

**Argyll and Bute Council
Development & 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 Sheirdrim Renewable Energy Development on Land at Gartnagrenach Forest, Whitehouse, Argyll and Bute

Reference No: 19/02424/S36

Applicant: The Scottish Government On Behalf of SLR Consulting Limited

Proposal: Electricity Act Section 36 consultation relevant to Sheirdrim Renewable Energy Development

Site Address: Land at Gartnagrenach Forest, Whitehouse, Argyll and Bute

(A) Section 36 application made up of the following elements:

- Erection of 19 wind turbines, 16 up to 149.9 m tip height and 3 up to 135 m tip height;
- Erection of 2 Ground mounted Solar Arrays, proposed to cover an area of 28.8ha, split across 2 areas, one in the north (9.8ha) and one in the west (18.9ha);
- Erection of around 8 Battery containers of steel construction (similar to shipping containers in appearance) typically measuring 17m(l) x 8m(w) x 4m(h);
- Erection of switchgear container to provide electrical plant for batter operation;
- Formation of crane hardstanding area at each turbine base 28m x 70m;
- Erection of transformer/switchgear housings located adjacent to turbines & solar arrays;
- Two potential access points off the A83, existing access at Glebe Cottage (Cour wind farm access) or a preferred new access located 180m south of Glebe Cottage;
- Formation of up to approximately 13.6km of new access track; 4.4km of upgraded track; watercourse crossings, passing places and turning heads;
- Formation of construction and maintenance compound 100m x 75m (7,500 m²)
- Formation of temporary laydown area using an existing area adjacent to the forestry haul road;
- Formation of compound, containing substation, control building and battery storage;
- Formation of recreational access paths providing access to the site from the Kintyre Way;
- Erection of walkers shelter close to the entrance to the site from the Kintyre Way;
- Erection of bird watchers hide and habitat improvements, including broadleaf tree planting and the re-wetting of peat areas previously drained;
- Potential erection of up to two 90 m high temporary Power Performance Masts (PPM);
- Erection of Health & safety and other directional site signage;
- Erection of Signage and formation of access to archaeological features adjacent to the site;
- Erection of Close circuit television mast(s)
- Erection of Communication mast(s)
- Net woodland loss of 50.02 ha;
- Search area for up to 5 temporary borrow pits for the extraction of stone;

- Underground electrical cabling;

Associated works, but which do not form part of this application, include a connection from the on-site sub-station to the grid network.

(B) RECOMMENDATION:

It is recommended that the Council as Planning Authority objects to this proposal for the reasons detailed below, and it is also recommended that out of the two access options, the existing Cour access is identified as the Council's preference and that the Scottish Government be notified accordingly.

(C) CONSULTATIONS:

ENERGY CONSENT UNIT RESPONSES:

Scottish Natural Heritage (SNH) (13th March 2020) – initially advised the ECU, that they considered that the proposal raised natural heritage issues of National Interest and **objected until further information** was obtained in regard to the Bird Protection Plan and the Habitats Regulation Appraisal of the proposal in relation to the Kintyre Goose Roosts Special Protection Area (SPA). Advice was also provided on landscape and visual impacts, ornithology, peat and protected habitats and species.

SPR - submitted Additional Information to the ECU in response to SNH's initial consultation advice in respect to the Bird Protection Plan and the Habitats Regulation Assessment of the Kintyre Goose Roosts SPA.

SNH (16th April 2020) – confirmed to the ECU that they are content with the Additional Information provided by SPR on the Bird Protection Plan and Habitats Regulation Assessment of the Kintyre Goose Roosts SPA to inform the appropriate assessment of the SPA and consequently, **withdraw their objection in relation to potential impacts on the Kintyre Goose Roosts SPA**. SNH reiterate their request to the ECU for the Bird Protection Plan to include measures to minimise disturbance to birds during the operational phase of the development, should it be consented.

Scottish Environment Protection Agency (SEPA) (4th February 2020) – advised the ECU they have no objection to the proposal, and provide advice on: Flood Risk, Peat & Carbon Rich Soils; Groundwater Dependent Terrestrial Ecosystems (GWDTE's); Pollution Prevention; Existing Groundwater Abstractions; Forest Removal & Forest Waste; and Regulatory Requirements.

Historic Environment Scotland (HES) (EIAR Interim Response) (19th December 2019) – advised the ECU they required Additional Information in the form of visualisations, photomontages and wirelines to enable them to reach a view on the proposal's impact on Dun Skeig, duns & fort (Scheduled Monument). HES noted a potential for significant adverse effects on the setting of Dun Skeig, duns & fort. They advised that, while impacts are likely to be caused by the appearance of turbines in landward views from the monument, impacts on the setting of Dun Skeig may also occur with the appearance of turbines behind and above the monument in views from the water approaching Dunskeig Bay and along West Loch Tarbert.

SPR – provided the Additional Information requested by HES to the ECU. In response to HES's comments SLR concluded that: although both turbines and the monument

will be visible in inland views from upon the sea outwith West Loch Tarbert, the magnitude of impact upon Duns Skeig duns and fort remains very low adverse and the significance of effect slight. There would be no adverse impacts from the proposed turbines that would affect the integrity of the monument's setting to the degree that they would have a significant effect.

HES (18th March 2020 & 30th March 2020) – advised the ECU that having received the Additional Information, they had sufficient information to reach a view on the proposal. HES advised the ECU that they object to the application because it will have an adverse effect on the integrity of the setting of the scheduled monument Dun Skeig, duns & fort, contrary to the provisions of SPP. HES consider this impact to raise issues in the National Interest, which warrants their objection to the scheme.

Transport Scotland (TS) (13th December 2019) – advise the ECU they have no objection. TS request that conditions are attached in the event that the proposal received consent relating to: the means of access; wheel washing facilities; delivery route & any accommodation measures for abnormal loads; and that additional signing or temporary traffic control measures must be undertaken by a recognised QA traffic management consultant.

Marine Scotland Science (MSS) (9th January 2020) - advise the ECU that a robust integrated water quality and fish population monitoring programme, should be established as part of proposed measures, to ensure minimal impact and/or avoidance of impacts on the salmon and trout within and downstream of the proposal. This monitoring programme could be secured by condition, should the proposal receive consent.

Scottish Forestry (SF) (16th January 2020) – advised the ECU they object on the grounds of lack of information regarding UK Forestry Standard (UKFS) compliance relating to calculation of UKFS percentages for the wind farm proposal area, and calculation of felling within the catchment of Clachan Burn – part of Clachan Potentially Vulnerable Area (PVA). In addition, SF objects unless conditions are applied to secure Compensatory Planting and a Long Term Forest Plan.

SPR – have provided further details requested by Scottish Forestry in regard to felling and potential flood risk in the Clachan Burn catchment.

Scottish Forestry (SF) (6th May 2020) – advised the ECU that they have examined the information provided by SPR and are satisfied that sufficient information has been provided to address their objection in terms of 'Calculation of felling within the catchment of Clachan Burn – part of Clachan Potentially Vulnerable Area (PVA)'. Their objection regarding 'Calculation of UKFS percentages for windfarm proposal area' has still to be addressed. In addition, they would also object unless conditions are applied to Compensatory Planting and a Long Term Forest Plan.

Ironside Farrar (Environmental Consultants on behalf of Scottish Government ECU to audit Peat Landslide Hazard Risk Assessment (PLHRA)) (19th February 2020) – have advised the ECU that although much of the PLHRA is sound, one or two key elements are considered to be insufficiently robust to support the PLHRA conclusions and minor revisions are required. The areas for attention may be progressed through either an appendix to the original submission or by clarification letter.

The Coal Authority (6th December 2019) – have advised the ECU they have no comment.

BT (25th November 2019) - have advised the ECU the proposal should not cause interference to BT's current and planned radio network.

Defence Infrastructure Organisation/ Ministry of Defence (MOD) (20th December 2020) – advised the ECU they have no objection subject to the development being fitted with MOD accredited aviation safety lighting; being informed of the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of every turbine.

Joint Radio Company Limited (27th November 2019) – advised the ECU the proposal is cleared with respect to radio link infrastructure.

Met Office (28th November 2019) – advised the ECU they have no objection.

North Ayrshire Council (NAC) (17th January 2020) – advised the ECU the proposal has the potential to have adverse impacts on the qualities of the North Arran NSA. Further consideration should be given to the significance of these impacts by undertaking Additional Analysis of: Viewpoint 1 – Caisteal Abhail, Arran and Viewpoint 3 – Goatfell. NAC also advise that they would look to SNH to provide further input towards potential landscape impacts on the designations that lie within NAC.

SPR provided clarification in respect of the concerns raised by North Ayrshire Council.

NAC (6th February 2020) – advise the ECU they have considered further information submitted by SPR and still do not understand why the 2 VP's on Arran do not have the same level of analysis as other VP's. NAC confirm that they do not object to the proposal, they wish to ensure that a proportionate level of assessment is made on the potential impacts on North Arran NSA. If the ECU consider they have sufficient information to make an assessment of the potential impacts then NAC are content with that.

Royal Society for the Protection of Birds Scotland (RSPB) (14th February 2020) - advise the ECU that conditions regarding any Bird Protection Plan (BPP) should be modified to ensure that red-throated diver are not disturbed and further consideration of potential operational impacts of the solar array on Greenland white-fronted geese should be included within the Habitats Regulations Appraisal (HRA). In particular, RSPB advise that further mitigation and habitat management will minimise biodiversity impacts of the proposal. RSPB ask that if Scottish Ministers are minded to approve this application, the following are a condition of any consent: no construction works/vegetation clearance/tree felling or decommissioning during the bird breeding season unless a bird disturbance management plan has been agreed; Habitat Management Plan including mitigation measures for red-throated diver, Greenland white fronted geese, peatland restoration and native woodland creation to benefit black grouse for the lifetime of the development including decommissioning; employment of an appropriately qualified and experience Ecological Clerk of Works (*ECow) to oversee construction, mitigation measures; and an appropriate programme of post-construction monitoring to inform the Habitat Management Plan focussing on the impacts of the solar arrays on feeding greenland white-fronted geese.

Scottish Rights of Way and Access Society (ScotWays) (27th January 2020) – advise the ECU that any Construction Environment Management Plan should be drawn up in consultation with Argyll & Bute Council Core Path team. Scotways seek

clarification of the minimum separation distance being applied particularly in relation to T18 and T19 which appear to be those in closest proximity to the *Kintyre Way*. Scotways is also concerned to note that consent in perpetuity is being sought.

SPR provided the clarification sought by Scotways to the ECU regarding separation distances.

ScotWays (2nd March 2020) – advise the ECU that they have considered the separation distances provided, and are satisfied that they meet the appropriate guidelines.

Scottish Water (4th December 2019) – advise ECU they have no objection, but, that this does not confirm that the proposal can currently be serviced. SW also provide advice on: Infrastructure within the boundary; drinking water protected areas; surface water; and Asset Plans.

Glasgow Prestwick Airport (GPA) (10th January 2020) – advise the ECU that on the grounds of aviation safety GPA object until a successful wind farm mitigation solution is deployed and maintained for the life of the proposal.

National Air Traffic Services Safeguarding (NATS) (20th February 2020) – advised the ECU that the proposal has been examined by technical and operational safeguarding teams. An unacceptable technical impact is anticipated, consequently, they object as an unacceptable impact from the proposal has been identified.

SPR submitted an 'Aviation Response' (dated 7th April 2020) to the ECU in order to address the concerns raised by Glasgow Prestwick Airport and National Air Traffic Services.

Glasgow Prestwick Airport (28th April 2020) – advised the ECU they have reviewed the detailed radar modelling (relative to Glasgow Prestwick Airport's Primary radars) of proposed Sheirdrim wind farm submitted by the applicant and are satisfied from the detailed modelling report that the turbines will not be detected by Glasgow Prestwick Airports (GPA) PSR's. Consequently, Glasgow Prestwick Airport Ltd have no remaining aviation grounds for objection to this proposal – and formally remove any objection GPA had on this proposal.

National Air Traffic Services – no further response received by ECU at time of writing to the Aviation Response submitted by SPR.

Highlands and Islands Airports Limited (HIAL) (9th December 2019) – advise the ECU they have no objections.

West Kintyre Community Council (WKCC) (31st January 2020) – advise the ECU they object on the grounds of: landscape, residential, cumulative and visual impact; potential effects on the local tourism economy; and transport.

