

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/02520/PP

Planning Hierarchy: Major

Applicant: A'Chruach Wind Farm Limited

Proposal: Wind farm comprising 21 turbines (126.5 metres high to blade tip) erection of 2 meteorological met masts, substation, control building, construction compounds, access works and ancillary development (amended proposal).

Site Address: Land at A'Chruach, Kilmichael Forest, West of Minard by Lochgilphead

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 21 No. 2.3 MW wind turbines with a hub height of 80.0 metres and a vertical blade tip height of 126.5 metres (48.3 MW total installed capacity);
- Formation of crane hardstandings serving each turbine (700m²)
- Formation of new access tracks (6.6km);
- On-site control building, substation and transformer (compound 45 x 15 metres);
- Underground cable connections between turbines and the sub-station including underground electricity connection between northern and southern arrays (20km total);
- Erection of 2 No permanent lattice wind monitoring masts (80.0 metres);
- Formation of 2 No. temporary construction compounds (each 2,500 m²);
- Formation of two temporary component laydown areas (each 3,750 m²);

(ii) Other specified operations

- Use of existing 10km forest haul road from the A816 (with any localised replacements existing of culverts/bridges subject to separate applications for planning permission);
 - Working of 2 No, borrow pits (subject to separate mineral planning applications);
 - Underground grid connection to existing 132kV line (subject to Electricity Act application)
 - Felling of commercial forestry (with 100m clear-fell and short-rotation 15 metre high plantation out to 700m from turbine towers)
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(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to:

- a revised Section 75 Legal Agreement to secure: decommissioning bond, the implementation of a habitat management plan and the provision of a financial contribution to the Mountain Bothy Association, and;
 - the conditions and reasons listed in the report.
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(C) HISTORY:

07/01521/DET – erection of temporary 50m anemometer mast (approved 14.09.07).

07/01540/DET – erection of temporary 50m anemometer mast (approved 18.09.07).

07/02387/DET - Erection of 20 No. 2.5 MW wind turbines with tubular towers, three blades (82 metre rotor diameter, 70 metres to hub height and 110 metres to blade tip height) (approved 08.09.08).

08/00089/DET and 10/01057/PP – Formation of wood fuelled combined heat and power plant, Achnabreck (approved 08.05.08 and 22.11.10)).

11/00163/FDP Forest Design Plan consultation, Kilmichael Forest (no objection 24.02.11).

11/00461/PP – Retention of temporary 50m anemometer mast (approved 31.05.11).

11/00462/PP – Retention of temporary 50m anemometer mast (approved 31.05.11).

11/01610/PAN – Proposal of Application Notice, A'chruach Windfarm (18.08.11).

(D) CONSULTATIONS:

Scottish Natural Heritage (22.03.12 and 11.05.12) – no objection provided that changes/mitigation measures set out in the response are addressed (otherwise the response should be regarded as an objection). Comments are as follows:

- no objection with respect to European Protected Species (otter) subject to condition requiring the implementation of a mammal protection plan;
- conditions required to protect a confidential species of nature conservation concern within the water environment of the site, in order to safeguard its conservation status;
- habitat management plan required in respect of black grouse where forestry 'keyholing' and proposed surrounding short-rotation forestry offer good potential to provide positive enhancement;
- in comparison with consented scheme, the proposal introduces some turbines onto higher ground and utilises turbine model 16m taller, so introduces some additional visibility into the Knapdale National Scenic Area. New areas of visibility include Dunardry and Dunamuck (above Cairnbaan) and Crinan Wood and some possible effect on lower level areas such as the Moine Mhor/Bellanoch and Kilmichael Glen where blade tip views may be achievable. It is recommended that consideration be given to adjustment of height or location to address these concerns.

Royal Society for the Protection of Birds (09.02.12) – no objection as no unacceptable impacts upon birds of nature conservation concern identified due to the location of the site within commercial forestry plantation. However, request that conditions or a legal agreement are used to ensure habitat management areas are provided to offset any potential impacts on black grouse or hen harrier plus a programme of monitoring to record the effectiveness of such a measures.

