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Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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19 December 2023

SUPPLEMENTARY PACK 1

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - BY MICROSOFT TEAMS on WEDNESDAY, 20 DECEMBER 2023 at 11:00 AM

I enclose herewith a supplementary report for **item 7** on the Agenda for the above meeting.

Douglas Hendry
Executive Director

SUPPLEMENTARY REPORT

- 7. THE SCOTTISH GOVERNMENT ON BEHALF OF BLARGHOUR WIND FARM LIMITED: 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 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: LAND APPROXIMATELY 7KM NORTH WEST OF INVERARAY AND 4.5KM SOUTH OF PORTSONACHAN (REF: 23/00537/S36) (Pages 3 - 6)**

Report by Head of Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor John Armour
Councillor Jan Brown
Councillor Kieron Green (Chair)
Councillor Daniel Hampsey
Councillor Mark Irvine
Councillor Paul Donald Kennedy
Councillor Luna Martin
Councillor Peter Wallace

Councillor Gordon Blair
Councillor Audrey Forrest
Councillor Amanda Hampsey (Vice-Chair)
Councillor Graham Hardie
Councillor Andrew Kain
Councillor Liz McCabe
Councillor Dougie Philand

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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) 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 29th 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.

SUPPLEMENTARY REPORT NO. 1

1. UPDATE

1.1 Since completion of the Report of Handling, correspondence (dated 15th December 2023) has been received from the Applicant following their review of the Report of Handling. There are several aspects which the Applicant wishes to highlight in relation to ornithology, which they consider do not adequately reflect NatureScots advice, as updated following recent discussions with them.

1.2 Although they welcome the recommendation that the Council does not object to the Proposed Varied Development they consider that it is important that Members are given a fuller summary of the NatureScot position. The Report of Handling advises Members that:

'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.'

1.3 The Applicant would like to advise that following discussions with NatureScot between the 5th September and the 31st October 2023, the position has moved on and they have provided supporting documentation confirming this.

- 1.4 The Applicant's response to NatureScot's letter dated 18th July 2023 forms part of this correspondence, along with accompanying Appendix 1 which contains a technical response to the points raised in relation to ornithology and Appendix 2, providing clarification in respect of flight data used in collision risk modelling calculations. Thereafter, NatureScot's response dated 12th October confirms that these aspects have been addressed to the satisfaction of NatureScot. Relating these to the above points in the Report of Handling please note that: - NatureScot '*accept the wording error in relation to their 18 July 2023 response letter being read as Blarghour wind farm itself rather than the growing cumulative impacts on this eagle territory which risk abandonment of the G/LAE1B territory*'.
- 1.5 NatureScot therefore accept that this is a wider point, not due to the Blarghour Wind Farm Application. - It is confirmed that '*the [Applicant's] revised Collision Risk Assessment provides suitable clarification regarding the Red-Throated Diver and Golden Eagle issues raised in our response*'. NatureScot go on to confirm that Blarghour Wind Farm can be accommodated. - Additionally, NatureScot have welcomed the Applicant's comments regarding monitoring should birds reuse the site.
- 1.6 It should be noted from point 2.3 within Appendix 1 to the Applicant's response to NatureScot: '*should breeding divers return (evidenced by the monitoring survey work to be undertaken as part of the approved Land Management Plan), the Applicant confirms that post-construction monitoring should take place. Lochan checks will be undertaken as part of pre-construction monitoring and should any divers return to breed, the Applicant will respond accordingly in line with the Breeding Birds Protection Plan to be implemented as approved.*'

2. CONCLUSION & RECOMMENDATION

- 2.1 This information provides a useful update to the ornithology position, which was not available at the time of writing the Report of Handling.
- 2.2 In light of the above and the fact that NatureScot have advised that Blarghour wind farm can be accommodated it can now be concluded that in terms of ornithology 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.
- 2.3 Consequently, it is recommended that the recommendation is amended to reflect this as follows:

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.**

Author of Report: Arlene Knox Date: 19th December 2023

Reviewing Officer: Sandra Davies Date: 19th December 2023

Fergus Murray

Head of Development and Economic Growth

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