine developments to be assessed in terms of net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

5.2 The project would bring a socio-economic benefits to the local community, including the creation of jobs and opportunities for local businesses and suppliers during the construction phase and for the lifetime of the project. The Applicant is also committed to paying a community benefit package of £5,000 per MW of installed capacity for every year of operation. There are several options for distributing these funds for the benefit of the local community. In addition, the Applicant will be offering the community a shared ownership opportunity with this wind farm. Community Benefit is not however, considered to be a ‘material planning consideration’ in the determination of planning applications. If consent were to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the application process.

5.3 **Having due regard to the above it is considered a degree of net economic impact, including local and community socio-economic benefits, typical of such developments will be provided. It is therefore concluded that the proposal is consistent with the provisions of Policy 11 – Energy of NPF4, Policies LDP DM1 – Development within the Development Management Zones; LDP 6 – Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan.**

6. IMPACTS ON COMMUNITIES AND INDIVIDUAL DWELLINGS, INCLUDING RESIDENTIAL AMENITY, VISUAL IMPACT, NOISE AND SHADOW FLICKER

6.1 Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrate how impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker have been addressed. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local

Development Plan require all applications for wind turbine developments to be assessed in terms of impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker (including cumulative).

- 6.2 Noise - Mott MacDonald Ltd (MM) and Alistair Somerville Associates were commissioned by Argyll & Bute Council to undertake a peer review of the noise assessment for the proposed amendment to Blarghour wind farm. This review included a desktop assessment against current good practice, a check of the predicted noise levels from the wind farm, and a site survey of the area surrounding the wind farm site including the nearest residential receptors. A report was produced which summarises the findings of the review.
- 6.3 The desktop review and site survey conclude that, in general, good practice has been adopted by the Applicant, with a few issues identified. The most significant of these issues are:
- The omission of a key receptor Blarghour House
 - The omission of two operational turbines at Blarghour Farm nearby within the assessment of cumulative impacts.
- 6.4 The two turbines were in operation at the time of the baseline noise survey in 2017 and within around 550m of a baseline monitoring position. The influence of turbine noise on the results is not discussed or accounted for. However, it should be noted that the derived noise limits are not applied within the assessment presented in the 2023 Variation Application.
- 6.5 Further information on these aspect should be sought from the Applicant. Following a satisfactory response to the above issued from the applicant, it is considered that there would be no reasons to object to the scheme on noise grounds. A suitably worded condition such as that included in Section 4 of the Noise Consultant's report to limit the noise levels, tonality and amplitude modulation should be applied to control noise levels from the proposed scheme.
- 6.6 A note was received from the Applicant in response to the matters raised by the Council's Noise Consultant on the 4th December 2023. This note responds to the request for clarifications set out in the MM review in respect of predicted noise impacts on Blarghour House, and the consideration of cumulative noise impacts including the two Blarghour Farm 20 kW wind turbines. The results presented by MM in their review show that predicted operational noise levels from the Proposed Varied Development are below the noise limit applied to the Consented Development and the ETSU-R-97 simplified noise limit of 35 dB LA90 by a minimum margin of 7.7 dB. Predicted operational noise levels are therefore considered to be not significant as they comply with the limits already imposed on the Consented Development.
- 6.7 The Applicant goes on to explain that, in respect of the two small turbines at Blarghour Farm, notwithstanding that these could be scoped out of the cumulative assessment due to their size (the generating capacity of the two turbines is less than 50 kW), the turbines are owned and operated by the residents of the properties at Blarghour Farm who are directly financially involved with the Proposed Varied (and Consented) Development. The relevant noise limit at financially involved properties is 45 dB LA90, and predicted operational noise levels from the Proposed Varied Development are negligible in relation to the financially involved limit (i.e. they are 17.3 dB below the financially involved noise limit), as well as contributing only an additional 0.4 dB to the

cumulative operational noise levels of the two Blarghour Farm turbines and An Càrr Dubh Wind Farm. No significant cumulative effects are therefore predicted at Blarghour Farm and surrounding properties.

6.8 **ABC Noise Consultant** has responded to the Applicant's note as follows:

- Missing Receptor – Blarghour House - The Council's Noise Consultant would agree that Blarghour House, and the associated properties should be included in the assessment, and subsequent condition, noting that they are 'financially involved' for which a 'lower fixed' noise limit of up to 45dB L_{A90} can be applied. The applicant should clarify exactly which properties are included in this for the avoidance of doubt, and whether a limit relative to background, or just a fixed limit should be applied. The proposed planning condition would need to be modified to include these limits for the affected financially involved properties.
- Missing Consideration of the two turbines at Blarghour Farm - The Council's Noise Consultant considers that these two turbines should be included in the cumulative assessment of noise, especially as they have no noise limit attached to them. Whilst they agree that the planning assessment of a new 50kW turbine falls outside the scope of the IOAGPG, they would point out that ETSU-R-97 states the following in respect of a cumulative assessment at paragraph 58 "...absolute noise limits and margins above background should relate to the cumulative effect of all wind turbines in the area which contribute to the noise received at the properties in question..." There are no exclusions for small turbines in the IOAGPG from the cumulative assessment, and as noted in the Mott MacDonald report, there are properties who would exceed the current proposed 35dB L_{A90} condition for all properties when all turbine noise is taken into account. The Council considers that it is important to set the appropriate limit in the event of a tonal and / or AM penalty for enforcement purposes. The Council would agree that the inclusion of the Blarghour Farm turbines in the cumulative noise assessment would not change the conclusions reached in terms of noise impact of the scheme.
- Amplitude Modulation Condition - The Council's Noise Consultant confirms that they consider an amplitude modulation condition to be necessary for this wind farm as set out in the Mott MacDonald Report.

