



## Appeal Decision Notice – EIA Development

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Decision by Gordon S Reid, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-130-2084
- Site address: Creag Dhubh, North East of Strachur Village, Argyll and Bute, PA32 8YH
- Appeal by Creag Dhubh Renewables LLP against the decision by Argyll and Bute Council
- Application for planning permission 19/02544/PP dated 5 December 2019 refused by notice dated 3 March 2022
- The development proposed: construction of wind farm comprising of nine wind turbines (maximum blade tip height 145 metres), formation of 5.6 km new access track, erection of substation building, welfare building, temporary construction compound and two borrow pits
- Application drawings: listed in schedule 3 below
- Date of site visit by Reporter: 6, 7 and 8 September 2022

Date of appeal decision: 7 November 2022

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### Decision

I allow the appeal and grant planning permission subject to the 30 conditions listed at the end of the decision notice. Attention is drawn to the five advisory notes at the end of the notice.

### Environmental impact assessment

The proposed development is described as above, and at Chapter 5 of the EIA report. It is EIA development. The determination of this appeal is, therefore, subject to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EIA regulations”).

I am required to examine the environmental information, reach a reasoned conclusion on the significant environmental effects of the proposed development and integrate that conclusion into this decision notice. In that respect I have taken the following into account:

- the EIA report submitted on 5 December 2019;
- additional supplementary confidential information on ornithology submitted in March 2020 and May 2020;
- additional supplementary information on peat management submitted in March 2020 and May 2020;
- additional supplementary information of viewpoint 19 - Inveraray Castle Garden Bridge submitted in September 2020;
- additional supplementary information on landscape and visual matters (part 1 and part 2) submitted in December 2020;
- consultation responses from NatureScot, Scottish Environment Protection Agency, Scottish Water, Scottish Forestry, Transport Scotland, Historic Environment Scotland, Ministry of Defence, Loch Lomond and the Trossachs National Park

Authority, The Royal Society for the Protection of Birds, Marine Scotland Science, National Air Traffic Services, Civil Aviation Authority, Glasgow Prestwick Airport, CSS Spectrum Management Services, Ofcom, The Joint Radio Company, Scottish Rights of Way Society, Argyll District Salmon Fishery Board, and Strachur Community Council; and,

- representations from members of the public, Mountaineering Scotland, The Argyll Raptor Study Group and Lochgoil Community Trust.

I am required by the 2017 EIA regulations to include information in this decision notice in regard to opportunities for the public to participate in the decision-making procedure. I set that information out in Schedule 4 below. My conclusions on the significant environmental effects of the proposal are set out at paragraphs 9 to 125 below.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are:

- the acceptability of landscape impacts;
- the acceptability of visual impacts;
- the acceptability of cumulative landscape and visual impacts;
- the impact on tourism and recreation; and,
- the acceptability of other relevant impacts.

### *The development plan*

2. The development plan consists of the Argyll and Bute Local Development Plan 2015 and adopted supplementary guidance.

3. Given that the appeal proposal is for the development of a wind farm, policy LDP 6 (supporting the sustainable growth of renewables) and its associated supplementary guidance SG 2 (renewable energy) are of particular relevance. Policy LDP 6 advises that renewable energy developments will be supported where they are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects, whether individual or cumulative, on local communities, natural and historic environments, and, landscape character and visual amenity. The policy sets out a comprehensive list of nineteen criteria against which applications for wind turbine developments are to be assessed. I note that these reflect the criteria set out in paragraph 169 of Scottish Planning Policy.

4. SG2 provides further detail on the factors which the council will take into consideration when determining applications for renewable energy related development. It includes a 'spatial framework' for wind farms and wind turbine developments over 50 metres high in line with paragraph 161 and Table 1 (spatial frameworks) of Scottish Planning Policy and identifies areas where wind farms will not be acceptable (group 1); areas of significant protection (group 2); and, areas which may have potential for wind farm development (group 3).

5. The appeal site is located primarily within a group 3 area. I note that the limited area located within the group 2 designation is not required for any of the physical works to accommodate the wind turbines. Furthermore, the Scottish Environment Protection Agency

confirms that there would be no significant effects from the development within the group 2 area.

6. Local development plan policy LDP DM 1 (development within the development management zones) is of relevance and establishes the acceptable scale of development within each 'Development Management Zone'. The Cowal and Bute Area proposals map indicates that the appeal site is situated within the 'very sensitive countryside' development management zone. The policy generally seeks to restrict development within these areas with the exception of renewable energy related developments, which are encouraged on appropriate sites.

7. Policy LDP 3 (supporting the protection, conservation and enhancement of our environment) is of relevance and applies to all development management zones (identified by policy LDP DM 1). This policy requires all planning applications to be assessed with the aim of protecting conserving and where possible enhancing the built, human and natural environment. The associated supplementary guidance sets out additional detail for the specific matters covered by policy LDP 3. The supplementary guidance of relevance is LDP ENV 1 (development impact on habitats, species and our biodiversity); LDP ENV 11 (protection of soil and peat resources); LDP ENV 13 (development impact on areas of panoramic quality); LDP ENV 14 (landscape); LDP ENV 15 (development impact on historic gardens and designed landscapes); LDP ENV 16 (a) (development impact on listed buildings); LDP ENV 19 (development impact on scheduled monuments); and, LDP ENV 20 (development impact on sites of archaeological importance).

8. I have also taken account of the other development plan policies referred to in submissions. These include, policy LDP STRAT 1 (sustainable development) which sets out the specific sustainable development principles (a to k) that all new development proposals should be considered against; policy LDP 9 (development setting, layout and design) which aims to achieve high quality new development that respects the local environment and provides a sense of place; and, supplementary guidance LDP TRAN 1 (access to the outdoors) which seeks to ensure that proposed development does not adversely affect core and other important routes including the Cowal Way long distance route.

### Landscape impacts

9. As part of the EIA report a landscape and visual assessment was undertaken to identify whether any significant effects would occur to any landscapes or key views as a consequence of the appeal proposal. A study area comprising a 40 km radius from the appeal site was selected. The extent of the study area was not contended by parties. In terms of valued landscapes, I note that apart from the location of one turbine within the North Argyll Area of Panoramic Quality (APQ) the remainder of the appeal site is not located within any statutory or non-statutory landscape designation.

10. In terms of the potential for indirect effects there are several landscape designations within the study area. The EIA report identifies those landscape designations where there is the potential for significant effects from the appeal proposal. Those designations most likely to be affected are Loch Lomond and the Trossachs National Park, the East and West Loch Fyne (Coast) Areas of Panoramic Quality and Inveraray Castle Garden and Designed Landscape. Based on the EIA report findings I am satisfied that there are no national scenic areas, special landscape areas or wild land areas affected in this case. I consider the effects on each of the identified landscape designations in turn.

### *North Argyll Area of Panoramic Quality*

11. The EIA report predicts that there would be limited theoretical visibility (ZTV) of the appeal proposal across the majority of the North Argyll APQ, which I note extends over a large geography to the north of the appeal site. Accordingly, the report concludes that given the potential effects would be limited in number and localised in extent, there would be no significant adverse impact on the North Argyll APQ. I note that the council did not include the potential impact on this area within its reasons for refusal. Based on the evidence within the EIA report, I am satisfied that the appeal proposal would only be visible from within limited areas in the southernmost part of this APQ. Given the scale of this designation, combined with the limited extent of the theoretical visibility, I am satisfied that the appeal proposal would not have a significant adverse impact on the landscape character of the North Argyll APQ and would not, therefore, undermine its integrity or special qualities.

### *East Loch Fyne (Coast) APQ*

12. The EIA report predicts that there would only be limited theoretical visibility of the appeal proposal across the East Loch Fyne (Coast) APQ given the intervening topography and vegetation. As such, it is concluded that the appeal proposal would not adversely affect the special qualities of this APQ. The council contends that the appeal proposal would affect the special qualities including the views of the dramatic head of Loch Fyne. However, I note in the reasons for refusal that the council's primary concern regarding the head of Loch Fyne appears to relate more to views from the west side of the Loch, which is within the West Loch Fyne (Coast) APQ.

13. This APQ is located along the eastern side of Loch Fyne. I observed during my visit that given the topography and existing vegetation, there would be limited potential for views of the appeal proposal. Where these views would occur they would mainly be of the blade tips, hubs and upper towers of only two of the wind turbines, with no full view of all nine turbines from any location. In addition, given the intervening topography and location to the north east, I do not consider that the appeal proposal would significantly interrupt views of the head of Loch Fyne. Accordingly, I am satisfied that the scale of any potential adverse effect on the landscape character would not be significant and as such would not undermine the integrity or special qualities of the East Loch Fyne (Coast) APQ.

### *West Loch Fyne (Coast) APQ*

14. For this APQ the EIA report predicts that there would be theoretical visibility of the appeal proposal from various locations. However, it is contended that given the perceived scale of the proposed turbines, when combined with their location behind the containing slopes of Creag Dhubh, they would not adversely affect the overall integrity or special qualities of this APQ. The council considers that the appeal proposal would affect the special quality relating to the dramatic head of Loch Fyne and in particular from more distant intermittent views from the north-western side of Loch Fyne (VPs 10, 11 and 16) and from the open waters on Loch Fyne. In addition, the council, contend that it would adversely affect the presently open and uncluttered hills along Loch Fyne as viewed from elevated locations, such as Dun na Cuaiche.

15. I am satisfied on the basis of the submitted viewpoints and observations during my visit that only blade tips and some of the hubs of the wind turbines would be visible from locations within this APQ, due to their location behind Creag Dhubh ridge. Given the size of the visible elements of the turbines, in comparison to the vertical and horizontal scale of the

topography on the east side of Loch Fyne, I do not consider that they would present a particularly dominant visual feature. In addition, given that the appeal proposal would be located to the southeast of this APQ, I consider that it would not be likely to interrupt the views of the Head of Loch Fyne or the more prominent Arrochar Alps to the northeast. Furthermore, the appeal site is also separated from this APQ by Loch Fyne which is a particularly strong defining landscape feature.

