

## **PROPOSAL OF APPLICATION NOTICE (PAN)**

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**Reference:** 21/01655/PAN

**Applicant:** E Power Limited

**Proposal:** Proposal of Application Notice for Installation of up to 14 wind turbines and associated ancillary infrastructure with tip heights of up to 180 metres and an installed capacity of more than 20MW

**Site Address:** Land At Sidh Mor, South of Lochan Anama and North West of A-Chruach wind farm, Kilmichael Forest

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### **1.0 INTRODUCTION**

- 1.1 Proposal of Application Notices only relate to Major Applications as defined by the Government's planning hierarchy and are a statutory requirement prior to the submission of the planning application. The PAN heralds the start of a minimum 12 week period to allow for community consultation before an application can be lodged.
- 1.2 In considering this item Members should restrict comments to issues relating to the material considerations which may be relevant in the determination of the proposed development and should refrain from expressing opinion as to the likely acceptability of development in advance of any subsequent application being presented for determination. Any opinions or views expressed by Councillors at the pre-application stage must be made mindful of the overarching requirements of fairness and impartiality and of keeping an open mind. The process provides opportunity for Officers to give feedback to the prospective applicant on issues which Members would wish to see addressed within the planning application submission.
- 1.3 The applicant has confirmed that they intend to hold two Public Exhibitions which will be held at Ford Village Hall on the 12<sup>th</sup> and 26<sup>th</sup> of November 2021. In addition they have advised that they intend to have various informal consultation activities as required or requested.
- 1.4 Officers are content that the proposed steps are commensurate with the scale of the development and the likely level of public interest in the proposal.
- 1.5 The Coronavirus (COVID-19): planning guidance on pre-application consultations for public events temporarily suspended the requirement to hold public events in relation to pre-application consultation (PAC). This guidance is still in place, however, it is possible for the applicant to hold their intended public events providing they adhere to all other relevant Scottish Government Covid legislation, there is just not a need for them to do so in terms of the aforementioned guidance, they could have an online event as an alternative if they wished. It is the applicant's responsibility to ensure that the public events comply with current Covid legislation.

- 1.6 The Proposal of Application Notice took effect from the 27<sup>th</sup> August 2021 and as such no formal Planning Application relative to this proposal can be made before 19<sup>th</sup> November 2021.

## **2.0 LOCATION AND SITE HISTORY**

- 2.1 The location of the proposal is on land around Sidh Mor, south of Lochan Anama and north east of A'Chruach wind farm.

- 2.2 The site has planning history as detailed below:

12/01991/PP - Erection of 60 metre high meteorological mast for a period of two years, land to North of Existing Anemometer Mast A'Chruach, Minard, Argyll and Bute – Application Approved 18<sup>th</sup> December 2012.

14/02884/PP - Retention of existing 60 metre high wind monitoring mast, approved under planning permission 12/01991/PP, for an additional three year period, Land to North of Existing Anemometer Mast A'Chruach, Minard, Argyll and Bute – Application Approved 14<sup>th</sup> January 2015.

18/00019/PREAPP - Development of 50MW wind farm and associated infrastructure, Glasvaar, Ford, Lochgilphead. Argyll and Bute – Closed 12<sup>th</sup> January 2018.

18/01954/S36 - S36 Scoping Opinion consultation for proposed wind farm, Glasvaar wind farm, 7.4km North West of Lochgilphead, Argyll and Bute – Opinion Issued 9<sup>th</sup> October 2018.

19/00994/PP – Erection of a meteorological mast, Glasvaar, Land Approximately 7.5 Km North of Lochgilphead and 3 Km East of Kilmartin, Argyll and Bute – Application Approved 23<sup>rd</sup> September 2019.

21/00093/PP - Erection of temporary wind monitoring meteorological mast of up to 100m in height for a period of 24 months (2 years), Capull Cloiche, Land South West of Lochan Anama and North East of A'Chruach Windfarm, 6km East of Kilmartin, Argyll and Bute - Application Approved 25<sup>th</sup> June 2021.