6.9 Shadow Flicker – was considered at Scoping Stage and analysis of the site context demonstrated that there are no properties within the potential zone of shadow flicker effects it was concluded that no further assessment was required, and that shadow flicker could be scoped out of the EIAR for the Proposed Varied Development.

6.10 Any Residential Amenity and Visual Impact matters are considered below in the section on Significant Landscape & Visual Impact.

6.11 **Having due regard to the above it is concluded that the proposal is acceptable in terms of any potential shadow flicker impact and Noise subject to the conditions recommended by the Council's Noise Consultant and is therefore consistent with the provisions of Policy 11- Energy, and Policies LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 – Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan.**

7. SIGNIFICANT LANDSCAPE AND VISUAL IMPACTS

- 7.1 Policy 11 – Energy of NPF 4 requires that project design and mitigation demonstrates how significant landscape and visual impacts have been addressed, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Policy 4 a) – Natural Places of NPF4 states that proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against landscape and visual impacts.
- 7.2 The Council’s Consultant Landscape Architect, Carol Anderson has undertaken a Landscape & Visual Review of this proposal, which is based on examination of the Environmental Impact Assessment Report (EIAR).
- 7.3 The proposal - The consented Blarghour wind farm comprised 17 turbines, 136.5m high to blade tip. The revised proposal is for 14 turbines, 180m to blade tip. Visible aviation lighting would be required on 7 turbines and the lighting strategy set out in the EIAR proposes a condition whereby lighting would be reviewed in future to take account of technological advances which may allow installation of a transponder radar activated lighting system. The adoption of such a system would significantly reduce the duration of lighting coming on during hours of darkness.
- 7.4 Landscape effects - The proposed development lies within the Craggy Upland Landscape Character Type (LCT) and would have direct significant adverse effects on its character. The increased height of the turbines would extend the influence of the proposal on this LCT to some degree when compared with the consented scheme. Significant adverse effects would be more severe on the smaller scale fringes of Loch Awe (part of the shore is defined as the Rocky Mosaic LCT) and on the narrow waters of the loch itself. The larger turbines proposed would increase the magnitude of effect on Loch Awe and its shores. Visible aviation lighting would also introduce lighting to the dark skies of the sparsely settled Loch Awe area further diminishing its remote and little developed character.
- 7.5 Visual effects - The comparative Zone of Theoretical Visibility map (Figure 4.6c) shows that there would be no difference in the extent of visibility between the consented scheme and the current proposal which comprises larger turbines. However, while increasing the height of the consented turbines by 43.5m would not extend the area of visibility, it would result in some changes to views. These changes do not generally result in an increase magnitude of effect on views within the broad parameters used in the Landscape and Visual Impact Assessment (LVIA). For example, the LVIA for the consented scheme concluded that a major significant adverse effect would occur on views from Inverinan (Viewpoint 4) and while the proposed increase of turbines to 180 would exacerbate effects on this view, as this is the most severe measure of significance defined, no further increase is possible within the scope of the LVIA.
- 7.6 The increase in height of the turbines results in some hubs being visible from viewpoints where only the tips of turbines within the consented scheme would be seen. This occurs in Viewpoints 5 from the B840 on the west side of Loch Awe, Viewpoint 6 from Dun na Cuaiche Tower within the Inveraray Castle Inventory listed Garden and Designed Landscape and from Viewpoint 9 from the Loch Avich Road.

7.7 Principal effects on views would be from:

- The west side of Loch Awe, from the unclassified road/NCR 78, the road to Loch Avich and from promoted footpaths and viewpoints. The larger 180m high turbines would increase discordancy with the smaller operational An Suidhe wind turbines seen in views from this area and turbine lighting would also extend the duration of significant adverse effects. EIAR Viewpoints 3 and 14 illustrate these effects.
- From the settlements of Dalavich and Inverinan (Viewpoints 1, 2 and 4) where larger turbines would increase the magnitude of effect (but not above the major adverse effects already associated with the consented scheme for Viewpoints 2 and 4 as explained above). Turbine lighting would extend the duration of significant adverse effects.

7.8 Cumulative landscape and visual effects with other proposed wind farms - Significant combined cumulative landscape and visual effects would occur where this proposal was seen together with the An Carr Dubh wind farm which lies within 1.5km of the proposal. Both developments would be largely seen together and would substantially increase the extent of very large wind turbines seen on the skyline of uplands which enclose the eastern side of Loch Awe. The proposed Eredine, Ladyfield and Bheinn Ghlas repowering wind farm developments would also contribute to significant adverse combined cumulative effects on landscape and views principally when seen together and sequentially in the Loch Awe area.

