

**Argyll and Bute Council
Development and Economic Growth**

This Supplementary report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation on the proposed Rowan wind farm on Land Approximately 4.5km North West of Tarbert, Argyll & Bute

Reference No: 22/00385/S36

Applicant: The Scottish Government on behalf of EnergieKontor UK Ltd
Proposal: Electricity Act Section 36 consultation relevant to Rowan Wind Farm

Site Address: Land Approximately 4.5km North West of Tarbert, Argyll & Bute

SUPPLEMENTARY REPORT NO. 3

1. INTRODUCTION

This proposal was originally presented to committee on the 28th of September 2022. Three reports were considered: the Report of Handling; and Supplementary Reports 1 and 2. The Committee agreed on behalf of the Council, as Planning Authority, to object to this proposal for the reasons detailed in the Report of Handling. The Energy Consents Unit was notified of this decision accordingly. The consultation with the Energy Consent concluded and because of the objection from the Planning Authority, in terms of the Electricity Act, if that objection is not withdrawn, the Scottish Ministers must cause a Public Inquiry to be held.

2. RE-CONSULTATION

The Energy Consents Unit reconsulted the Planning Authority on the 14th of December 2022. The reason for this being that Revised Draft NPF4 (National Planning Framework 4) had been laid in Parliament. If approved by Parliament and adopted by Scottish Ministers, the draft as laid NPF4 will become part of the Development Plan. As the Planning Authority's consultation response of 28th September 2022 was provided prior to the NPF4 being laid, the Scottish Government would like to give the Planning Authority the opportunity to provide further comment on NPF4. They have advised that there is no need to repeat comments previously provided. The Scottish Government are interested in the Council's view on the implications of this document and in particular sections on: Natural Places (page 40) and Energy (pages 53/54).

As this S36 consultation was not a delegated item in terms of the Council's Constitution, Officers do not have the authority to give the Council's view in relation to NPF4 without first presenting a report to PPSL committee. This report therefore seeks Members' agreement on Officers' further consultation response to the ECU.

3. STATUS OF NPF4

The status of NPF4 has changed since the Council was reconsulted and is likely to change again prior to the committee considering this report. NPF4 2022, received final approval from the Scottish Parliament on 11 January 2023 and awaits adoption by the Scottish Ministers. It

is understood that NPF4 2022 will be adopted on 13th February 2023. At that time, it will replace National Planning Policy 3 (NPF3) and Scottish Planning Policy 2014 (SPP), and will become the national element of the statutory development plan – for all parts of Scotland. This report has, therefore, been prepared on the assumption that NPF4 2022 has been adopted by the Scottish Government and SPP and NPF3 have been superseded. NPF4 should now be given significant weight in the decision-making process.

4. ASSESSMENT AGAINST NPF4

As requested by the Scottish Government, Officers recommend the following views on the implications of NPF4 and sections on: Natural Places (page 40) and Energy (pages 53/54) are relayed to the ECU as the Planning Authority's position on this application.

The Spatial Strategy in NPF4 sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that Scotland's environment is a national asset which supports our economy, identity, health, and wellbeing. It sets out that we have already taken significant steps towards decarbonising energy and land use, but choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The Spatial Strategy reflects legislation in setting out that decisions require to reflect the long-term public interest. However, in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore, and better connect biodiversity; liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer, and more inclusive wellbeing economy.

Eighteen **national developments support** this strategy. National developments will be a focus for delivery, as well as exemplars of the Place Principle, placemaking and a Community Wealth Building (CWB) approach to economic development. The type of development subject to this application is identified generically as a national development of "Strategic Renewable Electricity Generation" given it has the capacity to generate and store more than 50MW. There is in principle support for national scale developments as they have been identified of national importance in the delivery of Scotland's Spatial Strategy. However, any project identified as a national development requires to be considered at a project level to ensure all statutory tests are met. This includes consideration against the provisions of the Development Plan, of which National Planning Framework 4 is now a part.

NPF4 - Policy 11: Energy – The intention of Policy 11 is to encourage, promote and facilitate all forms of renewable energy development onshore and offshore (including wind farms and battery storage). The policy outcome is expansion of renewable, low-carbon and zero emissions technologies. Policy 11 sets out that development proposals for all forms of renewable energy (including wind farms) will be supported. This policy continues to set out that proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Furthermore, applications need to demonstrate how, through project design and mitigation, the impact on a range of considerations has been addressed. This allows for consideration of matters related to impacts on communities and individual dwellings in relation to amenity; landscape and visual impact; public access; aviation and defence interests; telecommunications; traffic; historic environment; biodiversity (including birds); impacts on trees; decommissioning; site restoration; and cumulative effects.