16. In terms of more elevated areas such as Dun na Cuaiche, I note the council acknowledges that the views most affected are the least dramatic, being to the southeast rather than towards the settlement of Inveraray or the Head of Loch Fyne and the Arrochar Alps beyond. Although some of the hubs in addition to the blades of the turbines would be visible from this location, I am satisfied for the reasons already stated in relation to scale and setting above and from observations during my visit, that the appeal proposal would not form a particularly dominant feature when viewed from this location.

17. Accordingly, I am satisfied that the appeal proposal would not have a significant effect on the character of the landscape of the West Loch Fyne (Coast) APQ and would not undermine its integrity or special qualities.

#### *Inveraray Castle Garden and Designed Landscape*

18. The Inveraray Castle Garden and Designed Landscape is located on the western shore of Loch Fyne, to the north of Inveraray, and some 6 km from the appeal site. The EIA report acknowledges that the appeal proposal would be partially visible from within the designated area with views of the blade tips from lower levels and views of blade tips and some hubs from the higher vantage points. The EIA report concludes that any adverse effects on the designation overall would not be significant due to the limited extent of visibility, the expansiveness of the ridgeline and the effects of woodland screening.

19. I note that Historic Environment Scotland (HES) confirms that whilst there would be some adverse effect from the proposed development on the setting of this designated asset it would not be to a level which would raise issues of national interest and, therefore, raises no objection to the appeal proposal. In addition, I note that the West of Scotland Archaeology Service on behalf of the council raises no objection to the proposal regarding any indirect effects on the designation.

20. The main effect on this designation would be on some of the views from within the area whilst looking outwards over Loch Fyne towards the southeast. I acknowledge that the views would be more significant from one or two more elevated areas, but overall views are limited by the topography and existing vegetation. However, even the more prominent views would still be limited to blade tips and some hubs. Overall, I am satisfied that there would be no significant effect on the landscape that would undermine the integrity or special qualities of this designation.

#### *General landscape character types*

21. In terms of landscape character types, the EIA report predicts that there would be some level of effect to localised areas of six of the 33 assessed landscape character types within the study area. Of these, it concludes that only Landscape Character Type 34 (1): Steep Ridges and Mountains, within which the appeal site is located, would experience any significant effects. I note that whilst the council generally agrees with this conclusion, it contends that significant landscape impacts would also be experienced within Landscape Character Type 53 (1): Rocky Coastland at Strachur due to the introduction of new

large-scale infrastructure. Having considered the assessment set out in the EIA report and taking into account my observations during my visit, I am satisfied that these two landscape character types are the ones most likely to experience significant landscape effects.

22. I note that the spatial framework for wind turbines, contained within supplementary guidance 2, identifies the appeal site as being within a group 3 area, where there is potential for wind turbine development. In addition, my attention has been drawn to the Argyll and Bute Landscape Wind Energy Capacity Study 2017 (LWECS). This study gives this LCT a 'high' overall sensitivity rating indicating that the key landscape characteristics are vulnerable to change. The study concludes that there is no scope for larger typologies (turbines >50 metres) within this landscape without significant effects occurring on a number of key sensitivity criteria. However, it highlights that this sensitivity is reduced within the interior of this landscape type where the dramatic juxtaposition of water and mountains is less evident.

23. Notwithstanding the above, I am of the view that the guidance in both documents is of a strategic nature. Accordingly, it does not replace the need for a detailed assessment to be carried out of site-specific proposals, as is the case in respect of the appeal proposal. Therefore, I consider the potential effects of the appeal proposal on LCT 34 (1) and LCT 53 (1) in turn.

#### *Steep Ridges and Mountains LCT 34 (1)*

24. The appeal proposal would be located within Succoth Glen, which lies within the central area of this expansive Steep Ridges and Mountains LCT. I observed at my visit that Succoth Glen is effectively an enclosed glen. To the west lies the Creag Dhubh ridgeline which extends for some 7 km from Strachur in the south to a high point at Cruach nan Capull in the north. To the north, east and south-east, Succoth Glen is enclosed by a series of taller and more prominent hills extending in an arc from Cruach nam Muilt in the north, through Beinn Lochain around to Beinn Lagan in the south. The western side of the Glen, where the appeal proposal would be located, contains large areas of commercial forestry. The proposed turbines and associated infrastructure would be sited below the Creag Dhubh ridgeline in a linear form over a distance of some 3 km.

25. The EIA report states that given the topography of the area approximately half of the Steep Ridges and Mountains unit to the north and much of the area to the west, would have no theoretical visibility of the appeal proposal, and consequently no significant effects. The report concludes that the most significant effects would be primarily to the east and southeast areas due to the substantial magnitude of change within these areas, which are of medium to high sensitivity. The appellant contends that the appeal proposal can be absorbed within the landscape at this location without undermining the integrity of the Steep Ridges and Mountains LCT. However, the council contends that the proposed turbines would dominate the narrow extent and intimate scale of Succoth Glen and detract from the sharp ridges and open tops, which are key characteristics of this LCT.

26. Based on my visit and taking account of the findings of the landscape assessment and visualisations, I find that the areas affected by the appeal proposal would be those to the east and south east as stated in the EIA report. Although Succoth Glen is enclosed by the surrounding topography, I found that it is a relatively wide glen with high hills to either side. Accordingly, I do not consider it to be of a small scale and am not persuaded that it is characterised as being 'intimate' as suggested by the council.

27. Although there would be the loss of some small areas of commercial forestry to accommodate the appeal proposal, the main effect on the landscape would be the introduction of the nine wind turbines. I note that the appeal proposal has been designed to site the turbines below the Creag Dhubh ridgeline and take a linear form following the prevailing topography and the upper edge of the commercial forestry. Notwithstanding this, the introduction of the proposed turbines would result in a significant change to the landscape at this location. I acknowledge that the siting of the appeal proposal is within the interior area of this LCT and would avoid the impact of significant effects on the more sensitive features of the sharp ridges and open tops identified within this LCT.

28. Accordingly, given the scale and siting of the appeal proposal; the scale and enclosed nature of Succoth Glen; the limited visibility within the overall designation; and, the presence of human influences in terms of the commercial forestry, I consider that it would not become a dominating feature within the landscape. Overall, I am satisfied that there is capacity to accommodate the appeal proposal at this location without undermining the overall integrity or special qualities of LCT 34 (1).

#### *Rocky Coastland Landscape Character Type 53 (1)*

29. The council contend that there would be a significant adverse effect on the Rocky Coastland Landscape Character Type 53 (1) in the Strachur area from the introduction of the wind turbines. It is argued by the council that whilst the appeal proposal is not located within this LCT it is in close proximity to it and as such would dominate the scale of the settlement and detract from the setting of this small area of the Rocky Coastland LCT. The EIA report predicts that there would be no significant effects to this LCT unit with only a slight magnitude of change to an area of medium sensitivity producing a minor-moderate significance of effect.

30. The Rocky Coastland LCT is located to the southwest of the appeal site and is described in the council's LWECs as a small-scale, settled landscape highly sensitive to large wind turbines. The submitted Zone of Theoretical Visibility (ZTV) drawings predict that two turbines would be partly visible (blades, hubs and upper parts of the towers) from within some areas around Strachur. From my visit I confirmed that the predicted views of parts of two turbines would occur but only from a limited number of locations due to the topography of the area and surrounding vegetation. Therefore, whilst there would be effects to some areas within this LCT, I am satisfied that the appeal proposal would not introduce a feature into the landscape that would dominate the scale or setting of Strachur. Accordingly, I find that the appeal proposal would not undermine the overall integrity of the Rocky Coastland LCT.

31. The EIA report highlights that four other LCT areas would potentially be affected by the appeal proposal. Some of these are located within the western parts of the national park at more elevated locations. However, given the limited extent of any adverse effect on these areas predicted within the EIA report, I am satisfied that they would not be significant in this instance.

32. Overall, I am satisfied that the appeal proposal could be accommodated without it becoming an overly dominant feature within landscape character type 34 (1) or adversely affecting the character of surrounding landscape character types, including LCT 53(1) or the integrity and special qualities of designated landscape areas.

### Visual impact

33. With the inclusion of additional viewpoints (VPs 19 to 23) as supplementary information, I note that parties agree the selected viewpoints provide an appropriate basis upon which to assess the visual impact of the appeal proposal. From my observations during my visit, I am satisfied that the selected viewpoints are sufficient in this instance.

34. The EIA report predicts that significant visual effects would occur at four of the eighteen selected viewpoints, including Strachurmore (VP1), Beinn Bheula (VP5), Dun na Cuaiche (VP7) and Ben Donich (VP8). The visual effects on surrounding settlements in the study area, including Strachur, Minard and Inveraray, and the main transport routes (A83, A819 and A815) were predicted to be of limited magnitude and, therefore, not significant. Finally, the visual effects to the Cowal Way were predicted to be limited with only a few very short sections expected to experience significant effects on visual amenity.

35. The council contends that significant visual effects would occur at the head and middle sections of Upper Loch Fyne and within the Loch Lomond and the Trossachs National Park (national park). In particular, it considers that the appeal proposal would have significant effects on the experience of residents, travellers, tourists, walkers and watercraft users in these areas. I address the potential visual effects for each of the areas of concern under the headings used by the council in its reasons for refusal.

#### *A83 tourist route*

36. During my visit I drove the A83 route in both directions between Minard in the south and Garron Bridge in the north. During my journey, I stopped at the various viewpoints (VPs 4, 10, 12, 15, 16, 21, 22 and 23) along this route. I observed that woodland and the topography of the area screened the appeal site for much of the journey with only intermittent views for relatively short durations along limited sections of the route. Travelling in both a northeast and southwest direction the views, where they occur, are primarily perpendicular to the road on the east side of the A83.

37. The views of the turbines where they occur would be distant (across Loch Fyne) and limited to primarily the tips of the turbine blades, some hubs and associated movement along part of the skyline above Creag Dhubh ridge. Given the limited scale and extent of the visible elements of the turbines over the much more expansive geography of the ridgeline, I am of the view that the magnitude of change from this route would be slight and the effect would not be significant. Even at viewpoint 10 where the turbines would be most visible these views would be distant and only for a brief duration. In addition, I observed that there is no formal viewpoint at this location (VP10) and that Loch Fyne does not form part of the view due to the topography of the area. Overall, I found that the appeal proposal would not directly influence or detract from the more sensitive views of either the head of Loch Fyne or the setting of any settlements, including Inveraray, when travelling on this route.