7.9 Conclusions - The proposal would be much more prominent than operational wind farms and would be visible in every open view from the southern half of Loch Awe and across Loch Avich. However, the degree of change incurred by the variation would not alter the already significant adverse effects associated with the consented scheme in the context of the broad parameters considered in LVIA. Although there would be an exacerbation of significant adverse landscape and visual effects, these effects would be relatively limited in extent principally affecting the middle part of Loch Awe. No designated or other formally valued landscapes would be significantly affected by the proposal. In view of the policies set out in NPF4, it is recommended that no objection should be raised in terms of landscape and visual effects.

7.10 This proposal would introduce lighting to the dark skies of Loch Awe and while the number of visual receptors is likely to be low during hours of darkness, it is considered that it is imperative that radar activated lighting should be installed at the earliest opportunity as this would substantially reduce the duration and impact of night-time lighting.

7.11 Significant adverse combined cumulative landscape and visual effects would be likely to occur where this proposal was seen together and sequentially with the An Carr Dubh, Eredine, Ladyfield and Beinn Ghlas Repowering wind farm proposals.

7.12 Key visualisations for the Committee to review include:

- Viewpoint 1: Dalavich
- Viewpoint 2: Dalavich Jetty
- Viewpoint 3: Loch Avich Road
- Viewpoint 4: Inverinan
- Viewpoint 10: Kilmaha
- Viewpoint 14: B840 East of Ford

The comparative wireline visualisations in Figures 4.28-46 (Viewpoints 1-4, 10 and 14) should also be reviewed as these show the differences between the consented scheme and the proposed variation. It should be noted that the cover pages of the Main EIAR Report and the Non-Technical Summary documents appear to use a visualisation of the consented scheme and not the proposed variation from Viewpoint 2 at Dalavich Jetty. Comparison of this cover visualisation with the same viewpoint from the February 2023 EIAR usefully shows the increased vertical extent of the larger turbines now proposed in relation to landform and other features (the photographic context missing from the comparative wirelines)

7.13 NatureScot have provided the ECU with the following landscape advice (summary) –

- The Landscape and Visual Impact Assessment (LVIA) and night-time assessment do not allow a clear understanding as to how conclusions have been reached by the Applicant and do not highlight/ identify new significant effects or intensification of existing significant effects as a result of the Proposal. NatureScot therefore consider that further work is required to understand effects from the Proposal;
- There would be intensified significant cumulative landscape and visual effects when the Proposal is considered in-addition to and sequentially with the nearby operational An Suidhe wind farm and new significant combined and sequential cumulative effects with neighbouring proposals;
- The Proposal would introduce turbine lighting into an area of dark skies around Loch Awe and would result in extensive new significant night-time landscape and visual effects which would be compounded by new cumulative night-time effects with the neighbouring proposals; and
- Significant intensified visual effects would extend up to around 13km and would be mainly concentrated on settlements, roads and recreational receptors on the west side of Loch Awe with new significant day-time visual effects identified for six representative viewpoints.

7.14 Officer's Conclusion - Whilst the Council objected to the previous scheme and caused a Public Inquiry to be held, Scottish Ministers did not concur with our objection and granted consent. It is noted from the advice of the Council's Landscape Consultant that the degree of change incurred by the variation would not alter the already significant adverse effects associated with the consented scheme In relation to landscape and visual impacts. Officers have taken this advice into account and agree that the Council should not object on the grounds of Landscape & Visual Impact.

7.15 Furthermore, the concerns raised by NatureScot are noted and will be a matter for the Energy Consents Unit to consider/resolve prior to reaching a decision on this application.

7.16 **Having due regard to the above it is concluded that the proposal complies with the provisions of Policies 11 – Energy and 4 – Natural Places of National Planning Framework 4, and Policies LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV**

14 –Landscape and Supplementary Guidance 2 Renewable Energy of the Argyll & Bute Local Development Plan.

8. IMPACTS ON TOURISM AND RECREATION

- 8.1 Policy 11 – Energy of NPF4 does not require Impacts on tourism to be considered – this criterion is no longer included. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan require all applications for wind turbine developments to be assessed against impacts on tourism and recreation.
- 8.2 Tourism – It is acknowledged that Policy 11 of NPF4 does not include a requirement for the impact of proposals on tourism to be assessed. However, Policy LDP 6 of the Local Development Plan does. In Argyll & Bute the landscape is regarded as being a particularly valued asset both in terms of its intrinsic qualities and in terms of its value to the tourism economy. For all types of development the maintenance of landscape character is an important facet of decision-making in the countryside in Argyll & Bute, regardless of the scale of development proposed.
- 8.3 The Council’s LDP Policy LDP 6 identifies impacts on tourism and recreation as a material consideration in the assessment of renewable energy developments on the basis that inappropriate developments with significant adverse effects which contribute to the degradation of landscape character are unlikely to be in the interests of the Argyll tourism economy.
- 8.4 As Tourism and Landscape & Visual matters are intrinsically linked, and there is little evidence to demonstrate whether or not wind farms adversely affect tourism, it is considered that such impacts are covered in the landscape and visual impact assessment of the proposal.
- 8.5 **Having due regard to the above it is considered that the proposals is consistent with the provisions of Policy 11 - Energy, and Policies LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP TRAN 1 – Access to the Outdoors; and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan.**

9. PUBLIC ACCESS

- 9.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on public access are addressed, including impact on long distance walking and cycling routes and scenic routes. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF.
- 9.2 The proposal will be visible from some key routes, but will not have any adverse impact on public access.
- 9.3 **Having due regard to the above subject to a condition to secure an Access Management Plan in the event that consent is granted it is considered that the**

proposal is consistent with the provisions of Policy 11- Energy, and Policies LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP TRAN 1 – Access to the Outdoors; and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan.

