

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

Reference No: 20/00212/S36

Applicant: The Scottish Government on behalf of EnergieKontor UK Ltd

Proposal: Electricity Act Section 36 consultation relevant to Narachan Wind Farm

Site Address: Narachan Hill, land east of Tayinloan, Argyll & Bute

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

- Construction, 35 year operation and subsequent decommissioning, of up to 11 wind turbines with a tip height of up to 180m
- Associated turbine transformers
- Associated turbine foundations
- Crane hardstandings
- On-site tracks, watercourse crossings, passing places and turning heads
- 4MW Battery Storage Compound
- Underground cables linking the turbines to the substation
- Up to three borrow pits for the extraction of stone on-site
- Aviation lighting
- A temporary construction compound
- On-site substation
- Forestry felling and replanting
- Habitat Management Plan Area
- Permanent Met Mast
- Two Site Access points from A83 (only one to be constructed)

Associated works, but which do not form part of this application, include a connection from the on-site sub-station to the grid network. Final details of the grid connection would be subject to a separate design and consent process at a later date and as determined by the District Network Operator (DNO). It is likely that a connection point may be located at Carradale.

(B) RECOMMENDATION:

Officers recommend that Members agree that the Council does not object to this proposal subject to the Energy Consents Unit considering the pre-determination matters and conditions detailed in Section X of this report.

(C) CONSULTATIONS:

ENERGY CONSENT UNIT RESPONSES:

NatureScot (6th April 2020) – in response to the original EIAR advised the ECU that the proposal could affect internationally important natural heritage interests and they

object. The objection is due to a lack of information in the Habitats Regulation Appraisal of the proposal in relation to the Kintyre Goose Roosts Special Protection Area (SPA). Advice is provided on ornithology and protected habitats and species only. No detailed landscape advice is provided as in NatureScot's view, the landscape and visual assessment is not currently fit for purpose as it does not contain key information requested by them during the pre-application process. NatureScot objects due to a lack of information of impacts on national interests and required further information before being able to advise on regional ornithological impacts. They also require the following information prior to the determination of this proposal: provision of night time visualisation(s) from within the North Arran Wild Land Area (WLA) and elevated parts of the North Arran National Scenic Area (NSA) and further assessment visualisations and assessment points from within the WLA, NSA and wider countryside; Habitat Management Plan; Bird Protection Plan; and Protected species and habitat survey on the chosen route as well as detailed information on required track construction and upgrades.

NatureScot response to Additional Information consultation (FEI) – it is understood that the ECU and the Applicant have agreed an extension with NatureScot until June. The reason for this is that the Applicant needs to submit further Ornithological information for their consideration. It is Officer's understanding that following receipt of this, NatureScot will provide full consultation advice to the ECU.

Transport Scotland (TS) (26th March 2020) and Transport Scotland (TS) response to Additional Information consultation (19th November 2021) – have advised the ECU that they have no objection subject to conditions to secure: details and approval of the proposed means of access to the trunk road; a Route Access Report; details of any additional signing or temporary traffic control measures deemed necessary (by Quality Assured traffic management consultant); a Construction Traffic Management Plan; all vehicles transporting construction material are sheeted; wheel cleaning facilities, and a Decommissioning Plan.

Marine Scotland Science (MSS) (10th March 2020) – have advised the ECU that the developer assesses the presence and abundance of fish populations within and downstream of the proposed development area. This information will inform the developer when drawing up appropriate site specific mitigation measures and a strategically designed integrated water quality and aquatic biota monitoring programme which should follow MSS guidelines.

Scottish Forestry (SF) (6th April 2020), Scottish Forestry response to Additional Information (FEI) consultation (3rd December 2021), and Further response (24th March 2022) – advised the ECU in their initial responses that insufficient information had been provided to enable them to fully assess the proposal and further information was requested. In their most recent response to the ECU they have confirmed that they have no objection to the proposal subject to a condition to secure Compensatory Planting.

Scottish Environment Protection Agency (SEPA) (30th March 2020) and Scottish Environment Protection Agency (SEPA) response to Additional Information consultation (17th November 2021) – advised the ECU in their initial response that they objected to the proposal on the grounds of lack of information. In their most recent response they have advised the ECU that they have no objection to the proposal subject to conditions relating to: Monitoring; Micrositing; and a Construction Environmental Management Plan;

Historic Environment Scotland (HES) (3rd April 2020) and **Historic Environment Scotland (HES) response to Additional Information consultation** (18th November 2021) – advised the ECU that they have no objection to this proposal.

Ironside Farrar (Environmental Consultants on behalf of Scottish Government ECU to audit Peat Landslide Hazard Risk Assessment (PLHRA)) (31st March 2020) – advised the ECU that the PLHRA requires resubmission there are significant shortcomings throughout and reworking of the report is required to support a robust assessment.

BT (25th February 2020) – have advised the ECU that they have no objection to the proposal

Defence Infrastructure Organisation/ Ministry of Defence (MOD) (24th March 2020) and Defence Infrastructure Organisation/Ministry of Defence (MOD) response to Additional Information consultation (16th November 2021) – advised the ECU that they have no objection subject to conditions to secure: aviation lighting and aviation charting & safety management.

Joint Radio Company Limited response to Additional Information (FEI) consultation (26th October 2021) – advised the ECU they have no objection to the proposal.

North Ayrshire Council (NAC) (6th May 2020) and **North Ayrshire Council response to Additional Information (FEI) consultation** (7th January 2022) – advised the ECU they have no objection to the proposal and provide comments for their consideration on the Landscape & Visual Impact Assessment.

Argyll District Salmon Fishery Board (12th February 2020) – advised the ECU that they have no objection subject to condition to ensure that pre and post development surveys are undertaken to ensure and demonstrate that stream crossings have not prevented the movement of fish between habitats downstream and downstream of the crossings.

Royal Society for the Protection of Birds Scotland (RSPB) (19th June 2020) – in response to the original EIAR advised the ECU that Additional Information/Mitigation should be provided in regard to: survey work; habitats and species of conservation concern (Greenland white-fronted geese, hen harrier, golden eagle, red-throated diver and black grouse); Bird Protection Plan; Habitat Management Plan; Peatland and wider Habitat Management Plan; Forestry – Native woodland creation within existing forestry; Access tracks and grid connection. RSPB advise the ECU that if Scottish Ministers are minded to approve the application that conditions to secure: a Bird Protection Plan; Habitat Management Plan; employment of appropriately qualified and experienced Ecological Clerk of Works (ECoW); and post-construction bird monitoring are attached to any consent.

RSPB response to Additional Information consultation (FEI) – at time of writing no further response has been received by the ECU. This will be a matter for them to resolve prior to reaching their conclusion on the proposal.

