

**This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation regarding the proposed Clachaig Glen wind farm and battery storage located approximately 20km north of Campbeltown and 1.8km north-east of Muasdale on the west coast of the Kintyre.**

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**Reference No:** 22/00613/S36

**Applicant:** The Scottish Government on behalf of AECOM Limited (on behalf of RWE Renewables UK Onshore Wind Ltd)

**Proposal:** Electricity Act Section 36 consultation relevant to Clachaig Glen wind farm and battery storage

**Site Address:** Approximately 20km north of Campbeltown and 1.8km north-east of Muasdale on the west coast of Kintyre.

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

- Construction, 35 year operation and subsequent decommissioning, of 12 wind turbines (5 with a maximum tip height of 200m, and 7 with a maximum tip height of 185m, all with a maximum rotor diameter of 155m)
- 12 associated turbine transformers (maximum footprint 5m x 3m)
- Battery Storage Area (approximate area of 75m x 60m comprised of a maximum of 27 containers not exceeding 2.6m high. The facility will be surrounded by a 2.5m high security fence (expected up to 30 MW).
- Turbine foundations
- Crane pads
- Access tracks
- Watercourse and culvert crossings
- Passing places
- Underground cabling
- Up to 6 borrow pits
- A temporary construction compound (to then be used for the battery storage facility)
- Control building and substation compound
- Concrete batching plant
- Forestry felling and replanting
- Permanent Anemometer Mast (up to 110m height)
- Site access from A83

Associated works, but which do not form part of this application, include a connection to the grid network. Final details of the grid connection would be subject to a separate design and consent process at a later date.

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**(B) RECOMMENDATION:**

**It is recommended that the Council as Planning Authority objects to this proposal for the reasons detailed below, and that the Scottish Government be**

**notified accordingly. Members should note that an objection from the Council will instigate the requirement for a Public Local Inquiry to be held.**

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**(C) CONSULTATIONS:**

**ENERGY CONSENT UNIT RESPONSES:**

**NatureScot** (11<sup>th</sup> July 2022) - have advised the ECU that the nature and scale of the proposal at this location is such, that it cannot be accommodated without significant adverse landscape and visual effects, including cumulative effects and night time effects. NatureScot advise that there would be no adverse effect on the integrity of the Kintyre Goose Roosts Special Protection Area (SPA). NatureScot advise that there would be no significant effect on wider countryside populations of golden eagle or hen harrier in Natura Heritage Zone (NHZ) 14.

**Response to NatureScot consultation** – the Applicant submitted a response to NatureScot’s consultation advice of 11<sup>th</sup> July 2022 for further consideration.

**NatureScot** (10<sup>th</sup> November 2022) – advised the ECU that they note the contents of the ‘Response to NatureScot Consultation’. They consider that it raises points which are not in dispute. They agree that the application raises no issues of national importance, and they agree that there would be significant local visual impacts at some locations. It correctly notes that the focus of NatureScot’s response to the S36 consultation is exclusively on issues within their remit, while the ‘Response’ document also highlights wider considerations which come into Scottish Ministers’ decision-making for cases like this. Accordingly, NatureScot’s advice in relation to this S36 consultation continues to be as submitted on 11<sup>th</sup> July 2022.

**Transport Scotland (TS)** (25<sup>th</sup> April 2022) – advised the ECU that, further information was required regarding: the assessment of environmental impacts; the study area; and the abnormal loads assessment before they could provide their final response on the EIAR. The ECU asked that the Applicant supply feedback on the information requested by Transport Scotland.

**Response to Transport Scotland** (9<sup>th</sup> September 2022) – the Applicant submitted a response to Transport Scotland’s advice of 25<sup>th</sup> April 2022 for further consideration.

**Transport Scotland** (21<sup>st</sup> November 2022) – advised the ECU that they have considered the ‘Response to Transport Scotland’ and can confirm that they have no objection subject to conditions in the event that consent is granted. These conditions relate to: approval of proposed route for any abnormal loads on the trunk road and any accommodation measure required; during delivery period of construction materials any additional signing or temporary traffic control measures must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences; and Prior to commencement of deliveries to site, a Construction Traffic Management Plan must be submitted to and approved by Transport Scotland to ensure that general construction traffic and abnormal loads can be transported along the trunk road network safely and efficiently.

**Marine Scotland Science (MSS)** (28<sup>th</sup> March 2022) – advised the ECU that resident brown trout populations may be present which are listed as a priority species for conservation in the Scottish Biodiversity List and, if so, MSS recommend that a fish population monitoring programme should be set up to monitor these fish populations before, during and after construction. MSS also advise that the developer establishes

a water quality monitoring programme as felling is proposed and acidification is a known problem in the area. The water quality monitoring programme should be integrated with the fish population monitoring programme and follow MSS generic monitoring programmes. The developer states “yes” to a designated area, for which fish is a qualifying feature within/or downstream of the site. MSS are unsure what designated area the developer is referring to. MSS are satisfied that a decommissioning and restoration plan is included in a condition, should consent be granted for this development.

**Scottish Forestry (SF)** (21<sup>st</sup> April 2022) – advised the ECU that they require confirmation from the Applicant in respect to the UKFS and Phase 1 felling, and that insufficient information has been supplied to enable them to fully assess the proposal in respect to Scottish Government’s Policy on Control of Woodland Removal and further information was requested. They also recommend a condition to secure Compensatory Planting.

**Scottish Environment Protection Agency (SEPA)** (21<sup>st</sup> April 2022) – advised the ECU that they have reviewed the information provided and request the following additional information: a detailed peat depth survey - so that it can be clearly identified where infrastructure is to be located on deep peat > 1m and therefore where deep peat excavations are proposed; that re-location/micro-siting is considered to reduce the quantities of peat proposed to be excavated; and SEPA understand that 267m of floating track is currently proposed and 5,445m of excavated track. SEPA request that all track on deep peat > 1m; sections that are to be floated and sections that are to be excavated are identified and floating/re-location/micro-siting are considered to reduce the quantities of peat proposed to be excavated. In addition, SEPA request that conditions to secure that: once agreed, the requirement for floating tracks and their design; that the Watercourse Crossing Strategy is agreed by relevant parties including SEPA, with amendments as required, and implemented in full; that the restoration of 56.2ha to blanket bog (secured by condition or other planning measure); and that a Peat Management Plan is submitted, agreed by relevant parties including SEPA, and implemented in full.

**Response to SEPA (13<sup>th</sup> September 2022)** – the Applicant submitted clarification to the ECU regarding the issues and concerns raised. SEPA considered this and sought further clarification via the ECU on the 22<sup>nd</sup> of September 2022. The Applicant supplied further clarification on the 27<sup>th</sup> of October 2022.

**SEPA** (16<sup>th</sup> November 2022) – advised the ECU that further to their response to the ECU of 21<sup>st</sup> April 2022. They have reviewed the additional information provided and have no requests for further information or objection. They request that conditions to address the following matters are attached to any grant of consent: Any areas of peat with a depth >1m will be avoided through micro-siting wherever possible. If / where it is not possible to avoid peat >1m, an alternative design for the crane pads, such as floating crane pads with piles, and for other infrastructure including floating roads, will be used wherever possible; The requirement for floating tracks and their design is agreed by relevant parties including SEPA and implemented in full; A Finalised Peat Balance, to accommodate the detailed ground investigation and final design, with confirmation of the final volume of any waste peat, to be agreed prior to the commencement of development in consultation with SEPA and implemented in full; The Watercourse Crossing Strategy is agreed by relevant parties including SEPA, with amendments as required, and implemented in full; Method statements for borrow pit restoration incorporating principles based on best practice guidance including SR & SEPA (2012), SNH & FCS (2010), SEPA (2017) and Scottish Government (2017) to be implemented including: – All peat and soil sourced from the borrow pits should be

replaced within the same borrow pit, where possible; Restoration activities should be overseen by an Ecological Clerk of Works to ensure methods are properly adhered to; and the restoration of 56.2ha to blanket bog is agreed by relevant parties including SEPA and implemented in full with a defined timescale.

**Historic Environment Scotland (HES)** (15<sup>th</sup> June 2022) – advised the ECU that they do not wish to object. HES consider that there would be a significant adverse impact on the setting of the Dunan Muasdale, dun (SM3223) scheduled monument. They also note that a minor level of adverse impact would occur on the settings of other nearby heritage assets in their remit. They are nevertheless content that none of these impacts are of a level that would raise issues in the national interest.

**Ironside Farrar (Environmental Consultants on behalf of Scottish Government ECU to audit Peat Landslide Hazard Risk Assessment (PLHRA))** (17<sup>th</sup> May 2022) – advised the ECU that the PLHRA requires minor revisions: although much of the PLHRA is sound, one or two key elements are considered to be insufficiently robust to support the PLHRA conclusions and minor revisions are required; areas for attention will be advised in the review findings and may be progressed by the developer through either an appendix to the original submission or by clarification letter.

**Response to Ironside Farrar** (11<sup>th</sup> September 2022) – the Applicant prepared a response for consideration of Ironside Farrar.

**Ironside Farrar (Environmental Consultants on behalf of Scottish Government ECU to audit Peat Landslide Hazard Risk Assessment (PLHRA))** (22<sup>nd</sup> November 22) – advised the ECU that they have considered the Applicant's response and the information submitted addresses the queries raised and concludes the assessment, no further response is required. It is noted that several actions require to be followed through at construction stage and several points are noted for future reporting.

**BT** (7<sup>th</sup> April 2022) – have advised the ECU that the proposal should not cause interference to BT's current and presently planned radio network and they have no objection.

**Defence Infrastructure Organisation/ Ministry of Defence (MOD)** (14<sup>th</sup> April 2022) – advised the ECU that they have no objection subject to conditions to secure: aviation lighting and aviation charting & safety management.

**Joint Radio Company Limited** (22<sup>nd</sup> March 2022) – advised the ECU that the proposal is cleared with respect to radio link infrastructure operated by Scottish Hydro (Scottish & Southern Energy) and Scotia Gas Networks, and they have no objection.

**Argyll District Salmon Fishery Board** (18<sup>th</sup> May 2022) – advised the ECU that they understand that Argyll Fisheries Trust has no site-specific information on fish populations in the proposed area so they are keen that the developer takes measures to fully assess fishery interests on and adjacent to the site. The developer states “no” to the provision of a proposed monitoring programme adding that the fish survey results indicate that a monitoring programme is not necessary and that the fish populations at the site are shown to be “limited with no notable species.” Several physical obstacles are likely to prevent the access of migratory fish to the watercourses within the site. However resident brown trout populations may be present which are listed as a priority species for conservation in the Scottish Biodiversity List and, if present they require that a fish population monitoring programme should be established to monitor these fish populations before, during and after construction.

**Response to Argyll District Salmon Fishery Board (7<sup>th</sup> July 2022)** – The Applicant provided the ECU with a response to the consultation advice of ADSFB.