38. Accordingly, I am satisfied that the appeal proposal would not adversely affect the experience of those various road users, including tourists, travelling along the A83. In addition, I found that when travelling along the A819 into Inveraray the views of the appeal proposal would be limited due to topography and vegetation and, therefore, would not result in any significant adverse effects for travellers.



*Settlements on the north-western shores of Loch Fyne*

39. Representative viewpoints are provided at Inveraray (VP4), Furnace (VP12) and Minard (VP16). I agree with the conclusions of the appellant and the council that the likely visual effects at Furnace would not be significant due to screening by the topography and vegetation in the area.

40. The EIA report predicts that the effect on views from Inveraray would not be significant. However, the council contends that views from Shore Walk (VP4), which it highlights is popular with visitors, would experience a significant visual effect given its high sensitivity and that the appeal proposal would have a medium magnitude of change.

41. I note that it is only the blade tips of the nine turbines that would be visible above Creag Dhubh ridgeline from Shore Walk and the other viewpoints within and around Inveraray (including from Inveraray Castle GDL). At a distance of some 5.4 km from Inveraray (VP4) I consider that the visible elements of the appeal proposal would appear as relatively small features when viewed in relation to the scale and expansiveness of the Creag Dhubh ridgeline and Loch Fyne. In addition, the west facing slopes of Creag Dhubh are already characterised by large areas of commercial forestry with settlements along the shore edge. As such, I do not consider that the appeal proposal would form a dominant or defining feature from any of the viewpoints within Inveraray or the Inveraray Castle GDL when looking to the southeast.

42. In terms of the views from Inveraray to the northeast towards the head of Loch Fyne and the Arrochar Alps beyond, I observed at my visit that given the location of the appeal site it would not interrupt these views to any significant extent. Similarly, it would not interrupt the views of Loch Fyne to the south. Overall, I am satisfied that the appeal proposal would not form a dominant feature in the landscape when viewed from Inveraray. Therefore, I find that it would not adversely impact the key scenic qualities in this area or reduce the ability of visitors and residents to appreciate them.

43. Whilst the council accepts that residential properties in Minard (VP16) are unlikely to be affected by the appeal proposal due to their easterly facing orientation, it contends that views to the Arrochar Alps within the national park would be interrupted for walkers and watercraft users in this area.

44. The settlement of Minard is located some 16 km to the southwest of the appeal site and I observed at my visit that the majority of properties face eastwards with no direct views towards the appeal site. In addition, the topography and vegetation in the area further reduces the potential of any views. I acknowledge that blades and hubs of the turbines would be visible by walkers and watercraft users in the area. However, given the scale of the visible elements of the turbines taken in the context of the intervening distance and when combined with the expansive nature of the views and landscape, I find that they would not result in visually prominent features.

45. Overall, I consider that the visual effects would not be to such an extent as to significantly interrupt or detract from the view towards the Arrochar Alps. Accordingly, I am satisfied that the appeal proposal would not have a significant adverse visual effect on the experience of walkers or watercraft users within or around Minard.

*Strachur area*

46. The EIA report predicts that effects of the appeal proposal at Strachur would not be significant, due to the limited extent of visibility, the large scale of the containing landform and the reduced naturalness of the surrounding landscape. The council contends that the two southern turbines would be intrusive in views from the A815, the Cowal Way and Strachur Bay, adversely affecting the experience of walkers, residents, drivers and watercraft users. In addition, the council states that the turbines would appear visually 'precarious' in some close views due to their location on very steep slopes.

47. I confirmed at my visit that the appeal proposal would only be visible from a limited number of vantage points to the south of the settlement of Strachur, which accords with the findings of the appellant's ZTV findings. I acknowledge that the upper towers, blades and hubs of two of the nine wind turbines would be visible to varying degrees. In terms of residential amenity, I observed that given the orientation of the properties, topography and surrounding vegetation there would be very few locations where any element of the two turbines would be directly visible. Therefore, I am satisfied that the visible elements of the two turbines would not form dominant visual features that would adversely impact the amenity of residents within the settlement of Strachur.

48. Whilst driving along the A815, the A866 and other minor roads around Strachur, I observed that views of the two turbines would be limited in both extent and duration given the prevailing topography and vegetation. The most prominent views for road users would be from the A815 at Balliemanoch (VP2) where parts of the towers and the blades/hubs of the two turbines would be visible. I found that as the appeal proposal is located to the north east of the A815 the views would be at an oblique angle to the direction of travel. I found that the views from the A866 where they occurred (only travelling towards Strachur) were less prominent and more distant than those from the A815. Therefore, given the scale of the turbines in the context of the wider landscape, which is already defined by commercial forestry, I am satisfied that they would not form dominant visual features when viewed by travellers on the A815, A866 or any of the other minor roads in the area.

49. The most prominent views of the two turbines for walkers would be on the Cowal Way at Glen Sluain (VP3), to a lesser extent at Strachurmore (VP1) and only when heading in a north easterly direction. I found that the views of the turbines would be limited to relatively short sections of the walk due to screening by large areas of woodland and the prevailing topography. Although the turbines would be partly visible at these locations, they would be viewed in the context of the much larger ridgeline of Creag Dhubh and the more expansive landscape to the northeast. I note that these views are already very much characterised by large areas of commercial forestry. When taken in the context of the wider views to the northeast, I am satisfied that the turbines would not form an overly dominant visual feature on this landscape and as such would not undermine the overall quality of experience for walkers using the Cowal Way.

50. In relation to watercraft users, I am satisfied that having considered the submitted ZTV any views from on the loch at Strachur Bay would be more limited than those from the land based viewpoints due to the topography and vegetation and would not, therefore, be significant.

51. Finally, the council raises a concern that the turbines would appear to be 'precariously' sited. No detailed explanation is provided as to what the council means by this term in a visual context. I assume the council is concerned that the position of the turbines would give the impression that they lack stability in some manner. However, I have

no substantive evidence before me to justify this conclusion. Based on the submitted evidence, visualisations and my observations of the topography surrounding the appeal site, I am not persuaded by the council's contention that the turbines would appear to be 'precarious'.

52. Overall, I am satisfied that the visual effects of the appeal proposal would not significantly impact on the visual amenity of residents or detract from the experience of travellers, walkers or watercraft users in the Strachur area.

#### *Dun na Cuaiche*

53. The EIA report predicts that the effect of the appeal proposal on the views experienced by walkers and tourists from Dun na Cuaiche (VP7) towards Creag Dhubh would be visually significant, due to the proposed development's wide extent and the movement of the wind turbines.

54. During my visit, I observed that once on the path to Dun na Cuaiche there would be no views of the appeal proposal along the steep walk, due to the topography and woodland, until reaching the summit at some 225 metres above Loch Fyne. A watchtower is located on the summit and has two window openings one facing southwest towards the settlement of Inveraray and the other facing southeast towards Creag Dhubh ridge. I observed that there was no public access to the watchtower at the time of my visit, with a locked gate in place across the entrance.

55. I note that there is no dispute between parties that the blades of all nine turbines and some six hubs would be visible from the summit of Dun na Cuaiche. However, I observed that the appeal proposal would be seen in the least dramatic part of the view from Dun na Cuaiche, that is, away from the settlement of Inveraray and the Castle to the southwest and, away from the mountains within the Loch Lomond & the Trossachs National Park to the northeast. I note that the council does not dispute this conclusion.

56. Whilst the views of the appeal proposal may be visually significant, I am satisfied that given the scale of the visible elements in comparison with the extensive geography of the Creag Dhubh ridgeline (which is partly characterised by commercial forestry) and Loch Fyne, the appeal proposal would not introduce a dominant or over bearing visual feature into the landscape. I note that HES did not object to the appeal proposal in relation to the impact on the Inveraray Castle GDL which Dun na Cuaiche forms part.

57. Overall, I am satisfied that as the appeal proposal is situated in the least dramatic part of the view from Dun na Cuaiche, the appreciation of the key scenic attractions of Inveraray and the Castle; Loch Fyne; and, the Arrochar Alps by walkers and tourists, would not be significantly undermined.

#### *Loch Lomond and the Trossachs National Park (national park)*

58. The National Park Authority, NatureScot and the council consider that the appeal proposal would have significant visual effects when seen from some popular elevated routes and viewpoints within the national park. It is contended that the visual effects would adversely affect the experience of walkers and tourists within these areas. Concern is also raised in relation to the visual impact on the section of the Cowal Way long distance walking route within the national park. Mountaineering Scotland also objected to the appeal proposal on similar grounds.

59. The EIA ZTV predicts that all nine turbines would be visible from within the national park but only to a very limited extent and only from a small number of locations (3.1% of one or more blade tips and 1.2% of hubs). Based on the evidence submitted, I am satisfied that the viewpoints at Beinn Bheula (VP5) and Ben Donich (VP8), given their proximity to the appeal site, represent the locations where the proposed turbines would be viewed to their fullest extent and that the visual effects would be most significant. There would also be views from Ben Arthur (VP13) which the EIA predicts would be less significant given the increased distance from the appeal site and intervening topography. Whilst I acknowledge that the turbines would be less prominent from this viewpoint, I still consider that the visual effects would be significant.

60. I acknowledge that there would be some limited views of the blade tips and hubs of a number of the turbines from other locations within the national park. However, based on the findings of the EIA ZTV, I am satisfied that these would be very limited in extent and number and, therefore, would not result in significant visual effects at these locations.

61. I note that the nine turbines would be located at a lower level than the viewpoint locations (VP5, 8 and 13) and, therefore, looked down upon within Succoth Glen. The appellant highlights that the turbines have been arranged in a linear form and are positioned to follow the topography and undulating character of the ridgeline and also align with the edge of the area of commercial forestry. I find that this provides for a simple visual form respecting the landscape character of the area.