Scottish Rights of Way and Access Society (ScotWays) (20th April 2020) – advised the ECU that they have no objection to the proposal and draw the ECU's attention to guidance: *'Extract from the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8) Proximity to Highways and Railways'*

Scottish Water (4th March 2020) and **Scottish Water response to Additional Information (FEI) consultation** (28th October 2021) – advised the ECU that they do not object and advise that this does not confirm the proposal can be serviced. Advice is provided on: waste water infrastructure; water infrastructure; drinking water protected areas and surface water.

Glasgow Prestwick Airport (GPA) (7th April 2020) **Glasgow Prestwick Airport (GPA) response to Additional Information (FEI) consultation** (23rd November 2021) – advise the ECU they have no objection to the proposal.

National Air Traffic Services Safeguarding (NATS) (19th February 2020) and **National Air Traffic Services Safeguarding (NATS) response to Additional Information (FEI) consultation (29th October 2021)** – advised the ECU that the proposal has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria. Accordingly, they have no safeguarding objection to the proposal.

Highlands and Islands Airports Limited (HIAL) (6th March 2020) and **Highlands and Islands Airports Limited (HIAL) response to Additional Information consultation** (22nd November 2021) advise the ECU at the given position and height this development would not impact the safeguarding criteria for Campbeltown Airport. As a minimum the Civil Aviation Authority (CAA) recommends that all proposed developments over 90m in height should be notified to them. Provided these conditions are met Highlands and Islands Airports Limited would not object.

British Horse Society (BHS) (29th April 2020) – have advised the ECU that they have no objection – provided information on equestrian access through wind farms in Scotland, is highlighted to the developers by the ECU.

Crown Estate Scotland response to Additional Information (FEI) consultation (3rd November 2021) – have advised the ECU they have no comment.

West Kintyre Community Council (WKCC) response to Additional Information (FEI) (31st January 2022) – have made a representation to the ECU highlighting: the area of representation - landscape designations; the Kintyre Way, National Cycle routes, core paths, a variety of other walks and the protected Kintyre goose roosts, and several important archaeological sites; Most residents reside in small village communities dotted along the entire length of the coastal edge with others living in dispersed farms and cottages in the hills and glens; Aware of global warming and climate change and need for renewable energy – providing they have no significant impact on the receiving landscape, local facilities, or important tourism economy – existing operational and consented proposals are evidence of this acceptance; Landscape is now at capacity and will be tipped from a landscape with wind farms to a wind farm landscape; Adverse Tourism Impact; Contrary to SPP – development is the wrong development in the wrong place – adverse cumulative and tourism impact (acknowledge reduction in number of turbines); contrary to Policy LDP 6 of the Argyll and Bute Local Development Plan (LDP) due to significant adverse effects on tourism industry; contrary to Argyll & Bute Local Wind Energy Capacity Study 2012 (LWECS); insufficient viewpoint selection; and lack of a tourism survey.

East Kintyre Community Council (EKCC) (18th February 2020) and **East Kintyre Community Council response to Additional Information (FEI) consultation (25th October 2021)** – Object to the proposal on the grounds of visual amenity due to cumulative harmful visual impacts contrary to Argyll & Bute Council's Policy LDP 6 due to: adverse Tourism Impact (B842, Carradale Harbour, the Kintyre Way) caused by

adverse Landscape and Visual Impact (contrary to LWECS, siting on spine – height, visual impact (views from the B842 & Deer Hill (a noted tourist location), adverse cumulative impact upon visual amenity – Eascairt, Sheirdrim & High Constellation); and impact of proposal on the Kintyre Way.

ARGYLL & BUTE COUNCIL RESPONSES

ABC Consultant Landscape Architect (24th April 2020) – advised that the Council should object to the proposal. In summary, this review advised that there were substantial gaps and inconsistencies in the information provided in the LVIA and that the Applicant should be requested to supply a complete LVIA. It also advised that there could be opportunities for mitigation such as the removal/relocation of some turbines to reduce the horizontal spread of the proposal and a reduction in turbine height to minimise effects from Gigha, views from the B842 at Carradale (and on the character of Carradale Glen) as well as landscape and visual effects experienced from Arran. Furthermore, that visible aviation lighting will contribute to significant adverse effects in views and a reduction in turbine height should additionally aim to negate the requirement for such lighting. And, finally that, Forest felling and long term restocking also need to be considered more thoroughly with the aim of improving the design of margins, species and age diversity.

ABC Consultant Landscape Architect response to Additional Gatecheck (4th January 2021) - concluded that, in terms of effects on Argyll & Bute, there would be little improvement associated with the removal of turbines 1, 2 and 3 (now renumbered 15, 16 and 17). In particular, that the aim of reducing the coalescence of wind farm developments on the Kintyre peninsula would be achieved with the removal of just three turbines. It was noted that the height of the turbines would not be reduced and that aviation lighting is still likely to be required. It was concluded that the original landscape and visual review of the proposal dated April 2020 remained valid. The Council's Consultant Landscape Architect advised that they would review the FEI once it is submitted and give clear advice as to whether a landscape and visual objection is recommended.

ABC Consultant Landscape Architect response to Additional Information (FEI) consultation (16th March 2022) – Having evaluated the likely landscape and visual effects of this proposal, and additionally compared these with existing, consented and application-stage wind farms within Argyll & Bute, advice to the Council would be not to raise an objection on landscape and visual grounds but subject to the following conditions:

- That a further reduction in the number of lit turbines is agreed with the CAA given that the current scheme now comprises 11 turbines. While a reduction in the number of turbines requiring lighting would provide some mitigation of effects on the appreciation of the dark skies of Kintyre, surrounding seascapes and Arran, the applicant should commit to the installation of an Aircraft Detection Lighting System [such systems are currently being considered by other wind farm developers and the CAA, see FEI A6.4.29 – A6.4.34 and also A6.4.102] which would substantially reduce the duration of night-time lighting as lights would only be activated by approaching aircraft and would not be on permanently overnight.
- The proposed Narachan Long Term Forest Design Plan should be re-evaluated in terms of the felling proposals visible from Deer Hill [FEI Viewpoint 5] and a more sympathetic design put in place to mitigate the effects of overly angular margins.

ABC Consultant Landscape Architect response (11th April 2022) (revised to take account of new information issued by the applicant on turbine lighting on 31/3/22 and amendment of this information issued 7/4/22) - Having evaluated the likely landscape and visual effects of this proposal, and additionally compared these with existing, consented and application-stage wind farms within Argyll and Bute, advice to the Council would be not to raise an objection on landscape and visual grounds but subject to the following condition:

- That the applicant should commit to the installation of an Aircraft Detection Lighting System (ADLS) which would substantially reduce the duration of night-time lighting as lights would only be activated by approaching aircraft and would not be on permanently overnight. Such systems are used elsewhere in Europe, and it should be noted that Scottish Power Renewables (SPR) have committed to adopting ADLS in a number of proposed wind farms (including the Earraghail wind farm proposal in Argyll and Bute). SPR anticipates that an ADLS could be deployed by 2025 at the latest at the Earraghail wind farm proposal were it to be consented.