**Argyll District Salmon Fishery Board (23<sup>rd</sup> July 2022)** – have advised the ECU that on review of the site location, they accept the Applicant's conclusions in that monitoring may not be effective or appropriate in this case.

**Royal Society for the Protection of Birds Scotland (RSPB) (27<sup>th</sup> April 2022)** – have advised the ECU that they do not object to this proposal, however they advise that turbines T1, T3 are relocated along with borrow pit BP06 to within the forestry and a Habitat Management Plan applied to minimise the carbon impact of the development and mitigate for biodiversity impacts. The ECU sought a response from the Applicant on these points.

**Response to RSPB Scotland (9<sup>th</sup> September 2022)** – the Applicant provided the ECU with a response to the consultation advice of the RSPB.

**Mountaineering Scotland (25<sup>th</sup> March 2022)** – have advised the ECU they have no comment to make on the proposal.

**Scottish Water (8<sup>th</sup> May 2020)** – advised the ECU they do not object and advise that this does not confirm the proposal can be serviced. Advice is provided on: Asset Impact Assessment; Drinking Water Protected Areas; and Surface Water.

**Glasgow Prestwick Airport (GPA) (25<sup>th</sup> April 2022)**– advise the ECU that subject to confirmation from the Airport's APDO that the proposal will have no impact on their published Instrument Flight Procedures (IFP's) they are likely to have no objection. However until such times as they have confirmation that there is no impact on their IFP's – the Airport must put in a holding objection until this matter is fully concluded.

**Glasgow Prestwick Airport (GPA) (18<sup>th</sup> July 2022)** – Following further examination of their Instrument Flight Procedures (IFP's), GPA are now content that the proposal will have no impact on published Terminal Arrival Area (TAA) minimum altitudes in the location of the proposal. Consequently, GPA is content to remove its objection.

**National Air Traffic Services Safeguarding (NATS) (24<sup>th</sup> March 2022)** – 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.

**Highlands and Islands Airports Limited (HIAL) (23<sup>rd</sup> March 2022)** have advised the ECU that their calculations show that, at the given position and height, the proposal would not infringe the safeguarding criteria for Campbeltown Airport. Therefore, HIAL has no objection.

**British Horse Society (BHS) (23<sup>rd</sup> March 2022)** – provided advice to the ECU on the importance of off-road riding and active travel and suitable infrastructure. They have not raised any objection.

**Crown Estate Scotland (12<sup>th</sup> April 2022)** – have confirmed to the ECU that the assets of Crown Estate Scotland are not affected by this proposal and they have no comments.

**West Kintyre Community Council (WKCC)** (25<sup>th</sup> April 2022) – have advised the ECU that they object to this proposal in respect to: Landscape & Visual Impact; Hydrology/Private water supplies/ Increased risk of flooding; and Tourism.

**East Kintyre Community Council (EKCC)** (22<sup>nd</sup> March 2022) – advised the ECU that they 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 and Proposed Local Development Plan 2 Diagram 7; and Community Development Amenity due to the wholesale harmful impacts to a designated Tourism development area.

## **ARGYLL & BUTE COUNCIL RESPONSES**

**ABC Consultant Landscape Architect** (20<sup>th</sup> June 2022) – recommends that an objection should be raised on landscape and visual grounds. There could be scope to mitigate the effects of this proposal through a reduction in the size of turbines and possible omission/reposition of more prominent turbines (for example Turbines 1 and 3 which are particularly prominent in views from the west). Further mitigation of visible aviation lighting should also be considered through the installation of an Aircraft Detection Lighting System once approved by the CAA (Civil Aviation Authority) which would significantly reduce the duration of lighting.

**ABC Area Roads** (12<sup>th</sup> April 2022) – have advised that they have no objection. The access to this site is from the A83 Tarbet - Campbeltown Trunk Road, and Transport Scotland should be notified.

**ABC Environmental Health** – it has not been possible for Environmental Health to provide advice on this proposal. Considering this, the advice of an independent noise consultant has been sought to review this proposal.

**ABC Noise Consultant** (22<sup>nd</sup> December 2022) – have advised that good practice has been adopted by the Applicant, with a few minor issues identified. The most significant of these issues is the identification of several derelict buildings within 2km of the site boundary, for which the planning status is unknown, and for which the ongoing residential use should be established. If it remains the planning authorities wish that these properties should remain with a residential use, then these should be reassessed by the Applicant, including where relevant the battery storage equipment which may become significant. As presented, the assessment relies on background noise data from previously proposed or consented wind farms, and separate considerations are made for the noise of the current wind farm site, and then for the cumulative situation with all existing and consented wind farms in the local area in addition to the proposed site. It is not entirely clear from the evidence presented whether these limits have been correctly transposed, or that the higher value for the adopted fixed limits have been justified. Further information on this aspect should be sought from the Applicant. However, the size and scale of the proposals may justify the use of the higher value fixed limit. In the absence of any new residential receptors being identified (e.g. currently derelict properties), there are no reasons to object to the scheme on noise grounds, but a suitably worded condition to limit the noise levels, tonality and amplitude modulation should be applied.

**ABC Flood Risk Assessor** (13<sup>th</sup> May 2022) – no objection to the proposal subject to planning conditions to the effect of the following: watercourse crossing not to reduce the cross-sectional area of the channel and ideally be design to convey the 1:200 year plus climate change flow plus an allowance for freeboard; and drainage to be designed in accordance with CIRIA C753 guidance and Sewers for Scotland 4<sup>th</sup> edition.

**ABC Flood Risk Assessor** (19<sup>th</sup> December 2022) – was consulted further on the letters of representation which raise concerns in respect to flooding. The Flood Risk Assessor has no objection to the proposal subject to planning conditions to the effects of the following: watercourse crossings not to reduce the cross-sectional area of the channel and ideally be designed to convey the 1:200 year plus climate change flow plus an allowance for freeboard; and drainage to be designed in accordance with CIRIA C753 guidance and post-development surface water runoff should not exceed pre-development surface water runoff.

**ABC Local Biodiversity Officer** (20<sup>th</sup> April 2022) – no objection to the proposal and has advised that the information provided is acceptable in respect to: a Construction Environment Management Plan incorporating a Peat Management Plan, Habitat Management Plan, culvert details, silt management, maintenance of hydrological regime and treatment/storage of borrow pit soil/vegetation; there were no limitations arising from COVID-19, surveys continued uninterrupted whilst adhering to COVID-19 restrictions; Blanket bog/Groundwater Dependent Terrestrial Ecosystems (GWDTE) hydrology have been considered; and Native woodland and other habitats/species recommended by the Local Biodiversity Officer have been considered.

**The West of Scotland Archaeology Service (WOSAS)** (27<sup>th</sup> July 2022) – No objection subject to a condition to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be agreed by the WoSAS, approved by the Planning Authority, and thereafter fully implemented and that all recording and recovery of archaeological resources within the site is undertaken to the satisfaction of the Planning Authority in agreement with the WoSAS.

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

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## **(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 2 objections, which are published on the ECU website. The key issues raised are summarised below:

### **Material Considerations raised objection are summarised as follows:**

- Flooding Impacts (increased risk because of the development) on High Crubasdale Farm and Bridge House, Muasdale.

*Comment: A copy of this representation was sent to the Council's Flood Risk Assessor for comment on 1<sup>st</sup> December 2022, to ascertain if it would alter their consultation advice in any way. A response was received on the 19<sup>th</sup> of December 2022, which differs slightly from the previous advice given. A requirement is now added to the recommended conditions that post development surface water run off should not exceed pre-development surface water run-off.*

**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 (October 2021) which is available on the ECU website - ECU00002103

**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.**

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## **(E) SUPPORTING INFORMATION**

**Has the application been the subject of:**

**i) Environmental Impact Assessment Report (EIAR): Yes**

EIAR comprising:

- Volume 1: Non-technical summary (NTS)
- Volume 2a: Main Report
- Volume 2b: Figures
- Volume 2c: Landscape & Visual Figures
- Volume 2d: Visualisations
- Volume 3: Appendices
- Volume 4: Confidential Annex

Key matters covered in the EIAR include: Introduction; Approach to the EIA; Project Description; Reasonable Alternatives; Summary of Consultation; Planning & Energy Policy Context; Landscape & Visual; Noise; Ecology; Ornithology; Geology, Hydrology & Hydrogeology; Cultural Heritage; Socio-economics, Recreation & Tourism; Traffic, Transport & Access; Infrastructure & Telecommunications; Aviation Safeguarding; Forestry; Shadow Flicker & Summary of Effects; and Conclusion.

**ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** NatureScot have advised the ECU that there is a likely significant effect on the Greenland white-fronted goose feature of the Kintyre Goose Roosts SPA. This is because the distance to turbines is within the known foraging range of the geese. Scottish Ministers are therefore required to carry out an Appropriate Assessment in view of the site's conservation objectives for its qualifying interest.

**iii) A design or design/access statement: Yes**

**iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc.:** Other key documents submitted in support include:

- Planning Statement (PS)
  - Design Statement (DS)
  - Pre-application Consultation (PAC) Report
  - Habitats Regulation Appraisal (HRA)
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**(F) Local Development Plan (LDP) and any other material considerations over and above those listed above which have been considered 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 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

Policy 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 2 - Development and Public Transport Accessibility  
 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  
 SG LDP REC/COM 1 - Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services

Supplementary Guidance 2 (December 2016)

#### Spatial Framework Guidance

Supplementary Guidance 2 – Wind farm map 1

Supplementary Guidance 2 – Wind farm 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](http://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 Framework for Scotland 3, NPF3

- Revised Draft National Planning Framework 4, NPF4 (November 2021)

The policies in the revised draft NPF4 most relevant to this proposal include:

- Policy 1 – Tackling the climate and nature crisis
  - Policy 2 – Climate mitigation and adaptation
  - Policy 3 – Biodiversity
  - Policy 4 – Natural places
  - Policy 5 – Soils
  - Policy 6 -Forestry, woodland, and trees
  - Policy 7 – Historic assets and places
  - Policy 11 – Energy
  - Policy 13 – Sustainable transport
  - Policy 22 – Flood risk and water management
  - Policy 23 – Health and safety
  - Policy 25 – Community wealth benefits
  - Policy 33 – Minerals
- Scottish Planning Policy (SPP) (June 2014)
  - Argyll & Bute Landscape Wind Energy Capacity Study (2017)
  - Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
  - Scottish Energy Strategy, December 2017
  - Onshore Wind Policy Statement, Scottish Government (December 2022)
  - Historic Environment Policy for Scotland (HEPS, 2019)
  - The Scottish Government’s Policy on ‘Control of Woodland Removal’ (Forestry Commission Scotland 2009)
  - Siting and Designing Wind Farms in the Landscape, SNH (August 2017)
  - Guidance for Landscape and Visual Impact Assessment, 3<sup>rd</sup> Edition, Landscape Institute, and Institute of Environmental Management & Assessment, (2013);
  - Onshore Wind Turbines: Planning Advice, Scottish Government (May 2014).
  - PAN 1/2011: ‘Planning and Noise’ (March 2011)
  - PAN 60 – Planning for Natural Heritage (Jan 2008)
  - Scottish Government Good Practice Principles for Shared Ownership and Community Benefit of Onshore Renewable Energy Developments;
  - Views of statutory and other consultees;
  - Planning history of the site
  - Legitimate public concern or support expressed on relevant planning matters
- *Argyll & Bute proposed Local Development Plan 2 (pLDP2) (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)
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**(G) Does the Council have an interest in the site: No**

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

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**Author of Report:** Arlene Knox

**Date:** 4<sup>th</sup> January 2023

**Reviewing Officer:** Sandra Davies

**Date:** 4<sup>th</sup> January 2023

**Fergus Murray**

**Head of Development and Economic Growth**

## RECOMMENDED REASON(S) FOR OBJECTION TO: 22/00613/S36

### 1. Landscape & Visual Impact (including cumulative)

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

The proposed site lies within the *Upland Forest Moor Mosaic* LCT identified in the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS). This landscape has some characteristics which reduce sensitivity to large scale wind energy development including a generally simple landform and land cover and an expansive scale. However, these uplands already accommodate a number of operational and consented wind farms which limits scope for further wind farm development whilst minimising effects on more sensitive landscape and visual receptors within the Kintyre coasts, West Loch Tarbert, and the islands of Gigha and Arran.