While the weight to be given to each of the considerations in Policy 11 is a matter for the decision maker, NPF4 is clear that significant weight will require to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. In relation to landscape and visual impacts it advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. This support is not however to the exclusion of other factors, a balance still requires to be struck in terms of the impact of development. NPF4 must be read as a whole, and detailed consideration given to linked policies, such as Policy 4: Natural Places, considered below. Project design and mitigation needs to show how impacts (both individual and cumulative) on numerous receptors, including the natural environment have been addressed.

NPF4 Policy 4: Natural Places – The intention of Policy 4 is to protect, restore and enhance natural assets, making the best use of nature-based solutions. The policy outcome is that natural places are protected and restored, and natural assets are managed in a sustainable way that supports and grows their essential benefits and services. Of relevance to this proposal is policy 4(a) which sets out that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported.

Landscape & Visual Impact (including cumulative) - As detailed in the Report of Handling, and Supplementary Reports 1 and 2, it is considered that the proposed development will have significant adverse landscape and visual impacts (including cumulative) which will have an unacceptable impact on the environment. Following the introduction of NPF4, this matter has been revisited and assessed in the context of this new policy document. To help with this, further advice has also been sought from the Councils Landscape Consultant. The outcome being that a different view has been reached in regard to the Landscape & Visual Impact (including cumulative) which focuses on the regional impacts of the proposal.

The proposed development site lies within the Knapdale Upland Forest Moor Mosaic Landscape Character Type (LCT) which covers much of the Knapdale area between West Loch Tarbert and the southern edge of the Knapdale National Scenic Area. This landscape has a simpler landform in the south-west but is complex and craggy in the north-east.

This proposal, which comprises very large turbines of up to 200m, would be sited in a basin which reduces its prominence and intrusion seen from Loch Fyne and from the settled eastern coastal fringes of this loch. The containment provided by landform is however diminished in views from the south around West Loch Tarbert where turbines would be visible in closer proximity and where their scale would be more appreciated due to greater visual exposure and because they would be seen in close conjunction with the smaller scale settled loch fringes. The proposal would significantly affect the character of West Loch Tarbert and views from the A83, the Islay ferry route, settlement and recreation routes on the south-eastern shores of the loch. Proposed aviation lighting would increase the duration of these significant adverse effects. While it is acknowledged that the extent of these significant adverse landscape and visual effects is confined to the waters and south-eastern shores of West Loch Tarbert and the proposal is well screened and/or distant from other sensitive locations, there is concern about the effects on the tourist routes of the A83 and the Islay ferry which are regionally important within Argyll and Bute.

The potential cumulative effects of visible aviation lighting on character and views are also a concern given the number of recent applications for turbines >150m in Argyll & Bute requiring such lighting, including application stage: Narachan, Earraghail, Clachaig Glen and this proposal although we consider that these effects could be mitigated to an acceptable degree by the adoption of an Air Detection Lighting System which would significantly reduce the duration of visible night-time lighting.

The principal concern is, however, the cumulative landscape and visual effects likely to occur with the application-stage Sheirdrim wind farm. If the Sheirdrim proposal is consented on appeal, it is considered that the addition of the Rowan proposal would result in significant combined cumulative landscape and visual effects on the West Loch Tarbert area with a substantial increase in the extent of major adverse effects. It is considered that the nature of these significant effects on landscape and visual interests would be of regional importance, affecting not just the tourist routes of A83 and the Islay Ferry but also settlement and recreation routes including views to and from the nationally important scheduled monument of Dun Skeig. In conclusion, it is considered that the cumulative landscape and visual impact of this proposal with Sheirdrim is unacceptable, and the proposed development is contrary to the provisions of Policy 11 – Energy of National Planning Framework 4 (NPF4) and Policy 4 – Natural Places in this regard.

Aviation Impact - As detailed in the Report of Handling, and Supplementary Reports 1 and 2, it is considered that the proposed development will have an adverse impact on aviation due to unresolved aviation objections from National Air Traffic Services (NATS) and Glasgow Prestwick Airport (GPA). Following the introduction of NPF4, this matter has been revisited and assessed in the context of this new policy document. Policy 11 requires consideration to be given to such matters. The Applicant has advised that these objections are unlikely to be resolved before Committee. Consequently, it is considered that there is no need to alter the Councils earlier reason for objection in this regard which includes a caveat that Argyll & Bute Council would no longer object on the grounds of adverse aviation impact if NATS and GPA withdraw their objections.