ABC Area Roads (2nd April 2020) and ABC Area Roads response to Additional Information (FEI) consultation (24th November 2021) – No Objection. The site access connects directly to the A83 Tarbet - Campbeltown Trunk Road, Transport Scotland should be notified.

ABC Environmental Health (30th March 2020) and ABC Environmental Health response to Additional Information (FEI) consultation (15th March 2022) - No objection subject to conditions to secure: control of noise immissions; report demonstrating compliance with noise limits; independent consultant to assess the level of noise immissions following a complaint; provision of any independent consultants assessment to the Planning Authority; any necessary remedial action; continuous logging and retention of data for wind speed, wind direction and power generation data; nominated representative to act as a point of contact for local residents; and a private water supply action plan.

ABC Flood Risk Assessor (3rd April 2020) and ABC Flood Risk Assessor response to Additional Information (FEI) consultation (1st December 2021) - No objection subject to conditions to secure appropriate design of surface water drainage and watercourse crossings.

ABC Local Biodiversity Officer (3rd April 2020) and ABC Local Biodiversity Officer response to Additional Information (FEI) consultation (8th December 2021) – No objection. Advice provided in regard to: ornithology; ecology; and, geology, hydrology and hydrogeology. Advises that Construction Environment Management Plan (CEMP) should include details of mitigation and management for ornithological interest, habitat, species, water courses, peat management and tool box talks to reflect the above and to be overseen by an Ecological Clerk of Works.

The West of Scotland Archaeology Service (WOSAS) (13th March 2020) – No objection subject to condition to secure the approval of a written scheme of archaeological investigation, to be fully implemented to the satisfaction of the Planning Authority.

At time of writing responses remain outstanding from the following ABC consultees: Development Policy Section and Core Paths.

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 20 of which 14 are objections and 6 are in support, all of which are published on the ECU website. The main issues raised are summarised below:

Material Considerations raised objection are summarised as follows:

- Minimal Socio-economic benefit
- Adverse Traffic Impact – damage to existing infrastructure
- Adverse Landscape Impact – access roads; height of turbines
- Height of wind turbines contrary to policy
- Adverse Visual & Landscape Impact (during hours of light and darkness)
- Contrary to Policy – Local and National
- Contrary to Argyll & Bute Landscape Wind Energy Capacity Study
- Proposal would set a precedent for future applications (new proposals & repowering for increased height)
- Volume of existing wind farms and new proposals
- Siting – turbines are sited on hill summits
- Adverse impact from Aviation Lighting
- Climate Change benefits (including need for renewable energy)
- Residential Amenity
- Repowering of existing sites
- Inappropriate Siting & Scale
- Adverse Ornithological & Ecological Impact
- Adverse Cumulative Impact
- Adverse Impact on Tourism & Recreation and associated economic impact
- Adverse Economic Impact
- Adverse Noise Impact
- Adverse Transportation Impacts
- Alternative Technologies

Considerations raised in support are summarised as follows:

- Climate Emergency & Climate Change benefits (including need for renewable energy)
- Benefits of Renewable Energy
- Expansion of Renewable Energy required to meet Net Zero targets
- Narachan has a policy to protect wildlife
- Visual Impact is minimal

The following matters raised in representations are not material planning considerations:

- Community Benefit

Public Consultation – Whilst not a statutory requirement for Section 36 applications, the applicant has undertaken Public Consultation. Further information on this is contained in the Pre-Application Consultation Report (December 2019) which is available on the ECU website - ECU00001884

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

Note: please note that the letters of representation above have been summarised and that the full letters of 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

EIAR (December 2019) comprising:

- Volume I: Main text
- Volume II: Figures and Visualisations
- Volume III: Technical Appendices;
- Volume IV: Non-Technical Summary (NTS)

Key matters covered in the EIAR include: Introduction; Approach to the EIA; Project Description and Construction Methods; Design Evolution; Planning Policy; Landscape Character and Visual Amenity; Cultural Heritage and Archaeology; Ornithology; Ecology; Noise; Traffic and Transportation; Geology, Hydrology and Geohydrology; Forestry; Other Issues; and Socio-economics and Tourism.

Further Environmental Information (FEI) (September 2021) comprising:

- Volume 1: Further Environmental Information – this provides a written update and comprises new assessment where applicable. Key matters covered include:
- Volume 2: FEI Figures – updated and/or new figures.
- Volume 3: FEI Appendices – updated and/or new technical appendices to complement the assessment undertaken within Volume 1.
- FEI Non-Technical Summary
- FEI Planning Statement Addendum

Key matters covered in the EIAR include: FEI Approach; Project Description; Design Evolution; Planning Policy; Landscape & Visual Impact Assessment (LVIA); Ornithology; Ecology; Noise; Geology, Hydrology and Hydrogeology; and Forestry

ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: If required – this will be undertaken by the ECU as the Determining Authority in this case.

iii) A design or design/access statement: Yes (December 2019)

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 and FEI

(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 MIN 2 – Mineral Extraction
 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.

- National Planning Policy Framework, Scottish Government (NPF3 (June 2014) and Draft NPF4)
- Scottish Planning Policy (SPP), Scottish Government (June 2014)
- Planning Advice Notes & Web-based Renewables Guidance
- Scottish Government Good Practice Principles for Shared Ownership and Community Benefit of Onshore Renewable Energy Developments;
- Renewable energy and climate change framework

- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
 - The Future of Energy in Scotland: Scottish Energy Strategy, Scottish Government (December 2017)
 - Onshore wind policy statement, Scottish Government (January 2017)
 - Onshore wind policy statement, Scottish Government (January 2017)
 - Onshore Wind Turbines: Planning Advice, Scottish Government (May 2014).
 - Argyll and Bute Landscape Wind Energy Capacity Study SNH and A&BC (2017)
 - Historic Environment Policy for Scotland (HEPS) (April 2019)
 - The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
 - Views of statutory and other consultees;
 - Planning history of the site
 - Legitimate public concern or support expressed on relevant planning matters
- *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 provisions of pLDP2 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 40 – Vehicle Parking Provision
 - 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)

Does the Council have an interest in the site: No

(H) Is the proposal consistent with the Local Development Plan: Yes

Author of Report: Arlene Knox

Date: 11th April 2022

Reviewing Officer: Sandra Davies

Date: 11th April 2022

Fergus Murray

Head of Development and Economic Growth

APPENDIX A – PLANNING LAND USE AND POLICY ASSESSMENT

A. THE SECTION 36 CONSENTING REGIME

In Scotland, any proposal to construct, extend, or operate an onshore electricity generating station, in this case, a wind farm, with a capacity of over 50 megawatts (MW), requires the consent of Scottish Ministers under section 36 of the Electricity Act. Such applications are processed on behalf of the Scottish Ministers by the Energy Consents Unit (“ECU”) Scottish Government - Energy Consents. Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (“TCP(S)A”) also allows the Scottish Ministers, on granting consent under section 36, to direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

The consultation bodies to be consulted by the Scottish Ministers on Section 36 applications are the relevant planning authority, NatureScot, SEPA and HES and any other relevant public bodies with specific environmental responsibilities or local and regional competencies who the Scottish Ministers consider are likely to have an interest. The Council’s role in this process is therefore 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 Scottish Ministers. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI) if they are minded to approve the proposal. They can also choose to hold a PLI in other circumstances at their own discretion. Such an Inquiry would be conducted by a Reporter(s) appointed by the Directorate for Planning and Environmental Appeals. In the event that consent is given, either where there has been no objection from the Council, or where objections have been overruled following PLI, the Council as Planning Authority would become responsible for the agreement of matters pursuant to conditions, and for the ongoing monitoring and enforcement 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.