10. AVIATION AND DEFENCE INTERESTS INCLUDING SEISMOLOGICAL RECORDING

- 10.1 Policy 11 – Energy of NPF4 requires that project design and mitigations demonstrates how impacts on aviation and defence interests including seismological recording have been addressed. Policy LDP 6 – Supporting the Sustainable Growth of Renewables and of the Argyll & Bute Local Development Plan requires impacts on aviation and defence interests and seismological recording to be addressed. Policy SG LDP TRAN 7 – Safeguarding of Airports of the Argyll & Bute Local Development Plan states that development will be refused where it would constrain the present and future operations of existing airports and airfields.
- 10.2 The Ministry of Defence (MOD) have advised the ECU they have no objection to this application, provided that the extant conditional requirements that the development is fitted with aviation safety lighting (Condition 23) and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction are included in any new consent that may be issued (Condition 22).
- 10.3 Edinburgh Airport have advised the ECU the proposal lies out with the Aerodrome Safeguarding zone for Edinburgh Airport and they have no objection.
- 10.4 Aberdeen International Airport have advised the ECU that the proposal is located out with their consultation zone. As such they have no comment to make and need not be consulted further.
- 10.5 Highlands and Islands Airports Limited (HIAL) have advised the ECU that the proposal is located outwith their consultation zone, as such they have no comment and need not be consulted further.
- 10.6 National Air Traffic Services Safeguarding (NATS) – have advised the ECU that the proposal has been examined by their technical safeguarding teams and does not conflict with their safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.
- 10.7 Glasgow Prestwick Airport have advised the ECU the proposed development lies outside the GPA safeguarding area and consequently they would have no comment or valid objection to make.
- 10.8 Glasgow Airport have advised the ECU the proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria and they have no objection.
- 10.9 **Having due regard to the above, subject to the conditions recommended by the Ministry of Defence, it is concluded the proposal is consistent with the provisions of Policy 11 – Energy of National Planning Framework 4, Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Policy SG LDP TRAN 7 –**

Safeguarding of Airports, Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan in this respect.

11. TELECOMMUNICATIONS AND BROADCASTING INSTALLATIONS

- 11.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on telecommunications and broadcasting installations, have been addressed particularly, ensuring that transmission links are not compromised. Policy LDP 6 – Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts on telecommunications and broadcasting installations particularly ensuring that transmission links are not compromised.
- 11.2 The Joint Radio Company have advised the ECU that they have previously cleared this development and do not have anything to add. Clearance still stands. The Met Office have advised the ECU that the proposal is not in any Met Office safeguarded areas. Therefore they would not expect any significant impact on their radar operation, and would not normally expect to be consulted. The Office for Nuclear Regulation have advised the ECU that they have no comment on the proposed development as it does not lie within a consultation zone around a GB nuclear site. It is therefore concluded that impacts on telecommunications and broadcasting links have been satisfactorily addressed.
- 11.3 **Having due regard to the above it is concluded that the proposal will not have any adverse impacts on telecommunications, broadcasting installations and transmission links (including cumulative impacts) and is consistent with the provisions of Policy 11- Energy of National Planning Framework 4, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan in this respect.**

12. ROAD TRAFFIC AND ADJACENT TRUNK ROADS

- 12.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on road traffic and on adjacent trunk roads have been addressed, including during construction. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts on road traffic and impacts on adjacent trunk roads. Policy SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes of the Argyll & Bute Local Development Plan requires that accesses which connect to or impact significantly on a Trunk Road require consultation with Transport Scotland.
- 12.2 Transport Scotland (TS) – advised the ECU that based on the information provided they have no objection to the application subject to conditions being attached to any consent that may be awarded to secure the submission and approval of an updated Abnormal Loads Assessment; approval of the proposed route for any abnormal loads; approval of any accommodation measures (removal of street furniture, junction widening, traffic management); any additional signing or temporary traffic control measures must be undertaken by a recognised Quality Assured traffic management consultant; submission and approval of proposals for an abnormal load delivery trial run to be undertaken with the involvement of Police Scotland; submission and approval of a Construction Traffic Management Plan (CTMP); all vehicles transporting

construction material to be sheeted; installation of vehicle wheel cleansing facilities; and prior to any decommissioning, a Decommissioning Plan shall be prepared and submitted for approval.