East Kintyre Community Council (EKCC) (7th January 2020) – advise the ECU they object on the grounds of: visual amenity due to cumulative harmful visual impacts contrary to Argyll & Bute Council's LDP 6.

South Knapdale Community Council (SKSS) (30th January 2020) – advise the ECU that in the case of Sheirdrim, there is no clear, quantifiable majority view. Several views were made plain and whilst most believed that renewable energy is necessary

and desirable, the concerns of the community directly affected by the proposal should be addressed. Consideration should be given to building a smaller wind farm with fewer turbines to better sit within the landscape and more attention given to the impact on businesses and our assets of landscape, wildlife and tourism. Disappointment was expressed that SPR has not engaged with the local community; in fact only one meeting has been undertaken and that was at the instigation of and arranged by SKCC.

Gigha Community Council (GCC) (10th January 2020) – advise the ECU they are very much in support of green energy and all the environmental benefits the technology brings, the one thing GCC feel slightly concerned about is the distribution of Community Benefit funds and they would wish their community to be considered in any fund available.

ARGYLL & BUTE COUNCIL RESPONSES

Council's Consultant Landscape Architect (3rd February 2020) – advises that the Council should object on Landscape and Visual grounds because of the proposals location close to the outer edge of the uplands and its consequent effects on West Loch Tarbert and its sensitive coastal fringes, including impacts on views from key transport routes which are important for visitors. This proposal would be contrary to the guidance set out in the ABLWECS 2017 and would be located in a landscape where capacity has largely been reached in landscape and visual terms.

Council's Environment Protection Officer (EPO) (16th January 2020) – no objection subject to conditions relating to the control of noise; being attached to any consent the ECU is minded to give.

Council's Local Biodiversity Officer (5th December 2019) – notes information provided on: ecology, ornithology and mitigation. Provides comment on the Construction Environment Management Plan; Peat Management Plan, Species Monitoring; construction and bird breeding; and restoration.

The West of Scotland Archaeology Service (WOSAS) (5th December 2019) – no objection subject to a condition to: secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted for the further written approval of the Planning Authority in consultation with WOSAS. Thereafter, the programme of archaeological works to be fully implemented and all recording and recovery of archaeological resources within the site undertaken to the satisfaction of the Planning Authority in agreement with the WOSAS.

Council's Roads & Amenity Services (6th December 2019) – no objection subject to conditions to ensure the site is served by a direct access from the A83 Trunk Road and no vehicular access is taken from the B8001.

Council's Access Officer – no response at time of writing

Council' Flood Risk Assessor (9th December 2019) – no objection, given there is an existing flood risk downstream at Clachan, it is recommended that planning conditions are attached to any consent issued by the ECU to ensure that: watercourse crossings are designed to pass the 1 in 200 year plus climate change (56% allowance) flood event; surface water drainage is designed in accordance with CIRIA C753 and operational prior to construction; and that post development runoff is attenuated to the 1 in 2 year greenfield runoff rate.

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

(C) 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 50 of which 46 are objections and 4 are in support, all of which are published on the ECU website. The main issues raised are summarised below:

Considerations raised in objection:

- Contrary to SPP which sets out “*the aim is to achieve the right development in the right place; it is not to allow development at any cost*”.
- Contrary to Schedule 9 of the Electricity Act which refers to the duty on developers to “*have regard to the desirability of preserving natural beauty....or physiological features.....*”.
- Contrary to Local Development Plan
- Contrary to Landscape Wind Energy Capacity Study 2017 – proposal is located on coastal fringe and not on spine of Kintyre as recommended and 150m exceeds the 130m limit stated in the LWECs;
- Landscape Impact – West Loch Tarbert, & South Knapdale Area of Panoramic Quality; Settlement of Clachan
- Visual Impact – type of development out of character with location; will provide a constant moving visible distraction; proposal is closer to West Loch Tarbert than operational Freasdail; adverse impact on A83 tourist route, South Knapdale Area of Panoramic Quality, Settlement of Clachan, Islay Ferry, and Gigha
- Design - Turbine Height; incoherence with adjacent Freasdail (different design & turbine height); T1, T2 & T7 should not be permitted due to dominating and more exposed positions; and T1 to T8 should be removed from the project entirely, on the grounds that they are too prominent for the topography; and the presence of trees does not provide sufficient screening justification
- Ecological Impact – otters, pine martens, badgers
- Ornithological Impact – osprey, golden eagles, geese
- Cultural Heritage Impact – Dun Skeig, duns & fort Scheduled Monument & Historical Village of Clachan (listed buildings & scheduled monuments)
- Tourism & Recreational Impact – adverse impact on water users, ferry routes, the Kintyre Way, National Cycle Route, providers of tourist accommodation & facilities due to adverse landscape & visual impact; a Tourism Impact Assessment should be undertaken to fully understand the concerns raised in regard to this matter.
- Economic Impact
- Community Benefit
- Residential Amenity – impact on settlements of: Clachan, Whitehouse and small settlements around South Knapdale;
- Noise Impact – construction, borrow pits and operational
- Transport Impact – local road network, suitability of access roads
- Borrow Pits – given very superficial attention in EIAR; BP09 would reduce screening of T9 from NW; BP01 and BP02 should be removed and BP06 relocated;
- Decommissioning & Restoration - Development in Perpetuity consequences – what happens if better technology becomes available or turbines become redundant
- Cumulative Impact – noise, landscape & visual;

- Climate Change & Need – sufficient provision of wind farms in Kintyre already, other more suitable locations, and alternative forms of renewable energy are available;
- The proposal will contribute to further population decline;
- Inadequacy of EIAR – lack of detail, nature, size and environmental impacts of additional civil engineering works (e.g. BP01 & BP02, access roads, noise, hours of work etc.);
- Consequences of Micrositing should consent be given in terms of ecology and landscape and visual impacts;
- Profit does not justify the proposal
- Previous decisions imposed on local residents against their will and against the recommendation of the Local Planning Authority.

Considerations raised in support are summarised as follows:

- Economic Benefit – benefits to the local economy, provision of local employment;
- Community Benefit
- Climate Change Benefits
- Renewable Energy provision
- Supports UK Government’s plan for ‘net zero’ carbon emissions by 2050.
- Road improvements
- Visual Impact – the proposal is located on the spine of Kintyre, where most quality views are out to sea.

Public Consultation – was undertaken in June 2019, with a range of statutory bodies, non-statutory bodies, community councils and other organisations. Three Public Information Days were also undertaken to establish dialogue with the local community regarding the proposal, in Clachan, Whitehouse and Skipness. Further information on this is contained in the Pre-Application Consultation Report that accompanies the application.

South Knapdale Community Council have expressed disappointment to the ECU that SPR has not engaged with the local community; in fact only one meeting has been undertaken and that was at the instigation of and arranged by SKCC. The Energy Consents Unit will take these concerns into account in their deliberation of the proposal as the determining authority.

Please note: that the letters of representation above have been summarised and that the full letters of representations 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

An EIAR dated October 2019 was submitted in support of this S36 application. The EIAR considers the following key issues: Site Description & Design Evolution; Proposed Development; Renewable Energy & Planning Policy; Environmental Impact Assessment; Scoping & Consultation; Landscape & Visual Impact Assessment; Ecology; Ornithology; Hydrology, Hydrogeology, Geology and Soils; Cultural Heritage

& Archaeology; Access, Traffic & Transport; Noise; Socio-economics, Recreation & Tourism; Other Issues; and Schedule of Commitments.

- ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes – this will be required to be undertaken by the ECU as the Determining Authority in this case.
 - iii) **A design or design/access statement:** **Yes** - A Design & Access Statement (DAS) (October 2019) which considers: site location; design policies; design principles; consultation; design evolution; proposed development; and access has been submitted in support of the S36 application.
 - 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
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(F) Local Development Plan (LDP) and any other material considerations over and above those listed above which have been taken into account in the assessment of the application:

Members are asked to note in the context of the Local Development Plan (LDP) and planning process that this application has been submitted to the Scottish Government under Section 36 (S36) of the Electricity Act 1989. As part of the S36 application process, the applicant is also seeking that the Scottish Ministers issue a Direction under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997 that deemed planning permission be granted for the proposal. In such instances, the LDP is not the starting point for consideration of S36 applications, as Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 which establish the primacy of LDP policy in decision-making, are not engaged in the deemed consent process associated with Electricity Act applications. Nonetheless, the adopted Argyll & Bute LDP 2015 still remains an important material consideration informing the Council's response to the proposal.

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). Consideration of the proposal against both the effect of SPP (2014) and the adopted Argyll & Bute LDP 2015 will ensure that proper consideration is given by the Council to the extent which the proposal satisfies these Schedule 9 duties.

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

Argyll & Bute Local Development Plan (2015)

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 5 – Supporting the Sustainable Growth of Our Economy
LDP 6 - Supporting the Sustainable Growth of Renewables
LDP 8 – Supporting the Strength of Our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance to the Argyll & Bute Local Development Plan 2015 & 2016

SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
SG LDP ENV 5 – Development Impact on Local Nature Conservation Sites (LNCS)
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 9 – Development Impact on Areas of Wild Land
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)
SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 14 –Landscape
SG LDP ENV 15 –Development Impact on Historic Gardens and Designed Landscapes
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 19 – Development Impact on Scheduled Monuments
SG LDP ENV 20 – Development 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 and Wastewater (i.e. drainage) Systems
SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 5 – Waste Related Development and Waste Management
SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 –Vehicle Parking Provision
SG LDP TRAN 7 –Safeguarding of Airports
Supplementary Guidance 2 (December 2016)
Supplementary Guidance 2 - Windfarm map 1
Supplementary Guidance 2 - Windfarm map 2

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 other material planning considerations taken into account in the assessment of the application, having due regard to Annex A.

- Argyll and Bute Proposed Local Development Plan 2 November 2019
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- National Planning Policy Framework 3 (NPF3), Scottish Government (June 2014)
- Scottish Planning Policy (SPP), Scottish Government (June 2014)
- The Future of Energy in Scotland: Scottish Energy Strategy, Scottish Government (December 2017)
- Protecting Scotland's Future: the Government's Programme for Scotland 2019-2020 (September 2019)
- Onshore wind policy statement, Scottish Government (January 2017)
- SNH Review 78 – Landscape Assessment of Argyll and the Firth of Clyde (1996)
- SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017)
- Guidance for Landscape and Visual Impact Assessment, 3rd Edition, Landscape Institute and Institute of Environmental Management & Assessment, (2013);
- Onshore Wind Turbines: Planning Advice, Scottish Government (May 2014).
- Planning Advice Note 1/2011: 'Planning and Noise'
- 'Argyll and Bute Landscape Wind Energy Capacity Study' SNH and A&BC (2017);
- The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- Historic Environment Policy for Scotland (HEPS) (April 2019)
- Views of statutory and other consultees;
- Planning history of the site
- Legitimate public concern or support expressed on relevant planning matters

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

(H) Is the proposal consistent with the Local Development Plan: No

Author of Report: Arlene Knox **Date:** 5th May 2020

Reviewing Officer: Sandra Davies **Date:** 6th May 2020

Fergus Murray

Head of Development and Economic Growth

RECOMMENDED REASONS FOR OBJECTION TO: 19/02424/S36

1. Landscape Impact

Argyll and Bute Council will assess development proposals with the aim of protecting conserving and where possible enhancing the built, human and natural environment. A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Argyll and Bute Council will resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

This proposal lies within the *Upland Forest Moor Mosaic* Landscape Character Type. The proposed turbines, which would be up to 149.9m high to blade tip, would fall within the 'Very Large' typology considered in the Landscape Wind Energy Capacity Study (LWECS). The LWECS concludes that the combined landscape and visual sensitivity of the *Upland Forest Moor Mosaic* Landscape Character Type is high-medium for wind turbines of this size. The guidance set out in the study for this Landscape Character Type advises that there is very limited scope for additional turbines to be accommodated within this landscape principally due to potential cumulative effects that could occur on the coastal fringes of Kintyre and on views from Arran and Gigha. The area of the peninsula to the north of Beinn Bhreac is noted as being particularly sensitive due to likely increased effects on Arran, Gigha and surrounding seascapes. Significant intrusion on adjacent settled and small-scale landscape character types and on Arran and Gigha should be avoided by siting larger turbines well back into the interior of these uplands. The LWECS considers the strategic pattern of wind farm developments on the Kintyre peninsula and concludes that:

"A 'Landscape with wind farms' is a more appropriate strategy for Kintyre rather than allowing a 'Wind Farm Landscape' to evolve. This is because of the presence of key landscape and visual constraints including effects on Gigha, Arran and sensitive coastal fringes.....clustered developments with clear and generous spaces between them would be a better approach aimed at reducing impacts from surrounding islands and seascapes".