Scottish Environment Protection Agency (01.02.12), 17.04.12 and 27.04.12) no objection provided conditions are attached to any consent requiring a site waste management plan, an environmental management plan, a site specific drainage scheme and a requirement for separate consent for borrow pit workings. It was also recommended that further information on wetlands be requested in respect of Groundwater Dependant Terrestrial Ecosystems (GWDTE's), to which the applicants have responded with a full NVC standard ecological survey, the contents of which have since been conveyed to SEPA.

West Of Scotland Archaeology Service (07.02.21) – No further comments beyond those in respect of original proposal. West of Scotland Archaeology (14.02.08) - noted that the impact on the setting of the scheduled dun east of Loch Glashan would be greater than indicated in the Environmental Statement should forestry be removed in the future. It is considered that impact on this feature could be of 'major' significance and Historic Scotland should be consulted for their view on this. It is considered that there is likelihood of uncovering archaeological interests during construction in this area, notwithstanding past forestry operations, and therefore a condition requiring the submission of a scheme of archaeological investigation, and the implementation of the same, be required by condition.

Argyll & District Salmon Fishery Board (07.02.12) – no objection. Welcomes steps identified by the developer to avoid pollution during the construction phase. Would wish to see enforcement of the requirement not to work near watercourses at certain times of the year and would like to see post-construction monitoring of fish populations in the River Add.

Area Roads Engineer (06.01.12) – no objection

Transport Scotland (20.01.12) – no objection

Environmental Health Officer (11.01.12) - the nearest occupied dwellings are Strone (currently a holiday cottage) and Garvachy Farm, approximately 3 kilometres south east

of the proposed development. Carron Bothy is also located just outside the development site to the north east but is used periodically as temporary accommodation by walkers rather than for permanent occupation. The latter is likely to be impacted upon by noise associated with the development, but the property will only be occupied on a sporadic basis. Satisfied with the assessment of environmental effects in the applicant's Environmental Statement although conditions are required in respect of noise limits, construction working hours and private water supply to serve the site.

Scottish Executive (07.02.12) – no comments

Historic Scotland (02.12.12) – no objection given that the changes to the consented scheme raise few additional concerns from a historic environment point of view.

Health & Safety Executive (27.01.12) – no comments.

Scottish Water (09.01.12) – no objection.

Ministry of Defence (20.02.12) – no objection subject to installation of aviation warning lighting and notification being given of commencement of construction.

National Air Traffic Services (28.12.11) – no objection.

Civil Aviation Authority (04.01.12) – no objection, general advice provided.

Highlands & Islands Airports Ltd (28.12.11) – no objection subject to installation of aviation lighting.

Ofcom (30.11.11) – no objection in respect of microwave fixed telecommunication links.

Forestry Commission – no response (site is in Forestry Commission ownership).

Scottish Rights of Way and Access Society (22.02.12) – no objection, but notes that right of way SA 25 coincides with the access route for a short distance and that a condition should be applied requiring that this path should remain open throughout the operational and decommissioning phases. The proposed improvement works to the Carron Bothy are welcomed and it is suggested that improving access to the bothy by clearing a section of known blockage to route SA 25 within the site would be appropriate mitigation for the construction and operational impacts on the right of way.

(Comment: A sum of £10k has been allocated by the developer to the Mountain Bothy Association for them to carry out works to the bothy and its surroundings, in recognition of the impact of the proposal on the wider landscape setting of this building).

Dunadd Community Council (13.01.12) – no objection

Lochgilphead Community Council (14.02.12) – fully supports the proposal.

(E) PUBLICITY:

Regulation 28 Environmental Assessment Advert – advert expired 10th February 2012

Regulation 20 Major Applications Advert – advert expired 3rd February 2012

(F) REPRESENTATIONS:

Four letters of representation have been received, one objecting, one raising a prospective concern, and two supporting the proposals as follows:

A Mitchell, Barochreal, Kilninver by Oban (08.01.12) objects on the following grounds:

- Argyll is already subject to too much windfarm development;

Comment: This site has already had consent for a commercial scale windfarm. Cumulative impact has been assessed as part of the applicant's Environmental Statement.