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 main wind farm site area is located within a combination of Countryside Zone and Very Sensitive Area; the southern access is located in a combination of Rural Opportunity Area and Countryside Zone; and the northern access is located in a combination of Rural Opportunity Area and Countryside Zone, and subject to the provisions 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. It is the conclusion of Officers that this proposal satisfies the relevant local and national planning policy in respect to onshore wind as detailed in the various sections of this report, subject to the ECU considering the pre-determination matters and conditions detailed in Section X of this report.

Having due regard to the above it is considered that the proposal is consistent with 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, reinforced by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects.

D. LOCATION, NATURE AND DESIGN OF PROPOSED DEVELOPMENT

Background - An application for the Narachan wind farm was submitted in December 2019 accompanied by an EIA-R. The original application was for a development comprising 17 turbines up to 180m to blade tip. Various consultees (in addition to the Council's landscape consultant) identified errors and omissions in this EIA-R, thus necessitating the requirement for Further Environmental Information to be submitted. A revised proposal was submitted by the applicant in January 2021 for 14 turbines, 180m high. Following further comments from the Council, the proposal was subsequently revised with the current scheme now comprising 11 turbines, 180m high to blade tip. A Further Environmental Information (FEI) Report, dated September 2021, has been produced by the applicant which assesses the effects of this current proposal. A further appraisal of the landscape and visual effects of the proposal has been undertaken by the Council's landscape consultant following review of the FEI (and other information received in April 2022 on turbine lighting) and additionally informed by field work, to consider potential landscape and visual effects, including cumulative effects with the recently submitted applications for Rowan and Earraghail wind farms.

The Site - The site is located approximately 1.6km east of Tayinloan. It extends to approximately 1228 hectares and consists predominantly of coniferous plantation. There are areas of peat and blanket bog present throughout, and a number of water features. Loch an Fhraoich is within the site boundary with Loch Ulagadale adjacent to the south west. The site extends from 285m Above Ordnance Datum (AOD) at its highest point on Narachan Hill, down to 130m AOD towards the east. The surrounding area is sparsely populated and there are no large settlements within 5km of the proposal. Residential development within the locality of the site is limited to a small number of settlements and farmsteads linked by minor roads.

Proposal – The proposed would be time-limited to 35 years from the first date of final commission. The construction phase would last approximately twelve months and decommissioning would last approximately six months. The proposal includes the following principal elements: 11 wind turbines up to 180m to blade tip; turbine foundations; 6 new watercourse crossings; crane hardstandings (55 x 35m); site tracks; site access from the public highway taken either from the north or the south (only one will be constructed); high voltage and control cables; 3 borrow pits (the Council would normally expect these to be the subject of separate mineral consent applications); an energy/battery storage compound; construction compound/storage area; substation/switchgear housing building (15 x 10m); forestry felling (72.91ha); aviation lighting; turbine transformers; a Habitat Management Plan Area; and a permanent met mast.

Infrastructure

Water and Foul Drainage – Scottish Water has advised the ECU that they have no objection; however, they advise that this does not confirm that the proposal can be serviced. They further advise that there is no public water or wastewater infrastructure within the vicinity of the proposal, if required private options should be investigated.

Drinking Water Protected Areas – Scottish Water has advised the ECU that the proposed activity is upstream of a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. The Carradale boreholes supply Carradale (WTW) and it is essential that water quality and water quantity in the area are protected. Given the distance of the proposed wind farm from the borehole site, the risks are considered to be low but the Applicant should be aware of the presence of the downstream public water supply for their assessment. The southern most of the two access routes will cross a 63mm MDPE distribution main so a crossing point will have to be designed. Scottish Water has provided advice/list of precautions to the ECU to pass on to the Applicant in this regard.

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

Grid Network - The grid connection does not form part of the section 36 consent application. Final details of the grid connection would be subject to a separate design and consent process at a later date and as determined by the District Network Operator (DNO). It is likely that a connection point may be located at Carradale.

E. SPATIAL FRAMEWORK FOR WIND FARMS

SPP requires that planning authorities set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms. In terms of the Council's Spatial Framework for wind farms (Supplementary Guidance 2: Wind Farm Map 1 - Figure 1 Spatial Framework for wind turbines over 50 metres to blade tip), the proposal lies predominantly in a Group 3 Area (area with potential for wind farm development subject to other policy considerations). As set out in Table 1 of SPP (reflected in the Council's Spatial Framework), Group 3: Areas are likely to be acceptable, subject to detailed consideration against identified policy criteria.

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. As part of the proposed development, Community Benefit Funds would be made available for the local community. In addition, the Applicant has offered a Shared Ownership Scheme which allows members of the public to invest in the proposed development. It is anticipated that the proposal would have a minor beneficial (not significant) residual effect on spend per annum, estimated job generation and GVA during construction and operation.

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. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets stringent targets for Scotland. 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 proposal would provide approximately 72.6MW of installed capacity, depending on the final turbine model chosen. It is estimated that this installed capacity could generate approximately 257,208MWh of renewable electricity each year, based on the candidate turbine selected. The renewable electricity generated could power 88,692 homes on average each year.

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.

The proposal would generate renewable electricity and would therefore displace carbon dioxide (CO₂) emissions associated with electricity generation, which would otherwise be supplied via other forms of power generation requiring the combustion of fossil fuels. The Scottish Government Carbon Calculator for Wind Farm on Peatlands has been used to calculate a payback period for the proposal based on the full development lifecycle. A carbon assessment was included in the original EIAR to estimate the potential savings in carbon dioxide (CO₂) emissions by the proposal replacing other electricity sources. It is estimated that this proposal could save up to 116,417 tonnes of CO₂ each year for the operational life of the wind farm. This would be a large contribution to renewable energy generation targets.

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.