This proposal would have significant adverse effects on the character of the *Upland Forest Moor Mosaic* LCT. It would also significantly and adversely affect the character of the Sound of Gigha between Gigha and Kintyre. There would be relatively limited views from the settled east and west coasts of Kintyre but with more extensive visibility occurring across the Sound of Gigha, Gigha and from the more sparsely settled upland area immediately surrounding the proposed development.

A consent for 14 turbines between 115.5m and 126.5m applies to the site. This proposal comprises 12 turbines between 185m and 200m. The principal change between the consented and proposed scheme is the greater degree of intrusion associated with the substantially larger turbines now proposed on views from the Sound of Gigha and from the eastern side of Gigha, and also in close views from a section of the Kintyre Way. The visible aviation lighting fixed to 8 of the proposed turbines would also be likely to extend the duration of significant adverse visual effects experienced from these same locations. In views from Gigha and the Sound of Gigha the proposal would be significantly larger than other operational and consented wind farms and would form a key focus in views towards the Kintyre peninsula, detracting from the scenic character of water, settled coastal fringe and uplands.

The potential cumulative effects of this proposal with the Sheirdrim and Narachan application-stage wind farms are additionally of concern as together these schemes would dominate views to the east from the north-eastern part of Gigha. Lighting of the Narachan wind farm and this proposal could extend the duration of significant adverse cumulative effects during hours of darkness.

Argyll & Bute Council therefore objects to this proposal on landscape and visual grounds. There could be scope to mitigate the effects of this proposal through a reduction in the size of turbines and possible omission/reposition of more prominent turbines (for example Turbines 1 and 3 which are particularly prominent in views from the west). Further mitigation of visible aviation lighting should also be considered through the installation of an Aircraft Detection Lighting System once approved by the CAA which would significantly reduce the duration of lighting.

Having due regard to the above it is concluded that the proposal will have significant adverse landscape and visual impacts (including cumulative) and is therefore inconsistent with the provisions of: 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; of the Argyll & Bute Local Development Plan; SPP (2014); NPF3; Policy 4 – Natural Places and Policy 11 – Energy of Revised Draft NPF4; the Onshore Wind Policy Statement, (2022); and guidance contained in the Argyll & Bute Landscape Wind Energy Capacity Study 2017.

#### **Notes for the Energy Consents Unit**

**Battery Storage** – Whilst, the provision of battery storage meets the requirements of policy, Officers are concerned that no consideration has been given to the Landscape & Visual Impact of this battery storage facility. This is a large facility of 27 shipping containers proposed to be located in a rural landscape. Before a decision is reached on this proposal by the ECU it is the view of Argyll & Bute Council that the impacts of this needs to be considered.

**Noise** – Argyll & Bute Council would be grateful to receive clarification from the Applicant in respect to the points raised by the Noise Consultant on residential receptors and fixed limits.

## **APPENDIX A – PLANNING LAND USE AND POLICY ASSESSMENT**

### **A. THE SECTION 36 CONSENTING REGIME**

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

It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed if authorisation is given by the Scottish Government. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI) if they are minded to approve the proposal. They can also choose to hold a PLI in other circumstances at their own discretion. Such an Inquiry would be conducted by a Reporter(s) appointed by the Directorate for Planning and Environmental Appeals. If 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 3<sup>rd</sup> party opinion expressed to the Scottish Government following publicity of the application by them. It recommends views to be conveyed to the Scottish Government on behalf of the Council before a final decision is taken on the matter. The conclusion of this report is to recommend that the Council raise an Objection to this Section 36 consultation on Landscape & Visual Grounds for the reasons detailed in this report.

### **B. SETTLEMENT STRATEGY**

Policy LDP DM1 establishes acceptable scales of development in three different 'zones' or the 'Settlement Strategy'. In terms of the local development plan proposals map, the proposed wind farm and access is located within the 'Rural Opportunity Area,' 'Countryside Zone,' and the 'Very Sensitive Countryside.' Where the wind turbines would be located is within the Countryside Zone and Very Sensitive Countryside. In the Very Sensitive Countryside, only specific categories of development are supported. This however includes renewable energy related development. 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. Policy LDP 6: Renewable Energy provides the primary policy framework for assessing wind farms. In this case, it is considered that it has not been demonstrated that the scale and location of the proposal, will integrate sympathetically without giving rise to adverse consequences in terms of landscape & visual impact (including cumulative). For the reasons detailed below in this report, it is considered that this proposal does not satisfy Development Plan Policy and associated guidance in respect of renewable energy development.

**Having due regard to the above it is considered that the proposal is contrary to the provisions of LDP DM1 – Development within the Development Management Zones; SPP; NPF 3 and Revised Draft NPF 4.**

## **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

Consented Development - In December 2019, the Applicant received permission for a 47.6 MW wind farm at the development site. This was through appeal to Scottish Ministers (reference PPA-130-2064). This comprises 14 wind turbines: 13 with a blade tip height of up to 126.5 metres (m) (and hub height of up to 80m); one with a blade tip height of up to 115.5m (and hub height of up to 69m); and associated infrastructure ('the Consented Development').

Proposed Development – In their Design Statement, the Applicant has advised that due to the advancement of wind turbine technology, subsequent design modifications and significant changes to the wider economics of onshore wind farms and other renewable technologies in Scotland, they are now submitting this new application under Section 36 to construct and operate a wind farm and battery storage facility with a generating capacity in excess of 50MW on the existing site of the Consented Development.

The site boundaries for the Consented Development and the Proposed Development are almost identical, except for a section to the east of the site which has been excluded at the request of Forestry Land Scotland; the access track leading from the A83 to the site has been widened to accommodate the delivery of larger turbine components, and a larger turning circle and turbine laydown area on the opposite (western) side of the A83 to the site. Due to these changes, the site has decreased in size from 12.59 km<sup>2</sup> to 12.47 km<sup>2</sup>, with the exclusion of the area to the east being the reason for the smaller site size.

As with the Consented Development, the access track leading from the A83 to the site will be the sole access / egress from the site for construction, maintenance, and decommissioning.

The Proposed Development comprises 12 wind turbines (two less than the Consented Development) and seeks an increased operational period of 35 years (the operational period is 25 years for the Consented Development). The Proposed Development additionally includes a battery storage facility with an expected upper capacity of 30 MW that was not part of the Consented Development.

Five of the turbines within the development would have a maximum blade tip height of 200m, whilst the remaining seven would have a maximum tip height of 185m. All would have a maximum rotor diameter of 155m.

Planning History - Apart from the Consented Development, there is no previous planning permission granted for development within the site, except for the temporary anemometer mast which has been erected by the Applicant. FLS currently have permitted development rights over the site for their forestry operations.

The site - is located approximately 20km to the north of Campbeltown, 1.8km northeast of Muasdale and 3.7km southeast of Tayinloan. The A83 between Lochgilphead and



Campbeltown is located approximately 1km to the west. Access to the site will be taken from the Killean Estate junction with the A83, with the access following the existing Cross-Kintyre Timber Haul Route to the east, then to the south to the site entrance using the existing forestry track. This is the same access as the Consented Development. The access track between the A83 and the site is approximately 6km in length.

Most of the site is currently forested and managed by FLS for timber production, except for the higher land on the eastern boundary. The crop is in various stages of growth across the site with forestry operations currently ongoing. The higher ground in the east includes some open ground that has not been planted. This is an area of high annual rainfall, as evidenced by the blanket peats and peaty topsoils which are apparent in undisturbed open ground areas. Flatter areas on the highest ground within the site thus support wet blanket peats, with associated mire vegetation. Forms of wet heath occur on the more steeply sloping valley sides, where peat would be expected to be shallower. The western part of the survey area includes a range of grasslands. These become progressively more productive and agriculturally improved towards the west of the area, where the ground is lower.

The southern part of the site maintains height from the main eastern ridge, with a height in this southerly area of up to 250m Above Ordnance Datum (AOD). From this ridge the ground falls steeply to 140m AOD in a valley with a watercourse, Clachaig Water, before rising to approx. 240m AOD to the North West of the site. Clachaig Water continues west out of the site where it eventually meets the sea. The site contains three small lochs in the east and south: Loch Na Creige, Loch Mor and Dubh Loch. Loch Na Naich is located outside of the site to the immediate northeast.

There are several residential properties located within 3km of the site, including several isolated properties located adjacent to the west of the A83 associated with the small settlements of Muasdale, Beacharr and Glenbarr. The nearest residential property is High Clachaig, which is located approximately 1.2km west-southwest of the closest turbine (T14). It should be noted that under the Consented Development, the residential property of High Clachaig was located approximately 850m from the nearest turbine (Turbine T12); but as this turbine has now been removed it has resulted in an increased distance between residential properties and turbine locations.

The Kintyre Way Long Distance Route follows the access track for the proposal from the A83 until it is approximately 560m to the north of the site, where the Kintyre Way then heads eastwards and the wind farm access heads south. At its closest point, the Kintyre Way passes approximately 230m from the north eastern point of the site and 1km from the nearest turbine (T02).

## Proposal

Wind Turbines - The proposal comprises up to 12 turbines, with two different heights. 7 turbines with a blade tip height of 185m, and 5 with a blade tip height of 200m. All turbines will have a maximum rotor diameter of 155m. Each turbine will have a 50m micro-siting tolerance. Aviation lighting – 8 turbines will require visible-red and 8 will require infra-red hub mounted obstruction lights.

Wind Turbine Foundations – 12 turbine foundations with a 22m diameter (380m<sup>2</sup>). The depth cannot be confirmed until after the ground investigation is completed (post consent). Each foundation to have a 50m micro-siting tolerance.