- Wind turbines are inefficient means of electricity production;

Comment: The development of wind turbines is promoted by the government as part of its energy generation mix. The effectiveness of wind technology is not a material planning consideration;

- Wind turbines despoil the countryside to the disbenefit of the tourist economy;

Comment: Given the conflicting results of published research into the perception of tourists relative to windfarms, it is not possible to be conclusive as to the scale of any deterrent effect their presence may have. It is unlikely that developments assessed as having landscape or cumulative impacts which are not considered to be significant would be likely to have any appreciable consequences for return visits by tourists.

N Hastings (01.05.12) 16d Ferguson Road Cumbernauld comments as follows:

- Would object if the proposal were to be visible from Loch Melfort where I intend to purchase a house;

Comment: There is no visibility of the development from the area around Loch Melfort.

Letters of support have been received from the following:

Mid Argyll Community Pool (13.01.12) supports the site which it considers is reasonably remote and well contained visually and which will support renewable energy in combating climate change, as the pool seeks to do with its own biomass boiler.

Wind Towers Ltd. PO Box 9623, Campbeltown (12.11.11) – supports the application given the possibility of components being sourced from the Machrihanish production facility to the benefit of the local economy.

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in this report, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at **Error! Hyperlink reference not valid.**

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement:** Yes
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** Not required

- (iii) **A design or design/access statement:** Contained within the Environmental Statement
 - (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Contained within the Environmental Statement
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(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes, whilst the developers/landowners have already entered into an agreement previously in respect of the earlier 2007 application a revised Section 75 agreement will be required. This is due to the fact that the agreement has to be tied to the new planning reference number, and, in terms of the decommissioning bond the site is now larger, with more turbines of an increased height. In respect of the bond, the amount will need to be recalculated to ensure that the decommissioning costs are commensurate with the amended scale of the proposal. As before the Section 75 Legal Agreement will also be to secure off-site habitat survey and mitigation measures in respect of a confidential species identified by Scottish Natural Heritage, and to secure an element of funding towards the upkeep and improvement of the Carron Bothy. The requirements will continue to be of binding effect as they become an ongoing title burden on the land.

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan' 2002

Policy STRAT SI 1 – Sustainable Development.

Policy STRAT DC 5 – Development in Sensitive Countryside

Policy STRAT DC 6 – Development in Very Sensitive Countryside

Policy STRAT DC 7 – Nature Conservation and Development Control

Policy STRAT DC 8 – Landscape and Development Control

Policy STRAT DC 9 – Historic Environmental and Development Control

Policy STRAT RE 1 – Wind Farm/Wind Turbine Development

'Argyll and Bute Local Plan' 2009

Policy LP ENV 1 – Development Impact on the General Environment

Policy LP ENV 2 – Development Impact on Biodiversity

Policy LP ENV 3 – Development Impact on European and Ramsar Sites

Policy LP ENV 5 – Development Impact on SSSI's

Policy LP ENV 6 – Development Impact on Habitats and Species

Policy ENV 9 – Development Impact on National Scenic Areas

Policy ENV 10 – Development Impact on Areas of Panoramic Quality

Policy ENV 17 – Development Impact on Sites of Archaeological Importance.

Policy LP REN 1 – Wind Farms and Wind Turbines.

The development lies predominantly within a 'Broad Area of Search' for windfarm development sites of over 20MW identified by the local plan 'Windfarm Policy Map' which also gives recognition to the development footprint of the preceding 2008 permission.

Appendix A – Sustainable Siting and Design Principles.

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

- Scottish Planning Policy, associated advice and circulars;
- 'Argyll and Bute Landscape wind Energy Capacity Study' (2012)
- the design of the proposed development and its relationship to its surroundings;
- access, provision of infrastructure and planning history of the site;
- the environmental impact of the proposal informed by the accompanying Environmental Statement and informed by the views of statutory and other consultees;
- legitimate public concern or support expressed on relevant planning matters.