- 2.3 As can be seen from above a number of applications have been approved for meteorological masts and their retention. In addition, pre-application advice and a response to a Section 36 Scoping consultation for a larger scheme on the same site were issued in 2018.

- 2.4 No scoping request has been submitted for this revised scheme. An update meeting was held by the Major Applications Team with the Applicant in June this year. As the design of the development had evolved quite significantly and the generation capacity has now fallen under the 50 MW threshold for a Section 36 Application. Given that the development is no longer expected to exceed 50MW the Applicant is now intending to seek consent via a Major Application pursuant to the Town and Country Planning (Scotland) Act 1997.

- 2.5 Glasvaar wind farm is now a smaller scaled development. The original intention was to re-scope the smaller scheme, however, the overall scheme has reduced in both turbine numbers and tip height to respond to consultee comments received in response to the original Scoping Report. As the applicant does not believe they would receive any significant additional information from consultees to what was provided in the 2018 Scoping Opinion, it was decided that the smaller scheme does not need to be re-

scoped and this approach has been agreed. Nonetheless, the Applicant does intend to consult directly with key consultees to discuss the progress of the development to date and any key aspects of the EIA and planning submission.

- 2.6 The original S36 Glasvaar scheme included the erection of approximately 38 wind turbines with a maximum blade tip height of 175m and ancillary infrastructure, with a generating capacity of over 100 MW. The new scheme is described below.

### **3.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The PAN seeks to notify the Planning Authority of a prospective Major planning application for Glasvaar Wind Farm, which will comprise the installation of up to 14 wind turbines and associated ancillary infrastructure with tip heights of up to 180m and an installed capacity of more than 20MW. The PAN is accompanied by a site location plan

### **4.0 SITE DESCRIPTION**

- 4.1 The site is located primarily within the very sensitive countryside zone, and partially within the countryside and rural opportunity zones as identified by the adopted Local Development Plan (LDP). Policy LDP DM1 notes that within the countryside zone and rural opportunity areas support is only given for up to small scale development on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. In exceptional cases, up to and including large scale may be supported if this accords with an Area Capacity Evaluation (An Area Capacity Evaluation (ACE) is not required for renewable energy related developments which are the subject of environmental impact assessment). Policy DM 1 notes that within very sensitive countryside support is only given to specific categories of development on appropriate sites. These categories include renewable energy related development. All development will be considered in relation to all other policies of the LDP and Supplementary Guidance (SG) where these are relevant.

- 4.2 A spatial framework for wind farms and wind turbine developments over 50 metres high in line with SPP has been prepared as SG. This identifies: Areas where wind farms will not be acceptable (Group 1); Areas of significant protection (Group 2); and Areas which may have potential for wind farm development (Group 3). The site is located on ground containing both Group 2 - Areas of Significant Protection and Group 3 - Areas where wind farms are likely to be acceptable designations (SG 2 – Wind Farm Map 1 – Spatial Framework for Wind Turbines over 50 metres to blade tip). The area of the site classed Group 2 is designated due to its nationally important mapped environmental interests for carbon rich soils, deep peat and priority peatland habitat; Site of Special Scientific Interest; and the fact that it lies within the 2km of a Settlement Zone buffer. (SG 2 – Wind Farm Map 2 showing constituents of Group1 and Group 2 areas). SG 2 (December 2016) on Renewable Energy recognises the need for significant protection in Group 2 areas, in these areas wind farms may be appropriate in some circumstances. 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.

### **5.0 DEVELOPMENT PLAN POLICY & OTHER GUIDANCE**

Argyll and Bute Local Development Plan adopted March 2015

Policy LDP STRAT 1— Sustainable Development

Policy LDP DM1—Development within the Development Management Zones  
Policy LDP 3—Supporting the Protection, Conservation and Enhancement of our Environment  
Policy LDP 5—Supporting the Sustainable Growth of Our Economy  
Policy LDP 6 - Supporting the Sustainable Growth of Renewables  
Policy LDP 8 – Supporting the Strength of our Communities  
Policy LDP 9—Developing Setting, Layout and Design  
Policy LDP 10—Maximising our Resources and Reducing our Consumption  
Policy LDP 11—Improving our Connectivity and Infrastructure