62. Given that the position of the wind turbines within Succoth Glen would be at a lower level than the viewpoints, I acknowledge, as illustrated in the visualisations, that they would not appear as being on or above the horizon. In addition, the linear form of the layout of the turbines would also follow the undulating topography of Creag Dhùbh ridge. Therefore, I find that the wind turbines would not form a dominant feature within the landscape that would significantly interrupt the existing panoramic or distant views of Argyll and Bute to the west. In addition, the turbines would be viewed within a landscape already containing existing and consented wind farms, albeit at greater distances than the appeal site. As noted above the landscape to the west is already characterised by large areas of commercial forestry plantations. Therefore, there are already external human influences that affect these views.

63. Accordingly, I consider that whilst the turbines would be visually prominent they would not present as dominant features within the wider expansive landscape when viewed from these locations (VP5, 8 and 13) or associated elevated routes. In addition, I consider that the more natural and scenic views from these particular locations are those to the east and north looking out across the scenery within the national park including towards the Arrochar Alps. These panoramic views would not be significantly interrupted by the appeal proposal. Therefore, while there would be some visual impact at these viewpoints and on some elevated routes I am satisfied that the overall adverse visual impact on the experience of walkers and tourists would not be significant.

64. I have already considered the potential of the visual impact on the experience for walkers on the Cowal Way when approaching the national park from Strachur. During my visit I noted that the turbines would also be visible from short sections of the Cowal Way from within the national park when heading in a south westerly direction. Whilst these views, where they occur, would be visually significant I am satisfied that they would be limited in extent and duration when walking the overall route due to the prevailing topography and existing tree cover. Overall, I am satisfied that the appeal proposal would not undermine

the integrity of the Cowal Way long distance route or have a significant adverse visual impact on the overall experience of walkers.

65. Taking account of the above considerations, I find that significant visual effects would occur from a limited number of locations around Loch Fyne and from elevated locations within the national park. However, given the siting and scale of the appeal proposal, I am satisfied that it would not form a particularly dominant feature when viewed within the wider expansive landscape and, therefore, would not have a significant adverse visual impact on the experience of residents, travellers, walkers, tourists and watercraft users.

#### Cumulative landscape and visual effect

66. The EIA report assesses whether significant cumulative landscape and visual effects would occur from the appeal proposal in conjunction with operational, consented and proposed commercial scale wind farm developments within a 40 km study area. The identified wind farms lie to the northeast, west and southwest of the appeal site. Based on the submitted evidence, I am satisfied that given the distance and topography there are no wind farms to the east that would result in any significant cumulative effects. Parties did not dispute the approach or selected study area of the EIA report.

67. The EIA report predicts that, based on the cumulative ZTV maps, the appeal proposal would maintain the existing pattern of separation between wind farms, including the closest operational wind farms at Clachan Flats, An Suidhe, A'Cruach and Cruach Mhor and as a result cumulative effects would be limited across the study area. The council contends that the appeal proposal in combination with the operational Clachan Flats wind farm would interrupt and distract the dramatic views from elevated locations (Dun na Cuaiche) looking northeast towards the head of Loch Fyne and the mountains within the national park.

68. I note from the cumulative ZTV that, when the appeal proposal is considered along with Clachan Flats wind farm there is only combined cumulative visibility from a limited number of locations around the shoreline of Loch Fyne. In addition, the cumulative visibility at Dun na Cuaiche is also predicted to be very limited. Given the limited visibility of the appeal proposal from around Loch Fyne (which I have established above) and the distance of separation between it and Clachan Flats wind farm (8 km to the northeast), I am satisfied that it would not result in wind farms becoming a prevailing or principle characteristic within the landscape of the area or when viewed from sensitive viewpoints (including Dun na Cuaiche) around Loch Fyne. Therefore, I find that the appeal proposal would not have a significant cumulative landscape or visual effect with Clachan Flats wind farm when viewed from sensitive locations towards the head of Loch Fyne and the mountains within the national park.

69. The cumulative ZTV predicts that the wind farm influence experienced from within the national park as a whole is limited to elevated peaks and routes. I note from the submitted evidence that a number of existing, consented and proposed wind farms would be visible to varying degrees from the selected viewpoints (VP5, 8 and 13). These wind farms are generally well separated across a large geography and located at significant distances from the viewpoints. As such, I find that they do not form a dominant feature in the landscape and, therefore, do not interrupt the appreciation of panoramic views to the west. Therefore, I am satisfied that the overall visual influence from existing, consented and proposed wind farms is relatively limited.

70. Although the appeal proposal would bring wind farm development closer to viewpoints within the national park, I find that it has been positioned to attempt to maintain the horizontal spacing of wind farm development across the wider panoramic view. Whilst a slight cumulative magnitude of change would occur, I do not consider that it would result in wind farms becoming the principal or prevailing characteristic in the landscape or dominate the views to the west from within this part of the national park. Therefore, I am satisfied that the appeal proposal would not have a significant cumulative visual impact or result in a wind turbine defined landscape.

71. Overall, I find in terms of the landscape, visual and cumulative impacts that the appeal proposal would accord with policy LDP 6 and SG 2.

#### Tourism and recreation impacts

72. Chapter 16 of the EIA report recognises that the tourism profile of the locality is potentially sensitive given its importance to the local economy. Reference is made in the report to a number of recent studies including the 'Biggar Report' which consider the impact of wind farms on tourism within Scotland. These reports conclude that generally tourists are not deterred from visiting areas due to the presence of wind farms. In addition, the appellant highlights that these studies have suggested that increased investment (including tourism infrastructure) in the local and regional economy can occur as a result of a wind farm development. Overall the appellant concludes that the appeal proposal would not deter tourists/visitors from coming to the area and as such would have no significant adverse impact on the local economy.

73. The council refused the appeal proposal on the grounds that 'given the presence of adverse landscape and visual impacts on the Loch Lomond and the Trossachs National Park (national park) the development may influence public attitudes to a point where tourists might become dissuaded from visiting'. Representations also raise similar concerns for the local area, including around Strachur. However, support for the potential socio-economic benefits has been received from local residents and the Lochgoil Community Trust.

74. Whilst the appeal site is not located within the national park, I have established above that some significant landscape and visual effects would occur from a limited number of hills and elevated routes within western areas of the national park. However, I have concluded that the appeal proposal is capable of being accommodated within the landscape without it becoming a dominant or prevailing feature. Therefore, I am satisfied that it would not have a significant adverse impact on the experience of tourists or visitors within the national park. No substantive evidence has been submitted by parties to quantify the level of any potential adverse impact that the appeal proposal would have on tourism or recreation and as such on the local economy. Therefore, I am not persuaded that there would be a significant adverse impact on tourism or recreation within the national park.

75. Whilst concerns have been raised in representations regarding the potential for an adverse impact on tourism and recreation within the Argyll and Bute area (particularly at Strachur), no substantive evidence has been provided to allow me to quantify the scale of any potential impact. Representations have also been made on the grounds that some economic benefit to the local economy may accrue as a result of the appeal proposal. As I have concluded above that any adverse visual and landscape impacts within Argyll and Bute (including at Strachur) would not adversely affect the experience of tourists or visitors within this area, I am not convinced that there would be any significant detrimental impact on tourism and recreation within Argyll and Bute.

76. Overall, on the basis of the evidence before me, including the findings of the EIA report, I am satisfied that the appeal proposal would have no significant adverse impact on either tourism or recreation within Argyll and Bute or the national park.

### Other impacts

77. The EIA report assesses a wide range of other impacts: forestry; noise; shadow flicker; ecology; ornithology; communications infrastructure; hydrology; cultural heritage; traffic and transport; and, socio-economic. The council has not founded its refusal on any of these impacts and I note in this regard that there are no outstanding concerns on the part of key agencies and consultees, subject to the imposition of appropriate conditions. The EIA report and additional information submitted by the appellant acknowledged the following residual significant environmental effects, in addition to those relating to landscape and visual impacts and tourism/recreation impacts which are considered above.

### *Forestry*

78. The appeal proposal would result in the loss of some 20 hectares of Sitka Spruce woodland within a privately owned and managed commercial forestry plantation extending to some 1,373 hectares. Given the nature of the woodland affected, the EIA report does not consider forestry as a sensitive receptor. However, consideration is given in chapter 6 of the EIA report to the plans for felling and restocking and ongoing forest management practices.

79. Whilst Scottish Forestry agree with the appellant's conclusion in the EIA report, it highlights that in order to comply with the criteria of the Scottish Government's Control of Woodland Removal Policy, off-site compensatory planting totalling 20.1 hectares would be required. Scottish Forestry has provided a condition to ensure that appropriate compensatory planting is delivered and to which the appellant raises no objection. I find that the wording of the suggested condition is appropriate and have attached it to this decision. Overall I am satisfied that sufficient consideration has been given to the potential effects on forestry.

80. Scottish Forestry highlights that an amendment to the Long Term Forestry Plan for the wider area would be required as a result of the appeal proposal. I am satisfied that this matter can be appropriately addressed under the provisions of the Forestry and Land Management (Scotland) Act 2018.

### *Noise*

81. The potential impact from both construction and operational noise was assessed with the findings set out in chapter 8 of the EIA report. Some objections were raised in representations to the potential of disturbance from noise on residential properties.

82. Operational noise was assessed using ETSU-R-97 (methodology and noise limits). From this assessment it is concluded that once operational, the appeal proposal would not exceed the relevant noise limits at each of the nearby residential properties. The assessment of predicted construction noise was undertaken in accordance with BS5228:2009. Overall, it is concluded that when mitigation is implemented and good practice site management measures followed, noise levels would be below the appropriate limits at properties closest to construction activities.

83. The council raises no objection in terms of the potential of disturbance from noise subject to the imposition of appropriate conditions in relation to the required mitigation for both the construction and operational phases of the appeal proposal. I find that subject to the requested conditions there would be no significant adverse impact from noise on nearby residential properties. I have included conditions relating to noise as part of this decision.

#### *Shadow flicker*

84. An assessment, following accepted best practice and guidance, of the potential for effects from shadow flicker on nearby properties was carried out, with the findings set out in chapter 9 of the EIA report. It was established that there were no properties within a radius of 11 rotor diameters (1012 metres) and 130 degrees either side of north of the proposed turbines. On this basis I am satisfied that there is no likelihood of shadow flicker adversely affecting the amenity of nearby residential properties.