Turbine Crane Pads – 1 main crane pad and 3 assembly crane pads per turbine. Dimensions per main crane pad: 40m x 35m (1962.5m<sup>2</sup>). Dimensions of assembly crane pads per turbine: 114m<sup>2</sup>, 171m<sup>2</sup> and 203m<sup>2</sup>. Each crane pad will have a 50m micro-siting tolerance.

Permanent Anemometer Mast - 50m micro-siting allowance. Up to 110m high permanent wind monitoring mast (steel lattice structure), Foundation: Approximately 20m<sup>2</sup> and Crane hardstanding: Approximately 20m x 20m.

Control Building and Substation Compound - 100m micro-siting allowance. Compound dimensions: 100m x 50m (footprint: 5,000m<sup>2</sup>), Control building height: Up to 5.5m, and maximum height of substation: Up to 10m.

Temporary Construction Compound and Battery Storage Facility – will have 100m micro-siting allowance. Approximate dimensions 135m x 75m, giving a compound area of 10,125m<sup>2</sup>. Its use will be temporary as a construction compound, thereafter it is to be used to house battery storage.

Battery Storage – expected upper capacity of 30MW (with total generation of wind turbines and battery storage expected to have a capacity of around 90MW, but less than 100MW). It is to be installed in part of the construction compound (approximate area of 75m x 60m) on completion of most of the construction works. It shall consist of 27 containers not exceeding 2.6m high.

Site Access Track – from the A83 to the main site 6km of upgraded existing track. Main development site length 11km (comprising 8.9km new track and 2.1km upgraded existing track). It will be 5m wide (wider at bends) and will have a 100m micro-siting tolerance due to forested conditions preventing detailed ground investigations until nearer construction.

Passing Places - A total of 12 new passing places will be required between the A83 and the main site. A total of 7 of these will be in the main site. Up to 12 cross places may also be required for forestry operations to continue during the construction works for the proposal, these will be designed as small passing places and their location will be confirmed prior to construction.

Watercourse & Culvert Crossings – 6 watercourse crossing points are proposed including: 4 new crossings and alterations to 2 existing crossings.

Borrow Pits (Temporary Quarries) – up to 6 borrow pits are proposed. These will have short tracks to link them to the main access track and 100m micro-siting tolerance.

Cabling – Approximately 10km of underground cabling will be required. These will be installed along site access tracks, as far as practicable.

Forestry – the area to be felled for the proposed development and peatland restoration is 102.32ha. The total restock, including 56.2ha of peatland restoration is 83.73ha.

## Infrastructure

Water and Foul Drainage – Scottish Water has advised the ECU they have no objection, but, that this does not confirm that the proposal can be serviced.

Asset Impact Assessment – Scottish Water has advised the ECU that according to their records, the proposal impacts on existing and abandoned Scottish Water assets. The Applicant must identify any potential conflicts with these assets and contact Scottish Waters Asset Impact Team to apply for a diversion. The Applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Drinking Water Protected Areas – Scottish Water has advised the ECU that the proposal lies within the disused Scottish Water drinking water source catchments of the Clachaig Water (Muasdale), Barr Water and Carradale Water. As these are no longer used for public water supply Scottish Water has no concerns in relation to drinking water supply or quality of these catchments. The Carradale and Saddell boreholes are also located within the wider area. The Saddell boreholes are approx. 10km south-east of the site and will not be affected by the proposal. The north-eastern tip of the site encroaches into the uppermost part of the catchment of the Drochaid Burn which is a tributary of the Carradale Water. As there does not appear to be any development planned for this area, the risk to the Carradale Boreholes is low.

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 S36 application. Final details of the grid connection would be subject to a separate design and consent process at a later date.

## **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 guidance for wind farms (contained within Supplementary Guidance 2: Wind Farm Map 1 and Map 2) the site is within Group 2 and 3 areas. It is partly within a Group 2 area due to the presence of deep peat. This was considered in the Report to Scottish Ministers published by the Scottish Government Reporters in their determination of the Appeal for the Consented Development. This report concluded that all parties agreed that the Consented Development addressed the requirements of deep peat and so there was no spatial reason why the site could not be considered as if within a Group 3 area. In Group 2: Areas of significant protection – wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design, or other mitigation. 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.

During construction, the proposal would have a beneficial effect on the local economy, which would arise because of job creation and local expenditure by the developer and contractors. Workers involved with the project would stay locally (i.e. in hotels and other accommodation), use local services and spend in local restaurants and shops. Given that only a small number of businesses will be impacted for a brief period of time, the significance of effect on the local economy is assessed to be Minor Beneficial in the EIAR.

The construction of the proposal will create jobs, which has the potential to impact on the local job market. The total employment generated during construction is predicted to be between 12.5 FTE and 18.75 FTE based on a 12-to-18-month construction period, the exact proportion of which would be local is uncertain and given the nature of wind farm development, there will be several specialised roles. As the number of local jobs available is low and short-term in

nature, the magnitude of the construction job creation is considered to be Low. The significance of effect on the local job market is therefore likely to be Minor Beneficial. The socio-economic impacts associated with the decommissioning phase are likely to be similar to those during construction.

High Clachaig Forest covers most of the site and is managed by FLS for timber production. The forest has some economic value and low social value. As a socio-economic receptor, High Clachaig Forest is therefore considered to have low sensitivity to change. FLS are in the process of producing the Carradale Land Management Plan, which includes a future felling and replanting plan for High Clachaig Forest and the site. The most up-to-date version of this Plan has been used to assess the impacts of the proposal on High Clachaig Forest. As FLS and the Applicant have worked together to ensure the proposal does not have a significant effect on FLS' felling and restocking plans, the Carradale Land Management Plan includes the proposal, with Phase 1 felling (2022 to 2026) including most of the area needed for wind farm construction. There would be some additional felling to accommodate the construction of the wind farm (26.5 ha), however this area is currently planned to be felled at a later date and so this 26.5 ha does not relate to any forestry which is not planned to be felled by FLS. The magnitude of change in terms of reduced amenity and restricted access associated with tree removal for the proposal is therefore Negligible, as the area to be felled for the construction is being conducted by FLS as part of normal forestry operations. The significance of effect during the construction phase is also considered to be Negligible.

Typically, the proposal will be operated remotely during the operational phase and will only require irregular maintenance and repair visits to site. This would equate to at least 21.5 FTE jobs, based on a minimum 50MW installed capacity, over a 35-year lifespan. Therefore, the magnitude of the impact on the local job market is considered to be negligible and the significance of effect on operational job creation is considered to be Negligible.

As part of the Applicant's agreement with FLS, the Applicant is offering the local community the opportunity to invest in the proposal. Once planning permission is granted, the Applicant will set up a new Limited Company. This entity will be called a Special Purpose Vehicle (SPV) and will take the project forward. This will involve one or more community organisations coming together to form the Community Vehicle. The Community Vehicle will then be able to invest in the SPV up to a total share of 49%. If they decide not to invest to that level, then the landowner FLS will themselves be able to invest up to a combined total, with the community, of 49%. As FLS are a large employer in the region, this would have a secondary benefit locally. In return for this investment, the Community Vehicle will receive shares in the SPV. The number of shares the Community Vehicle will receive will be dependent on the funding requirements of the SPV at that time. However, those shares will be non-voting and the Community Vehicle will not be responsible for deciding how the SPV or the project is run or managed. Only an appropriate 'Community Vehicle' will be able to invest. The criteria for what makes an appropriate Community Vehicle eligible to invest is set out in the FLS Community Investment on Scotland's National Forests and Land Guidelines (2019). In addition to the operational effect of the proposal itself, it will also generate an additional local economic benefit as a result of a community benefit payment that would be provided by the Applicant. The total value of the community benefit payment associated with the proposal is dependent on the eventual installed capacity. For example, with a capacity of 60MW, this would be £300,000 per year (60MW @ £5,000 per MW), which equates to £10.5 million over the 35-year operational period.

Post construction, the forest will be restocked with commercial softwoods including Sitka spruce. Areas of native broadleaved planting and the retention of open ground, particularly focussed on peatland restoration which will be funded by the Applicant, will also form part of the restocking proposals. The exception will be the areas immediately around the wind turbines, battery storage facility and other infrastructure which will be maintained as open

ground. With the operation of the proposal there will be no change to the baseline function of the site as forest managed for commercial timber production. The significance of effect during the operational phase on High Clachaig Forest as a socioeconomic receptor is therefore considered to be Negligible.

The EIAR advises that Community Benefit Funds would be made available for the local community. Community Benefit is not however, considered to be a 'material planning consideration' in the determination of planning applications. If 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; NPF3; Revised Draft NPF4 and the Onshore Wind Policy Statement 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. If approved the proposed development has the potential to produce renewable energy and make a meaningful contribution to renewable energy generation targets. The proposal would provide over 50 MW, with the total generation of the wind turbines and battery storage having a currently expected capacity of 90MW, but less than 100MW.

**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; 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 6 - Supporting the Sustainable Growth of Renewables; SPP; NPF3; Revised Draft NPF4 and the Onshore Wind Policy Statement 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.

Commitment to the development of renewable energy has become increasingly important since climate emergencies were declared by the Scottish Government in April 2019 and the UK Government in May 2019. Whilst UK (and European) legislation have set the target of achieving net zero greenhouse gas emissions by 2050, Scotland has set this target for 2045. All of these targets demonstrate the immediacy placed on actions at a national and

international scale. The development of renewables is recognised by the Scottish Government as being important to the Scottish economy and there is an aim of renewable sources generating the equivalent of 100% of Scotland's gross annual electricity consumption.

Onshore wind energy will be vital in achieving this ambitious target. The proposal has the potential to prevent approximately 3.1 million tonnes of carbon dioxide (CO<sub>2</sub>) equivalent emissions from being released into the atmosphere over the project's 35-year lifetime compared to a fossil fuel mix of electricity generation. This is the equivalent of the emissions from 50,756 average houses (more than the total number of households in Argyll & Bute, which is estimated at 42,801). If approved the proposal has the potential to produce renewable energy and make a meaningful contribution to a net zero electricity network.

**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 Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; SPP; NPF3; Revised Draft NPF4 and the Onshore Wind Policy Statement in this regard.**

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

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

Noise – It has not been possible to obtain advice from Environmental Health on Noise. Consequently, the advice of an independent Noise Consultant has been obtained. They have advised that good practice has been adopted by the Applicant, with a few minor issues identified. The most significant of these issues is the identification of several derelict buildings within 2km of the site boundary, for which the planning status is unknown, and for which the ongoing residential use should be established. If it remains the Planning Authorities wish that these properties should remain with a residential use, then these should be reassessed by the Applicant, including where relevant the battery storage equipment which may become significant. As presented, the assessment relies on background noise data from previously proposed or consented wind farms, and separate considerations are made for the noise of the current wind farm site, and then for the cumulative situation with all existing and consented wind farms in the local area in addition to the proposed site. It is not entirely clear from the evidence presented whether these limits have been correctly transposed, or that the higher value for the adopted fixed limits have been justified. Further information on this aspect should be sought from the Applicant. However, the size and scale of the proposals may justify the use of the higher value fixed limit. In the absence of any new residential receptors being identified (e.g. currently derelict properties), there are no reasons to object to the scheme on noise grounds, but a suitably worded condition to limit the noise levels, tonality and amplitude modulation should be applied.