In conclusion, as there are outstanding aviation objections it is concluded that the proposed development is contrary to the provisions of Policy 11 – Energy of National Planning Framework 4 (NPF4) in this regard.

5. CONCLUSION & RECOMMENDATION

While NPF4 sets out that wind energy developments are to be supported, and significant weight must be given to the global climate emergency and nature crises. This is not however, blanket support without qualification, the support is in principle, and it is for the decision maker to take account of all other relevant policies. In considering the appropriateness of the development, while significant weight has been given to these matters, the cumulative landscape and visual impact of this proposal with Sheirdrim and outstanding aviation objections are considered to outweigh the benefits of the development in relation to contribution towards energy targets and limited socio-economic benefits. It is clear from NPF4, that whilst more weight must be given to the climate emergency, there is still not a policy expectation that an adverse impact on the environment should be accepted as the price to pay for the ability to satisfy these commitments. The natural environment also requires to be seen as a finite resource worthy of protection. It must be recognised that such support should only be given where justified.

Having considered NPF4 it is recommended that the Council as Planning Authority continues to object to this proposal for the revised reasons detailed below, and that the Scottish Government be notified accordingly. Members should note that an objection from the Council will instigate the requirement for a Public Local Inquiry to be held.

6. RECOMMENDED REASONS FOR OBJECTION TO: 22/00385/S36

1. Landscape & Visual Impact (including cumulative)

The proposed development site lies within the Knapdale Upland Forest Moor Mosaic Landscape Character Type (LCT) which covers much of the Knapdale area between West

Loch Tarbert and the southern edge of the Knapdale National Scenic Area. This landscape has a simpler landform in the south-west but is complex and craggy in the north-east.

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The principal concern is, however, the cumulative landscape and visual effects likely to occur with the application-stage Sheirdrim wind farm. If the Sheirdrim proposal is consented on appeal, it is considered that the addition of the Rowan proposal would result in significant combined cumulative landscape and visual effects on the West Loch Tarbert area with a substantial increase in the extent of major adverse effects. It is considered that the nature of these significant effects on landscape and visual interests would be of regional importance, affecting not just the tourist routes of A83 and the Islay Ferry but also settlement and recreation routes including views to and from the nationally important scheduled monument of Dun Skeig.

In conclusion, it is considered that the cumulative landscape and visual impact of this proposal with Sheirdrim is unacceptable.

Having due regard to the above it is concluded that the proposal will have significant adverse cumulative landscape and visual impacts and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; the Argyll & Bute Landscape Wind Energy Capacity Study 2017; the Onshore wind policy statement and Policies 4 (Natural Places) and 11 (Energy) of National Planning Framework 4 (NPF4)

2. Aviation

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

National Air Traffic Services Safeguarding (NATS) have advised that an unacceptable technical impact is anticipated, and they object. Glasgow Prestwick Airport advise that the development raises aviation safety concerns which have an operational impact on the airport as an air navigation services provider. Until all technical and operational aviation safety matters are addressed to the satisfaction of Glasgow Prestwick Airport, and a mitigation agreement is put in place for the life of the wind farm, the airport also objects to the proposal.

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

Having due regard to the above it is concluded that due to the fact that National Air Traffic Services Safeguarding (NATS) and Glasgow Prestwick Airport have advised the Energy Consents Unit that they object to the proposal, it will have an adverse impact on aviation and is therefore inconsistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP TRAN 7 –Safeguarding of Airports of the Argyll & Bute Local Development Plan, the Onshore Wind Policy Statement and Policy 11 (Energy) of the National Planning Framework 4 in this respect.

Argyll & Bute Council therefore object to the proposal due to the adverse impact it would have on Aviation. The Energy Consents Unit should please note that if National Air Traffic Services (NATS) and Glasgow Prestwick Airport withdraw their objections, then Argyll & Bute Council would no longer object on these grounds. Should these objections not be removed, and the proposal progresses to an Inquiry, Argyll & Bute Council would defer to National Air Traffic Services and Glasgow Prestwick Airport as the Technical Experts on this matter

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**Date: 31st January 2023
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**Fergus Murray
Head of Development and Economic Growth**