#### *Ecology*

85. Chapter 10 of the EIA report considers the potential for impacts during the construction, operational and decommissioning phases on the ecology present within the area. The appeal site is not located within or in close proximity to any statutory or non-statutory designated environmental sites. In addition, no protected species or flora were identified from the habitat survey of the site. Therefore, it is concluded that the main impacts would be from direct habitat loss through the removal of vegetation to facilitate the appeal proposal.

86. The appellant's assessment concludes that the layout of the development, including the routing of tracks and roads, has been designed to minimise any loss of habitat in any sensitive areas within the appeal site. Consequently, it is contended that there would be no residual adverse significant effects on any ecological features. No concerns were raised by any consultee or the council to the findings of the EIA report on this matter. Overall, I am satisfied that a thorough assessment has been carried out in relation to the potential for any significant adverse effects on the ecology of the area. To ensure the site is developed in accordance with the EIA report recommendations, I have included a condition requiring an Ecological Clerk of Works to monitor the phases of the development.

#### *Ornithology*

87. The potential for any significant impact on ornithology is considered in chapter 11 of the EIA report. It is established that the proposed development is not located within or in close proximity to any statutory or non-statutory sites designated for ornithological interest. Flight activity surveys were undertaken to monitor activity levels of particular species, and to assess the potential for bird collisions with turbines and other interactions. Species noted included Golden Eagles, Hen Harriers and Merlins. The predicted collision mortality for the hen harriers and merlin was considered not to be significant. This conclusion was not contended by either NatureScot or the Royal Society for the Protection of Birds (RSPB).

88. In terms of Golden Eagles, it was established that there are no active eyries within 2 km of any proposed turbine. A Predicting Aquila Territories (PAT) model was undertaken by the appellant, which concludes that only one of two known Golden Eagle territories is predicted to overlap with the wind farm location. In addition, a model of the impact of potential wind farm collision mortality on the Golden Eagle population was undertaken. From this it is predicted that there would be a minor adverse effect on the



Golden Eagle population from potential loss of habitat through displacement and a minor adverse effect of collision risk.

89. NatureScot and RSPB initially raised concerns that the assessment did not properly demonstrate that the effects on the Golden Eagle population would not be significant. Further confidential supplementary information was submitted by the appellant providing additional satellite tagging data. On the basis of the additional information NatureScot advised that it is unlikely that any adverse effect would create a natural heritage zone population level risk and removed its objection on this matter. RSPB also withdrew its objection. However, both parties sought the imposition of a condition requiring a habitat management plan to improve the condition of the area and supported the proposed mitigation measure of post construction monitoring. I have included conditions covering these requirements.

90. The Argyll Raptor Study Group also objected on similar grounds to NatureScot and RSPB. I note that this group were not provided with the additional supplementary information due its confidential status. The group has, therefore, retained its concern due to the lack of further information. Whilst, I note the continued objection by the Argyll Raptor Group, NatureScot and RSPB having had the benefit of reviewing the additional supplementary confidential information, conclude that there would be no significant adverse effects in this instance. Overall, I am satisfied that on the basis of the evidence in the additional supplementary information and the comments from NatureScot and RSPB, there would be no significant adverse effects on ornithology.

#### *Communications infrastructure*

91. It is highlighted within chapter 12 of the EIA report that following consultation with the relevant communication operators it was established that given its location, no telecommunication links would be affected by the appeal proposal. In addition, it is highlighted that in the event television reception at local households is impacted upon, any issues would be dealt with by the developer and appropriate mitigation measures carried out.

92. The Ministry of Defence in its consultation response advised that it had no objection subject to conditions relating to accredited aviation safety lighting, timing of the construction phase, height of construction equipment and the exact location (latitude and longitude) of each of the proposed turbines. No further concerns were raised by any of the other relevant consultees or the council. Therefore, I am satisfied that subject to the conditions requested by the Ministry of Defence being imposed, no significant adverse effects are likely in this instance.

#### *Hydrology, hydrogeology, and soils*

93. The magnitude and significance of potential effects on hydrology, hydrogeology, and soils were assessed with the findings set out in chapter 13 of the EIA report. It was established that without additional mitigation, over and above best practice techniques, there would be the potential for effects of a low to moderate significance to occur in regard to peat hydrology, peat resource and potential ground water dependent terrestrial ecosystems. To reduce these effects a number of additional mitigation measures and management plans are recommended in the EIA report. These include more detailed site investigations, a peat management plan, drainage design, construction method statement and construction environmental management plan. On this basis it is concluded that the residual effects can be reduced to minor.

94. Further supplementary information was submitted in relation to the proposed peat management plan at the request of SEPA. On the basis of the further information SEPA confirmed it had no objection in terms of the potential impact on hydrology, hydrogeology, and soils. In addition, NatureScot raised no concerns given the area of peatland affected would not be considered to be of national interest for its peatland habitat. The council, subject to the proposed mitigation measures, raised no concerns. Overall, I am satisfied that a satisfactory assessment has been carried out and that subject to conditions ensuring the identified mitigation measures are undertaken, there would only be the potential for minor effects.

#### *Cultural heritage*

95. Chapter 14 of the EIA report advises that an assessment was undertaken of all known cultural heritage features within a 10 km radius of the appeal site. It established that apart from some limited areas of archaeological interest there were no cultural heritage features of national or local importance within the site. It was concluded that no direct impacts would occur on any heritage assets within the appeal site.

96. Within the 10 km study area the most significant heritage assets were considered to be Inveraray Castle Inventory Garden and Designed Landscape and the category A-listed Aray Bridge. Given the potential for indirect effects on the setting of these features HES requested additional viewpoints from these locations. On the basis of the visualisations provided as supplementary information, HES confirmed that whilst there would be some adverse effect from the appeal proposal on the setting of these designated assets, it would not be to a level which would raise issues of national interest. The West of Scotland Archaeology Service agreed with the findings in the cultural heritage section of the EIA report and raised no concerns in terms of direct or indirect archaeological issues.

97. Accordingly, I consider that a satisfactory assessment has been carried out. Whilst there may be some adverse indirect visual and landscape effects from the appeal proposal on the setting of designated heritage assets, I am satisfied that the scale of any impact would not be significant in this instance.

#### *Access, transport and traffic*

98. The potential for impact on transport routes, traffic and access during the construction, operation and decommissioning stages has been considered within chapter 15 of the EIA report. The assessment of the potential impacts concludes that subject to appropriate mitigation measures, including the routing and timing of deliveries to the appeal site, no significant adverse impacts on the surrounding road network would occur.

99. Transport Scotland advises that it has no objection to the appeal proposal subject to conditions ensuring that the transportation of abnormal loads would have no detrimental effect on the trunk road network. In addition, the council raises no objection subject to conditions requiring improvements to the existing access; a video record of the road corridor (A815 to site including junction); traffic management measures being put in place (including for abnormal loads); the timing of deliveries; and, the avoidance of peak travel times for the transportation of abnormal loads. ScotWays whilst not objecting to the appeal proposal requests that a condition be attached to ensure that right of way SA32 remains open at all times.

100. Overall, I find that subject to the conditions requested by parties being imposed, there would be no significant adverse impact on the surrounding road network or formal walking routes.

#### *Socio-economics benefits*

101. It is highlighted in chapter 16 of the EIA report that direct economic benefits would include 91-man year equivalent jobs created during the construction stage within the Argyll and Bute area and 36-man year equivalent jobs in Scotland. During the operational stage, eight-man year equivalent jobs would be created within the Argyll and Bute area and seven-man year equivalent jobs in Scotland. In addition, the EIA report concludes that whilst a slight magnitude of impact is predicted there would be no significant adverse effect on tourism and recreation in the area. I have concluded above that there would be no significant adverse impacts from the appeal proposal on either tourism or recreation in the area, including within the national park. Therefore, I am satisfied that overall the appeal proposal would introduce socio-economic benefits to the local area and wider economy. The appellant also highlights that an annual benefit would be paid to the local community, whereby, it can choose what the money should be spent on within the local area.

#### *Representations*

102. Of the five community council's concerns were only received from Strachur Community Council. In its representation it set out both matters of concern but also matters in support of the appeal proposal. There were also 14 individual letters of objection received and 2 letters in support of the appeal proposal. The concerns raised were in relation to the scale of development; landscape and visual impacts; proximity to the national park; impact on tourism; impact on the Cowal Way walking route; adverse impacts in relation to noise, shadow flicker, ornithology; and, traffic and house prices. Support for the proposal in terms of its sustainability and financial community benefit were raised in representations.

103. Taking into account my assessment as set out above and after careful consideration of the matters raised in both the consultation responses and the letters of representation, I am satisfied that there are no outstanding issues which lead to any apparent inconsistencies with the policies of the local development plan.

#### Compliance with the development plan

104. I acknowledge that the appeal proposal would have significant landscape and visual effects within some localised areas of Argyll and Bute and the national park. However, given the scale and siting of the appeal proposal, I am satisfied that it would not result in a dominant or prevailing visual feature. Therefore, I find that the appeal proposal is capable of being accommodated at this location without having a significant adverse landscape, visual or cumulative impact or resulting in a wind turbine defined landscape. In addition, I consider that for the reasons set out above the appeal proposal would not have a significant adverse impact on tourism or recreation in the area.

105. Accordingly, I am satisfied that the appeal proposal would accord with the relevant policies and supplementary guidance of the local development plan in terms of landscape and visual impact, cumulative landscape and visual impact, and, impacts on tourism and recreation. In addition, I have also established that there are no other potential impacts that would adversely affect the quality of the surrounding built and natural environment.

106. Therefore, I find that the appeal proposal would accord with policy LDP DM 1, policy LDP 6 and SG 2, policy LDP 3 and associated SG, policy STRAT 1, policy LDP 9, and, SG LDP Tran 1. I have not been made aware of any other relevant impacts that would lead me to conclude that the appeal proposal would not accord with other detailed policies of the local development plan.