Air Quality – It has not been possible to obtain advice from Environmental Health on Air Quality.

Lighting – It has not been possible to obtain advice from Environmental Health on Lighting

Shadow Flicker – The term 'shadow flicker' is given to the flickering effect created when a rotating wind turbine rotor blade periodically casts a shadow across the windows and doors of

a nearby property. The study indicated that only one property (High Clachaig) is located within the range to be affected by shadow flicker from the proposal. It is expected that there will be shadow flicker for up to 13 hours per year at High Clachaig, between the hours of 05:45 and 07:00. However, when considering that the property has no windows facing the proposal, shadow flicker is not expected to affect residents inside the property. Whilst no significant adverse effects are anticipated, if necessary, the following mitigation measures for shadow flicker could be employed: affected dwellings can be screened from turbines to prevent shadow flicker; and standard shadow flicker controllers can be installed on turbines to shut them down when all parameters needed to cause shadow flicker are present, thereby eliminating the problem.

Private Water Supplies - it has not been possible to obtain advice from Environmental Health on Private Water Supplies. SEPA – have advised the ECU that they note that PWS (Private Water Supplies) have been addressed as far as possible. West Kintyre Community Council – have advised the ECU that they have been made aware of the possibility of there being several properties close to the site with private water supplies that are not registered with the local Council, they would expect the developer to ascertain the whereabouts of these private supplies and ensure a full risk assessment of these is carried out to ensure that no harm would come to them were the application to be approved.

**Having due regard to the above subject to the recommended conditions being applied in the event that consent is granted 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 Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; SPP; NPF3; Revised Draft NPF4 and the Onshore Wind Policy Statement 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.

The Council's Landscape Consultant undertook a Landscape and Visual Review of this proposal (June 2022). The report drafted by Argyll & Bute Council's landscape consultant is based on a review of the Environmental Impact Assessment Report (EIAR) of April 2022 and visits to the study area.

Background to the proposal - The original Clachaig Glen wind farm comprised 14 turbines with 13 of these 126.5m high to blade tip and the remaining turbine 115.5m high to blade tip. This development gained consent on appeal in 2019. The current application ('the proposal') comprises 12 turbines (5 up to 200m high and 7 turbines 185m high) on the same site. The proposal additionally includes a battery storage facility and widening of the access track from the A83 to accommodate larger turbine components and visible aviation lighting is proposed to be fixed to the nacelles of 8 turbines.

Information provided in Landscape and Visual Impact Assessment (LVIA) - The LVIA has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition. While the Council's Landscape Consultant agrees with the majority of the LVIA findings on the significance of landscape and visual effects, they consider that in some instances receptor sensitivity and the magnitude of change is under-estimated.

The Design Statement provides a useful summary of the evolution of the consented scheme and the current application. The figures provided to support the LVIA are clear and informative although it would have been beneficial to have had baseline photographs from the additional wireline viewpoint locations SW1 and SW2.

The Council requested during scoping that comparative visualisations be produced showing the consented scheme and the proposal from key viewpoints. This has not been done by the Applicant using a justification that this would be contrary to 2018 guidance from NatureScot (EIA-R section 7.1). It is further explained in EIA-R paragraph 7.4.17 that it is assumed that the consented scheme would not be built due to the lack of availability of smaller turbines. For completeness sake, a comparison of the change in effects between the consented scheme and the proposal (which would involve increases of between 58 and 74m in the height of turbines) has been undertaken by the Council's landscape consultant using wireline visualisations from the Clachaig Glen Additional Environmental Information (AEI) Report submitted to the Killean and Clachaig Glen Wind Farms Conjoined Public Local Inquiry held in 2018.

2017 Argyll and Bute Landscape Wind Capacity Study - The proposed wind farm lies within the *Upland Forest Moor Mosaic* Landscape Character Type (LCT) identified in the Argyll & Bute Landscape Wind Capacity Study (LWECS). This LCT covers the Kintyre peninsula between Machrinhanish/Campbeltown in the south and West Loch Tarbert in the north. The proposed turbines, which would be up to 200m high to blade tip, would fall within the 'Very Large' typology considered in the LWECS. The LWECS concludes that the combined landscape and visual sensitivity of the *Upland Forest Moor Mosaic* LCT is high-medium to wind turbines of this size. The guidance set out in the study for this LCT advises that there is very limited scope for additional turbines to be accommodated within this landscape principally due to potential cumulative effects that could occur on the coastal fringes of Kintyre and on views from Arran and Gigha. The area of the peninsula to the north of Beinn Bhreac is noted as being particularly sensitive due to likely increased effects on Arran, Gigha and surrounding seascapes. The guidance further advises that significant intrusion on adjacent settled and small-scale landscape character types and on Arran and Gigha should be avoided by siting larger turbines well back into the interior of these uplands.

Since this study was issued in 2017 the Eascairt, Clachaig Glen I, Beinn an Tuirc III and High Constellation wind farms have been consented on the Kintyre peninsula. The addition of these wind farms increases sensitivity in terms of potential cumulative effects and reduces scope for further wind farm development to be accommodated within the *Upland Forest Moor Mosaic* LCT.

The design of the proposal - The proposed turbines will be substantially larger than those within nearby operational wind energy developments including the Cour, Freasdail, Beinn an Tuirc, Blary Hill and Auchadaduie schemes. The difference in size between turbines in operational wind farms will be principally appreciated from sections of the Kintyre Way and to a lesser degree from the Sound of Gigha and Gigha where the proposal would be closer to views and reasonably well-separated from other operational wind farms thus minimising contrasts of scale. The combination of closer proximity and/or very large turbines will result in the proposal being considerably more dominant or prominent (depending on distance) in views from the west than existing wind energy developments located on the Kintyre peninsula.

Although not specifically noted as a design objective in the LVIA, the proposal appears to have been designed to minimise intrusion on the west Kintyre coast. In general, the design layout of turbines appears reasonably well-balanced from representative viewpoints with the exception of Viewpoint 13 from the Kintyre Way where the overlap of turbines gives a very congested and unsatisfactory appearance and contributes to the significant effects that will be experienced from this long-distance recreational route.

The proposed turbines at 200m and 185m height would dominate the scale of the Kintyre peninsula when seen in views from the west where the near full extent of many turbines is appreciable. In views from the east from Arran and from the north near Clachan, partial



screening by landform reduces the perceived size of the turbines and they appear less overwhelming in relation to other landscape features. It is considered that the size of the turbines proposed is too large for the scale of the landscape of the Kintyre Uplands appreciated from the Sound of Gigha and Gigha.

Comparison of the effects of the consented scheme and the proposal - There would be little difference in the horizontal extent of theoretical visibility between the consented scheme and the proposal with the key changes being in the numbers and/or vertical extent of the much larger turbines now proposed seen in key views.

Comparison of key views between the Clachaig Glen AEI 2018 (the consented scheme) and the current proposal reveal the following:

- A greater number of turbines would be visible from Viewpoint 13 Kintyre Way and with these appearing substantially larger and more congested than those in the consented scheme. There would be a significant exacerbation of the effect on views.
- The turbines within the proposal would have a much more dominant visual effect in views from the Sound of Gigha and from the east coast of Gigha (Viewpoints 8, 9, 10, 12 and 15) because of the substantially larger turbines. The proposed turbines would also appear much larger in relation to the height of the Kintyre peninsula and would have a more overwhelming effect on other landscape features such as clearly visible buildings, small woodlands, and fields on the west coast of Kintyre.
- In longer views from south Knapdale (Viewpoint 2) and the Islay ferry (Viewpoint 18), a substantially greater vertical extent of turbines will be visible. The consented scheme largely appeared as blade tips with very few hubs visible but all turbines would be seen well above hub height in the proposal.

Landscape effects - The proposed development site lies within the Kintyre *Upland Forest Moor Mosaic* LCT identified in the LWECs. There would be direct and significant adverse effects on the character of part of this LCT.

There would be relatively limited visibility of the proposal from the *Rocky Mosaic* LCT which covers the coastal fringes of Kintyre and Knapdale and from the *Coastal Plain* LCT which covers a small part of the western coast of Kintyre in the Tayinloan area and while effects would be adverse (with some localised significant effects on the character of the *Rocky Mosaic* LCT associated with the removal of trees and hedgerows to accommodate construction traffic on the access route from the A83) they would not be significant overall on these LCTs (Landscape Character Type).

There would be more consistent visibility of the proposal across the Sound of Gigha and greater intrusion associated with very large turbines of up to 200m high to blade tip. The LVIA considers effects on the Seascape Character Units (SCU) identified in the 2005 Scottish Nature Heritage Commissioned Report 103. The Council's Landscape Consultant considers that these SCUs are too broad to form a basis for LVIA of a specific proposal and that more detailed Local Coastal Character Areas (LCCA) should have been defined in accordance with NatureScot's Guidance Note on Coastal Character Assessment issued in 2018.

It is considered that the Sound of Gigha, lying between Gigha and Kintyre would form a LCCA more appropriate for detailed assessment. Representative viewpoints 8, 9, 10 and 15 within the Sound of Gigha illustrate the degree of prominence of the proposal and the contrasts in scale that would occur with the smaller scale settled coastal fringes and the relatively narrow extent of water and it is concluded that these effects would significantly affect the character of this LCCA.

The requirement for visible aviation lighting on all turbines within the proposal will contribute to the magnitude of change and duration of landscape effects. The sparsely settled Kintyre

peninsula and surrounding seascapes have low night-time light levels and this would change with the proposal.

Effects on valued landscapes - The proposed turbines do not lie within a designated landscape although the lower part of the proposed access track from the A83 is located in the West Kintyre Area of Panoramic Quality (APQ). While there would be some localised significant adverse effects associated with the proposed access track, visibility of the turbines would not be widespread from the remainder of this APQ and also from the South Knapdale APQ. The Council's Landscape Consultant concludes that effects would not be significant overall on the APQ designation in Argyll & Bute. Effects on the North Arran National Scenic Area (NSA) and Arran Wild Land Area (WLA) are not considered in detail in this appraisal as these landscapes lie outside Argyll & Bute. The Council's Landscape Consultant considers that effects on these valued landscapes are however unlikely to be significant due to this proposal being located on the west-facing hill slopes of the Kintyre peninsula which limits the vertical extent of turbines visible from the east.