The Council's Environmental Protection Officer (EPO) has considered the original EIAR and the FEI and has provided advice in respect to: noise; air quality; lighting and private water supplies. The EHO also wishes to note the following: A new candidate turbine has been proposed, the Siemens Gamesa SG 6.0-155 with a hub height of 102.5m. Narachan Wind Farm, FEI Volume 1, Chapter 10: Noise, page 2. The report makes reference to the *"manufacturer's data excludes any margin for uncertainty, as such an additional 2 dB has been included in the sound power levels in this assessment"* and concludes *"it has been demonstrated that the Proposed Development would operate individually and cumulatively in accordance with the simplified noise criterion of 35 dB LA90, 10min as defined in ETSU-R-97"*

Noise - The EPO has no objection to the proposal, subject to noise conditions being attached to any consent the ECU 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; and 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.

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 adverse effect on amenity 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 proposal 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 – There are no residential properties within 10 rotor diameters of the proposed turbines, and as such there is no prospect of significant shadow flicker effects and no further assessment is required. The EPO has not raised any concerns in regard to Shadow Flicker.

Private Water Supplies – The EPO advises that private water supplies were identified within a 5km radius of the site boundary and further refined to those within a 1km buffer. Three supplies were designated for further investigation but it should be noted that the one identified

as “Davaar Island” was incorrectly plotted on the DWQR website and is not relevant to this proposal. The developer proposes to undertake a pre-construction survey and hold discussions with owner/occupier regarding any measures to mitigate for temporary supply interruption or to determine any requirement for any longer term mitigation measures. A condition to secure a private water supply action plan is recommended which formalises this process and recognises that such a plan could form part of the proposed CEMP.

SEPA advice Private Water Supplies – SEPA have considered the original EIAR and FEI and have advised the ECU that within their original response to the application (letter dated 30 March 2020) they requested additional information in relation to private water supplies 5 – Davaar Island, 7 – Tavantaggart and 8 – Dalmore Cottage. SEPA welcome the clarification in the FEI that the location previously provided for PWS 5 was incorrect and confirmation it lies outside of the 1km study area for the proposal. SEPA note there has been a slight change to the proposed track route in the vicinity of PWS 8 (i.e. the access point from the A83). FEI Figure 12.1 – Hydrological Context Map suggests the track will be greater than 100m from the PWS. SEPA have had confirmation from the applicant that the PWS is 252m to nearest infrastructure and therefore require no further information regarding this. The FEI confirms that PWS 7 is within 100m of the proposed access route and is sourced from a spring. Due to its proximity to the western access track SEPA agree PWS 7 has the potential to be impacted by the proposal. SEPA welcome the commitment as per Section 12.137 of the FEI that a monitoring program will be employed to assess the water quantity and quality of PWS 7 prior, during and post-construction. SEPA request a planning condition is implemented requiring this ongoing monitoring to prevent potential unacceptable environmental impacts to the PWS.

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.

Background - An application for the Narachan wind farm was submitted in December 2019 accompanied by an EIA-R. This application and the EIA-R were reviewed by the Council's landscape consultant who submitted a landscape and visual appraisal report to the Council in April 2020. The original application was for a development comprising 17 turbines up to 180m to blade tip. The Council's landscape consultant identified errors and omissions in the Landscape and Visual Impact Assessment (LVIA) included as part of the EIA-R and advised that the applicant should be requested to supply a complete and amended LVIA.

A revised proposal was submitted by the applicant in January 2021 for 14 turbines, 180m high. Following further comments from the Council the proposal was subsequently revised with the current scheme now comprising 11 turbines, 180m high to blade tip. A Further Environmental Information (FEI) Report, dated September 2021, has been produced by the applicant which

assesses the effects of this current proposal. A further appraisal of the landscape and visual effects of the proposal has been undertaken by the Council's landscape consultant following review of the FEI (and other information issued in April 2022 on turbine lighting) and additionally informed by field work, to consider potential landscape and visual effects, including cumulative effects with the recently submitted applications for Rowan and Earraghail wind farms.

The Council's landscape consultant's conclusion is as follows: The proposed development site lies within the *Upland Forest Moor Mosaic* LCT identified in the Argyll and Bute LWECS. This landscape has some characteristics which reduce sensitivity to large scale wind energy development including a generally simple landform and landcover and an expansive scale. These uplands already accommodate a number of operational and consented wind farms. This proposal would be centrally located within the Kintyre uplands and this, together with a degree of screening of turbine bases provided by rolling landform, generally restricts intrusion from the sensitive settled coastal fringes of Kintyre and southern Knapdale. Within Argyll and Bute Council area, it is considered that the most severe significant adverse landscape effects would occur on the character of Carradale Glen (which lies within the *Hidden Glens* LCT) and on views from the B842 and Deer Hill in the Carradale area and from parts of Gigha.

Significant adverse visual effects outside of Argyll and Bute would principally affect receptors using the road and Arran Coastal Way on the west coast of Arran and some of the access routes and hills in the western part of the north Arran National Scenic Area and Wild Land Area. Settlements along the west coast of Arran would also be affected. In these open views the proposed turbines would appear substantially larger than close-by operational and consented wind turbines and they would appear more prominent, affecting highly sensitive landscape and visual receptors.

This proposal would be the first wind farm proposal to introduce lighting to the dark skies of Kintyre and while the intensity of lights will reduce when seen from lower elevation coastal fringes, it is considered that they would still be clearly seen from these more settled and frequented areas and they would also be more intrusive from higher viewpoints. Visible aviation lighting on 5 of the proposed turbines would be likely to extend the duration of significant adverse effects on views from sections of the Kintyre Way, the Carradale area, parts of Gigha and from the A83 near Clachan within Argyll and Bute. It would also significantly affect views (and diminish the perception of wildness) from parts of north Arran. The cumulative effects of visible aviation lighting on character and views are a key concern given the number of recent applications for turbines >150m in Argyll and Bute requiring such lighting.

All wind farm proposals are likely to incur significant landscape and visual effects and this proposal is no different. It is therefore important to gauge the range, extent and severity of effects in making judgements on acceptability in landscape and visual terms. Revisions to the number of turbines within the original scheme have mitigated some of the negative landscape and visual effects of the proposal. The location of the proposal set back into the interior uplands also limits the extent and also, in many locations, the severity of landscape and visual effects. A reduction in the height of turbines would further reduce prominence from the Carradale area, from Arran and from parts of Gigha (although it would not remove intrusion on views to the north Arran hills from Creag Bhan on Gigha).

Having evaluated the likely landscape and visual effects of this proposal, and additionally compared these with existing, consented and application-stage wind farms within Argyll and Bute, my advice to the Council would be not to raise an objection on landscape and visual grounds but subject to the following condition:

- That the applicant should commit to the installation of an Aircraft Detection Lighting System (ADLS) which would substantially reduce the duration of night-time lighting

as lights would only be activated by approaching aircraft and would not be on permanently overnight. Such systems are used elsewhere in Europe, and it should be noted that Scottish Power Renewables (SPR) have committed to adopting ADLS in a number of proposed wind farms (including the Earraghail wind farm proposal in Argyll and Bute).