The proposal also lies close to the boundary of part of the *Rocky Mosaic* Landscape Character Type covering the east coast of Kintyre and south and west Knapdale. Key constraints identified in the LWECS include the strong contrast which occurs between these intricate settled sea and loch fringes with adjacent simple and more expansive uplands, which makes an important contribution to the rich scenic composition characteristic of Argyll.

The *Upland Forest Moor Mosaic* Landscape Character Type has characteristics that reduce sensitivity to large scale wind turbines, including a gently undulating simple landform and land cover of forest and moorland and a generally expansive scale. A number of operational and consented wind farm developments are located in this landscape. Eascairt and Clachaig Glen wind farms have also been consented in this Landscape Character Type since the LWECS was issued in 2017. The Landscape & Visual Impact Assessment concludes that significant effects would occur on the open moorland of the *Upland Moor Forest Mosaic* within approximately 5-6 km of the proposed wind farm. The Council's Consultant Landscape Architect is in agreement

with the Landscape & Visual Impact Assessment that effects on part of the *Upland Forest Moor Mosaic* Landscape Character Type would be significant and adverse.

The *Rocky Mosaic* Landscape Character Type comprises a narrow coastal strip on both the east and west coasts of Kintyre and around Knapdale. This is a small-scale, settled and highly sensitive landscape to large wind turbines. The proposal would not be located in this Landscape Character Type but would lie in close proximity to it due to its position on the outer edge of the *Upland Forest Moor Mosaic*. There would be intermittent visibility of the proposal from the part of the *Rocky Mosaic* Landscape Character Type covering the shores of West Loch Tarbert and south Knapdale. The Landscape & Visual Impact Assessment concludes that effects would be significant in the South Knapdale area and the Council's Consultant Landscape Architect is in agreement with this. The Landscape & Visual Impact Assessment also correctly concludes that significant effects would arise on West Loch Tarbert which is classified as National Coastal Character Type 9 Sounds, Narrows and Islands.

There would be visibility of the proposal from parts of the Area of Panoramic Quality designated area covering the Knapdale area and the Area of Panoramic Quality covering the West Kintyre coast.

There is no citation for the Knapdale Area of Panoramic Quality although special qualities are likely to focus on the small-scale character of the rocky shores of West Loch Tarbert, scenic views across West Loch Tarbert, to Kintyre and Gigha and across the sea to the dramatic mountainous profiles of Jura and Islay. This sparsely settled Area of Panoramic Quality also has a strong perception of naturalness, heightened by the single-track road access. The proposal would not be located in this Area of Panoramic Quality but would lie approximately 3.9km from the closest point of the designated area. The wind farm would be a prominent feature seen across the relatively narrow and scenic West Loch Tarbert. This proposal would be likely to have a significant effect on part of the Knapdale Area of Panoramic Quality.

The West Kintyre Coast Area of Panoramic Quality area does not have a formal citation. Special qualities of the Area of Panoramic Quality are likely to comprise multi-layered and dramatic views to the sea, Gigha, Jura and Islay, the diversity of the coastal edge including its landform, landcover and cultural heritage features which contrasts with the simple forest and moorland-covered backdrop of the Kintyre hills and the setting it provides to recreational activities. While visibility of the wind farm would be significantly restricted by woodland, there would be views from a very small part of the West Kintyre Coast Area of Panoramic Quality in the more open Dun Skeig area. Although the Council's Consultant Landscape Architect considers that there would be an adverse effect on some of the special qualities of this Area of Panoramic Quality, it is not considered that these would be significant.

Significant adverse effects would arise on part of the *Upland Forest Moor Mosaic* Landscape Character Type and on parts of the *Rocky Mosaic* Landscape Character Type where it covers the shores of West Loch Tarbert and south-west Knapdale. There would also be a significant effect on the southern part of the Knapdale Area of Panoramic Quality affecting the setting and perception of naturalness associated with the small-scale and diverse coastal fringes of the designated area and views across Loch Tarbert. This proposal would be contrary to the guidance set out in the Argyll and Bute LWECS and would be located in a landscape where capacity has largely been reached in landscape and visual terms.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development

of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have significant adverse landscape impacts and is therefore inconsistent with the provisions of: SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality; SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; 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; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); the Onshore wind policy statement, (2017); and guidance contained in the Argyll & Bute Landscape Wind Energy Capacity Study 2017.

2. Visual Impact

Argyll and Bute Council will assess development proposals with the aim of protecting conserving and where possible enhancing the built, human and natural environment. A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Argyll and Bute Council will resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

Visibility of the proposal would principally affect West Loch Tarbert and the southern and south-western parts of Knapdale. There would be limited visibility from the east coast of Kintyre although widespread views from the Kilbrannan Sound and north-east Arran. The location of the proposal close to the transition with the more settled coastal fringes of West Loch Tarbert and to key roads, increases the impacts of this proposal when compared with other operational and consented wind farms located on the Kintyre peninsula. This proposal would be particularly prominent in views from north Kintyre and from the West Loch Tarbert area. Significant adverse effects on views would occur on the following receptors:

- Sections of the A83 (in the Clachan/Whitehouse area) and the B8001 which are well-used by tourists. EIAR Viewpoints 2, 4 and 8 demonstrate the major adverse effects that will occur on views from this route.
- Intermittent views from the B8024 minor road (and National Cycle Route 78) which is aligned close to the northern shores of West Loch Tarbert and around the coast of Knapdale. There would be views from settlement and coastal footpaths on the north coast of West Loch Tarbert and from more informal walking areas around Ardpatrik Point. EIAR Viewpoint 5 illustrates how this proposal will significantly extend the horizontal spread of turbines seen on the skyline in addition to the Freasdail wind farm but will also be much more prominent due to the size turbines and their proximity (3.9km distance). While the proposed wind farm would be more distant (>10km) from Viewpoint 10 on the B8024, it would be seen at the end of a framed view channelled down the narrow inner loch, thus increasing the magnitude of effect. Viewpoint 9 located further west on the B8024 and some 8km distance illustrates how the size of the proposed turbines and their location towards the outer margins of the uplands, give an appearance of them spilling down on the

coastal hills and thus increasing prominence when compared with other wind farms located on Kintyre.

- The Islay ferry route – The Ferry Route Analysis visualisations and maps set out in Appendix 7.6 are informative and help confirm that significant effects would occur on views from much of the route between Kennacraig and close to the northern point of Gigha.
- The Lochranza to Cloanaig ferry route – cumulative effects will occur with the operational Freasdail wind farm in that this proposal would considerably increase the spread of turbines seen on the Kintyre skyline. The proposal would also appear considerably more prominent than the Freasdail wind farm in views from Lochranza and the Kilbrannan Sound due to their larger size (predominantly 149.9m as opposed to 100m) and because a greater vertical extent will be visible on a higher part of the upland backdrop to views. Cumulative effects would also occur with the consented Eascairt wind farm as a confused array of overlapping and different sized turbines is evident (EIAR Figure 7.32a) and where this proposal would make a major contribution to the development of a more concentrated band of development seen on this part of the Kintyre skyline.
- Footpaths in the local area, including those to Dun Skeig and from sections of the Kintyre Way where significant cumulative effects with operational and consented developments will also occur. (EIAR Viewpoints 1 and 6 illustrate these effects). The proposed solar array would also be likely to contribute to adverse effects experienced from Dun Skeig (Viewpoint 6) and while the proposal would not be located in the most dramatic part of the panorama seen from the summit, it would bring large turbines and other infrastructure substantially closer, forming a focus in views on the walk to and from the hill and adversely affecting the setting and experience of this special landscape feature.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have significant adverse visual impacts and is therefore inconsistent with the provisions of: SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality; SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; 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; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); the Onshore wind policy statement, (2017); and guidance contained in the Argyll & Bute Landscape Wind Energy Capacity Study 2017.

3. Cumulative landscape and visual effects

Argyll and Bute Council will assess development proposals with the aim of protecting conserving and where possible enhancing the built, human and natural environment. A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Argyll and Bute Council will

resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

Significant cumulative landscape and visual effects would be likely to occur on the following receptors:

- This proposal would infill the gap between the Freasdail and Eascairt wind farms and would erode the existing pattern of cluster and space wind farms on the Kintyre peninsula resulting in a significantly extended spread of turbines on the skyline of Kintyre seen from the east. The wider spacing and larger size of the Sheirdrim turbines would create a cluttered appearance with the Freasdail and Eascairt wind farms. This proposal would be much more prominent in views from Lochranza (and the Kilbrannan Sound) than these other operational and consented wind farms as evident in EIA Viewpoint 12, Figure 7.32a.
- Sequential effects of the Airigh and Clachaig Glen wind farms seen with this proposal from the A83 and from the Islay ferry route - the Sheirdrim proposal would be a major contributor to these effects.
- Cumulative impacts from Dun Skeig (EIA Viewpoint 6), the northern shores of West Loch Tarbert and from the Ardpatrik Point area where the Sheirdrim proposal would be variously visible with the operational Freasdail wind farm, the consented Eascairt wind farm and the Airigh proposal. The Sheirdrim proposal would be a major contributor to these effects.
- Cumulative impacts on the character of the *Upland Forest Moor Mosaic* Landscape Character Type (including the recently consented Clachaig Glen wind farm) and on the Kintyre Way.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have significant adverse Cumulative Landscape and Visual impacts and is therefore inconsistent with the provisions of: SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality; SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; 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; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); the Onshore wind policy statement, (2017); and guidance contained in the Argyll & Bute Landscape Wind Energy Capacity Study 2017.

4. Scheduled Monument

Argyll and Bute Council will assess development proposals with the aim of protecting conserving and where possible enhancing the built, human and natural environment. A development proposal will not be supported when it has not been ascertained that it will avoid adverse effects, including cumulative effects on the integrity or special

qualities of nationally designated built environment sites. There is a presumption in favour of retaining, protecting and preserving Scheduled Monuments and the integrity of their settings. Developments that have an adverse impact on Scheduled Monuments and their settings will not be permitted unless there are exceptional circumstances.

Historic Environment Scotland have advised the Energy Consents Unit that they object to this proposal given the potential for significant adverse impacts on the setting of the Scheduled Monument, Dun Skeig duns & fort. Historic Environment Scotland consider that this impact will have an adverse effect on the integrity of the setting of Dun Skeig, duns & fort to the effect that it would affect our ability to understand, appreciate and experience this monument. Consequently, they advise that the proposals are not in line with Scottish Planning Policy, 2014 and raise issues of National Interest that warrant Historic Environment Scotland's objection. While Historic Environment Scotland would welcome further dialogue on mitigation, it does not appear that impacts would be reduced to an acceptable degree without significant reductions in turbine heights or the widespread deletion of turbines.

Local Development Plan Policy is clear that developments that have an adverse impact on Scheduled Monuments and their settings should not be permitted unless there are exceptional circumstances. It is considered that the foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments. It is therefore considered that the proposal would not represent an exceptional case in this instance.

Having due regard to the above it is concluded that based on the advice of Historic Environment Scotland this proposal will have an adverse impact on the Scheduled Monument, Dun Skeig, duns & fort and is therefore inconsistent with the provisions of SG LDP ENV 19 – Development Impact on Scheduled Ancient Monuments; SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan; SPP (2014); the Onshore Wind Policy Statement and Historic Environment Policy for Scotland (April 2019) in this respect.

Argyll & Bute Council therefore object to the proposal due to the adverse impact it would have on the Scheduled Monument, Dun Skeig, duns and fort. The Energy Consents Unit should note that in the event that Historic Environment Scotland withdraw their objection, then Argyll & Bute Council would no longer object on these grounds.

5. Aviation

Argyll and Bute Council will assess development proposals with the aim of preventing unnecessary dangers aircraft. Policy requires that development is refused where it would constrain the present and future operations of existing airports and airfields.

National Air Traffic Services Safeguarding (NATS) have advised the Energy Consents Unit that the proposal has been examined by technical and operational safeguarding teams. An unacceptable technical impact is anticipated, consequently, they object as an unacceptable impact from the proposal has been identified.