Effects on visual amenity - The Zone of Theoretical Visibility (ZTV) mapping within the LVIA indicates that visibility would be mainly concentrated over the Sound of Gigha and Gigha with some patchier visibility across parts of south Knapdale and the interior of the Kintyre peninsula. There would be some limited visibility from the west coast of Kintyre and from the West Loch Tarbert area. There would be relatively little visibility from the east coast of Kintyre.

Visibility of the proposal from the western coastal fringes of Kintyre would not be widespread with effects on views from the A83 and settlement unlikely to be significant as evidenced by Viewpoints 17 and 20 which show that blade tips only would be visible. Viewpoints 14 from A'Chleit and Viewpoint 18 from the Glenacardoch area show that, while noticeable, intrusion would be relatively minor as mainly blade tips would be visible. The proposal would however have an increased intrusion from Point Sands and the Gigha Ferry Terminal at Tayinloan (Viewpoints 11 and 12).

The most significant adverse effects of this proposal on views from within Argyll & Bute would be on:

- ***The Kintyre Way***, affecting approximately 2km of the route where it passes close to the proposal near Loch na Naich as represented by Viewpoint 13. In these close views the proposal would not be seen in the context of the more expansive upland landscape but would impinge on the more intimately scaled views across the contained dip of Loch na Naich. The proposal would have a very congested appearance in this view which are likely to persist for up to 2km along the route where the turbines are seen more 'end on', contributing to the significant effects on views. The proposal would also contribute to significant cumulative effects on views from the route particularly when seen sequentially with the operational and consented wind farms of Deucheran Hill and Cour which lie in the middle part of the Kintyre peninsula. This proposal will contribute to the negative incremental effects of wind farm development on the experience of receptors across the length of the route.
- ***Sound of Gigha – including from the Gigha ferry*** Representative viewpoints 15 and 10 demonstrate the prominence of the proposed turbines on views from the ferry and from recreational watercraft where receptors are likely to focus on views east to Kintyre and westwards to Gigha within the confines of the Sound.
- ***Gigha*** where this proposal would be seen together with the nearby operational Blary Hill Auchadaduie, Tangy and Beinn an Tuirc wind farms but would lie closer to key views along the eastern coast of Gigha. The closer proximity and substantially larger turbines of this proposal would result in a dominant effect on views from Ardmish and South Pier (and from other areas on the east coast of the island) which focus on Kintyre. Views from the small hill of Creag Bhan, which is the destination of a promoted walk, would also be

significantly affected although the proposal would not interrupt the focus of views westwards to Jura from this hill.

While effects from the Islay ferry would not be significant due to the distances involved (14km at the closest point of route shown in Viewpoint 6) and from the B8024 south of Kilberry (Viewpoint 2 which lies at >18km) the turbines of the proposal will be clearly noticeable and appear much larger than operational turbines on Kintyre resulting in adverse effects on views.

Visible aviation lighting effects - Visible aviation lights will be fixed to the nacelles of 8 turbines. In-built mitigation measures include directional lighting shielding which would reduce the intensity of lighting experienced from lower elevation views and a reduction in lighting from 2000 candela to 200 candela during good atmospheric conditions. Technical Appendix 7.2 provides details on the technical aspects of the lighting proposed but does not assess the landscape and visual effects of the lighting. Night-time visualisations have been generated from three viewpoints with the LVIA including Viewpoint 8 at Ardmish on Gigha, Viewpoint 11 from Point Sands and Viewpoint 24 from Beinn Bharrain on Arran. Reference is made to these night-time visualisations in the detailed visual assessment in Technical Appendix 7.5 although no conclusions are reached on the specific effects of visible aviation lighting.

Taking a worse-case scenario of 2000 candela lighting the Council's Landscape Consultant considers that visible aviation lighting could extend the duration of significant adverse effects on views from sections of the Kintyre Way, from the Sound of Gigha and from the east coast and hills of Gigha particularly given the low light levels and dark skies of this sparsely settled study area.

**Cumulative landscape and visual effects** - The greatest cumulative effects with operational, consented and application-stage wind farms will be experienced from the Kintyre Way, the Sound of Gigha and from Gigha.

Cumulative effects on the Kintyre Way - In terms of consented and application-stage proposals, the Clachaig Glen proposal would be seen together and sequentially from the Kintyre Way with the nearby Narachan wind farm forming a cluster of wind turbine development in the middle part of the Kintyre peninsula together with the operational Deucheran Hill and Cour wind farms. This proposal would make a major contribution to significant cumulative effects on the section of the Kintyre Way between Tayinloan and Carradale due to the size of the turbines and their close proximity to the route.

Cumulative effects on views from the Sound of Gigha and Gigha - This proposal would be seen with the operational Auchadaduie, Blary Hill, Tangy and Beinn an Tuirc wind farms in views from the Sound of Gigha and the south-east coast of Gigha. It has been noted in the preceding text that this proposal would appear significantly more prominent in these views than these operational wind farms.

The consented High Constellation and Airigh wind farms would be more visible in views from the north-eastern part of Gigha. They would be seen together with this proposal from the small hill/Core Path of Creag Bhan on Gigha. The application-stage Sheirdrim and Narachan wind farms would also be prominent from this elevated viewpoint. An additional wireline visualisation has been produced from Creag Bhan (SW1) but it should be noted that there is no accompanying baseline photograph and it does not show all the operational, consented and application-stage wind farms that would be visible. The combined effect of consented and application-stage wind farms would result in significant cumulative effects from Creag Bhan and from other parts of north-east Gigha.

Conclusions - The proposed site lies within the *Upland Forest Moor Mosaic* LCT identified in the Argyll & Bute LWECS. This landscape has some characteristics which reduce sensitivity to large scale wind energy development including a generally simple landform and land cover and an expansive scale. However, these uplands already accommodate a number of operational and consented wind farms which limits scope for further wind farm development

whilst minimising effects on more sensitive landscape and visual receptors within the Kintyre coasts, West Loch Tarbert and the islands of Gigha and Arran.

This proposal would have significant adverse effects on the character of the *Upland Forest Moor Mosaic* LCT. It would also significantly and adversely affect the character of the Sound of Gigha between Gigha and Kintyre. There would be relatively limited views from the settled east and west coasts of Kintyre but with more extensive visibility occurring across the Sound of Gigha, Gigha and from the more sparsely settled upland area immediately surrounding the proposed development.

A consent for 14 turbines between 115.5m and 126.5m applies to the site. This proposal comprises 12 turbines between 185m and 200m. The principal change between the consented and proposed scheme is the greater degree of intrusion associated with the substantially larger turbines now proposed on views from the Sound of Gigha and from the eastern side of Gigha, and also in close views from a section of the Kintyre Way. The visible aviation lighting fixed to 8 of the proposed turbines would also be likely to extend the duration of significant adverse visual effects experienced from these same locations. In views from Gigha and the Sound of Gigha the proposal would be significantly larger than other operational and consented wind farms and would form a key focus in views towards the Kintyre peninsula, detracting from the scenic character of water, settled coastal fringe and uplands.

The potential cumulative effects of this proposal with the Sheirdrim and Narachan application-stage wind farms are additionally of concern as together these schemes would dominate views to the east from the north-eastern part of Gigha. Lighting of the Narachan wind farm and this proposal could extend the duration of significant adverse cumulative effects during hours of darkness.

It is recommended that an objection should be raised to this proposal on landscape and visual grounds. There could be scope to mitigate the effects of this proposal through a reduction in the size of turbines and possible omission/reposition of more prominent turbines (for example Turbines 1 and 3 which are particularly prominent in views from the west). Further mitigation of visible aviation lighting should also be considered through the installation of an Aircraft Detection Lighting System once approved by the CAA which would significantly reduce the duration of lighting.

**The Council's landscape consultant recommended the following visualisations for the Committee to review:**

- EIA-R Figure 7.6a/b – Zone of Theoretical Visibility maps
- EIA-R Viewpoints 8, 9 and Supplementary Visualisations SW1 from Gigha including night-time visualisation from Viewpoint 8 Ardminish.
- EIA-R Viewpoints 10 and 15 Sound of Gigha
- EIA-R Viewpoints 13 and 16 – close views from the Kintyre Way and track used by walkers near North Muasdale.
- The Clachaig Glen consented scheme Additional Environmental Information Report November 2018 – comparison of the changes between the consented and proposed scheme from the Sound of Gigha, Gigha, the Kintyre Way, Islay ferry and south of Kilberry.
- It will also be useful for Committee members to compare the effects of the Narachan wind farm application in views from Gigha to help inform their view of the differences in the degree of intrusion between the two proposals. These differences principally relate to the greater distance and the more effective screening by ridges lying immediately west of the Narachan wind farm which reduce the perceived size of the turbines appreciated from the east coast of Gigha when compared with the Clachaig Glen turbines (see Viewpoint 8 Ardminish Figure VP8.2 in the Clachaig Glen EIA-R)

The Applicant organised for the 15 visualisation packs to be printed for Members' consideration. The only exclusion from the Council's Landscape Consultants list is the "Additional Environmental Information Report November 2018" and associated "Figure VP8.2". The reason provided for this is that the Applicant does not agree that outdated assessment work on the Consented Development is relevant, as the scheme is no longer being promoted.

NatureScot - have advised the ECU that the nature and scale of the proposal in this location cannot be accommodated without significant adverse landscape and visual effects, including cumulative effects and night time effects.

Significant adverse effects of the proposal are predominantly in relation to Gigha and the Sound of Gigha, as well as part of Kintyre. In NatureScot's view, turbines of this scale in this location, would detract from the character, scenic views and experience as currently enjoyed by tourists and residents in these areas. There would also be significant cumulative effects when the proposals are considered with operational, consented, and proposed wind farms. NatureScot consider that the proposal would have some significant effect on the appreciation of the relatively dark rural setting as a result of the proposed turbine lighting.

A significant reduction in the height of turbines together with careful design consideration to remove/ relocate the most prominent turbines could mitigate these effects.

The proposed turbines would require aviation lighting, in a sparsely populated area characterised by low levels of artificial light at night. While proposed measures to control the intensity and direction of lighting could significantly reduce the potential for effects, there would be significant night-time landscape and visual effects within the area immediately surrounding the site. There would be more extensive significant effects should the 2000cd lighting be unmitigated.

West Kintyre Community Council have advised the ECU that they object to this proposal on the grounds of Landscape and Visual Impact. East Kintyre Community Council have advised the ECU that they 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 and Proposed Local Development Plan 2 Diagram 7; and Community Development Amenity due to the wholesale harmful impacts to a designated Tourism development area.

Access & Turning Area – In addition to objecting to the Consented Development, the Council also raised concern regarding the landscape and visual impact of the large turning area proposed on the opposite side of the A83. This concern was not shared by the Reporters who granted consent, which includes a condition requiring details of this turning area to be submitted. The proposed turning area is also included in the current application, but as it already has consent and has not changed, it is not considered prudent to repeat these concerns.