The Applicant has advised that ADLS is not currently available, as aviation legislation in the UK does not allow for it. Consequently, they cannot accept any suspensive condition for radar activated lighting. This standpoint was supported by the ECU. However, in contrast, the Council's landscape consultant notes that SPR anticipate that an ADLS could be deployed by 2025 at the latest at the Earraghail wind farm proposal (should it receive consent - also a S36 application).

It is therefore the view of Officers, having considered the advice of the Council's expert landscape consultant that a condition should be recommended to be considered by the ECU to secure such an ADSL system.

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

North Ayrshire Council - have considered the original EIA-R and the FEI and advised the ECU that they have no objection to the proposal as originally submitted and provided comments on the LVIA.

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. 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 it is considered that the landscape and visual impacts (including cumulative) are acceptable and the proposal is consistent 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).

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.

SEPA advice on Habitat Management –SEPA have considered both the original EIAR and the FEI and has advised the ECU that they welcome the provision of an Outline Habitat

Management Plan (HMP) with the FEI. Although SEPA acknowledge that the plan is mainly geared at ornithological interests, practices such as ditch blocking will have a net gain on all habitats and species dependant on them.

The Royal Society for the Protection of Birds Scotland (RSPB) have only provided comments to the ECU on the original EIA -R, there does not appear to be any response from them on the FEI. It is therefore not possible to advise Members whether their initial comments have been addressed by submission of the FEI. Securing a further response from them falls with the ECU.

Marine Scotland Science (MSS) - have advised the ECU that the developer assesses the presence and abundance of fish populations within and downstream of the proposed development area. This information will inform the developer when drawing up appropriate site specific mitigation measures and a strategically designed integrated water quality and aquatic biota monitoring programme which should follow MSS guidelines.

Argyll District Salmon Fishery Board - have advised the ECU they have no objection to the proposal subject to a condition to secure pre and post development surveys are undertaken to ensure and demonstrate that stream crossings have not prevented the movement of fish between habitats downstream and downstream of the crossings.

Crown Estate have advised the ECU that the assets of Crown Estate Scotland are not affected by this proposal and they have no comments.

Scottish Forestry have considered both the original EIA-R and the FEI and have advised the ECU that they have no objection to the proposal subject to a condition to secure a Long Term Forest Plan.

SEPA – Forestry Management – SEPA have considered the original EIAR and the FEI and have advised the ECU that the original EIAR did not address how it was intended to manage forestry wastes at the site and they therefore requested further information on this. SEPA welcome the submission of the forest waste management plan to outline how any forest waste arising on site will be managed. SEPA acknowledge that this refers to their guidance and it is intended to take as much harvestable timber out and mulching using the rest in brash mats floating roads and some ecological improvement. SEPA have removed their objection on this issue.

SEPA advice on Micrositing – SEPA has considered the original EIAR and the FEI and has advised the ECU that they note a 100m micrositing allowance is proposed and request a condition requiring that, unless otherwise confirmed by the determining authority in consultation with SEPA, any proposed micrositing be subject to the following restrictions: no micrositing shall take place within a 50m buffer distance of a watercourse; no micrositing shall take place within areas of peat of greater depth than the original location; and no micrositing shall take place within the buffers identified for PWS.

The Council's Local Biodiversity Officer – has considered the original EIAR and the FEI and has confirmed that: Ornithological surveys - the ornithological surveys and mitigation are acceptable; Ecological surveys – the results and mitigation are acceptable for the habitats and species along with drafting a Habitat Management Plan; and Geology, Hydrology and Hydrogeology – the LBO has reviewed the supporting information in relation to watercourses and peat management and finds the mitigation and management acceptable. The LBO also notes that Construction Environment Management Plan (CEMP) is to be drafted, and asks that the details of the mitigation and management for ornithological interest, habitat, species,

water courses and peat management are included in this document along with a series of Tool Box talks to reflect the above and overseen by an Ecological Clerk of Works.

Having due regard to the above it is concluded that subject to the conditions recommended by 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);

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.

SEPA – Disturbance and Re-use of Excavated Peat – SEPA have considered the EIAR and the FEI and have advised the ECU that they previously requested the provision of a Peat Management Plan (PMP) to describe the reuse plans/calculations and measures proposed to manage peat. SEPA acknowledge that the reduced scale of the development of 11 wind turbines (compared with 17 originally) will reduce the overall disturbance to the peat on site as reported in the FEI submission. The FEI Layout includes the removal (or movement) of turbines they previously highlighted as being on areas of peat >2m. SEPA have reviewed the submitted PMP and are satisfied that this outlines best practice methods for dealing with peat on site. This includes a peat generation/reuse balance assessment and they note, although that comes out as indicating 500m³ surplus, that these figures are worst case and likely conservative. The PMP is proposed to be updated to include the results of further site investigations and detailed site design should the project gain consent. SEPA request that to ensure the strategy remains appropriate and accords with good practice guidance, a condition requiring the preparation and submission of the updated PMP for approval to the determining authority, in consultation with SEPA, prior to commencement of the development. This should also demonstrate how any micro-siting and other measures have been used to further minimise peat habitat disturbance.

IronsideFarrar on behalf of the ECU – have advised the ECU that the PLHRA requires resubmission there are significant shortcomings throughout and reworking of the report is required to support a robust assessment. It is recommended that the ECU seek resubmission of the PLHRA in accordance with the advice of IronsideFarrar, and obtain their final approval for the revised PLHRA prior to determining the application. This is a matter for the ECU to resolve, who have confirmed that discussions are ongoing with Ironside Farrar.

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.

The Scottish Rights of Way and Access Society (ScotWays) has advised the ECU that they have no objection to the proposal and draw the ECU's attention to guidance: *'Extract from the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8) Proximity to Highways and Railways'*

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

Both West Kintyre and East Kintyre Community Councils have raised concern regarding the impact of this proposal on the Kintyre Way. These concerns will be taken into account by the ECU in their consideration of the proposal.

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) – have considered the original EIAR and the FEI and advised the ECU that they have no objection to the proposal.

The West of Scotland Archaeology Service (WOSAS) – advised that they had no objection to the proposal as originally submitted subject to a condition to secure the approval of a written scheme of archaeological investigation, to be fully implemented to the satisfaction of the Planning Authority. At time of writing no response has been received from WoSAS on the Further Environmental Information (FEI).

Having due regard to the above it is concluded that based on the advice of Historic Environment Scotland and the West of Scotland Archaeology Service that, subject to a

condition to secure a scheme of archaeological investigation that this proposal is consistent with the provisions of 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; 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.

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.