107. Overall, I am satisfied that the appeal proposal accords with the provisions of the local development plan.

#### Other material considerations

##### *Loch Lomond and the Trossachs National Park (national park)*

108. Paragraph 212 of SPP advises that development that affects a national park should only be permitted where 'the objectives of designation and the overall integrity of the area would not be compromised'.

109. The appeal site is located outwith the national park. Whilst there are no provisions for buffer zones around national parks within SPP, I acknowledge that the proximity and scale of a development may have an influence on the overall level of impact on some of the identified special landscape qualities. I note that parties agree that the appeal proposal given its location would not adversely affect any of the National Scenic Areas within the national park.

110. The council, the National Park Authority and NatureScot have objected to the appeal proposal on the grounds that it would adversely affect four special landscape qualities (SLQ). These are the Arrochar's mountainous and distinctive peaks; a remote area of high hills and deep glens; tranquillity; and, the easily accessible landscape splendour. I note that Mountaineering Scotland also raised concerns regarding the impact on the national park.

111. Therefore, it is necessary for me to establish the extent of any significant adverse effects on the four special landscape qualities and whether the objectives of the designation would be undermined or the overall integrity of the national park compromised. I have considered the other special landscape qualities, as set out in commissioned report No 376 (The Special Landscape Qualities of the Loch Lomond and the Trossachs National Park - 2010) and am satisfied that the appeal proposal does not raise any significant concerns in relation to these qualities.

112. I have established above that the appeal proposal would have significant landscape and visual effects which would affect areas within the western edge of the national park. However, I have concluded that given its scale and location the appeal proposal could be accommodated within the prevailing landscape without it becoming a dominant visual feature or resulting in a wind farm defined landscape. Taking account of my findings on these matters, I do not consider that the appeal proposal would, therefore, adversely affect the Arrochar's mountainous and distinctive peaks or the remote area of high hills and deep glens SLQs.

113. In relation to the effects on tranquillity, I acknowledge that the appeal proposal would introduce a measure of slow movement from the blades of the nine turbines which could potentially affect the experience of walkers/tourists in some elevated locations. I have already established that no adverse effects from noise would be experienced by the closest residential properties. Given the greater intervening distance from where the appeal

proposal would be visible from within the national park (VP 5, 8 and 13), I am satisfied that there is unlikely to be any audible intrusion of significance.

114. Whilst, there may be some degree of adverse impact from the movement of the blades on the sense of peace in the landscape, I do not consider that it would be overly significant given the distance from the viewpoints and the limited extent it would occupy within the wider panoramic view. I note that the presence of wind farms is already a discernible characteristic in views to the west, in addition to the presence of large areas of commercial forestry. I consider that this does not represent the type of natural landscape that would necessarily contribute to a sense of tranquillity. In addition, the views across the national park to the north and east from these viewpoints are likely to provide a much greater sense of tranquillity given the lack of human presence in these landscapes. Therefore, I am satisfied that any likely impact on the special quality of tranquillity would be limited in both significance and extent. Accordingly, I find that the appeal proposal would not undermine this special landscape quality.

115. Concerns are raised by parties regarding the potential impact on the special landscape quality regarding 'easily accessible landscape splendour'. Given its location the appeal site would not be visible from the majority of the national park area or from any of the main vehicular routes into or through it. Accordingly, users of main roads and other routes to access the various attractions within the national park would not be affected.

116. Whilst I acknowledge that the appeal proposal would be visible from some parts of the Cowal Way, I have concluded above that the impact on this route would not be so significant as to undermine its overall integrity or the experience enjoyed by walkers. In addition, I have already concluded that there would be no significant impact on tourism or recreation within the national park. Accordingly, on the basis of the submitted evidence, I am not persuaded that any significant impact would occur on this particular special landscape quality.

117. Overall, I am satisfied that the nine turbines can be accommodated within the appeal site without significantly undermining any of the four SLQs. Therefore, I consider that the appeal proposal would not undermine the 'objectives of designation' or compromise the 'overall integrity' of the national park.

#### *Other guidance*

118. NPF3 and SPP both seek to support the development of renewable energy developments, including wind farms, subject to the potential impacts on the built and natural environment being acceptable. Paragraph 169 of SPP sets out a range of factors that require to be taken into account when considering wind farms and I note that these are similar to those included within policy LDP 6 of the adopted plan. Having concluded that the appeal proposal accords with policy LDP 6, I am satisfied that it would also be acceptable in terms of the factors set out in paragraph 169. In addition, the spatial framework for onshore wind that is set out in SPP (table 1 on page 39) is consistent with the approach set out in the council's supplementary guidance 2.

119. I note that the adopted local development plan 2015 is out of date and as such paragraph 33 of SPP advises that the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In considering this, decision makers are required to take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against

the wider policies in the SPP. Paragraph 29 of SPP sets out the principles for establishing whether a development would contribute to sustainable development.

120. Given the nature of the appeal proposal I am satisfied that it would contribute to net economic development and support climate change mitigation. On the basis of the detailed information set out in the EIA report and further submitted evidence, I consider that the appeal proposal would be consistent with the other principles, in so far as they are relevant, as set out within paragraph 29 of SPP. I am also satisfied based on my findings as set out above, that there would be no adverse impacts which would significantly or demonstrably outweigh the benefits. Overall, I find that the appeal proposal would contribute to sustainable development and meet the wider objectives of SPP including the delivery of Outcome 1 (a successful, sustainable place) and Outcome 2 (a low carbon place).

121. Other government policy documents have been referred to by parties including draft NPF4; the Scottish Energy Strategy 2017; Scottish Energy Strategy Position Statement 2021; the Onshore Wind Policy Statement 2017; and, the Onshore Wind Policy Statement Refresh 2021. These documents seek to encourage and support the development of onshore wind turbines, including larger scale turbines, in sustainable locations similar to the guidance in NPF3 and SPP. Therefore, I am satisfied that there are no additional matters raised in this guidance that requires to be considered in this instance.

122. Reference is also made to SNH Siting and Designing Wind Farms in the Landscape Guidance August 2017 and the council's non-statutory guidance - Landscape Wind Energy Capacity Study 2017. I am satisfied on the basis of the evidence submitted in the EIA report and through my considerations as set out above, that the appeal proposal would generally accord with the guidance in these documents.

### *Proposed plan*

123. The proposed Argyll and Bute Local Development Plan 2 (November 2019) sets out the council's settled position in terms of the strategy and policies for future development and is currently at examination. The proposed plan generally restates the policies from the adopted local development plan in relation to wind farm proposals. The council has not referred to the policies of the proposed plan in its reasons for refusal or brought any particular proposed changes of policy to my attention. Therefore, I am satisfied that there are no proposed changes to the strategy or relevant policies that would alter my conclusions in relation to the appeal proposal.

### Overall conclusion

124. I have given careful consideration to the environmental information submitted and have identified no additional significant effects. Accordingly, subject to mitigation controlled by means of the conditions attached to this notice, I find that there would be no unacceptable residual impacts in relation to those matters. Therefore, I am satisfied that my reasoned conclusions on the significant effects of the proposed development are up to date.

125. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission.

### Planning conditions

126. The council has submitted a schedule of 30 conditions which it considers should be attached to planning permission, if granted. The appellant has provided comments on the submitted conditions which I have taken into consideration.

127. I have amended condition 2 to reflect the amendment to section 58 of the Town and Country Planning (Scotland) Act 1997 which now requires a condition to be attached to permission limiting its duration. To provide for consistency, I have amended the titles of the list of approved drawings at condition 3 (c) to accord with the descriptions as set out in the EIA report.

128. I have included the appointment of an Ecological Clerk of Works under condition (8). Given the scale of the development and its location I do not consider it is reasonable to also require the appointment of a Planning Monitoring Officer as requested by the council in this instance. Therefore, I have not included this as a condition to this permission.

129. Finally, I have reworded condition 17 to reflect the requirements sought by Scottish Forestry in relation to the appellant's Forest Plan and added a condition (18) to ensure that appropriate compensatory woodland planting is provided.

130. The attached conditions also provide for monitoring measures where appropriate. In condition 8 I require the appointment of an Ecological Clerk of Works, who would have responsibility for monitoring ecological mitigation measures relating to the proposed development. I have also included monitoring measures in condition 11 (trunk and local road management); condition 15 (post construction monitoring); condition 16 (habitat management plan); and, condition 19 (peat landslide management). There is no evidence to suggest that any other monitoring measures are required.

131. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*Gordon S Reid*

Reporter

### **Schedule 1: Conditions**

#### **Duration of the permission**

1. The permission is for a period of 25 years from the date of final commissioning. Written confirmation of the date of first commissioning shall be provided to the planning authority no later than one calendar month after that date.

*Reason: to define the duration of the permission.*

#### **Commencement of development**

2. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of grant of this permission.

*Reason: section 58 of the Town and Country Planning (Scotland) Act 1997 requires a condition to be attached to permission limiting its duration. Three years is the default period set by law and there is no material reason indicating that a different period should be set.*

**Implementation in accordance with approved plans and requirements of this permission.**

3. Except as otherwise required by the terms of this permission, or as agreed in writing by the planning authority, the development shall be undertaken in accordance with:

a) the application form dated 4th December 2019;

b) the EIA Report dated October 2019 (as supplemented or amended by any further or additional environmental information); and,

c) the approved drawings EIA Report:

- 5.1. Site location
  - 5.2. Site layout
  - 5.3. Access design
  - 5.4. Candidate turbine elevations
  - 5.5. Indicative turbine foundations
  - 5.6. Indicative access track designs
  - 5.7. Indicative watercourse crossing design
  - 5.8. Cable trench sections
  - 5.9. Indicative crane hardstanding
  - 5.10. Indicative substation layout
  - 5.11. Indicative substation elevations
- Site Plan with Turbine IDs

*Reason: to ensure that the development is carried out in accordance with the approved details.*

**Design and operation of turbines**

4. There shall be no commencement of development unless full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour which should be non-reflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the planning authority. The turbines shall be consistent with the candidate turbine or range assessed in the environmental statement, and the maximum tip height shall not exceed 145 metres above ground level. The development shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

All wind turbine blades shall rotate in the same direction.