Battery Storage – Whilst, the provision of battery storage meets the requirements of policy, Officers are concerned that no consideration has been given to the Landscape & Visual Impact of this battery storage facility. This is a large facility of 27 shipping containers proposed to be located in a rural landscape. In other proposals considered by the Council these areas are usually depicted on the photomontages. It is the view of the Council that the ECU should consider the landscape and visual impact of these before reaching a decision on this application.

All the above consultee advice and responses have been considered. Officers concur with the expert advice of NatureScot and the Council's landscape consultant in respect to landscape and visual impacts (including cumulative).

Having due regard to the above it is concluded that the proposal will have adverse landscape and visual impacts (including cumulative and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; 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; NPF3; Revised Draft NPF4 and the Onshore Wind Policy Statement.

#### **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.

##### Ornithology

The Royal Society for the Protection of Birds Scotland (RSPB) – have advised the ECU that they do not object to this proposal, however they advise that turbines T1 and T3 are moved eastwards from open ground/blanket bog and are sited within the forestry and that turbine T4 (Turbine 4) is moved from the edge further into the forestry. This would minimise potential collision by hen harriers and kestrel, and assist in reducing habitat loss to golden eagles plus reduce blanket bog and carbon impacts. Borrow pits (BP06) should be in an area of existing forestry rather than impact on open ground habitats. A Habitat Management Plan should also be secured to minimise the carbon impact of the development and mitigate for biodiversity impacts (upland management outcomes that delivers positively for golden eagles.

##### Designated Sites

NatureScot have advised the ECU that there would be no adverse effect on the integrity of the Kintyre Goose Roosts Special Protection Area (SPA) and there would be no significant effect on wider countryside populations of golden eagle or hen harrier in Natura Heritage Zone (NHZ) 14. The status of the SPA means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the “Habitats Regulations”) apply, or (for reserved matters), the Conservation of Habitats and Species Regulations 2010 as amended apply. Scottish ministers are therefore required to carry out an Appropriate Assessment in view of the site’s conservation objectives for its qualifying interest. To help with this NatureScot have advised the ECU that, in their view, based on the information provided and appraisal carried out to date, the proposal will not adversely affect the integrity of the site. No flights by Greenland white-fronted geese were recorded within 400m of the proposed turbine locations. There is therefore a very low risk of collisions. Neither is there any foraging habitat within the site that is functionally-linked to the SPA, so there is a very low likelihood of any displacement and disturbance effects.

##### Ecology

SEPA advice on Ecology – have advised the ECU that they request that the restoration of 56.2ha to blanket bog is secured by condition or other planning measure.

The Council’s Local Biodiversity Officer – has no objection to the proposal and has advised that the information provided is acceptable in respect to: a Construction Environment Management Plan incorporating a Peat Management Plan, Habitat Management Plan, culvert details, silt management, maintenance of hydrological regime and treatment/storage of borrow

pit soil/vegetation; there were no limitations arising from COVID-19, surveys continued uninterrupted whilst adhering to COVID-19 restrictions; Blanket bog/Groundwater Dependent Terrestrial Ecosystems (GWDTE) hydrology have been considered; and Native woodland and other habitats/species recommended by the Local Biodiversity Officer have been considered.

## Fish

Marine Scotland Science (MSS) - have advised the ECU that resident brown trout populations may be present which are listed as a priority species for conservation in the Scottish Biodiversity List and, if so MSS advise that a fish population monitoring programme should be established to monitor these fish populations before, during and after construction. MSS also advise that the developer establishes a water quality monitoring programme as felling is proposed and acidification is a known problem in the area. The water quality monitoring programme should be integrated with the fish population monitoring programme and follow MSS generic monitoring programmes. The developer states “yes” to a designated area, for which fish is a qualifying feature within/or downstream of the proposed development area. MSS are unsure what designated area that the developer is referring to. MSS are satisfied that a decommissioning and restoration plan is included in a condition, should consent be granted for this development.

Argyll District Salmon Fishery Board – in their most recent response they have advised the ECU that on review of the site location, they accept the Applicant’s conclusions in that monitoring may not be effective or appropriate in this case.

Forestry - The majority of the site is currently forested and managed by FLS for timber production, except for the higher land on the eastern boundary of the site. The crop is in various stages of growth across the site with forestry operations currently ongoing. In Scottish Forestry (SF) most recent consultation response they advised the ECU that they are content that the proposal meets the UKFS species diversity requirements and confirm that they have no outstanding issues with the proposal. Planning conditions to secure Compensatory Planting and a Long Term Forest Plan in the event the proposal receives consent are recommended.

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

**Having due regard to the above it is concluded that subject to the conditions recommended by NatureScot, Marine Scotland, SEPA, Scottish Forestry, RSPB Scotland 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 Zones; 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; NPF3; Revised Draft NPF4; Onshore Wind Policy Statement, Scottish Government; and 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.

Carbon balance calculations for this proposal have been undertaken in accordance with the Scottish Government guidance and these are reported in Chapter 11 of the EIAR. The carbon balance calculations found that the proposal could result in a relative saving of just over 3.1 million tonnes of carbon dioxide equivalent emissions over its lifetime (35 years) if a fossil fuel mix of electricity generation were used as the counterfactual. It is expected to take 1.8 years for the carbon lost during construction to be 'paid back' by the carbon saved through generating electricity from a renewable energy resource. It is important to note that the carbon balance calculations do not account for a replanting regime, the 56.2 ha of peatland restoration proposed or the battery storage facility due to limitations with the calculator and in order to produce a robust result.

SEPA – Peat – have advised the ECU that they request that the requirement for floating tracks and their design is a matter addressed by a condition attached to any grant of consent.

SEPA – Peat Management Plan – have advised the ECU that they request that a condition is attached to any grant of consent requiring that a Peat Management Plan be submitted, agreed by relevant parties including SEPA, and implemented in full.

Ironside Farrar (Environmental Consultants on behalf of Scottish Government ECU to audit Peat Landslide Hazard Risk Assessment (PLHRA)) – advised the ECU in their most recent response that they have considered the Applicant's response to their initial consultation advice and the information submitted addresses the queries raised and concludes the assessment, no further response is required. It is noted that several actions require to be followed through at construction stage and several points are noted for future reporting.

**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 Zones; 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; NPF3; Revised Draft NPF4 and the Onshore Wind Policy Statement.**

**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 NPF 3.

Both West Kintyre and East Kintyre Community Councils have raised concern in their objections to the ECU regarding the impact of this proposal on the Kintyre Way. The Landscape & Visual Impact of the proposal on the Kintyre Way is considered under Section J of this report.

**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 NPF3 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 Zones; 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; NPF3; Revised Draft NPF4 and the Onshore Wind Policy Statement.

**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 advised the ECU that they do not wish to object to the proposal. They consider that there would be a significant adverse impact on the setting of the Dunan Muasdale, dun (SM3223) scheduled monument. They also note that a minor level of adverse impact would occur on the settings of other nearby heritage assets in their remit. They are nevertheless content that none of these impacts are of a level that would raise issues in the national interest.

The West of Scotland Archaeology Service (WOSAS) – advise that they have no objection subject to condition to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be agreed by the West of Scotland Archaeology Service, approved by the Planning Authority and thereafter fully implemented and that all recording and recovery of archaeological resources within the site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

**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; the Onshore Wind Policy Statement and Historic Environment Policy for Scotland 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.

Mountaineering Scotland have advised the ECU they have no comment to make on the proposal.

British Horse Society – have provided advice to the ECU on the importance of off-road riding and active travel and suitable infrastructure. They have not raised any objection to the proposal.

West Kintyre Community Council – have advised the ECU that they object on the grounds of Tourism Impact. East Kintyre Community Council – have advised the ECU that they object to the proposal on the following grounds of Community Development Amenity due to the wholesale harmful impacts to a designated Tourism development area. These concerns will be considered by the ECU in their determination of the application.

The Council 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.

The concerns expressed regarding the adverse landscape and visual impact this proposal will have on tourism have been considered. As these two matters are intrinsically linked, and there is little evidence to demonstrate whether wind farms adversely affect tourism, it is considered that such impacts are covered in the landscape and visual impact assessment of the proposal and recommended reason for objection.

**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 Zones; 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; NPF 3; Revised Draft NPF 4 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 advised the ECU that following further examination of their Instrument Flight Procedures (IFP's), they are now content that there will be no adverse impact on published Terminal Arrival Area (TAA) minimum altitudes in the location of the proposal. Consequently, GPA is content to remove its remaining aviation holding objection to this development. Defence Infrastructure Organisation/ Ministry of Defence (MOD) – have advised the ECU that they have no objection subject to conditions to secure: aviation lighting and aviation charting & safety management. Highlands and Islands Airports Limited (HIAL) - have advised the ECU that their calculations show that, at the given position and height, the proposal would not infringe the safeguarding criteria for Campbeltown Airport. Therefore, Highlands and Islands Airports Limited has no objections to the proposal. National Air Traffic Services Safeguarding (NATS) 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.

**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; NPF3; Revised Draft NPF4 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 have advised the ECU that the Project indicated should not cause interference to BT's current and presently planned radio network and they have not raised any objection to the proposal. The Joint Radio Company Limited has advised the ECU that this proposal is cleared with respect to radio link infrastructure operated by Scottish Hydro (Scottish & Southern Energy) and Scotia Gas Networks, and they have no objection to the 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; NPF3; Revised Draft NPF4 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.

Access to the site will be taken from the Killean Estate junction with the A83, approximately 1km to the north of Muasdale, with the access following the existing Cross-Kintyre Timber Haul Route to the east, then to the south to the site entrance using the existing forestry track. This is the same access as the Consented Development. The access track between the A83 and the main site is approximately 6km in length.

Transport Scotland (TS) – have advised the ECU that, in their most recent response that they have considered the Applicants response to their initial advice and can confirm that they have no objection subject to conditions in the event that consent is granted. These conditions relate to: approval of proposed route for any abnormal loads on the trunk road and any accommodation measure required; during delivery period of construction materials any additional signing or temporary traffic control measures must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences; and Prior to commencement of deliveries to site, a Construction Traffic Management Plan must be submitted to and approved by Transport Scotland to ensure that general construction traffic and abnormal loads can be transported along the trunk road network safely and efficiently.

The Council's Roads & Amenity Services have advised that they have no objection to the proposal. The access to this site is from the A83 Tarbet - Campbeltown Trunk Road, and that the advice of Transport Scotland should be sought by the ECU.

**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; NPF3; Revised Draft NPF4 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 advice on Geology, Hydrology & Hydrogeology – have advised the ECU that they request that a condition is attached to any grant of consent requiring that the Watercourse Crossing Strategy be agreed by relevant parties including SEPA, with amendments as required, and implemented in full.

SEPA advice on Flood Risk – have advised the ECU that they note that the impacts of downstream flooding, particularly on the Clachaig Water, have been raised in connection with surface water run-off. SEPA note that this has been addressed in the report. Due to the minimal areas of hardstanding proposed, it is considered that the proposal would not significantly increase the risk of downstream flooding. SEPA consider that this is a matter for the determining authority to consider in consultation with the Council.