There is no record on the ECU website of any consultation advice from VisitScotland. It is considered that it would be beneficial for the ECU to obtain their views prior to reaching a decision on this proposal.

British Horse Society – has advised the ECU that they had no objection to the proposal as originally submitted. The BHS has requested that the ECU pass on information to the developer in the form of an ‘Information Sheet’ on ‘Equestrian Access through Wind Farms in Scotland’. No comments have been received from them on the Further Environmental Information.

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.

Both West Kintyre Community Council and East Kintyre Community Council have objected to this proposal and parts of their grounds include the adverse impact it will have on tourism. The Energy Consents Unit will need to 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) have considered the original EIAR and the FEI and have confirmed to the ECU they have no objection to the proposal.

Defence Infrastructure Organisation/ Ministry of Defence (MOD) – have considered the original EIAR and the FEI and 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 aviation safety lighting, in accordance with Civil Aviation Authority, Air Navigation Order 2016 and that prior to commencement of construction the MOD are informed of: the date construction starts and ends; the maximum height of construction equipment; the date any wind turbine generators are brought into use; 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 considered the original EIAR and the FEI and have advised the ECU that at the given position and height this development would not impact the safeguarding criteria for Campbeltown Airport. As a minimum the Civil Aviation Authority (CAA) recommends that all proposed developments over 90m in height should be notified to them. Provided these conditions are met Highlands and Islands Airports Limited would not object to this proposal.

National Air Traffic Services Safeguarding (NATS) have considered the original EIAR and the FEI and have advised the ECU that the proposal has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Having due regard to the above it is concluded that subject to the recommended conditions the proposal will not have any adverse impacts on aviation and defence interests and seismological recording and is therefore consistent 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.

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, and the Joint Radio Company have 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 - It is proposed that vehicle access to the site will be provided from the A83 (T) at one of two locations, a southern access located to the north of Tayinloan and a northern access located to the south of Ballachroy. Only one of these access is proposed to be constructed.

Transport Scotland (TS) – have considered both the original EIAR and the FEI and advise that they have no objection to the proposal subject to conditions to secure: details and approval of the proposed means of access to the trunk road; a Route Access Report; submission of details of any additional signing or temporary traffic control measures deemed necessary (by Quality Assured traffic management consultant); a Construction Traffic Management Plan; all vehicles transporting construction material are sheeted; wheel cleaning facilities, and a Decommissioning Plan.

The Council's Roads & Amenity Services have considered both the original EIAR and the FEI, they advise that the site access connects directly to the A83 and that the advice of Transport Scotland should be sought by the ECU.

Taking into account that there are two access options, and only one is proposed to be constructed in the event that the proposal obtains consent. It is recommended that the ECU attach a condition to any consent to ensure that only one access is constructed, in the interests of visual amenity.

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 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) – SEPA has considered the original EIAR and the FEI and has advised the ECU that they were previously satisfied with the survey work undertaken in relation to GWDTE but requested this be extended to cover proposed access track options in order to fully assess the potential impacts of the development. The FEI includes further assessment. SEPA note that GWDTE have been identified in the further surveys but are mainly located uphill of the northern access track. Of the three habitats identified as being truly groundwater dependent and reliant on springs, these have been shown to be impacted by previous ground workings as the water from them has been channelled into drainage ditches and has impacted the diversity of these habitats. SEPA are satisfied that the mitigation measures proposed for the work in this area (floating roads/permeable tracks) should help prevent further damage to these habitats and no longer object in this regard.

The Council's Flood Risk Assessor – has considered the original EIAR and the FEI and has advised that they have no objection to the proposal subject to conditions to secure appropriate design of surface water drainage and watercourse crossings.

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.

Following construction and commissioning, the proposal would be operational and generating electricity for a period of approximately 35 years, after which it would be decommissioned and removed, or alternatively, a further planning application could be made to extend the period of operation. If a further application is not submitted, decommissioning would involve the total removal of above-ground infrastructure. This would involve retention of existing access tracks for forestry operations. Reinstatement of the site would be carried out in accordance with an approved method statement. 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.

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. As per the previous EIA Report, a 4MW battery storage compound would be located within the construction compound footprint. All details of this battery compound will remain the same, the FEI does not detail any changes. The energy storage equipment would be housed within 2 ISO shipping containers; there would be 2 power conversion system containers of a similar size and a transformer; with a 2.4m high palisade fence in a compound 17.5m by 31.9m. Battery containers will be positioned a minimum of 2.5m apart to facilitate access to all sides Battery energy storage

equipment will be factory assembled and delivered to site in standard 12.2m long x 2.4m wide ISO shipping containers.

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.

Following construction and commissioning, the proposal would be operational and generating electricity for a period of approximately 35 years, after which it would be decommissioned and removed, or alternatively, a further planning application could be made to extend the period of operation. If a further application is not submitted, decommissioning would involve the total removal of above-ground infrastructure. This would involve retention of existing access tracks for forestry operations. Reinstatement of the site would be carried out in accordance with an approved method statement. 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.

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. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets out 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) and SES Position Statement (2021) – 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"'*. The 2021 Position Statement states that: *"The Scottish Government is committed to supporting the increase of onshore wind in the right places to help meet the target of Net Zero."*

'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"*.

SPP, NPF3 and NPF4

Despite now being seven years old, NPF3 and SPP are extant statements of Scottish Government planning policy and will remain in place until such time as NPF4 is adopted. The status of NPF3 and SPP has not changed and they are significant material considerations in the determination of the present application.

The SPP introduced a presumption in favour of development that contributes to sustainable development. Paragraph 28 states: *"The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost"*

Renewable energy generation targets are supported by NPF3 but that support is qualified as mirrored in SPP. It is stated at paragraph 4.7: *"The pressing challenge of climate change means that our action on the environment must continue to evolve, strengthening our longer-term resilience. A planned approach to development helps to strike the right balance between safeguarding assets which are irreplaceable, and facilitating change in a sustainable way."* Paragraph 4.4 of NPF 3 recognises that Scotland's landscapes are spectacular, contributing to our quality of life, national identity and visitor economy. Landscape quality is found across Scotland and all landscapes support place-making.

Having due regard to the above subject to the recommended advice and conditions it is considered that the proposal is consistent with the provisions of: SPP, NPF3, the Scottish Energy Strategy 2017 and Onshore Wind Policy Statement 2017, in this regard, which represent the Scottish Governments most up to date position on this type of development.

X. CONCLUSION & RECOMMENDATION

Both SPP and the Argyll & Bute Local Development Plan support renewable energy developments provided it has been adequately demonstrated that there would be no unacceptable significant adverse effects.

There is clear support throughout national and international policy that renewable energy projects, such as the proposed development, are supported and do have the capability of making an active contribution to the net zero targets Scotland is required to reach. The

proposal will make a direct contribution to meeting the range of both international and national energy targets, whilst producing clean energy that meets the legally binding low carbon and net zero targets. The proposal will directly contribute to tackling climate change by reducing our reliance on fossil fuels for producing energy.