Local Development Plan Policy is clear that developments that have an adverse impact on the Safeguarding of Airports should be refused. It is considered that, the foregoing technical considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that due to the fact that National Air Traffic Services Safeguarding (NATS) have advised the Energy Consents Unit that they object to the proposal, it will have an adverse impact on aviation is therefore inconsistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP TRAN 7 –Safeguarding of Airports of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

Argyll & Bute Council therefore object to the proposal due to the adverse impact it would have on Aviation. The Energy Consents Unit should please note that in the event that National Air Traffic Services (NATS) withdraw their objection, then Argyll & Bute Council would no longer object on these grounds.

6 Forestry

Argyll and Bute Council will assess development proposals with the aim of protecting conserving and where possible enhancing the built, human and natural environment. Argyll and Bute Council will resist development likely to have an adverse impact on trees by ensuring that adequate provision is made for the preservation and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.

Scottish Forestry have advised the ECU that they object to the proposal on the grounds that insufficient information has been provided regarding ‘Calculation of UK Forestry Standard percentages for the wind farm proposal area’ have still to be addressed. In addition, they would also object unless conditions are applied to secure Compensatory Planting and a Long Term Forest Plan.

Local Development Plan Policy is clear that adequate provision must be made in regard to woodland when considering development proposals. In this instance, insufficient information has been provided to demonstrate to Scottish Forestry that this is the case. It is considered that, the foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have an adverse impact on the natural heritage and is therefore inconsistent with the provisions of SG LDP ENV 6 – Development Impact on Trees / Woodland; SG 2 Renewable Energy; 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 of the Argyll & Bute Local Development Plan; SPP; Onshore wind policy statement, Scottish Government (January 2017); The Scottish Government’s Policy on ‘Control of Woodland Removal’ (Forestry Commission Scotland 2009);

Argyll & Bute Council therefore object to the proposal on the grounds that insufficient information has been submitted to Scottish Forestry to demonstrate that adequate provision has been made in regard to woodland. The Energy Consents Unit should please note that in the event that Scottish Forestry withdraw their objection, subject to the provision of Scottish Forestry's condition to secure Compensatory Planting and a Long Term Forest Plan then Argyll & Bute Council would no longer object on these grounds.

OTHER RECOMMENDATION

Access Options

Having considered the two access options, it is considered that the preference would be for the existing Cour access to be utilised rather than the creation of a new access. The reason for this is in the interests of visual amenity, based on the fact that there are already a number of wind farm accesses off the A83 and it is considered that these should be minimised wherever possible. This however, should not be at the expense of the residential amenity of the occupants of Glebe Cottage, the house located at the access to Cour wind farm. If the Energy Consents Unit agree with the view of the Council then it is recommended that appropriate conditions are applied in relation to the Construction Environment Management Plan to ensure that noise, vibration and delivery times are limited in accordance with the advice of the Council's Environment Protection Officer.

APPENDIX A – PLANNING LAND USE AND POLICY ASSESSMENT

A. THE SECTION 36 CONSENTING REGIME

In Scotland, any application to construct or operate an onshore power generating station, in this case, a renewable energy development with an installed capacity of over 50 megawatts (MW) requires the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of a consultee along with various other consultation bodies. 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 the Scottish Government. 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 of such conditions.

This report reviews the policy considerations which are applicable 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 raise an Objection to this Section 36 consultation on Landscape & Visual Grounds for the reasons detailed in this report.

B. SETTLEMENT STRATEGY

Policy LDP 6 of the Adopted Local Development Plan sets out the Council's Policy for renewable energy developments, in accordance with SPP 2014. In addition, there is also the Supplementary Planning Guidance. SPP 2 contains a Spatial Framework which has been prepared in accordance with SPP 2014.

In terms of the Local Development Plan Settlement Strategy, the proposal is located within a mixture of: Rural Opportunity Area, Countryside and Very Sensitive Countryside, subject to the effect of LDP policy LDP DM 1. 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. In this case, it has not 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). For the reasons detailed below in this report, it is considered that this proposal does not satisfy Development Plan Policy and associated guidance in respect of renewable energy development.

Having due regard to the above it is considered that due to adverse Landscape & Visual Impact (including cumulative) the proposal is contrary to the provisions of LDP DM1 – Development within the Development Management Zones; SPP (2014); and National Planning Framework 3.

C. SUPPORTING THE SUSTAINABLE GROWTH OF RENEWABLES

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, which has been reinforced most recently by the introduction of 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.

D. LOCATION, NATURE AND DESIGN OF PROPOSED DEVELOPMENT

The site is part of the Achaglass and Gartnagrenach Estates and is located at the northern end of the Kintyre Peninsula, near the villages of Clachan and Whitehouse. The site forms part of a ridgeline of relatively remote upland plateau, on the northern Kintyre peninsula, comprising widespread coniferous plantation and some areas of open moorland. The site is characterised by upland moorland/wet grassland within the eastern and south eastern extent of the site, with commercial plantation forestry in the western extent of the site, including Sheirdrim Hill. As the site is partly a commercial forest, there are existing borrow pits and a series of forestry access tracks, including a main access haul track leading off the A83 on the northern side of the site. Access to the site is via the A83 which runs past the northern and western ends of the site. The B842 runs along the eastern side of the peninsula between Campbeltown and Cloanaig and the B8001 which runs north east to Kennacraig from Cloanaig. National Cycle Route (NCN) 78 also follows the B842 and the B8001. The Kintyre Way passes directly adjacent to the south of the site.

The proposal includes associated infrastructure including: 19 wind turbines; ground mounted solar arrays; battery storage units; crane hardstandings for wind turbine installation; transformer/switchgear housings located adjacent to turbines & solar arrays; new and upgraded access tracks including watercourse crossings where necessary, passing places and turning heads; two access points off the A83; underground electrical cabling; compound containing substation, control building and battery storage; one site construction and maintenance compound; up to two temporary Power Performance Masts; health & safety and other directional site signage; search areas for up to five borrow pits; recreational access paths providing access to the site from the Kintyre Way; walker's shelter close to the Kintyre Way; signage and access to archaeological features adjacent to the site; and bird watchers hide and habitat improvements, including broadleaf tree planting and the re-wetting of peat areas previously drained. The proposal would also require forest restructuring works to enable construction and operation of the renewable energy development. Two access points are currently included in the proposal. The first of these is an existing access at Glebe cottage and the second is a new access 180 m south of Glebe cottage. This new access is the applicant's preferred access as deliveries to the site would be directed away from the cottage avoiding any disturbance and visual intrusion for the residents of the cottage, it would also provide a better alignment for the delivery of the larger components to enter the site. Permission is sought in perpetuity and it is anticipated that there would be no limit to the lifetime of the proposal.

Infrastructure - Scottish Water has confirmed to the ECU that they have no objection to the proposal; however, the applicant should be aware that this does not confirm that the proposal can currently be serviced. Scottish Water also provide advice on: infrastructure within the boundary; drinking water protected areas; and surface water. Furthermore, according to Scottish Water's records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team directly. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Scottish Water

advise that a review of their records indicates 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. Scottish Water advise that for reasons of sustainability and to protect their customers from potential future sewer flooding. Scottish Water will not accept any surface water connections into their combined sewer system.

Borrow Pits – search areas within the site for 5 borrow pits have been identified. They will provide a source of construction aggregate, which will minimise the amount of material required to be imported to the site. The Council would normally expect these to be the subject of separate mineral consent applications.

Grid Network - The grid connection does not form part of the section 36 consent application for the proposal. 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.

E. SPATIAL FRAMEWORK FOR WIND FARMS

In terms of the Council's Spatial Framework for wind farms, the proposal lies partly in a Group 3 Area (area with potential for wind farm development subject to other policy considerations). The remainder of the site is considered to be a Group 2 Area (area of significant protection, due to the potential presence of Class 1 Priority Peatland Habitat). As set out in Table 1 of SPP (reflected in the Council's Spatial Framework), further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

F. 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, SG 2 Renewables and SPP require applications for renewable energy developments to be assessed against net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

The proposal would offer opportunities for provision of goods and services from the local area as well as direct and indirect employment during construction and operation. The assessment of the proposal's economic impact found that expenditure during the construction phase is estimated to be approximately £148 million, approximately £24 million spent in the local economy and approximately £55 million spent in Scotland as a whole. During the 22 months' construction phase, the proposal is expected to support, in net terms, 117 person-years of employment benefiting local residents. Nationally (for Scotland as a whole), the proposal would be expected to support approximately 315 person-years of employment.

During the operational phase, the proposal would require between 3 and 5 new full time employees (engineers and technicians) locally and further posts would be created elsewhere in Scotland. Additional benefits would accrue to the local supply chain as a result of services supplied to the operation of the Renewable Energy Development. The local economy would be expected to be boosted by a total of £9.5 million of net Gross Value Added (GVA) during the construction period. The Scottish economy would benefit by some £36.8 million net GVA. Although this application is for consent in perpetuity', during the operational phase (over a nominal 40 year life) the proposal would contribute lifetime GVA of some £60.4 million to the

local economy through direct, indirect and multiplier effects, and over £170 million to the economy of Scotland as a whole.

The EIAR concludes that, overall the proposal is expected to have a positive economic effect. Benefits arising through spending by construction workers and operational staff, as well as through benefits packages (including potential for investment) would support local businesses and communities.

Gigha Community Council advise the ECU they are very much in support of green energy and all the environmental benefits the technology brings, the one thing GCC feel slightly concerned about is the distribution of Community Benefit funds and they would wish their community to be considered in any fund available. The Energy Consents Unit will take these concerns into account in their deliberation of the proposal as the determining authority.

Community Benefit is not considered to be a 'material planning consideration' in the determination of planning applications. In the event that permission 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.

Having due regard to the above the proposals net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities has been assessed and it is concluded that the proposal is consistent with the provisions of Supplementary Guidance 2 (December 2016); 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; SPP (June 2014) and the Onshore wind Policy Statement (January 2017) in this regard.

G. THE SCALE OF CONTRIBUTION TO RENEWABLE ENERGY GENERATION TARGETS

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against the scale of contribution to renewable energy generation targets.

The Scottish Government is committed to increasing the supply of renewable energy within Scotland. Indeed the recently passed, Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 set even more stringent targets for Scotland. The primary objective of the Act is to raise the ambition of the greenhouse gas emissions reduction targets set out in the Climate Change (Scotland) Act 2009. The Act sets a legally-binding “net-zero” target of all greenhouse gases by 2045. The “net-zero” target for Scotland is five years ahead of the date set for the whole of the UK. Sheirdrim Renewable Energy Development could generate up to 134MW of renewable electrical energy, which would be a large contribution to renewable energy generation targets.

Having due regard to the above the proposals scale of contribution to renewable energy generation targets has been assessed and it is concluded that the proposal is consistent with the provisions of SG 2; Supplementary 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; SPP (2014); and the Onshore wind Policy Statement (2017) in this regard.

H. EFFECT ON GREENHOUSE GAS EMISSIONS

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against their effect on greenhouse gas emissions. In respect of SG policy, the recently approved Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 raises the ambition of the greenhouse gas emissions reduction targets set out in the Climate Change (Scotland) Act 2009. The Act sets a legally-binding “net-zero” target of all greenhouse gases by 2045.

The potential for adverse effects on local air quality during construction is considered to be minor, temporary and not significant. During operation, the proposal would contribute to a beneficial effect on local and global air quality, by avoiding emissions due to the generation of electricity by burning fossil fuels. A carbon assessment has been undertaken to estimate the potential savings in carbon dioxide (CO₂) emissions by the proposal replacing other electricity sources. The proposal has a payback time of approximately 1.6 years and displacement of around 265,201 tonnes of CO₂ per year over a fossil fuel mix of electricity (10.6 million tonnes assuming a 40 year lifetime for the purposes of the carbon calculator). This would positively contribute to meeting Scotland’s targets for reducing greenhouse gas emissions.

Having due regard to the above the proposals effect on greenhouse gas emissions has been assessed and it is concluded that the proposal is consistent with the provisions of SG 2 Renewable Energy; 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; SPP (2014); and the Onshore wind Policy Statement (January 2017) in this regard.