- 12.3 The Council's Roads & Amenity Services have advised that they have no objection subject to the following conditions: connection of the site access to the public road to be, 160 x 2.4 x 1.05 metres; connection the site access to the public road, access to be constructed as per the Council's standard detail drawing ref: SD 08/001 Rev a, or otherwise agreed in writing by Roads & Infrastructure Services; a positive surface water drainage system to be installed to prevent the discharge of surface water onto the public road, details to be agreed with Roads & Infrastructure Services, prior to any works starting on site; Junction geometry, surfacing and drainage to be fully completed, prior to any work starting on site; Advanced warning signs for the site access to be erected on either approach, prior to any works starting on site; Strictly no vehicular access from the B840 East Lochaweside Road. All vehicles must enter and exit the site from the A819 Inveraray - Dalmally Road; Traffic Management Plan to be submitted for approval by Roads & Infrastructure Services, prior to any work starting on site. The Traffic Management plan should include details of all materials, plant, equipment, components and labour required during the construction works; A detailed Method Statement in relation to access and transport of materials, plant and equipment. Method statement to be submitted for approval by Roads & Infrastructure Services, prior to any work starting on site; and a detailed condition survey to be carried out between the A83 Tarbet - Campbeltown Trunk Road / A819 Inveraray - Dalmally Road junction and the application site, prior to any work starting on site. The condition survey to be recorded by means of video and photographs. A copy of the video and photographs to be submitted to Roads & Infrastructure Services for approval, prior to any work starting on site. The Area Roads Engineer also advises that a Road Opening Permit will be required and there should be no surface water discharge.
- 12.4 **Having due regard to the above, subject to the relevant conditions being attached in the event that consent is granted it is concluded that the proposal is consistent with the provisions of Policy 11 – Energy of National Planning Framework 4, Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes, and Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan.**

13. HISTORIC ENVIRONMENT

- 13.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on the historic environment have been addressed. Policy 7 – Historic Assets and Places of NPF4 intent is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts on the historic environment, including scheduled monuments, listed buildings and their settings.
- 13.2 Historic Environment Scotland (HES) – have advised the ECU they do not object to the proposed variation to the existing Section 36 consent for Blarghour Wind Farm. While they accept aspects of the proposals will have an impact on the settings of a number of scheduled monuments in the vicinity they do not consider those impacts merit objection for their statutory interests. Although they consider the proposed

development would not raise issues of concern for their interests sufficient to object to the scheme, the turbines would still have significant impacts on the settings of: Ardchnonell Castle & Island of Innis Chonnel, Loch Awe (SM291); Caisteal Suidhe Cheannaidh, dun 470m NW of Achnacraobh (SM 4120); Tom nan Clach, cup and ring marked rock 560m ENE of Hazelbank (SM3246); and Ardchnonell, Long Cairn (SM4173). This could be mitigated further by deleting, relocating or lowering the height of turbines T9, T10, T11, T12 and T17.

- 13.3 The West of Scotland Archaeology Service (WOSAS) – have confirmed that the proposed changes raise no archaeological issues.
- 13.4 **Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy 11 – Energy and Policy 7 – Historic Assets and Places of National Planning Framework 4, Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG and Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan.**

14. HYDROLOGY, THE WATER ENVIRONMENT AND FLOOD RISK

- 14.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how effects on hydrology, the water environment and flood risk have been addressed. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts arising from effects on hydrology, the water environment and flood risk (including cumulative). Policy SG LDP SERV 7 – Flooding and Land Erosion - The Risk Framework for Development of the Argyll & Bute Local Development Plan provides guidance on the type of development that will be generally permissible within specific flood risk areas. It requires flood risk assessments, drainage impact assessments, or land erosion risk appraisals to accompany application where required.
- 14.2 The Council's Flood Prevention Officer – has advised that they have no objections subject to conditions. It is recommended that planning conditions to the effect of the following be attached to any consent granted for this application: any proposed watercourse crossings should maintain and not to reduce the existing capacity of the channel; and surface water drainage should be designed in accordance with CIRIA C753 and Sewers For Scotland 4th edition and ensure that post development surface water runoff does not exceed the pre-development surface water runoff. The surface water drainage should be in operation prior to the start of construction.
- 14.3 **Having due regard to the above, subject to the relevant conditions being attached in the event that consent is granted it is concluded that the proposal is consistent with the provisions of Policy 11 – Energy of National Planning Framework 4, Policy LDP 6 – Supporting the Sustainable Growth of Renewable, Policy SG LDP SERV 7 – Flooding and Land Erosion - The Risk Framework for Development and Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan.**

15. BIODIVERSITY

- 15.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how impacts on biodiversity, including birds have been addressed. Policy 3 – Biodiversity of NPF4 requires development proposals to protect biodiversity, reverse

biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 5 – Soils of NPF4 supports the generation of energy from renewable sources that optimises the contribution of the area to GHG emissions reduction targets on peatland, carbon-rich soils and priority peatland. A detailed site specific assessment will be required for development on peatland which will include the likely net effects of the development on climate emissions and loss of carbon. **(Impacts on carbon rich soils and reference to the carbon calculator have not been carried forward from SPP).** Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts arising from effects on the natural heritage, including birds and to be assessed against impacts on carbon rich soils, using the carbon calculator (including cumulative)