None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the planning authority.



*Reason: to ensure that the environmental impacts of the turbines forming part of the development conform to the impacts of the candidate turbine assessed in the environmental statement and in the interests of the visual amenity of the area.*

### **Design of sub-station and ancillary development**

5. There shall be no commencement of development unless final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, any construction compound boundary fencing, external lighting and parking areas have been submitted to and approved in writing by the planning authority. The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.

*Reason: to ensure that the environmental impacts of the sub-station and ancillary development forming part of the development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.*

### **Micro-siting**

6. All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference site layout with turbine ID's (6th February 2020) wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the planning authority, micro-siting is subject to the following restrictions:

a) no wind turbine foundation shall be positioned higher, when measured in metres above ordinance datum (Newlyn), than the position shown on plan reference site layout with turbine ID's (6th February 2020);

b) no wind turbine, building, mast or hardstanding shall be moved more than 50 metres from the position shown on the original approved plans;

c) no access track shall be moved more than 50 metres from the position shown on the original approved plans;

d) no micro-siting shall take place within areas of peat of greater depth than the original location;

e) no micro-siting shall take place within areas hosting ground water dependent terrestrial ecosystems; and,

f) all micro-siting permissible under this condition must be approved in advance in writing by the Ecological Clerk of Works (ECoW).

No later than one month after the date of first commissioning, an updated site plan must be submitted to the planning authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or planning authority's approval, as applicable.

*Reason: to control environmental impacts while taking account of local ground conditions.*

### **Borrow pits – scheme of works**

7. There shall be no commencement of development unless a site specific scheme for the working and restoration of each borrow pit forming part of the development has been submitted to and approved in writing by the planning authority. The scheme shall include:

- a) a detailed working method statement based on site survey information and ground investigations;
- b) details of the handling of any overburden (including peat, soil and rock);
- c) drainage, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and ground water dependant terrestrial ecosystems (GWDTE) from drying out;
- d) a programme of implementation of the works described in the scheme; and,
- e) full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall thereafter be implemented in full.

*Reason: to ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pit(s) at the end of the construction period.*

### **Ecological Clerk of Works**

8. There shall be no commencement of development unless the planning authority has approved in writing the terms of appointment by the developer of an independent Ecological Clerk of Works (ECoW). The terms of appointment shall:

- a) impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved in accordance with condition 16, and other plans approved in terms of condition 9 (“the ECoW works”);
- b) require the ECoW to report to the developer’s nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- c) require the ECoW to submit a monthly report to the planning authority summarising works undertaken on site; and,
- d) require the ECoW to report to the planning authority any incidences of non-compliance of works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from commencement of development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of condition 9.

No later than 18 months prior to decommissioning of the development or the expiration of this consent (whichever is the earlier), the developer shall submit details of the terms of appointment of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the development to the planning authority for approval. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the development.

*Reason: to secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the development during the construction, decommissioning, restoration and aftercare phases.*

### **Construction and environmental management plan**

9. There shall be no commencement of development unless a Construction and Environmental Management Plan (“CEMP”) outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the planning authority. The CEMP shall include (but shall not be limited to) the following:

- a) a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c) a dust management plan;
- d) site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
- e) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- f) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- g) soil storage and management;
- h) a peat management plan, to include details of vegetated turf stripping and storage, peat excavation (including volumes), handling, storage and re-use;
- i) a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources; surface water drainage to be designed in accordance with CIRIA C753 and be in operation prior to the start of construction;
- j) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;

- k) sewage disposal and treatment;
- l) temporary site illumination;
- m) the construction of the access into the site and the creation and maintenance of associated visibility splays;
- n) the method of construction of the crane pads;
- o) the method of construction of the turbine foundations;
- p) the method of working cable trenches;
- q) the method of construction and erection of the wind turbines and meteorological masts;
- r) details of watercourse crossings which shall be designed to pass the 1 in 200 year plus climate change (56% allowance) flood event;
- s) post-construction restoration/reinstatement of the working areas not required during the operation of the development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;
- t) a wetland ecosystems survey and mitigation plan; and,
- u) a felling and tree management plan.

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the planning authority.

*Reason: to ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.*

### **Construction hours**

10. Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 07:00 to 19:00 on Monday to Friday inclusive and 07:00 and 18:00 on Saturdays, with no such work taking place on a Sunday or Public Holiday. Outwith these specified hours, development on the site must be limited to turbine erection, maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the planning authority.

HGV movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 07.00 to 19.00 Monday to Friday, and 07.00 to 16.00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or Public Holiday, unless previously approved in writing by the planning authority.

*Reason: in the interests of amenity to restrict noise impact and the protection of the local environment.*

### **Trunk and local road network**

11. There shall be no commencement of development, including deliveries to the site, unless and until a Traffic Management Plan ("TMP") has been submitted to, and approved in writing by the planning authority. The TMP shall include (but is not limited to):

- a) the proposed routing for all traffic (including abnormal loads) associated with the development on the local and trunk road networks;
- b) measures to ensure that the specified routes are adhered to, including monitoring procedures;
- c) the accommodation measures required including the removal of street furniture, junction/bend widening and traffic management undertaken by a recognised traffic management consultant and all signs poles and other street furniture to be removed and replaced after each movement where feasible to maintain road safety for other road users;
- d) details of materials, plant, equipment and labour required during the construction period;
- e) details of any temporary diversions of access routes and associated signage;
- f) detailed junction design to include construction specification, swept path analysis, kerbing, drainage and visibility splays;
- g) details of any verge strengthening and carriageway widening, which shall be reinstated once delivery is completed and remain the responsibility of the developer; and,
- h) details of delivery programme, which shall ensure no other large loads movements are scheduled to occur within the same timeframe, and that transportation of abnormal loads will not coincide with peak travel times including the start and finish of nearby Strachur Primary School.

The approved traffic management plan shall thereafter be implemented in full, unless and until otherwise agreed in advance in writing with the planning authority.

*Reason: in the interests of road safety and to ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk or local road network.*

### **Video record, access construction & visibility splays**

12. Prior to commencement of the development a video record of the road corridor from the A815 to the site, including the junction at the A815 and the detailed design of the proposed access junction with the A815 shall be submitted for the further written approval of the planning authority. The proposed access junction design with the public road shall:

- a) be surfaced with a bound material for a distance of 10 metres from the edge of the public road;
- b) have positive surface water drainage installed to deal with both runoff from the site and the roadside ditch; and,

c) the carriageway shall be a minimum width of 5.5 metres across the bell-mouth.

Prior to work starting on site the approved access junction design shall be formed in accordance with the agreed details and maintained to the satisfaction of the planning authority.

*Reason: in the interests of road safety and to ensure that the existing access onto the site is improved to accommodate the components required to construct the wind turbines.*

### **Right of way SA32**

13. Right of way SA32 shall remain open and free from obstruction to the satisfaction of the planning authority during and after any proposed construction works.

*Reason: in the interests of maintaining and safeguarding access rights.*

### **Pre-construction survey**

14. No development or other work shall be carried out on the site until a pre-commencement survey for the presence of salmon and the quality of their baseline habitat has been carried out by an appropriately qualified person and has been submitted for the written approval of the planning authority.

In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk, as well as an appropriate programme of post construction survey work.

The development shall be implemented in accordance with the measures identified in the duly approved scheme.

*Reason: in order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.*

### **Post-construction monitoring**

15. No development shall commence unless and until an appropriate programme of post construction monitoring as proposed in EIAR Chapter 11 Ornithology, Section 11.12.2 Mitigation During Operation Phase is submitted to and approved in writing by the planning authority.

*Reason: to ensure the predicted impacts on important bird populations and success of proposed mitigation, as outlined in the EIA Report can be monitored.*

### **Habitat Management Plan**

16. There shall be no commencement of development unless and until a Habitat Management Plan ("HMP") has been submitted to, and approved in writing by the planning authority.

The HMP shall set out proposed habitat management of the wind farm site during the period of construction, operation, decommissioning, restoration and aftercare of the site, and shall seek to improve the condition of the G/LG3 range habitat on site.

The approved HMP will include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the HMP objectives. In particular, the approved HMP will be updated to reflect ground condition surveys undertaken following construction and prior to the date of final commissioning and submitted to the planning authority for written approval. Unless otherwise agreed in advance in writing with the planning authority, the approved HMP shall be implemented in full throughout the life time of the development, including decommissioning.

*Reason: in the interests of good land management and the protection of habitats.*

### **Wind Farm Forest Design Plan**

17. No development shall commence until a finalised Long Term Forest Plan for the Forestry Study Area (as shown on Figure 6.1 in Volume 3 of the EIA Report) has been submitted to and approved in writing by the planning authority. The approved Long Term Forest Plan shall thereafter be implemented in full, unless otherwise agreed in advance and in writing by the planning authority.

*Reason: to ensure forestry works approved by the consent are carried out in accordance with UK Forestry Standard.*

### **Compensatory forestry planting**

18. No forestry works, associated with the construction and operation of the development, shall commence until a Compensatory Planting Plan ("CPP") has been submitted to and approved by the planning authority (in consultation with Scottish Forestry as required). The CPP shall provide for the planting of woodland commensurate with the level of woodland lost (anticipated to be 20.1 ha).

The CPP shall comply with the requirements set out in the UK Forestry Standard and the guidelines to which it refers, or such other replacement standard agreed by the planning authority. The CPP shall include:

- a) details of the location of the area to be planted;
- b) the nature, design and specification of the proposed woodland to be planted;
- c) the phasing and associated timescales for implementing the replanting scheme;
- d) proposals for the maintenance of the replanting scheme, including annual checks, replacement planting, fencing, ground preparation and drainage; and,
- e) proposals for reporting to the planning authority on compliance with timescales for obtaining the necessary consents and implementation of the replanting scheme.

The approved replanting scheme shall be implemented in full, unless otherwise agreed in writing by the planning authority.

*Reason: to secure compensatory planting to mitigate against effects of deforestation arising from the development.*

### **Peat landslide management**

19. There shall be no commencement of the development until a detailed peat landslide risk assessment, addressing construction phase of the development and post-construction monitoring, has been approved in writing by the planning authority.