I. IMPACTS ON COMMUNITIES AND INDIVIDUAL DWELLINGS, INCLUDING RESIDENTIAL AMENITY, NOISE AND SHADOW FLICKER (INCLUDING CUMULATIVE IMPACTS).

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.

Noise - The Environment Protection Officer has no objection to the proposal, subject to noise conditions being attached to any consent the Energy Consents Unit is minded to give. These conditions relate to: control of noise immissions; submission of a report to demonstrate compliance with noise limits; following a complaint, employment of an independent noise consultant to assess the level of noise immissions at the complainants property; provision of the independent consultant’s assessment and conclusions to the Planning Authority, and the undertaking of appropriate remedial action; continuous logging of wind speed, wind direction and power generation and provision of such data to the Planning Authority at their request; details of a nominated representative to act as a point of contact for local residents, and for liaison with the Planning Authority regarding any complaints; and should the existing access from the A83 be chosen it is requested that a condition requiring the submission of a construction or environmental management plan should include details of measures to ensure the occurrence of noise or vibration nuisance during the construction phase including operational hours. In terms of cumulative noise the EPO notes that based on the candidate turbine there is a requirement to apply constraints to limit the noise immissions at Housing Plot 1 in the event that the property is constructed. The constraints will be applied automatically to individual turbines under particular conditions of wind speed and direction.

Air Quality – the EPO advises that there are no matters associated with the proposal that are considered to pose a threat to ambient air quality objectives. The main potential risk to air quality is nuisance during the construction phase, including dust from vehicles travelling along access tracks. The applicant has stated that a Construction Environmental Management Plan

(CEMP) will be prepared and this should include control of dust etc. and a condition to require compliance with this could be considered.

Lighting – the EPO advises that the wind farm development itself is unlikely to require significant lighting and given that there are no known sensitive receptors within a reasonable distance of the proposed construction activities, it is not anticipated that light pollution will be a matter to control via planning condition.

Shadow Flicker – A Shadow Flicker assessment in the EIAR confirms that the predicted shadow flicker hours would be below the 30 hour limit and are, therefore, considered to be acceptable. No cumulative shadow flicker effects have been identified as the properties assessed in this study are located more than 10 rotor diameters in distance from all other nearby existing or proposed wind farm developments. The EPO has not raised any concerns in regard to Shadow Flicker.

Private Water Supplies – The EPO advises that private water supplies within 2km of the core study area and access track were identified and assessed for potential impact. No potential complete Source-Pathway-Receptor linkages were identified and no mitigation measures are deemed necessary in relation to any private water supplies.

SEPA - Existing groundwater abstractions - SEPA have no concerns regarding impacts to private water supplies. Scottish Water have their own requirements for monitoring and mitigating their assets.

West Kintyre Community Council advise the ECU they object on the grounds of residential impact. The Energy Consents Unit will take these concerns into account in their deliberation of the proposal as the determining authority.

Having due regard to the above subject to the recommended conditions being applied in the event that consent is granted by the ECU it is concluded that the proposal will not have any adverse impacts on communities and individual dwellings, including, residential amenity, noise and shadow flicker and subject to the recommended conditions is consistent with the provisions of SG 2 Renewable Energy; 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; LDP 9 – Development Setting, Layout and Design; SPP (2014); and the Onshore Wind Policy Statement (2017) in this regard.

J. LANDSCAPE AND VISUAL IMPACTS, INCLUDING EFFECTS ON WILD LAND (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any landscape and visual impacts including wild land.

2017 Argyll and Bute Landscape Wind Capacity Study (LWECS) – this proposal lies within the *Upland Forest Moor Mosaic* Landscape Character Type (UFMM LCT). This covers the Kintyre peninsula between Machrihanish/Campbeltown in the south and West Loch Tarbert to the north, as identified in the LWECS. The proposed turbines, which would be up to 149.9m high to blade tip, would fall within the 'Very Large' typology considered in the LWECS. The LWECS concludes that the combined landscape and visual sensitivity of the *UFFM* LCT is high-medium to wind turbines of this size. The guidance set out in the study for this LCT advises that there is very limited scope for additional turbines to be accommodated within this landscape principally due to potential cumulative effects that could occur on the coastal fringes

of Kintyre and on views from Arran and Gigha. The area of the peninsula to the north of Beinn Bhreac is noted as being particularly sensitive due to likely increased effects on Arran, Gigha and surrounding seascapes. The guidance goes on to advise that significant intrusion on adjacent settled and small-scale landscape character types and on Arran and Gigha should be avoided by siting larger turbines well back into the interior of these uplands. The LWECS considers the strategic pattern of wind farm developments on the Kintyre peninsula and concludes that “A ‘Landscape with wind farms’ (where wind farms comprise an incidental feature) is a more appropriate strategy for Kintyre rather than allowing a ‘Wind Farm Landscape’ to evolve (where development forms the main defining feature). This is because of the presence of key landscape and visual constraints including effects on Gigha, Arran and sensitive coastal fringes.....clustered developments with clear and generous spaces between them would be a better approach aimed at reducing impacts from surrounding islands and seascapes”. The proposal also lies close to the boundary of part of the *Rocky Mosaic* LCT covering the east coast of Kintyre and south and west Knapdale. Key constraints identified in the LWECS include the strong contrast which occurs between these intricate settled sea and loch fringes with adjacent simple and more expansive uplands, which makes an important contribution to the rich scenic composition characteristic of Argyll.

The expert views of the Council’s Consultant Landscape Architect (CLA), and author of the LWECS have been sought on the Landscape & Visual Impact of this proposal. The review was undertaken in February 2020 and is based on examination of the EIA (October 2019) and field visits to the area.

Council’s Consultant Landscape Architect Review

Information provided in Landscape and Visual Impact Assessment (LVIA) – it is considered that the LVIA has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition. The level of detail provided is good although it is considered that judgements made on receptor sensitivity and findings on the magnitude of change and significance of effects are under-estimated in some instances. The figures provided to support the LVIA are clear and informative with representative viewpoint location maps, the Zone of Theoretical Visibility map, taking into account screening by woodland, and figures illustrating sequential effects from ferry routes especially useful. In some of the wirelines from key viewpoints, the depiction of the proposed Inverary to Crossaig wireline overly emphasises its potential effects in situations where it would be backclothed by woodland.

Landscape effects

Upland Forest Moor Mosaic Landscape Character Type - The site lies within the Kintyre Upland Forest Moor Mosaic Landscape Character Type (UFMM LCT). This LCT has characteristics that reduce sensitivity to large scale wind turbines, including a gently undulating simple landform and land cover of forest and moorland and a generally expansive scale. A number of operational and consented wind farm developments are located in this landscape. The LVIA concludes that significant effects would occur on the open moorland of the *Upland Moor Forest Mosaic* within approximately 5-6 km of the proposed wind farm. The Council’s Consultant Landscape Architect is in agreement with the Landscape & Visual Impact Assessment that effects on part of the *Upland Forest Moor Mosaic* Landscape Character Type would be significant and adverse.

The *Rocky Mosaic* Landscape Character Type - comprises a narrow coastal strip on both the east and west coasts of Kintyre and around Knapdale. This is a small-scale, settled and highly sensitive landscape to large wind turbines. The proposal would not be located in this Landscape Character Type but would lie in close proximity to it due to its position on the outer edge of the *Upland Forest Moor Mosaic*. There would be intermittent visibility of the proposal

from the part of the *Rocky Mosaic* Landscape Character Type covering the shores of West Loch Tarbert and south Knapdale. The Landscape & Visual Impact Assessment concludes that effects would be significant in the South Knapdale area and the Council's Consultant Landscape Architect is in agreement with this. The Landscape & Visual Impact Assessment also correctly concludes that significant effects would arise on West Loch Tarbert which is classified as National Coastal Character Type 9 Sounds, Narrows and Islands.

Effects on valued landscapes - the site is not covered by any landscape designations or other recognised landscape interests. There would be visibility of the proposal from parts of the Area of Panoramic Quality designated area covering the Knapdale area and the Area of Panoramic Quality covering the West Kintyre coast.

Knapdale Area of Panoramic Quality - There is no citation for the Knapdale Area of Panoramic Quality although special qualities are likely to focus on the small-scale character of the rocky shores of West Loch Tarbert, scenic views across West Loch Tarbert, to Kintyre and Gigha and across the sea to the dramatic mountainous profiles of Jura and Islay. This sparsely settled Area of Panoramic Quality also has a strong perception of naturalness, heightened by the single-track road access. The proposal would not be located in this Area of Panoramic Quality but would lie approximately 3.9km from the closest point of the designated area. The wind farm would be a prominent feature seen across the relatively narrow and scenic West Loch Tarbert. This proposal would be likely to have a significant effect on part of the Knapdale Area of Panoramic Quality.

The West Kintyre Coast Area of Panoramic Quality - area does not have a formal citation. Special qualities of the Area of Panoramic Quality are likely to comprise multi-layered and dramatic views to the sea, Gigha, Jura and Islay, the diversity of the coastal edge including its landform, landcover and cultural heritage features which contrasts with the simple forest and moorland-covered backdrop of the Kintyre hills and the setting it provides to recreational activities. While visibility of the wind farm would be significantly restricted by woodland, there would be views from a very small part of the West Kintyre Coast Area of Panoramic Quality in the more open Dun Skeig area. Although the Council's Consultant Landscape Architect considers that there would be an adverse effect on some of the special qualities of this Area of Panoramic Quality, they do not consider that they would be significant.

North Arran NSA and Arran Wild Land Area - effects on the North Arran NSA and Arran Wild Land Area are not considered in this appraisal as these landscapes lie outside Argyll & Bute.

Visual effects - Visibility of the proposal would principally affect West Loch Tarbert and the southern and south-western parts of Knapdale. There would be limited visibility from the east coast of Kintyre although widespread views from the Kilbrannan Sound and north-east Arran. The location of the proposal close to the transition with the more settled coastal fringes of West Loch Tarbert and to key roads, increases the impacts of this proposal when compared with other operational and consented wind farms located on the Kintyre peninsula. This proposal would be particularly prominent in views from north Kintyre and from the West Loch Tarbert area. Significant adverse effects on views would occur on the following receptors:

- Sections of the A83 (in the Clachan/Whitehouse area) and the B8001 which are well-used by tourists. EIA Viewpoints 2, 4 and 8 demonstrate the major adverse effects that will occur on views from this route.
- Intermittent views from the B8024 minor road (and National Cycle Route 78) which is aligned close to the northern shores of West Loch Tarbert and around the coast of Knapdale. There would be views from settlement and coastal footpaths on the north coast of West Loch Tarbert and from more informal walking areas around Ardpatrik

Point. EIAR Viewpoint 5 illustrates how this proposal will significantly extend the horizontal spread of turbines seen on the skyline in addition to the Freasdail wind farm but will also be much more prominent due to the size turbines and their proximity (3.9km distance). While the proposed wind farm would be more distant (>10km) from Viewpoint 10 on the B8024, it would be seen at the end of a framed view channelled down the narrow inner loch, thus increasing the magnitude of effect. Viewpoint 9 located further west on the B8024 and some 8km distance illustrates how the size of the proposed turbines and their location towards the outer margins of the uplands, give an appearance of them spilling down on the coastal hills and thus increasing prominence when compared with other wind farms located on Kintyre.

- The Islay ferry route – The Ferry Route Analysis visualisations and maps set out in Appendix 7.6 are informative and help confirm that significant effects would occur on views from much of the route between Kennacraig and close to the northern point of Gigha.
- The Lochranza to Cloanaig ferry route – cumulative effects will occur with the operational Freasdail wind farm in that this proposal would considerably increase the spread of turbines seen on the Kintyre skyline. The proposal would also appear considerably more prominent than the Freasdail wind farm in views from Lochranza and the Kilbrannan Sound due to their larger size (predominantly 149.9m as opposed to 100m) and because a greater vertical extent will be visible on a higher part of the upland backdrop to views. Cumulative effects would also occur with the consented Eascairt wind farm as a confused array of overlapping and different sized turbines is evident (EIAR Figure 7.32a) and where this proposal would make a major contribution to the development of a more concentrated band of development seen on this part of the Kintyre skyline.
- Footpaths in the local area, including those to Dun Skeig and from sections of the Kintyre Way where significant cumulative effects with operational and consented developments will also occur. (EIAR Viewpoints 1 and 6 illustrate these effects). The proposed solar array would also be likely to contribute to adverse effects experienced from Dun Skeig (Viewpoint 6) and while the proposal would not be located in the most dramatic part of the panorama seen from the summit, it would bring large turbines and other infrastructure substantially closer, forming a focus in views on the walk to and from the hill and adversely affecting the setting and experience of this special landscape feature.