Ornithology

- 15.2 NatureScot have provided the ECU with the following Ornithology advice (summary). **They advise there is a high risk the G/LAE1B golden eagle territory could be abandoned**; request clarification regarding the flight data used in the CRM calculations; and recommend post-construction monitoring.
- 15.3 The Royal Society for the Protection of Birds Scotland (RSPB) – provides the following advice to the ECU:
- Ideally such a variation should consider the more positive requirements of net biodiversity gain as set out in NPF4.
 - Volume 5 – Confidential annexe contains an updated CRM for key species however the data this uses is approaching 10 years old. An update on key species and their usage of the area i.e. nest site usage would be prudent ideally including some reassessment of site use through VP observations. However, RSPB note that recent GET modelling has been used for Golden Eagle which allays some of these concerns.
 - RSPB note that no directional lighting is proposed for divers based on experience of birds habituated to oil/gas industry in Shetland – RSPB recommend following best practice to reduce potential impacts here.
 - This area is under consideration for multiple wind farm applications and OHL upgrades; as such the RSPB advise that an area landscape scale management plan should be established between different wind farms; this should include consideration of grid connections and OHL upgrades. Such an approach would show a willingness between developers within the onshore renewables sector to fully commit to meet requirements for positive effects for biodiversity as set out in NPF4.
- 15.4 EIA Considerations and variation – RSPB advise that breeding seasons monitoring for key species should ideally be continued up to and through the scoping, application, and construction process; and indeed, post construction to inform HMP.
- 15.5 It is disappointing that the scheme is not located more within the commercial forestry and indeed this change results in fewer turbines (loss of T4 and T7) within what is a low value man-made habitat. Turbines located out with commercial forestry will reduce open ground habitat for key bird species, as well as impacts on peatland.

- 15.6 Grid connection and OHL - RSPB are aware that the Creag Dhubh to Inveraray 275kV OHL (ECU00003442) is proposed to transect some of the Blarghour Wind Farm HMP area. Discussions have taken place between applicants, SSE and landowners regarding mitigating this loss. However, the new area being allocated for the HMP is less than the area impacted. It is disappointing given the scale of these proposals and financing behind them that this issue is proving difficult to rectify.
- 15.7 RSPB Scotland remains concerned that there lacks a joined-up approach to planning renewable energy and transmission infrastructure, which causes impacts to the detriment of nature in Argyll. RSPB Scotland is supportive of the use of renewable energy due to the urgent need to tackle the climate crisis. However, we are also facing a biodiversity crisis, with significant declines in the abundance and numbers of species in Scotland (NatureScot, 2019).
- 15.8 Given the high degree of renewable energy developments and associated OHL upgrades/substation infrastructure across Argyll, RSPB Scotland strongly advise that a holistic landscape scale approach is established between developers and landowners. In order to enable the efficient and impactful use of available land/resources for both the siting of proposal and to support coordinated Habitat Management Plans – increasing habitat availability and landscape permeability for protected species and so support the priority that planning policy (NPF4) places on the nature and the climate crisis.

Peat

- 15.9 SEPA have reviewed the EIAR and understand the application proposed the following changes to the development consented on the 29th October 2021 under EC00005267:
- Reduce the total number of turbines to 14 (removal of T1, T4 and T7 and associated tracks).
 - Increase the maximum tip height of the turbines from 136.5m to a maximum of 180m.
 - Change the layout of the consented substation within the consented footprint.

These alterations do not raise any issues in SEPA's remit. SEPA therefore have no objection subject to the following condition, as per their response to the original application (dated 05 April 2019), being applied to this permission:

- 15.10 To ensure that any changes to the peat reuse proposals because of further post consent investigation are appropriate and in line with current guidance, SEPA request a condition is imposed requiring the developer to prepare and submit a detailed site-specific Peat Management Plan (PMP) for approval to the determining authority, in consultation with SEPA, at least two months prior to commencement of development. This should demonstrate how micro-siting and other measures have been used to further minimise peat disturbance following ground investigations and detailed design work.
- 15.11 Additionally, SEPA recommend that Condition 7 (Micro-siting) be amended to state that 'no micro-siting shall take place within areas of peat of greater depth than the original location'.
- 15.12 The Council's Local Biodiversity Officer – notes the contents of the supporting documents for the ecological interest, these outcomes are consistent with the original

application as the Proposed Varied Development would not have a significant effect on ecology or bird interest; with regards to Peat interest, the predicted land take is to be less than the original consent, the supporting documentation such as Peat Management Plan, Peat Landslide Hazard Risk Assessment along with the Outline Construction and Decommissioning Environmental Management Plan are relevant even though there is a reduction in turbines and land take. The LBO notes that the cumulative impacts have also been considered and the reassessment has resulted in no likely significant ecological residual effects associated with the Proposed Varied Development. Mitigation, including avoidance and minimisation of impacts on sensitive ecological receptors and enhancement opportunities have been identified. In summary, with the reduction in the number of turbines from 17 to 14 with the addition of an increase in height, the ecological and peat interests have been reviewed with the conclusion that there will be no significant effect due to the reduction in land take and the management details in specific management plans.

15.13 In light of the above advice provided by NatureScot and the RSPB to the ECU and the fact that ornithological matters remain to be addressed, it is not possible for Officers to reach a conclusion on the proposals acceptability in this regard. It is recommended that this matter is deferred to the expert advice of NatureScot and RSPB Scotland. In terms of Peat, Officers are satisfied to support the recommendation of SEPA, including suggested conditions.