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.

Officers therefore conclude, that subject to the recommended advice and conditions that the proposal is consistent with the relevant provisions of SPP and the Argyll and Bute Local Development Plan in all other respects.

RECOMMENDATION:

Officers recommend that Members agree that the Council does not object, subject to the Energy Consents Unit considering the pre-determination matters and conditions as detailed below.

Matters which the Council recommend that the ECU consider prior to determination

- That the ECU consider that advice of NatureScot when it is received in their determination of the proposal and include any conditions recommended by them in the final suite of conditions.
- That the ECU consider consulting with VisitScotland prior to determining this application (there is no record on the ECU website of any consultation advice from VisitScotland). It is considered that it would be beneficial for the ECU to obtain their views prior to reaching a decision on this proposal.
- That the ECU seek the required resubmission of the PLHRA in accordance with the advice of IronsideFarrar and obtain their final approval for the revised PLHRA prior to determining the application.
- That the ECU pass on the British Horse Society's guidance for developer's to the applicant.
- That the conditions recommended by other consultation bodies are included in the suite of final conditions, the Council would expect to be consulted on any final list of conditions prior to permission being granted, should Scottish Ministers be minded to do so.
- The Council would also expect to be consulted on any further mitigation, changes to the layout or turbine height, should the proposal be required to be amended in line with any further advice provided by other consultation bodies.

Conditions to be considered by ECU for inclusion in overall suite of conditions

Conditions Recommended by other ECU Consultation Bodies

- NatureScot (any conditions recommended by them in their final response)
- SEPA (Monitoring; Micrositing; and Construction Environment Management Plan) and Informative;

- Scottish Forestry (Compensatory Planting);
- Marine Scotland (Assessment of the presence and abundance of fish populations within and downstream of the proposed development area, to inform the developer when drawing up appropriate site specific mitigation measures and a strategically designed integrated water quality and aquatic biota monitoring programme which follows MSS guidelines).
- The Ministry of Defence (MOD) (Aviation Lighting and Aviation Charting & Safety Management);
- Transport Scotland (details and approval of the proposed means of access to the trunk road; a Route Access Report; submission of details of any additional signing or temporary traffic control measures deemed necessary (by Quality Assured traffic management consultant); a Construction Traffic Management Plan; all vehicles transporting construction material are sheeted; wheel cleaning facilities, and a Decommissioning Plan).
- RSPB (Bird Protection Plan; Habitat Management Plan (HMP); employment of appropriately qualified and experienced Ecological Clerk of Works (EcoW); and post construction monitoring (bird populations & habitat monitoring to be reported to HMP management group)

Conditions Recommended by the Council to be considered by the ECU

Landscape Consultant

- That the applicant should commit to the installation of an Aircraft Detection Lighting System (ADLS) which would substantially reduce the duration of night-time lighting as lights would only be activated by approaching aircraft and would not be on permanently overnight. Such systems are used elsewhere in Europe, and it should be noted that Scottish Power Renewables (SPR) have committed to adopting ADLS in a number of proposed wind farms (including the Earraghail wind farm proposal in Argyll and Bute).
- No development shall commence unless and until an Aviation Lighting Landscape and Visual Impact Mitigation Plan (ALLVIMP) for:
 - (i) the use of an aircraft detection lighting system;
 - (ii) the reduction of lighting intensity during good meteorological visibility; and
 - (iii) the specification of lighting; has been submitted to and approved in writing by the Planning Authority following consultation with the Civil Aviation Authority, and NatureScot.

The approved ALLVIMP shall be fully implemented throughout the lifetime of the Development, unless any change to the ALLVIMP is otherwise approved in writing by the Scottish Ministers.

Reason: in the interests of aviation safety, and to minimise landscape and visual impacts

- Should the ECU not be minded to include such a condition (as has already been intimated), it is considered that an alternative condition be considered which would allow an annual review of the Aviation Lighting Plan, to enable an Aircraft Detection Lighting System to be installed post- construction, when the technology becomes available in line with CAA Policy. This will ensure that the wind farm does not operate with visible aviation lighting for

the entirety of its 35 year life span, when ADSL technology is available, thus minimising landscape and visual impacts.

Flood Risk Assessor

- Surface water drainage to be designed in accordance with CIRIA C753.
- Watercourse crossings should be designed to at least the capacity of the existing channel and ideally to the 200 year plus climate change flow and an allowance for freeboard.

Environment Protection Officer:

- The level of noise immissions from the combined effects of the wind turbines at Narachan windfarm (including the application of any tonal penalty) when calculated in accordance with a procedure agreed with the Planning Authority, shall not exceed the values set out in Table 1

Table 1 – LA_{90,10min} dB Wind Turbine Noise Level at all times

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods						
	4	5	6	7	8	9	10
All residential properties	35.0	35.0	35.0	35.0	35.0	35.0	35.0

- Prior to the installation of any turbines the developer shall submit a report for approval by the Planning Authority which demonstrates compliance with the noise limits in Condition 1 above. The report shall include details of any proposed noise reduction measures and be prepared with reference to the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 and associated supplementary guidance notes.
- Within 21 days from the receipt of a written request from the Planning Authority or following a complaint to the Planning Authority from the occupant of a dwelling the wind turbine operator shall, at the wind turbine operator's expense, employ an independent consultant approved by the Planning Authority to assess the level of noise immissions from the wind turbines at the complainant's property following procedures to be agreed with the Planning Authority.
- The wind turbine operator shall provide to the Planning Authority the independent consultant's assessment and conclusions regarding the said request or noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 2 months of the date of the written request of the Planning Authority unless otherwise extended in writing by the Planning Authority. The wind turbine operator shall take such remedial action required to the satisfaction of the Planning Authority.
- Wind speed, wind direction and power generation data shall be continuously logged and provided to the Planning Authority in a format to be agreed at its request and within 28 days of such a request. Such data shall be retained by the operator for a period of not less than 12 months.

- No development shall commence until there has been submitted to the Planning Authority details of a nominated representative for the development to act as a point of contact for local residents (in connection with conditions 1 - 5) together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with the Planning Authority in connection with any noise complaints made during the construction, operation and decommissioning of the wind turbines.

There shall be no commencement of development unless a private water supply action plan has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the Development. The approved action plan shall thereafter be implemented in full.

- NOTE regarding Construction Environment Management Plan (CEMP) Condition - The Council's Local Biodiversity Officer asks that the details of the mitigation and management for ornithological interest, habitat, species, water courses and peat management are included in the Construction Environment Management Plan (CEMP) along with a series of Tool Box talks to reflect the above and overseen by an Ecological Clerk of Works.
- NOTE regarding proposed site access from Trunk Road – it is recommended that a condition is considered to restrict the construction of only one site access, in the interests of visual amenity.