Cumulative landscape and visual effects - Three development scenarios are considered in the Landscape & Visual Impact Assessment. Scenario 1 comprises all operational and under construction wind farms as the landscape and visual baseline and is considered in the appraisal of landscape and visual effects set out in the preceding sections of the Consultant Landscape Consultant's advice.

Scenario 2 comprises the baseline plus consented wind farms while Scenario 3 additionally considers proposed wind farms with the Scenario 2 wind farms. EIAR Figure 7.9 shows operational, consented and in planning wind farms within 15km of the proposal. It should however be noted that the Clachaig Glen wind farm has, since issue of the EIAR, been approved and the Killean wind farm refused on appeal. Argyll and Bute Council have not submitted an objection to either the Airigh or High Constellation wind farm proposals which lie within 15km of this proposal.

Significant cumulative landscape and visual effects would be likely to occur on the following receptors:

- This proposal would infill the gap between the Freasdail and Eascairt wind farms and would erode the existing pattern of cluster and space wind farms on the Kintyre

peninsula resulting in a significantly extended spread of turbines on the skyline of Kintyre seen from the east. The wider spacing and larger size of the Sheirdrim turbines would create a cluttered appearance with the Freasdail and Eascairt wind farms. This proposal would be much more prominent in views from Lochranza (and the Kilbrannan Sound) than these other operational and consented wind farms as evident in EIAR Viewpoint 12, Figure 7.32a.

- Sequential effects of the Airigh and Clachaig Glen wind farms seen with this proposal from the A83 and from the Islay ferry route - the Sheirdrim proposal would be a major contributor to these effects.
- Cumulative impacts from Dun Skeig (EIAR Viewpoint 6), the northern shores of West Loch Tarbert and from the Ardpatrik Point area where the Sheirdrim proposal would be variously visible with the operational Freasdail wind farm, the consented Eascairt wind farm and the Airigh proposal. The Sheirdrim proposal would be a major contributor to these effects.
- Cumulative impacts on the character of the *Upland Forest Moor Mosaic* Landscape Character Type (including the recently consented Clachaig Glen wind farm) and on the Kintyre Way.

Conclusion of the Council's Landscape Consultant - The site lies within the *Upland Forest Moor Mosaic* Landscape Character Type which covers the Kintyre uplands. This landscape generally has a simple landform and landcover and often has an expansive scale and these are factors which can reduce sensitivity to larger scale wind turbines. A number of operational and consented wind farms are already accommodated in this upland landscape and this increases potential for cumulative landscape and visual effects to arise with any additional new developments. While the Argyll and Bute LWECS (2017) concludes that there is some limited scope for additional wind turbines up to 150m high to be accommodated in parts of this landscape, a key constraint is the need to minimise effects on smaller scale settled coastal fringes by siting wind farms well away from the outer edges of these uplands. It should also be noted that the Eascairt and Clachaig Glen wind farms have been consented in this Landscape Character Type since the Argyll and Bute LWECS was issued in 2017.

This proposal, which comprises very large turbines of up to 149.9m, would be sited in the narrower northern part of the Kintyre peninsula, resulting in significant adverse effects on views from both the West Loch Tarbert area and the Kilbrannan Sound (and possibly also Arran although detailed appraisal has not been undertaken of areas lying outside Argyll and Bute). It would also be sited close to the transition with the sensitive settled coastal fringes of West Loch Tarbert significantly increasing the prominence of wind turbines and resulting in significant adverse effects from the key tourist routes of the A83, the B8001 and the B8024 and from dispersed settlement and local footpaths, for example at Dun Skeig and along the shores of West Loch Tarbert to Ardpatrik Point.

Significant adverse effects would arise on part of the *Upland Forest Moor Mosaic* Landscape Character Type and on parts of the *Rocky Mosaic* Landscape Character Type where it covers the shores of West Loch Tarbert and south-west Knapdale. There would also be a significant effect on the southern part of the Knapdale Area of Panoramic Quality affecting the setting and perception of naturalness associated with the small-scale and diverse coastal fringes of the designated area and views across Loch Tarbert.

The turbines within this proposal, at predominantly at 149.9m to blade tip, would be notably larger than the nearby operational Freasdail and consented Eascairt wind farms and disparity in size and a particularly cluttered appearance would be evident in views from the Lochranza to Cloanaig Ferry and from the B8001. Significant cumulative effects with other proposed wind

farms would include sequential views of multiple wind farms from the A83 and a concentration of wind farm development, filling the gap between the operational Freasdale and consented Eascairt wind farms and resulting in a more dominant effect of wind energy development in the northern part of the Kintyre peninsula.

It is recommended that this proposal should be objected to on landscape and visual grounds because of its location close to the outer edge of the uplands and its consequent effects on West Loch Tarbert and its sensitive coastal fringes, including impacts on views from key transport routes which are important for visitors. This proposal would be contrary to the guidance set out in the Argyll and Bute LWECS and would be located in a landscape where capacity has largely been reached in landscape and visual terms.

SNH's advice on Landscape & Visual Impacts – in summary, SNH have advised the ECU that they consider that the location and scale of the proposal will result in significant adverse landscape and visual impacts. There are no substantive mitigation measures that could be implemented without a significant change to the proposal. There would be significant adverse landscape and visual effects in relation to southern Knapdale, West Loch Tarbert, and northern Kintyre. There would also be adverse effects on the views and experience from the northwest coast and hills of Arran in the North Arran National Scenic Area (NSA) and from offshore. SNH's detailed response can be viewed on the Energy Consents Unit website.

North Ayrshire Council - have advised the ECU that the proposal has the potential to have adverse impacts on the qualities of the North Arran NSA. North Ayrshire Council understand that SNH has also been consulted as part of this process, and would look to SNH to provide further input towards potential landscape impacts on the designations that lie within North Ayrshire Council Area as a result of the proposal. It is requested that the ECU consider these impacts in order to ensure that development would not undermine the integrity of the NSA.

West Kintyre Community Council has advised the ECU that they object on the grounds of landscape, visual and cumulative impact. East Kintyre Community Council has advised the ECU that they object on the grounds of visual amenity due to cumulative harmful visual impacts contrary to Argyll & Bute Council's LDP 6. South Knapdale Community Council advise the ECU that in the case of Sheirdrim, there is no clear, quantifiable majority view. Several views were made plain and whilst most believed that renewable energy is necessary and desirable, the concerns of the community directly affected by the proposal should be addressed. Consideration should be given to building a smaller wind farm with fewer turbines to better sit within the landscape and more attention given to the impact on our assets of landscape. The Energy Consents Unit will take these concerns into account in their deliberation of the proposal as the determining authority.

Having due regard to the above it is concluded that the proposal will have adverse landscape and visual impacts (including cumulative) and is therefore inconsistent with the provisions of: SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality; SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; 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; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); and the Onshore wind policy statement, (2017).

It is therefore recommended that Argyll & Bute Council object to the proposal on the grounds of adverse: Landscape Impact, Visual Impact, and Cumulative landscape and visual effects.

K. EFFECTS ON NATURAL HERITAGE INCLUDING BIRDS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on natural heritage including birds.

Protected Species & Habitats - SNH have advised the ECU that they are satisfied with the assessment of the impacts of the proposal on non-avian protected species and the proposed mitigation as detailed in the EIAR. SNH have advised the ECU that although the proposal will result in the loss of up to 14.90ha of regionally important blanket bog habitat and up to 29.07ha of local importantly modified bog habitat, this loss will be compensated by a commitment to restoring 84 ha of degraded bog habitat under the proposed Habitat Management Plan (HMP). In addition, given the projected loss of M15 habitat (Northern Atlantic Wet Heaths with *Erica tetralix*), which is a Natura habitat, SNH recommend that the applicant considers adding restoration of areas of wet heath as a separate objective in the HMP.

Ornithology

Designated Sites

SNH - have advised the ECU that the proposal is located close to the Kintyre Goose Roosts Special Protection Area (SPA) classified for its non-breeding Greenland white-fronted geese population. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended ('the Habitats Regulations') or, for reserved matters, the Conservations of Habitats and Species Regulations 2020 as amended apply. Consequently, SG is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as a Habitats Regulation Appraisal (HRA)).

SNH have advised the ECU that they are generally content with the assessment of the proposal on the key ornithological receptors and the proposed mitigation measures. A Bird Protection Plan (BPP) will be implemented during the construction period to minimise risk of disturbance to protected birds but SNH note that there are no proposals included for minimising disturbance risks during the operational phase. Should this proposal be consented, the BPP would need to include operational mitigation measures for a range of species including Hen Harriers, Black Grouse and Red-Throated Divers. As there is a lack of information surrounding potential ecological and ornithological impacts of solar arrays in more natural habitats as opposed to agricultural land, post construction monitoring should be undertaken and included in the HMP.

The Royal Society for the Protection of Birds Scotland (RSPB) have advised the ECU that conditions regarding any Bird Protection Plan (BPP) should be modified to ensure that red-throated diver are not disturbed and further consideration of potential operational impacts of the solar array on Greenland white-fronted geese should be included within the Habitats Regulations Appraisal (HRA). In particular, RSPB advise that further mitigation and habitat management will minimise biodiversity impacts of the proposal. RSPB ask that if Scottish Ministers are minded to approve this application, the following are a condition of any consent: no construction works/vegetation clearance/tree felling or decommissioning during the bird breeding season unless a bird disturbance management plan has been agreed; Habitat Management Plan including mitigation measures for red-throated diver, Greenland white fronted geese, peatland restoration and native woodland creation to benefit black grouse for the lifetime of the development including decommissioning; employment of a appropriately qualified and experience Ecological Clerk of Works (*ECow) to oversee construction, mitigation measures; and an appropriate programme of post-construction monitoring to inform the

Habitat Management Plan focussing on the impacts of the solar arrays on feeding greenland white-fronted geese.

Fish

Marine Scotland Science (MSS) - have advised the ECU they have no objection to the proposal providing that the developer establishes a robust integrated water quality and fish population monitoring programme, as part of proposed measures, to ensure minimal impact and/or avoidance of impacts on the salmon and trout within and downstream of the proposed development area. Furthermore, they advise that this monitoring programme could be secured by planning condition, should the development receive consent.

Forestry

Scottish Forestry originally advised the ECU that they objected to the proposal on the grounds of lack of information regarding compliance with the UK Forestry Standard. They require: a calculation of UKFS percentages for the wind farm proposal area; a calculation of felling within the catchment of Clachan Burn – part of Clachan Potentially Vulnerable Area (PVA) and in addition SF objects unless conditions are attached to any grant of consent issued by the ECU to secure compensatory planting and a Long Term Forest Plan.

SPR have provided further details requested by Scottish Forestry in regard to felling and potential flood risk in the Clachan Burn catchment.

Scottish Forestry have further advised the ECU that they have examined the information provided by SPR and are satisfied that sufficient information has been provided to address their objection in terms of 'Calculation of felling within the catchment of Clachan Burn – part of Clachan Potentially Vulnerable Area (PVA)'. Their objection regarding 'Calculation of UKFS percentages for windfarm proposal area' has still to be addressed. In addition, they would also object unless conditions are applied to Compensatory Planting and a Long Term Forest Plan.

SEPA - Forest removal and forest waste - The management of waste generated on site will be in line with the SEPA guidance document Management of Forestry Waste. SEPA note that it is intended to leave brush on site where crops are being replanted, but to remove it for treatment in line with the waste hierarchy where they are not. SEPA also note the plans for removing merchantable timber via key-holing; the phases of extraction; the provision of compensation planting; and the net restoration on peat bog quantified above. It is intended that a Forest Waste Management Plan will form part of the CEMP during the finalising of regulatory requirements, following receipt of planning consent.

The Council's Local Biodiversity Officer - suggests that: Rhododendron sp. be removed from the site and form part of the INNS eradication programme as requested for Japanese Knotweed; keep a watching brief for ground nesting birds, this should be part of Tool Box talks (to be included in the CEMP) as daily pre-start checks if construction is within the ground bird nesting season; daily pre-start checks for signs of Otters and Pine Marten, again a Tool Box talk should cover this; the Local Biodiversity Officer is not content for Peat Management Plan to manage excavated material being assigned to the Main Contractor. It should be in liaison with the EcoW, the Local Biodiveristy Officer would like to have sight of the same prior to commencement of works, the Peat Management Plan can be conditioned albeit that planning permission is granted; and asks that an Eradication Plan for the Japanese Knotweed is submitted for approval in advance of control being implemented.