15.14 **Having due regard to the above, due to the unresolved ornithological matters it is not possible at this time for a conclusion to be reached on whether or not the proposal is consistent with the provisions of Policies 11 – Energy and 3 – Biodiversity of NPF4, and Policies LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity) and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan.**

15.15 In respect to peat, it is considered that the proposal is consistent with the provisions of Policies 11 – Energy, 3 – Biodiversity, and 5 – Soils of NPF4, and Policies LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 7 – Water Quality and the Environment; SG LDP ENV 11 – Protection of Soil and Peat Resources and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan.

16. TREES, WOODS AND FORESTS

16.1 Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrate how impacts on trees, woods and forests have been addressed. Policy 6 – Forestry, woodland and Trees of NPF4 intent is to protect and expand forests, woodland and trees. Policy SG LDP ENV 6 - Development Impact on Trees / Woodland of the Argyll & Bute Local Development Plan states that Argyll & Bute Council will resist development likely to have an adverse impact on trees by ensuring that adequate

provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.

- 16.2 Scottish Forestry – advised the ECU they note from the variation information that the wind farm open ground will be reducing from 18.2ha to 15.2ha. Scottish Forestry recommend that the new area of 15.2ha replace the 18.2ha in condition 10. Replanting of Forestry ANNEX 2 – Part Two – Conditions attached to Deemed Planning Permission, of the Consent. Scottish Forestry have nothing more to add in relation to this variation to the consented development.
- 16.3 **Having due regard to the above it is concluded that subject to the conditions recommended by Scottish Forestry being attached in the event that the proposal receives consent it is consistent with the provisions of Policies 11 – Energy and 6 – Forestry, woodland and Trees of NPF4 and Policies LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 6 - Development Impact on Trees / Woodland; SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 7 – Water Quality and the Environment; Supplementary Guidance 2 Renewable Energy; of the Argyll & Bute Local Development Plan.**

17. DECOMMISSIONING, SITE RESTORATION AND QUALITY OF SITE RESTORATION PLANS

- 17.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration have been addressed. It also requires that project design and mitigation demonstrates how the quality of site restoration plans have been addressed including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans. Policy LDP 6 – Supporting the Sustainable Growth of Renewable and of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts arising from the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration and the need for a robust planning obligation to ensure that operators achieve site restoration.
- 17.2 At the end of the project's operational life (approximately 30 years), a decision would be made as to whether to refurbish, remove, or replace the turbines. If refurbishment or replacement were to be chosen, relevant planning applications would be made. If a decision were to be taken to decommission the Proposed Varied Development, this would entail the removal of all the turbine components, transformers, the substation and associated buildings. Access tracks and underground cables would be left in place and foundations removed to a depth of 0.5 m below ground level to avoid environmental impacts from removal. A Decommissioning Plan would set out environmental protection measures and restoration principles which would be implemented. This Plan would be agreed with ABC. It is recommended that this matter is covered by planning conditions consistent with other projects across Argyll & Bute in the event that the proposal obtains consent from the ECU.
- 17.3 **Having due regard to the above it is concluded that subject to an appropriate condition being attached in the event that the proposal receives consent the proposal is consistent with the provisions of Policy 11 – Energy of NPF4 and**

Policy LDP 6 – Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 of the Argyll & Bute Local Development Plan

18. CUMULATIVE IMPACTS

- 18.1 Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrate how cumulative impacts have been addressed. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan also requires cumulative impacts to be addressed. Any cumulative impacts which have been identified are covered in the preceding sections of this report.

19. RENEWABLE ENERGY GENERATION TARGETS AND GREENHOUSE GAS EMISSIONS REDUCTION TARGETS.

- 19.1 Policy 11 – Energy of NPF4 requires that, in considering the impacts of the proposal, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Policy 1 – Tackling the climate and nature crises of NPF4 requires that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan require all applications for wind turbine developments to be assessed against the scale of contribution to renewable energy generation targets and greenhouse gas emissions.
- 19.2 The Proposed Varied Development would consist of 14 three bladed horizontal axis turbines with a maximum tip height of 180 m. The proposed turbines would each have individual generating capacity of around 6 MW, resulting in an anticipated projected output of 84 MW for the Proposed Varied Development.
- 19.3 The Proposed Varied Development would generate renewable electricity and would therefore displace carbon dioxide (CO₂) emissions associated with electricity generation, which would otherwise be supplied via other forms of power generation requiring the combustion of fossil fuels. The Scottish Government Carbon Calculator for Wind Farm on Peatlands has been used to calculate a payback period for the Proposed Varied Development based on the full development lifecycle. The results of this assessment indicate that the Proposed Varied Development would have an expected payback period of 2.8 years compared to grid mix of electricity generation. The Proposed Varied Development would save approximately 54,624 tonnes of carbon dioxide per year (compared to a typical grid mix of electricity supply). This equates to supplying 72,451 homes with renewable electricity.
- 19.4 When decision makers are considering the impacts detailed in Policy 11 they need to give significant weight to the contribution of the proposed development to renewable energy generation targets and on GHG emissions reduction targets. The recently published OWPS sets a minimum target of 20GW of deployed onshore wind by 2030 which is an additional 12GW. In addition, Policy 1 – Tackling the climate and nature crises of NPF4 states that significant weight is to be given to the global climate and nature crises when considering all development proposals.
- 19.5 **Having due regard to the above it is considered that the proposal by its very nature is consistent with the provisions of Policies 1 – Tackling the climate and nature crisis and 11 – Energy of National Planning Framework 4, Policies LDP 3 – Supporting the Protection, Conservation and Enhancement of our**

Environment, LDP 6 – Supporting the Sustainable Growth of Renewables, LDP STRAT 1 – Sustainable Development, LDP DM1 – Development within the Development Management Zones, and Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan.