The peat landslide risk assessment shall comply with best practice contained in “Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments” published by the Scottish Government in January 2007, or such replacement standard as may be in place at the time of submission of the peat landslide risk assessment for approval. The peat landslide risk assessment shall include a scaled plan and details of any mitigation measures to be put in place.

The approved peat landslide risk assessment shall thereafter be undertaken in full prior to commencement of development.

Prior to commencement of development, the developer shall appoint and pay for an independent and suitably qualified geotechnical engineer acceptable to the planning authority, the terms of whose appointment (including specification of duties and duration of appointment) shall be approved by the planning authority.

The developer shall undertake continuous monitoring of ground conditions during the construction and deforestation phases of the development. Continuous analysis and call out services shall be provided by the geotechnical engineer throughout the construction phase of the development. If a risk of peat failure is identified, the developer shall install such geotechnical instrumentation to monitor ground conditions as is recommended by the geotechnical engineer and shall monitor ground conditions. Any remediation work considered necessary by the geotechnical engineer shall be implemented by the developer to the satisfaction of the geotechnical engineer. Monitoring results shall be fed into risk analysis reports to be submitted to the planning authority on a quarterly basis during the construction and deforestation phases of the development.

*Reason: to minimise the risk of peat failure arising from the development.*

### **Noise**

20. The level of noise emissions from the combined effects of the wind turbines at Creag Dhubh wind farm (including the application of any tonal penalty) when calculated in accordance with a procedure agreed with the planning authority, shall not exceed the values set out in Tables 1 to 2 as appropriate. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this permission but are not listed in the tables below shall be those of the physically closest location listed in the tables unless otherwise agreed by the planning authority.



**Table 1 – LA<sub>90,10min</sub> dB Wind Turbine Noise Level between 07:00 and 23:00 hours**

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods									
	4	5	6	7	8	9	10	11	12	
Islay Cottage	35	35	35	35	35	35	35	35	35	35
Succothmore Farm	35	35	35	36	36	36	36	36	36	36
Succothmore (Fearnoch)	35	35	35	36	36	36	36	36	36	36
Succothmore Cottage	35	35	35	35	35	35	35	35	35	35
Ardchyline Farm	35	35	35	35	35	35	35	35	35	35
Laglingarten	35	35	35	35	35	35	35	35	35	35

**Table 2 – LA<sub>90,10min</sub> dB Wind Turbine Noise Level between 23:00 and 07:00 hours**

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods									
	4	5	6	7	8	9	10	11	12	
Islay Cottage	43	43	43	43	43	43	43	43	43	43
Succothmore Farm	43	43	43	43	43	43	43	43	43	43
Succothmore (Fearnoch)	43	43	43	43	43	43	43	43	43	43
Succothmore Cottage	43	43	43	43	43	43	43	43	43	43
Ardchyline Farm	43	43	43	43	43	43	43	43	43	43
Laglingarten	43	43	43	43	43	43	43	43	43	43

**Table 3 – Coordinates of properties listed in tables 1 and 2**

Location	Eastings	Northings
Islay Cottage	210635	700910
Succothmore Farm	212459	701796
Succothmore (Fearnoch)	212488	701778
Succothmore Cottage	212370	701641
Ardchyline Farm	211203	706000
Laglingarten	214448	707961

*Reason: to minimise the adverse impact of noise generated by the operations on the local community.*

21. Prior to the installation of any turbines the developer shall submit a report for approval by the planning authority which demonstrates compliance with the noise limits in condition 20 above. The report shall include details of any proposed noise reduction measures and be prepared with reference to the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 and associated supplementary guidance notes.

*Reason: to minimise the adverse impact of noise generated by the operations on the local community.*

22. Within 21 days from the receipt of a written request from the planning authority or following a complaint to the planning authority from the occupant of a dwelling the wind turbine operator shall, at the wind turbine operator's expense, employ an independent consultant approved by the planning authority to assess the level of noise emissions from the wind turbines at the complainant's property following procedures to be agreed with the planning authority.

*Reason: to minimise the adverse impact of noise generated by the operations on the local community.*

23. The wind turbine operator shall provide to the planning authority the independent consultant's assessment and conclusions regarding the said request or noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 2 months of the date of the written request of the planning authority unless otherwise extended in writing by the planning authority. The wind turbine operator shall take such remedial action required to the satisfaction of the planning authority.

*Reason: to minimise the adverse impact of noise generated by the operations on the local community.*

24. Wind speed, wind direction and power generation data shall be continuously logged and provided to the planning authority in a format to be agreed at its request and within 28 days of such a request. Such data shall be retained by the operator for a period of not less than 12 months.

*Reason: to minimise the adverse impact of noise generated by the operations on the local community.*

25. No development shall commence until there has been submitted to the planning authority details of a nominated representative for the development to act as a point of contact for local residents (in connection with conditions 20 – 24) together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with the planning authority in connection with any noise complaints made during the construction, operation and decommissioning of the wind turbines.

*Reason: to minimise the adverse impact of noise generated by the operations on the local community.*

### **Aviation safety**

26. There shall be no commencement of development until the developer has provided the planning authority and Defence Infrastructure Organisation (Ministry of Defence) with the following information:

- a) the date of expected commencement and completion of construction works;
- b) the maximum extension height of any construction equipment; and,
- c) the position of the wind turbines in latitude and longitude.

*Reason: in the interests of aviation safeguarding.*

### **Aviation lighting**

27. Prior to the erection of the first wind turbine, the developer shall submit a scheme for aviation lighting for the wind farm to the planning authority for written approval. The scheme shall include details of infra-red aviation lighting to be applied. No lighting other than that described in the scheme may be applied at the site, other than as required for health and safety, unless otherwise agreed in advance and in writing by the planning authority.

No turbines shall be erected on site until the scheme has been approved in writing. The development shall thereafter be operated fully in accordance with the approved scheme.

*Reason: in the interests of aviation safety.*

### **Site decommissioning, restoration and aftercare**

28. The development will be decommissioned and will cease to generate electricity by no later than the date falling twenty-five years from the date of final commissioning. The total period for restoration of the site in accordance with this condition shall not exceed three years from the date of final decommissioning without prior written approval of the planning authority.

There shall be no commencement of development unless a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the planning authority. The strategy shall outline measures for the decommissioning of the development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

No later than 3 years prior to decommissioning of the development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the planning authority for written approval. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

- a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c) a dust management plan;
- d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- f) details of measures for soil storage and management;
- g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- h) details of measures for sewage disposal and treatment;

- i) temporary site illumination;
- j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- k) a traffic management plan (“TMP”) which provides for the arrangements in respect of traffic associated with the decommissioning of the development which mirrors the relevant provisions approved in the TMP for the construction of the development;
- l) details of watercourse crossings; and,
- m) a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.

The development shall be decommissioned, the site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the planning authority.

*Reason: to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.*

### **Financial guarantee**

29. There shall be no commencement of development unless the developer has delivered a bond or other form of financial guarantee in terms acceptable to the planning authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in condition 28 to the planning authority. The financial guarantee shall thereafter be maintained in favour of the planning authority until the date of completion of all restoration and aftercare obligations.

The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in condition 28. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

*Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the developer.*

### **Redundant wind turbines**

30. If any of the wind turbines hereby permitted cease to export electricity to the grid for a continuous period of 12 months following the first export date, not due to it being under repair or replacement, then on the written request of the planning authority, within 1 month a partial decommissioning scheme or a scheme for repair shall be submitted to the planning authority for its written approval. If the scheme is for decommissioning, then it shall include a method statement and timetable for the dismantling and removal of the relevant turbine and associated above ground works and foundations to a depth of at least 1 metre below ground together with a Traffic Management Plan to address likely traffic impact issues during the decommissioning period and restoration measures for the land from which the

relevant turbine and any ancillary equipment and structures have been removed. The scheme shall thereafter be implemented as approved.

*Reason: to ensure that appropriate provision is made for turbine decommissioning or repairs.*

## **Schedule 2: Advisory notes**

1. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).
3. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
4. **Right to challenge this decision:** This decision is final, subject to the right of any person aggrieved by this decision to question its validity by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.
5. **Notification of this decision by the planning authority:** The planning authority is required (a) to inform the public and bodies consulted in respect of the EIA report of this decision by publishing a notice on the application website or newspaper circulating the in locality of the proposed development or by other reasonable means and (b) to make a copy of the decision available for public inspection in an office of the planning authority where its planning register may be inspected and on the application website.

## **Schedule 3: Application drawings:**

### EIA Report

- 5.1. Site location
- 5.2. Site layout
- 5.3. Access design
- 5.4. Candidate turbine elevations
- 5.5. Indicative turbine foundations
- 5.6. Indicative access track designs
- 5.7. Indicative watercourse crossing design
- 5.8. Cable trench sections
- 5.9. Indicative crane hardstanding
- 5.10. Indicative substation layout
- 5.11. Indicative substation elevations

### Site Plan with Turbine IDs

**Schedule 4: Opportunities for public participation in decision-making**

There is the following evidence before me of opportunities the public had to take part in decision-making procedures on the application before I was appointed to this appeal:

- the appellant has provided a report on pre-application consultation. Two public meetings were held with Strachur Community Council on the 11 October 2017 and 13 June 2018. During this period informal discussions were also held with members of Lochgoil Community Trust. Two public exhibitions were held at Strachur Memorial Hall on the 9 November 2017 and 10 April 2019. At these events the public had an opportunity to comment to the appellant on the proposed development;
- an advertisement of the application in the Dunoon Observer; Argyllshire Advertiser; Campbeltown Courier and The Edinburgh Gazette on the 7 February, 24 April, 11 September 2020 and the 12 February 2021 has been provided. The advertisements advised the public of the opportunity to make representations upon the proposal for the development and the accompanying EIA report;
- the planning authority received 16 public representations in respect of the application. The main points raised in those representations are summarised in this decision notice at paragraph 102; and,
- additional information was submitted to the planning authority and the public had an opportunity to comment on that information.

Those who made representations upon the application have been treated as interested parties in the appeal. They have had the opportunity to make representations on matters that they raised, by written response to the appeal.