South Knapdale Community Council advise the ECU that in the case of Sheirdrim, there is no clear, quantifiable majority view. Several views were made plain and whilst most believed that renewable energy is necessary and desirable, the concerns of the community directly affected by the proposal should be addressed. Consideration should be given to building a smaller wind farm with fewer turbines to better sit within the landscape and more attention given to the impact on wildlife. The Energy Consents Unit will take these concerns into account in their deliberation of the proposal as the determining authority.

Having due regard to the above it is concluded that subject to the conditions recommended by SNH, RSPB, Marine Scotland, SEPA, Scottish Forestry and the Council's Local Biodiversity Officer the proposal is acceptable in terms of natural heritage and birds and is consistent with the provisions of 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 2 Renewable Energy; 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 of the Argyll & Bute Local Development Plan; SPP; Onshore wind policy statement, Scottish Government (January 2017); The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009);

However, Local Development Plan Policy is clear that adequate provision must be made in regard to woodland when considering development proposals. In this instance, insufficient information has been provided to demonstrate to Scottish Forestry that this is the case.

Having due regard to the above it is concluded that the proposal will have an adverse impact on the natural heritage and is therefore inconsistent with the provisions of SG LDP ENV 6 – Development Impact on Trees / Woodland; SG 2 Renewable Energy; 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 of the Argyll & Bute Local Development Plan; SPP; Onshore wind policy statement, Scottish Government (January 2017); The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009);

It is therefore recommended that Argyll & Bute Council object to the proposal on the grounds that insufficient information has been submitted to Scottish Forestry to demonstrate that adequate provision has been made in regard to woodland. Furthermore, that the Energy Consents Unit should be advised that in the event that Scottish Forestry withdraw their objection, then Argyll & Bute Council would no longer object on these grounds.

L. IMPACTS ON CARBON RICH SOILS, USING THE CARBON CALCULATOR (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2 and SPP require applications for renewable energy developments to be assessed against any impact they may have on carbon rich soils, using the carbon calculator.

Spatial Framework (SPP & SG2) – In terms of the Council's Spatial Framework for onshore wind energy developments, the proposal lies partly in a Group 3 Area (area with potential for wind farm development subject to other policy considerations). The remainder of the site is considered to be a Group 2 Area (area of significant protection, due to the potential presence of Class 1 Priority Peatland Habitat). As set out in Table 1 of SPP (reflected in the Council's

Spatial Framework), further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

SNH's advice on Peat – SNH have advised the ECU that SPP identifies ‘carbon rich soils, deep peat and priority peatland Habitat’ as nationally important interests for which planning authorities should develop spatial frameworks. SPP also states that “further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.” Although the site contains areas of nationally important ‘carbon-rich soil, deep peat and priority peatland habitat, these are considerably less extensive than indicated on the Carbon and Peatland Map 2016. Despite the patchiness of the peat depth across the site, there appears to have been sufficient areas of peaty soils to allow for micrositing of most of the wind turbines and overall, the proposal makes an effort to minimise the impact of the development on carbon rich soil. Some alternative siting should, however, be explored with additional peat probing to avoid areas of deep peat. SNH Provide detailed advice to the ECU in this regard which is available on their website.

SEPA - Peat and carbon rich soils – SEPA have advised the ECU that the peat depth survey indicates that the proposed towers and tracks are avoiding areas of deep peat. The Peat Management Plan should be revisited / updated in the event that site conditions vary from the assessment that informs the basis of the current plan. The peat reuse calculations appear to be credible and in line with standard methods. Guidance on Developments on Peat and Off-Site Uses of Waste Peat should be followed with regards to appropriate reuse of peat.

IronsideFarrar on behalf of the ECU - Peat Landslide Hazard Risk Assessment (PLHRA) – have advised the ECU that although much of the PLHRA is sound, one or two key elements are considered to be insufficiently robust to support the PLHRA conclusions and minor revisions are required relating to: acceptable location; definition of ‘slip material’; identification of receptors; medium and high risk areas; mitigation for medium and high risk areas; mitigation for borrow pit areas; and mitigation measures for the permanent and temporary storage of peat on the site. Areas for attention may be progressed by the developer through either an appendix to the original submission or by clarification letter.

The Coal Authority have reviewed the proposals and confirm that the proposal would be located outside the defined coalfield. Accordingly, the Coal Authority has no comments or observations to make on this project.

Having due regard to the above, subject to the recommended conditions it is concluded that the proposal will not have an adverse impact on carbon rich soils, using the carbon calculator and is therefore consistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 11 – Protection of Soil and Peat Resources; SG 2 Renewable Energy; 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 of the Argyll & Bute Local Development Plan; SPP (2014); Onshore wind policy statement, (January 2017).

M. PUBLIC ACCESS, INCLUDING IMPACT ON LONG DISTANCE WALKING AND CYCLING ROUTES AND THOSE SCENIC ROUTES IDENTIFIED IN THE NPF (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any

impact they may have on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF.

Public access to the proposal would be restricted during construction for health and safety reasons. The Kintyre Way long distance route is partially within the site. SPR is proposing to enhance several aspects of the site by improving local access and recreation opportunities. The enhancements being proposed are as follows:

- Access tracks for users of the Kintyre Way to enter the site with signage for a circular walk which would take visitors to a viewing point upon Cruach nam Fiadh. Stone seating, using locally cut rock from the site borrow pits, would also be placed at various locations around the site;
- Shelter for walkers close to the entrance to the site from the Kintyre Way;
- Access and information boards to several archaeological features near to the Kintyre Way, which will provide a description of the features and some interesting archaeological context for the site and the surrounding area; and
- Bird hide, located north west of Lochan Fraoich, and accessible from the Kintyre Way for viewing bird species found within the south western part of the site.

The proposal would provide information boards at several archaeological features identified on site. These would comprise information boards for two Sheiling huts located just south of the Kintyre Way between T18 and T19, where there is evidence of a stream diversion and an enclosure, and at the site of a Longhouse (domestic building, byre and enclosure) situated west of the Kintyre Way between T16 and T19. The information boards would provide some background information on the features and graphics illustrating what the features may have looked like when in use.

Members of the public would be able to access the site on foot and make use of the access tracks under the provisions of the Land Reform Act. During periods of maintenance, access by the public could be restricted depending on the nature of the maintenance activity.

Public access – vehicular - Once the proposal is operational (if consent is granted) vehicular access will be limited to individuals directly involved in the maintenance of the proposed development, the landowners and their agents, and emergency vehicles.

Turbine access - It is not proposed that there would be public access to the proposed wind turbines. Due to health and safety reasons access to the turbines will be restricted to employees of, and contractors appointed by SPR.

Scottish Rights of Way and Access Society (ScotWays) advise the ECU that any Construction Environment Management Plan should be drawn up in consultation with Argyll & Bute Council Core Path team. Scotways also sought clarification of the minimum separation distance being applied particularly in relation to T18 and T19 which appear to be those in closest proximity to the *Kintyre Way*. Scotways is also concerned to note that consent in perpetuity is being sought. The applicant provided the clarification sought by Scotways, who have now confirmed to the ECU that they are satisfied that they meet the appropriate guidelines.

Council's Access Officer – at time of writing no response has been received.

Having due regard to the above it is concluded that the proposal will not have any adverse physical impacts on public access, including impact on long distance walking

and cycling routes and those scenic routes identified in the NPF and is therefore consistent with the provisions of SG 2 Renewable Energy, SG LDP TRAN 1 – Access to the Outdoors; 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 of the Argyll & Bute Local Development Plan; SPP (2014); Onshore wind policy statement, (January 2017).

N. IMPACTS ON THE CULTURAL HERITAGE, INCLUDING SCHEDULED MONUMENTS, LISTED BUILDINGS AND THEIR SETTINGS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on the historic environment, including scheduled monuments, listed buildings and their settings.

Historic Environment Scotland (HES) – advised the ECU in an interim response that they required Additional Information in the form of a visualisations, photomontages and wirelines to enable them to reach a view on the proposals impact on Dun Skeig, duns & fort (Scheduled Monument). This Additional Information was submitted by the Applicant and having considered it Historic Environment Scotland have advised the ECU that they object to the application because it will have an adverse effect on the integrity of the setting of the scheduled monument Dun Skeig, duns & fort, contrary to the provisions of SPP. HES consider this impact to raise issues in the National Interest, which warrants their objection to the scheme. Potential mitigation was considered and HES state that: *“excepting a significant reduction in turbine height or the widespread deletion of turbines, there appears to be no mitigation that HES consider would reduce the impact of this development”*. HES reaffirm their previous position that they object to the proposal given the potential for significant adverse impacts on the setting of the Dun Skeig duns & fort (Scheduled Monument). They consider that this impact will have an adverse effect on the integrity of the setting of Dun Skeig, duns & fort to the effect that it would affect our ability to understand, appreciate and experience this monument. That the proposals are not in line with SPP, 2014 and raise issues of National Interest that warrant HES’s objection. While HES would welcome further dialogue on mitigation, it does not appear that impacts would be reduced to an acceptable degree without significant reductions in turbine heights or the widespread deletion of turbines.

The West of Scotland Archaeology Service (WOSAS) have advised that further mitigation will be required in the form of survey and possibly watching briefs during construction, and that a condition would be required to be attached to any consent granted by the ECU to secure the implementation of a programme of archaeological works in accordance with an agreed written scheme of investigation. Thereafter the programme of archaeological works should be implemented in full and all recording and recovery of archaeological resources within the site undertaken to the satisfaction of the Planning Authority in agreement with WOSAS.

Local Development Plan Policy is clear that developments that have an adverse impact on Scheduled Monuments and their settings should not be permitted unless there are exceptional circumstances.

Having due regard to the above it is concluded that based on the advice of Historic Environment Scotland this proposal will have an adverse impact on the Scheduled Monument, Dun Skeig, duns & fort and is therefore inconsistent with the provisions of SG LDP ENV 19 – Development Impact on Scheduled Ancient Monuments; SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 –

Supporting the Sustainable Growth of Renewables; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan; SPP (2014); the Onshore Wind Policy Statement and Historic Environment Policy for Scotland (April 2019) in this respect.

It is therefore recommended that Argyll & Bute Council object to the proposal due to the adverse impact it would have on the Scheduled Monument, Dun Skeig, duns and fort. Furthermore, that the Energy Consents Unit should be advised that in the event that Historic Environment Scotland withdraw their objection, then Argyll & Bute Council would no longer object on these grounds.

O. IMPACTS ON TOURISM AND RECREATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on tourism and recreation.

It is noted that no consultation advice has been received by the ECU from VisitScotland or the British Horse Society. It is considered that it would be beneficial for the ECU to obtain their views prior to reaching a decision on this proposal.

The Council also regards landscape 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. 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.

South Knapdale Community Council advise the ECU that in the case of Sheirdrim, there is no clear, quantifiable majority view. Several views were made plain and whilst most believed that renewable energy is necessary and desirable, the concerns of the community directly affected by the proposal should be addressed. Consideration should be given to building a smaller wind farm with fewer turbines to better sit within the landscape and more attention given to the impact on businesses and our assets tourism. West Kintyre Community Council advise the ECU they object on the grounds of potential effects on the local tourism economy. The Energy Consents Unit will take these concerns into account in their deliberation of the proposal as the determining authority.

Having due regard to the above, in terms of the impacts on tourism and recreation the proposal is considered to be consistent with the provisions of: SG LDP TRAN 1 – Access to the Outdoors; 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 SG 2 Renewable Energy of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

P. AVIATION, DEFENCE AND SEISMOLOGICAL RECORDING (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on Aviation, Defence and Seismological Recording.

Glasgow Prestwick Airport (GPA) previously objected to this proposal due to potential adverse impact on radar operations. Additional information was submitted by the applicant and GPA have reviewed the detailed radar modelling (relative to Glasgow Prestwick Airport's Primary radars) of proposed Sheirdrim wind farm – and are satisfied from the detailed modelling report that the turbines will not be detected by Glasgow Prestwick Airports (GPA) PSR's. Consequently, Glasgow Prestwick Airport Ltd have no remaining aviation grounds for objection to this proposal – and formally remove any objection GPA had on this proposal.