20. GRID CAPACITY & ENERGY STORAGE

- 20.1 Policy 11 – Energy of NPF4 requires that grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan require all applications for wind turbine developments to be assessed against impacts arising from opportunities for energy storage.
- 20.2 Opportunities for energy storage - This proposal does not include a battery energy storage system (BESS). The benefit of such a system would be to store energy from the proposal or excess electricity from the national grid, providing stability to the electricity supply network, meeting energy demands and providing improved energy security. Guidance from the Chief Planner where there are discrepancies between Local Development Plan Policies and the Policies of NPF4 is that NPF4 should prevail. There is no requirement in NPF4 for BESS to be provided.
- 20.3 **Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy 11 – Energy of National Planning Framework 4, Policy 6 – Supporting the Sustainable Growth of Renewables and Supplementary Guidance 2 – Renewable Energy of the Argyll & Bute Local Development Plan in this respect.**

21. PERPETUITY

- 21.1 Policy 11 – Energy of NPF4 requires that consents for development proposals may be time limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity. It is acknowledged that areas identified for wind farms are expected to be suitable for use in perpetuity. **However, as the operational life of the Proposed Varied Development would be 30 years, should consent be granted for this proposal Officers would expect it to be time limited to 30 years to reflect the life of the wind farm as detailed in the EIAR.**

22. CONCLUSION

- 22.1 This proposal is classed as “Strategic Renewable Electricity Generation” - a National Development, in terms of the Spatial Strategy given its capacity to generate and store more than 50MW. In principle, there is support for this scale of development given its importance in the delivery of Scotland’s Spatial Strategy. However, such projects are still required to be assessed against the provisions of the Development Plan, which now consists of National Planning Framework 4 and the Argyll & Bute Local Development Plan.
- 22.2 The lead Development Plan policies support renewable energy development in principle, but requires that proposals are assessed against the criterion detailed in this report. While the weight to be given to each of the considerations is a matter for the decision maker, NPF4 is clear that significant weight will require to be placed on the contribution of the proposal to renewable energy generation targets and on

greenhouse gas emission reduction targets. However, a balance still requires to be reached in terms of the impact of the development.

- 22.3 In relation to landscape and visual impacts NPF4 advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. However NPF4 must be read as a whole and detailed consideration given to linked policies. Policy 4 (Natural Places) – sets out that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. It is considered that this proposal will have a significant adverse landscape and visual impact which is not outweighed by social, environmental or economic benefits and is therefore consistent with the provisions of the Development Plan in this regard.
- 22.4 Development Plan Policy also requires Biodiversity impacts to be resolved – there are outstanding Ornithological matters that still require to be addressed. It has therefore not been possible for officers to reach a conclusion on the acceptability of this proposal in terms of policy in this regard. In terms of Ornithology, the Council would defer to the expert advice of NatureScot and the RSPB.
- 22.5 The Scottish Government gives considerable commitment to renewable energy and encourages Planning Authorities to support the development of wind farms where they can operate successfully in appropriate locations. This is not however blanket support without qualification. In considering the appropriateness of the development, significant weight has been given to these matters. In addition, the fact that there is an existing consent for this site and the advice of the Council's Landscape Consultant is not to object on Landscape & Visual Grounds.
- 22.6 In conclusion, firstly, it is recommended by Officers that the Council does not object to this application subject to the inclusion of any conditions recommended by consultees in any consent granted by the ECU. These should also include the condition proposed by the Applicant to allow the lighting scheme to be revisited in the future to take account of emerging technological solutions which would reduce the impacts of visible lighting, such as transponder radar activated lighting. Secondly, that it is brought to the attention of the ECU that it has not been possible to draw a conclusion on Biodiversity due to the fact that these matters have not been resolved. Thirdly, to highlight to the ECU that the Council would defer to the expert advice of NatureScot and the RSPB on the outstanding ornithological matters.

23. RECOMMENDATION

23.1 That the ECU be notified accordingly that:

- **That Argyll & Bute Council DOES NOT OBJECT to this application, subject to the inclusion of any conditions recommended by consultees in any consent granted by the ECU. These should also include the condition proposed by the Applicant to allow the lighting scheme to be revisited in the future to take account of emerging technological solutions which would reduce the impacts of visible lighting, such as transponder radar activated lighting.**
- **Notwithstanding the above, it has not been possible for Argyll & Bute Council to reach a conclusion on the acceptability of this proposal in respect to**

Ornithological matters. This is due to the fact that these matters have not been resolved.

- **In respect to the outstanding Ornithological matters, Argyll & Bute Council would defer to the expert advice of NatureScot and the RSPB.**