Representations – the ECU is in receipt of 2 representations which raise concern regarding the potential for increased risk of flooding as a result of this proposal. The Councils Flood Risk Assessor was consulted further on the letters of representation which raise concerns in respect to flooding. The Flood Risk Assessor has no objection to the proposal subject to planning conditions to the effects of the following: watercourse crossings not to reduce the cross-sectional area of the channel and ideally be designed to convey the 1:200 year plus climate change flow plus an allowance for freeboard; and drainage to be designed in accordance with CIRIA C753 guidance and post-development surface water runoff should not exceed pre-development surface water runoff.

**Having due regard to the above, subject to the relevant conditions being attached to any consent, 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; NPF3; Revised Draft NPF4 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.

**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; NPF3; Revised Draft NPF4 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.

A battery storage facility with an expected upper capacity of 30MW forms part of the proposal alongside the wind farm. The battery storage facility is to be installed in part of the construction compound on completion of most of the construction works. It will comprise 27 containers not exceeding 2.6m high. The maximum dimensions of the facility will be 75m (l) x 60m (w) and it will be surrounded by a 2.5m high security fence. The containers' location within the construction compound (near the completion of the construction of the remainder of the proposal) is advantageous as this area will already be established as suitable for equipment and tree felling completed. Additional land take will therefore not be required for the facility and the surrounding forestry is also not scheduled in the updated Carradale Land Management Plan (FLS, unpublished) for felling until 2041 to 'post-2045', providing some screening of the battery facility.

Whilst, the provision of battery storage meets the requirements of policy, Officers are concerned that no consideration has been given to the Landscape & Visual Impact of this battery storage facility. This is a large facility of 27 shipping containers proposed to be located in a rural landscape. Before a decision is reached on this proposal by the ECU it is the view of Officers that the impacts of this needs to be considered.

**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; NPF3; Revised Draft NPF4 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.

The operational lifetime of the proposal will be 35 years. A period of approximately 12 months (up to a maximum of 18 months) will be required for any tree felling and subsequent construction and, following the 35-year operational period, a maximum of 12 months is expected to be required for decommissioning. It is possible that a further planning application could be made to extend the period of operation. If a further application is not submitted, decommissioning will involve the removal of the turbines and all above ground infrastructure of the wind farm, except for roads which will be used as forest tracks thereafter for maintenance of the forest and any peatland restoration implemented either by the developer or FLS as part of the Land Management Plan. 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; NPF4; Revised Draft NPF4 and the Onshore Wind Policy Statement in this respect.**

## W. NATIONAL PLANNING POLICY & GUIDANCE

### 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.

### SPP

Notwithstanding the overarching context of support, SPP recognises that the need for energy and the need to protect and enhance Scotland's natural and historic environments must be regarded as compatible goals.

Planning Balance, Paragraph 33 of SPP – In respect to SPP, the Applicant's Planning Statement concludes that the 'tilted balance' in favour of sustainable development applies in relation to this proposal, given that the Local Development Plan is greater than 5 years old. SPP Paragraph 33 states:

*"Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old."*

Officers note that para 33 states “*where relevant policies in a development plan are out of date*”, however, this is normally applied to policies on housing or industrial land supply, where LDP’s make specific allocations to cover specified periods of time. The policy on renewables in LDP1 and its Supplementary Guidance do not relate to a specific period of time and are consistent with this being the Scottish Governments most up to date expression of planning policy, and therefore it is considered that the relevant policies are not out of date.

Additionally, the proposed replacement Local Development Plan 2 is currently at examination, and it is anticipated that the Reporters’ recommendations will be received in the next few months, the Council could therefore be in a position to Adopt LDP2 in the first quarter of 2023. Policy 30 in pLDP2 – The Sustainable Growth of Renewables, is essentially the same a Policy LDP 6 in the Adopted LDP, and while this policy is subject to examination, it is consistent with SPP 2014.

Officers therefore do not agree that the ‘tilted balance’ in favour of sustainable development applies to this proposal.

There is close alignment between the policy established by the Council’s Local Development Plan and the expression of government policy in SPP. These policies are underpinned by the over-riding imperative to secure sustainable economic development. The Report of Handling provides an assessment of the proposal against each of the key considerations identified in Policy LDP6 and Para 169 of SPP.

Onshore wind is recognised as being a key component in the aim to increase renewable energy generation. However, where the Applicant has failed to adequately demonstrate that there would be no unacceptable significant adverse effects, whether individual or cumulative, including those on landscape character and visual amenity, the proposal will not benefit from support in terms of the presumption in favour of sustainable development afforded by Policy LDP 6, or SPP.

#### Paragraph 28 of SPP

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.”*

It is considered by Officers that this proposal is not capable of contributing towards ‘sustainable development.’ The significant adverse impacts it poses in terms of landscape and visual impact cannot be considered ‘sustainable.’ It is considered that these adverse effects outweigh any benefits the proposal could bring. Officers therefore submit that there can be no presumption in favour of this development in terms of this paragraph of SPP either. Officers do not consider that the proposal is located in the right place – a view which is supported by the Council’s landscape consultant and the statutory consultation advice of NatureScot.

#### NPF3

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.

National Planning Framework 4 will supersede the provisions of NPF3, once adopted by Scottish Ministers.

#### Revised Draft NPF4

SPP and NPF3 will be superseded on adoption of National Planning Framework 4 by Scottish Ministers. The revised draft National Planning Framework 4 was laid before Scottish Parliament in November 2022. Following a period for consideration by Scottish Ministers, it is anticipated that the revised draft will be adopted, subject to any changes made by Ministers agreed through parliamentary processes, as the new principal planning policy and spatial strategy for Scotland. Given the advanced stage of the policy it is considered it should be given weight in the decision making process.

The Spatial Strategy sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that Scotland’s environment is a national asset which supports our economy, identity, health, and wellbeing. It sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The spatial strategy reflects legislation in setting out that decisions require to reflect the long term public interest. However in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore, and better connect biodiversity; liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer, and more inclusive wellbeing economy.

It is anticipated that national developments, of which Strategic Renewable Electricity Generation (developments of over 50MW) is one, will assist in the delivery of the Spatial Strategy and Spatial Priorities. The Spatial Strategy considers that Argyll & Bute can continue to make a strong contribution toward meeting our ambition for net zero. It considers that the strategy for Argyll & Bute aims to protect environmental assets and stimulate investment in natural and engineered solutions to climate change.

The type of development subject to this application is identified generically as a national development of “Strategic Renewable Electricity Generation” given it has the capacity to generate and store more than 50MW. There is in principle support for national scale developments as they have been identified of national importance in the delivery of Scotland’s Spatial Strategy. However, any project identified as a national development requires to be considered at a project level to ensure all statutory tests are met. This includes consideration against the provisions of the Development Plan, of which National Planning Framework 4 is a part.

NPF4 - Policy 11: Energy supports renewable energy development. NPF4 requires significant weight to be given to the global climate and nature crises. However, a balance still requires to be struck in terms of the impact of development. Policy 11: Energy sets out that development proposals for all forms of renewable energy (including wind farms) will be supported. This policy continues to set out that proposals will only be supported where they maximise net economic impact. Applications are required to demonstrate how, through project design and mitigation, the impact on a range of considerations has been addressed. This allows for



consideration of matters related to: impacts on communities and individual dwellings in relation to amenity; landscape and visual impact; public access; aviation and defence interests; telecommunications; traffic; historic environment; biodiversity (including birds); impacts on trees; decommissioning; site restoration; and cumulative effects.

While the weight to be given to each of the considerations in Policy 11: Energy is a matter for the decision maker, NPF4 is clear that significant weight will require to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. In relation to landscape and visual impacts it advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. However NPF4 must be read as a whole and detailed consideration given to linked policies. Policy 4 (Natural Places) – sets out that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported.

The revised draft National Planning Framework 4 provides in principle support for wind energy developments and significant weight must be given to the development that addresses the global climate emergency and nature crises. This is not however blanket support without qualification. In considering the appropriateness of the development, while significant weight has been given to these matters, the significant adverse Landscape & Visual Impact (including cumulative) is considered to outweigh the benefits of the development in relation to contribution towards energy targets, and limited socio-economic benefits.

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 (2022) - the Scottish Government published the Onshore Wind Policy Statement 2022 in December 2022. In regard to Landscape & Visual Amenity and National Planning Framework 3 (NPF4) (3.6) this document states that:

*“Meeting our climate targets will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place. Meeting the ambition of a minimum installed capacity of 20 GW of onshore wind in Scotland by 2030 will require taller and more efficient turbines. This will change the landscape... We laid our Revised Draft National Planning Framework 4 (NPF4) in the Scottish Parliament on 8 November, signalling support for all forms of renewable, low-carbon and zero emission technologies, and making clear that LDPs (Local Development Plan) should seek to realise their area’s full potential for electricity and heat from renewable, low carbon and zero emission sources. The only areas where wind energy is not supported are National Parks and National Scenic Areas. Outside of these areas, the criteria for assessing proposals have been updated,*

*including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits.....Our Revised Draft NPF4 recognises that significant landscape and visual impacts are to be expected for some forms of renewable energy, and makes clear that where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable....Subject to parliamentary approval, and adoption by Scottish Ministers, NPF4 will form a part of the statutory development plan meaning its provisions will be directly applied in local development planning and decisions on planning applications”*

The first paragraph of the conclusion states that: *“Deployment of onshore wind is mission-critical for meeting our climate targets. As an affordable and reliable source of electricity generation, we must continue to maximise our natural resource and deliver net-zero in a way that is fully aligned with, and continues to protect, our natural heritage and native flora and fauna.”*

**Having due regard to the above it is considered that the proposal is inconsistent with the provisions of: SPP; NPF3, Revised Draft NPF4; the Scottish Energy Strategy 2017; and Onshore Wind Policy Statement 2017 which represent the Scottish Governments most up to date position on this type of development.**

## **X. CONCLUSION & RECOMMENDATION**

The Scottish Government gives considerable commitment to renewable energy and encourages Planning Authorities to support the development of wind farms where they can operate successfully in appropriate locations. This project has the potential to contribute to combating the climate emergency through an additional 90 - 100MW of renewable energy capacity towards Scottish Government targets. In reaching the recommendation to object to this proposal, Officers have had regard to relevant National and Local Policy and guidance; the EIAR and other supporting documents; the advice of key consultees; and the material consideration raised in the representations. It has been concluded that notwithstanding those factors which weigh positively in the balance of considerations, the significant adverse Landscape and Visual Impact (including cumulative) would significantly and demonstrably outweigh the benefits of the development and would therefore be unacceptable. As referred to above *“the aim is to achieve the right development in the right place,”* there is not a policy expectation that an adverse impact on the local environment should be accepted as the price to pay for the ability to satisfy Scotland’s energy needs and UK climate change commitments. The natural environment also requires to be seen as a finite resource worthy of protection. It must be recognised that such support should only be given where justified.