Defence Infrastructure Organisation/ Ministry of Defence (MOD) – have advised the ECU that they have no objection to the proposal providing that: in the interests of air safety, the development is fitted with MOD accredited aviation safety lighting, and that prior to commencement of construction the MOD are informed of: the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of every turbine. This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

Highlands and Islands Airports Limited (HIAL) have advised the ECU they have no objections to the proposal.

National Air Traffic Services Safeguarding (NATS) have advised the ECU that the proposal has been examined by technical and operational safeguarding teams. An unacceptable technical impact is anticipated, consequently, they object as an unacceptable impact from the proposal has been identified. They further advise they would hope to offer a table of mitigation within 3-4 weeks at which point they would consider planning conditions.

Local Development Plan Policy is clear that developments that have an adverse impact on the Safeguarding of Airports should be refused.

Having due regard to the above it is concluded that due to the fact that National Air Traffic Services Safeguarding (NATS) have advised the Energy Consents Unit that they object to the proposal, it will have an adverse impact on aviation is therefore inconsistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP TRAN 7 –Safeguarding of Airports of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

It is therefore recommended that Argyll & Bute Council object to the proposal due to the adverse impact it would have on Aviation. Furthermore, that the Energy Consents Unit should be advised that in the event that National Air Traffic Services (NATS) withdraw their objection, then Argyll & Bute Council would no longer object on these grounds.

Q. IMPACTS ON TELECOMMUNICATIONS, BROADCASTING INSTALLATIONS AND TRANSMISSION LINKS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on telecommunications, broadcasting installations and transmission links. BT, the Joint Radio Company, and the Met Office have all provided confirmation to the ECU that they have no objections to this proposal.

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 SG 2, Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

R. IMPACTS ON ROAD TRAFFIC AND ADJACENT TRUNK ROADS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for renewable energy developments to be assessed against any impact they may have on road traffic and adjacent trunk roads.

Site Access Junction - There are two potential access points located on the A83. An existing junction at Glebe Cottage and a proposed access point located 180m south of Glebe Cottage.

Transport Scotland (TS) – have advised the ECU that they are satisfied with the EIAR and have no objection in terms of environmental impacts on the trunk road network. TS however, request that conditions relating to: written approval of deliveries to site; installation and operation of vehicle wheel cleansing facilities; approval of route and any measures to accommodate abnormal loads; and during delivery any signage or temporary traffic control to be undertaken by a recognised QA traffic management consultant. The reasons for these conditions are to: minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development; to ensure that material from the site is not deposited on the trunk road to the detriment of road safety; and to ensure that the transportation will not have any detrimental effect on the road and structures along the route.

The Council's Roads & Amenity Services note that the site access connects directly to the A83 and that the advice of TS should be sought by the ECU. Furthermore, they advise that they have no objection to the proposal subject to conditions being attached to any consent issued by the ECU to ensure that the site is served via a direct access from the A83 and that there is no vehicular access via the B8001 Redhouse –Skipness Road.

West Kintyre Community Council have advised the ECU that they object on the grounds of transport impact. The Energy Consents Unit will take these concerns into account in their deliberation of the proposal as the determining authority.

Having considered the two access options, it is considered that the preference would be for the existing Cour access to be utilised rather than the creation of a new access. The reason for this is in the interests of visual amenity, based on the fact that there are already a number of wind farm accesses off the A83 and it is considered that these should be minimised wherever possible. This however, should not be at the expense of the residential amenity of the occupants of Glebe Cottage, the house located at the access to Cour wind farm. If the Energy Consents Unit agree with the view of the Council then it is recommended that appropriate conditions are applied in relation to the Construction Environment Management Plan to ensure that noise, vibration and delivery times are limited in accordance with the advice of the Council's Environment Protection Officer detailed above.

Having due regard to the above, subject to the relevant conditions being attached to any consent granted by the ECU, and consideration is given to the Council's preference for the existing Cour access to be utilised in the event that consent is granted it is concluded that the proposal will not have any adverse impacts on road traffic and adjacent trunk roads and the proposal is consistent with the provisions of SG2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables;

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes of the Argyll & Bute Local Development Plan, SPP and the Onshore Wind Policy Statement in this respect.

S. EFFECTS ON HYDROLOGY, THE WATER ENVIRONMENT AND FLOOD RISK (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against effects on hydrology, the water environment and flood risk.

SEPA - Groundwater Dependent Terrestrial Ecosystems (GWDTEs) - The assessment of the habitats present on site indicate that they are rain water dependant as opposed to being groundwater dependent. SEPA are therefore satisfied that they are not GWDTEs. More generally, the planned mitigation for access tracks should ensure disruption to the hydrological setting of the site will be limited. SEPA note that the planned restoration will lead to a net benefit with regards to blanked and wet modified bog on site. Approximately 45ha of bog will be permanently lost through construction of the wind farm but 84ha of degraded bog will be restored / reactivated. The techniques planned for this restoration are proven and should raise the water table to the level necessary for rapid recovery of the site and for it to become a carbon sink.

SEPA - Pollution prevention - Construction works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution. Reference should be made to the relevant Pollution Prevention Guidance (PPG) Notes available on SEPA's website and to the CIRIA publication C715 "Environmental Good Practice on Site – Pocket Book". Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations. The applicants and their contractors should also be fully aware of the requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes. SEPA note that the borrow pit design appears suitable. A Pollution Prevention Plan will be required for the surface water mitigation of tracks and borrow pits.

Flood Risk

SEPA have advised the ECU that they have **no objection** to the proposal on flood risk grounds. SEPA have reviewed the information provided and note that the site (or parts thereof) lies within the medium likelihood fluvial and surface water flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. The Hydrology Map indicates that the proposed solar area ('SA2') is located within the functional floodplain based on the SEPA Flood Maps. In line with SEPA's Land Use Vulnerability Guidance SEPA would view this development as 'essential infrastructure' given there are wind turbines and other energy generating technologies. With regards to flood hazard compatibility, SEPA can accept 'essential infrastructure' development within the functional floodplain provided a lower risk location is not available and the infrastructure is designed and constructed to remain operational during floods and will not impede water flow. In summary, SEPA are satisfied with the principle of the development given the proposed land use is compatible with the flood hazard. SEPA are satisfied that the EIAR has referenced industry best practice methods. SEPA have provided a number of recommendations to the ECU to ensure that the construction and post development works will have a neutral or better effect on flood risk. SEPA are aware that a Clachan Flood Study is currently being progressed to inform flood management options

and SEPA advise that the ECU contact Argyll & Bute Council for further information on flood risk and flood alleviation in the area.

The Council's Flood Risk Assessor – advises that given that there is an existing flood risk downstream at Clachan, they have no objection to the proposal subject to conditions being attached to any consent issued by the ECU to ensure that: watercourse crossings are designed to pass the 1 in 200 year plus climate change (56% allowance) flood event; surface water drainage is designed in accordance with CIRIA C753; that post development runoff is attenuated to the 1 in 2 year greenfield runoff rate; and that surface water drainage is in operation prior to the start of construction.

Having due regard to the above, subject to the relevant conditions being attached to any consent granted by the ECU, it is concluded that the water environment and flood risk have been considered and the proposal is consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

T. THE NEED FOR CONDITIONS RELATING TO THE DECOMMISSIONING OF DEVELOPMENTS, INCLUDING ANCILLARY INFRASTRUCTURE, AND SITE RESTORATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration.

There is no proposal to limit the lifetime of the proposal. Should consent be granted, it is anticipated that there would be a condition which would deal with the requirement to remove turbines/solar or any associated equipment if they become non-operational for a defined period of time.

Having due regard to the above it is concluded that the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration has been considered and the proposal is therefore consistent/inconsistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

U. OPPORTUNITIES FOR ENERGY STORAGE (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against any opportunities for energy storage which exist.

The proposal incorporates battery energy storage to store energy from the development or excess electricity from the national grid, providing stability to the electricity supply network, meeting energy demands and providing improved energy security.

Having due regard to the above it is recommended that the Council should not object to the proposal on the grounds of opportunities for energy storage (including cumulative impacts) in accordance with the provisions of SG 2 Renewable Energy,

Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement.

V. THE NEED FOR A ROBUST PLANNING OBLIGATION TO ENSURE THAT OPERATORS ACHIEVE SITE RESTORATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for renewable energy developments to be assessed against the need for a robust planning obligation to ensure that operators achieve site restoration. It is recommended that this matter is covered by planning conditions or a legal agreement consistent with other projects across Argyll & Bute in the event that the proposal obtains consent from the ECU.

There is no proposal to limit the lifetime of the proposal. Should consent be granted, it is anticipated that there would be a condition which would deal with the requirement to remove turbines, solar or associated equipment if they become non-operational for a defined period of time or in the event of the proposal being decommissioned.

Having due regard to the above it is concluded that opportunities for a robust planning obligation to ensure that operators achieve site restoration have been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

W. CLIMATE CHANGE (EMISSIONS REDUCTION TARGETS) (SCOTLAND) ACT 2019, THE SCOTTISH ENERGY STRATEGY & ONSHORE WIND POLICY STATEMENT 2017

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 - The Scottish Government is committed to increasing the supply of renewable energy within Scotland. Indeed the recently passed, Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets even more stringent targets for Scotland. The primary objective of the Act is to raise the ambition of the greenhouse gas emissions reduction targets set out in the Climate Change (Scotland) Act 2009. The Act sets a legally-binding “net-zero” target of all greenhouse gases by 2045. The “net-zero” target for Scotland is five years ahead of the date set for the whole of the UK.

The Scottish Energy Strategy (SES) (2017) – The SES was published in December 2017 and sets out the Scottish Government’s strategy through to 2050, marking a ‘*major transition*’ over the next 3 decades in terms of energy management, demand reduction and generation. The SES sets 2 new targets for the Scottish energy system by 2030: The equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption to be supplied from renewable sources; and, an increase by 30% in the productivity of energy use across the Scottish economy. The SES recognises that reaching the 50% target by 2030 ‘*will be challenging*’ but the target demonstrates ‘*the SG’s commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland*’. These energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland’s future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand. The Statement goes on to state that: ‘*This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes “where it can be accommodated”*’.

‘Onshore Wind Policy Statement’ (2017) – the onshore wind policy statement sets out the Scottish Government’s position on onshore wind and supports the aims of the Scottish Energy

Strategy. Paragraph 74 states that: *“The Scottish Government believes that our ambitious renewable energy goals are very much in the interests of Scotland’s citizens and environment. We also believe that developments can and must strike the right balance between utilising Scotland’s significant renewable energy resources whilst protecting our finest scenic landscapes and natural heritage”*.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of: SPP, the Scottish Energy Strategy 2017 and Onshore Wind Policy Statement 2017, which represent the Scottish Governments most up to date position on this type of development.

X. CONCLUSION & RECOMMENDATION

Both Scottish Planning Policy and the Argyll Local Development Plan support renewable energy developments provided it has been adequately demonstrated that there would be no unacceptable significant adverse effects. The determining issues in relation to this case are: Landscape Impact, Visual Impact, Cumulative landscape and visual effects, impact on Dun Skeig, duns and fort Scheduled Monument, Aviation Impact, and Forestry Impact. It is accepted that the proposal would make an important contribution to the Scottish Government’s renewable energy targets and reduce greenhouse gas emissions and these matters are important benefits which have been carefully considered. However, taking all of the above into account, overall it is considered that the unacceptable: Landscape Impact, Visual Impact, Cumulative landscape and visual effects, impact on Dun Skeig, duns and fort Scheduled Monument, Aviation Impact, and Forestry Impact would outweigh the benefits of the proposal. Officers therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the Scottish Planning Policy and the Argyll and Bute local development plan and that there are no material considerations which would justify anything other than the Council objecting to this proposal for the reasons detailed in this report. Should any of the objections raised by Historic Environment Scotland, Scottish Forestry and National Air Traffic Services be withdrawn, then it is also recommended that Argyll & Bute Council no longer object on these grounds, and that the Energy Consents Unit should treat these aspects of the Councils overall objection as withdrawn. In addition, it is also recommended that out of the two access options, the existing Cour access is identified as the Council’s preference and that the Scottish Government be notified accordingly.