#### Supplementary Guidance

SG LDP ENV 1 – Development Impact of 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 10 – Geodiversity  
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 Ancient Monuments  
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance  
SG LDP Sustainable - Sustainable Siting and Design Principles  
SG LDP SERV 1 – Private Sewerage 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(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 5 – Off-Site Highway Improvements  
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

#### Argyll and Bute proposed Local Development Plan 2 (November 2019)

Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and

unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The relevant provisions of LDP2 that may be afforded significant weighting in the determination of this application are listed below:

- Policy 14 – Bad Neighbour Development
- Policy 19 – Schedule Monuments
- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Access
- Policy 41 – Off Site Highway Improvements
- Policy 43 – Safeguarding of Aerodromes
- Policy 58 – Private Water Supplies and Water Conservation
- Policy 63 – Waste Related Development and Waste Management
- Policy 76 – Development Impact on Local Nature Conservation Sites (LNCS)

Note: The Full Policies are available to view on the Council's Web Site at: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

## **6.0 POTENTIAL MATERIAL CONSIDERATIONS**

6.1 Officers consider that the potential main considerations in respect of the proposal are likely to be: settlement strategy; supporting the sustainable growth of renewables; location, nature and design of proposed development; spatial framework for wind farms; net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities; the scale of contribution to renewable energy generation targets; effect on greenhouse gas emissions; impacts on communities and individual dwellings, including residential amenity, noise and shadow flicker (including cumulative impacts); landscape and visual impacts, including effects on wild land (including cumulative impacts); effects on natural heritage including birds (including cumulative impacts); impacts on carbon rich soils, using the carbon calculator (including cumulative impacts) public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF (including cumulative impacts); impacts on the cultural heritage, including scheduled monuments, listed buildings and their settings (including cumulative impacts); impacts on tourism and recreation (including cumulative impacts); aviation, defence and seismological recording (including cumulative impacts); impacts on telecommunications, broadcasting installations and transmission links (including cumulative impacts); impacts on road traffic and adjacent trunk roads (including cumulative impacts); effects on hydrology, the water environment and flood risk (including cumulative impacts); the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration (including cumulative impacts); opportunities for energy storage (including cumulative impacts); and, the need for a robust planning obligation to ensure that operators achieve site restoration (including cumulative impacts)

6.2 Other relevant material considerations could include:

- Argyll and Bute Proposed Local Development Plan 2 November 2019
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- National Planning Policy Framework 3 (NPF3) (June 2014)

- Scottish Planning Policy (SPP) (June 2014)
- Scottish Government's Onshore wind turbine: planning advice (May 2014)
- SNH Review 78 – Argyll and the Firth of Clyde Landscape Character Assessment (1996)
- Argyll and Bute Landscape Wind Energy Capacity Study' SNH and A&BC (2017)
- Guidance on Siting and Designing Windfarms in the Landscape SNH (2017)
- Guidance for Landscape and Visual Impact Assessment, 3rd Edition, Landscape Institute and Institute of Environmental Management & Assessment, (2013)
- The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- Historic Environment Policy for Scotland (HEPS) (April 2019)
- Scottish Energy Strategy: The Future of Energy in Scotland' (December 2017)
- Onshore Wind Policy Statement, Scottish Government (2017)
- Protecting Scotland's Future: the Government's Programme for Scotland 2019-2020 (September 2019)
- Planning Advice Note 1/2011: 'Planning and Noise'
- Planning history of the site
- Views of statutory and other consultees
- Legitimate public concern or support expressed on relevant planning matters

## 7.0 CONCLUSION

The report sets out the information submitted to date as part of the PAN. Summarised are the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

## 8.0 RECOMMENDATION

That Members have regard to the content of the report and submissions and provide such feedback as they consider appropriate in respect of this PAN in order to allow these matters to be considered by the applicants in finalising any future planning application submission.

**Author of Report:** Arlene Knox

**Date:** 6/10/21

**Reviewing Officer:** Peter Bain

**Date:** 7/10/21

**Fergus Murray**

**Head of Development and Economic Growth**