

# Public Document Pack

## **Argyll and Bute Council** **Comhairle Earra-Ghàidheal Agus Bhòid**

Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT  
Tel: 01546 602127 Fax: 01546 604435  
DX 599700 LOCHGILPHEAD

14 April 2022

### **SUPPLEMENTARY PACK 1**

**PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - BY MICROSOFT TEAMS on WEDNESDAY, 20 APRIL 2022 at 10:30 AM**

I enclose herewith a supplementary report for **item 5** on the Agenda for the above meeting.

Douglas Hendry  
Executive Director

### **SUPPLEMENTARY REPORT**

- 5. THE SCOTTISH GOVERNMENT ON BEHALF OF ENERGIEKONTOR UK LTD: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO NARACHAN WIND FARM: NARACHAN HILL, LAND EAST OF TAYINLOAN (REF: 20/00212/S36) (Pages 3 - 6)**

Report by Head of Development and Economic Growth

### **Planning, Protective Services and Licensing Committee**

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Mary-Jean Devon	Councillor Audrey Forrest
Councillor George Freeman	Councillor Kieron Green
Councillor Graham Hardie	Councillor David Kinniburgh (Chair)
Councillor Donald MacMillan BEM	Councillor Roderick McCuish
Councillor Jean Moffat	Councillor Alastair Redman
Councillor Sandy Taylor	Councillor Richard Trail

Contact: Fiona McCallum

Tel. No. 01546 604392

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

**This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation regarding the proposed Narachan wind farm on land east of Tayinloan, Argyll & Bute**

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<b>Reference No:</b>	20/00212/S36
<b>Applicant:</b>	The Scottish Government on behalf of EnergieKontor UK Ltd
<b>Proposal:</b>	Electricity Act Section 36 consultation relevant to Narachan Wind Farm
<b>Site Address:</b>	Narachan Hill, land east of Tayinloan, Argyll & Bute

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## **SUPPLEMENTARY REPORT NO. 1**

### **1.0 INTRODUCTION**

Since the publication of the Report of Handling (11<sup>th</sup> April 2022), correspondence has been received from the Applicant in regard to: Aviation lighting; West Kintyre Community Council; Ironside Farrar; and night time visualisations (12<sup>th</sup> April 2022). It is therefore considered appropriate to update Members on these issues accordingly via a Supplementary Report in advance of PPSL.

### **2.0 AVIATION LIGHTING**

The Applicant has advised that they do not agree with the approach SPR have taken with the Earraghail proposal in respect to an Aircraft Detection Lighting System (ADLS) as referred to by the Council's Landscape Consultant, and they do not consider that this can be conditioned in a suspensive manner. They note that section J (LANDSCAPE AND VISUAL IMPACTS) of the Report of Handling records discussion on this. The Applicant has requested that it is noted to Members that they will accept a carefully worded non-suspensive condition, with the ECU to draft that condition and for it to be agreed. The Applicants stated preference is for wording the same as has been tested and agreed at Glenshimmeroch (Dumfries & Galloway). Glenshimmeroch, also an EnergieKontor wind farm proposal was granted permission on appeal on the 8<sup>th</sup> February this year (DPEA ref: PPA-170-2149). Wording along the lines of the following condition is suggested by the Applicant:

*“30. Prior to the erection of any wind turbine a scheme for mitigating the visual effects of the aviation lights shall be submitted to the local planning authority for approval. The scheme shall include as a minimum the following measures: automatic dimming of the lights to a nominal intensity of 200 candela during periods of good meteorological visibility (i.e. in excess of 5km from the turbines); a timer to switch off the lights during daytime hours; and directional intensity mitigation shielding to focus the hub lighting in the horizontal plane. Additional mitigation measures, including reducing the number of turbine lights required or the use of a proximity-activated control system, may also be included in the scheme subject to the agreement of the*

*Civil Aviation Authority. The scheme shall thereafter be implemented in accordance with the approved details.*

*Reason: in the interests of aviation safety.*

It is not considered that the suggested wording of this condition meets with the recommendation of the Council's Landscape Consultant:

*“That the applicant should commit to the installation of an Aircraft Detection Lighting System (ADLS) which would substantially reduce the duration of night-time lighting as lights would only be activated by approaching aircraft and would not be on permanently overnight. Such systems are used elsewhere in Europe, and it should be noted that Scottish Power Renewables (SPR) have committed to adopting ADLS in a number of proposed wind farms (including the Earraghail wind farm proposal in Argyll and Bute).”*

Nor does the suggested condition meet with the alternative recommendation of Officers:

*“If construction timescales are the issue of concern i.e. the wind farm is proposed to be constructed in advance of change to CAA Policy in respect to ADSL, and the ECU do not consider such a condition would be reasonable, then, an alternative condition is recommended to be considered. This condition should allow an annual review of the Aviation Lighting Plan, to enable an ADLS to be installed post-construction, when the technology becomes available in line with CAA Policy. This would ensure that the wind farm does not operate with visible aviation lighting for the entirety of its 35 year life span.”*

If in the future, either prior to construction or post-construction ADSL lighting becomes available, there is no doubt that it is the most acceptable form of mitigation, in terms of the Landscape & Visual Impact of this proposal. Also, taking into account the number of wind farms that are now coming forward with turbines of greater than 150m tall (thus necessitating the need for aviation lighting), the cumulative impact of such lighting, in the dark skies of Kintyre (and elsewhere in Argyll & Bute) will be a key concern – as alluded to by the Council's landscape consultant in her expert advice.

It is the view of Officers that wherever possible the best possible mitigation should always be secured, certainly, when it will set such an important precedent going forward. Consequently, it is recommended that the Council does not change its position in this regard, which is based on the advice of our expert Landscape Consultant. As a consultee in the S36 process, the Council is providing our advice to the Energy Consents Unit at their request.

Schedule 9 of the Electricity Act requires 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).

Ultimately, the decision on this proposal will be made by the Energy Consents Unit on behalf of Scottish Ministers, and it is therefore up to them to ascertain whether the Applicant has done “*what he reasonably can to mitigate the impact*” of aviation lighting, and which condition would be most appropriate.

### **3.0 WEST KINTYRE COMMUNITY COUNCIL (WKCC)**

The Applicant has correctly highlighted that on p20 and p24 of the Report it is noted that West Kintyre Community Council object. This is incorrect, for the avoidance of doubt West Kintyre Community Council have made a representation to the ECU which does not state whether they object or support the proposal. Officers apologise for this error – their response was correctly noted on p4 of the Report of Handling and p20 and 24 should have been amended.

### **4.0 IRONSIDE FARRAR (PEAT LANDSLIDE HAZARD RISK ASSESSMENT - PLHRA)**

The Applicant has advised that they have submitted a revised report to Ironside Farrar in respect to the shortcomings in their PLHRA and expect that all matters have been dealt with. Officers are grateful for this update, however, understand that this is a matter to be considered by the Energy Consents Unit, in advance of reaching their decision (as detailed in Section L of the Report of Handling).

### **5.0 VIEWPOINT 11**

Finally, the Applicant will be providing hard copies of the night time visualisation for Viewpoint 11: East Tarbert Bay, Gigha, which should hopefully arrive in advance of the PPSL meeting next Wednesday.

### **5.0 RECOMMENDATION**

None of the above matters alter the recommendation in the main Report of Handling.

**Author of Report: Arlene Knox**

**Date: 13.04.2022**

**Reviewing Officer: Sandra Davies**

**Date: 14.04.2022**

**Fergus Murray**  
**Head of Development and Economic Growth**

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