Scottish Planning Policy (2009) - supports sustainable economic growth which protects the quality of the natural and built environment as an asset for that growth. The key principles of sustainable development set out in policy include *inter alia* the development of renewable energy generation opportunities and the protection of the natural environment, including biodiversity and the landscape.

Positive change in the landscape is to be facilitated whilst maintaining and enhancing distinctive character. Landscapes are sensitive to inappropriate development and potential effects, including the cumulative effect of incremental changes, should be considered in planning decisions. Development that affects a National Scenic Area should only be permitted where it will not affect the integrity of the area or the qualities for which it has been designated, or any such effects are outweighed by social environmental or economic benefits of national importance.

Planning Authorities should establish a spatial framework for windfarm development over 20MW but should continue to determine applications whilst

policies are being updated. Guidance is provided on the criteria to be employed in the assessment of windfarm applications. Benefits provided by developers to communities in the vicinity of developments should not be treated as material considerations unless they meet the tests in Circular 1/2010 'Planning Agreements'

Planning Advice Note 45 (PAN 45 revised 2002) 'Renewable Energy Technologies' – provides advice in the delivery of renewable energy proposals.

The Council's recently approved 'Argyll and Bute Landscape wind Energy Capacity Study' (2012) provides landscape advice for various turbine typologies within defined Landscape Character Types. The development straddles the boundary between Type 6a (Loch Fyne Upland Forest-Moor Mosaic) and Type 7 (Craggy Upland) and gives cognisance to the consented development at A'Chruach which forms part of the baseline for the study's sensitivity assessment. Limited additional scope is identified for the accommodation of larger typologies (50m to 130m) provided that development remains clear of upland summits and does not influence smaller scale settled coastal landscapes.

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No, EIA required and submitted.

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): Not required

(P) Assessment and summary of determining issues and material considerations

This application follows on from an unimplemented consent granted for a windfarm on this site in 2008 (Planning Permission 07/02387/DET). This application is for the development of an alternative design of wind farm and associated infrastructure on a forested site in a remote location in Kilmichael Forest, approximately 10 kilometres north east of Lochgilphead and 5 kilometres west, north-west of Minard. The previous proposal was to install 20 wind turbines, each with a nominal capacity of 2.3MW, hub height of 69 metres and rotor diameter of 82 metres, giving a maximum height to blade tip of 110 metres. The current proposal is to install 21 wind turbines, each with a nominal capacity of 2.3MW, hub height of 80 metres and rotor diameter of 92.5 metres giving a maximum height to blade tip of 126.5 metres. The layout of the wind turbines and the size of turbines has been amended in the light of continuing post-consent wind monitoring at the site, in order to be able to maximise the available wind resource, which appears to have been under-estimated by the pre-2007 application wind monitoring results.

The principle of windfarm development at this site is established by the previous consent, and the site lies substantially within a 'broad area of search' delineated by the local plan in respect of developments with a generating capacity in excess of 20 MW, where there is a general presumption in favour of windfarms subject to no significant environmental issues being identified. The principal issue to address in this case is whether the increased size of turbine, and the revised layout proposed, give rise to consequences beyond those associated with the consented scheme, which are of such magnitude so as to prevent consent being given for this alternative proposal.

None of the statutory or other consultees have objected to the proposal or have raised issues which cannot be addressed to their satisfaction by the imposition of relevant planning conditions. Scottish Natural Heritage has asked that consideration be given as to whether the layout can be modified to avoid any potential visual effects upon the margins of the Knapdale National Scenic Area. However, SNH have not raised an objection (as they would otherwise do if they considered national interests unduly prejudiced), secondly, the approved scheme already involved some limited visual encroachment into the area concerned, and thirdly, where there is additional visibility, it is restricted to a small number of blade tips outwith the main field of view for most receptors and from most vantage points.

The position of SNH that it would be desirable to see if any additional visibility could be mitigated is accepted, but in the light of the applicants consideration of the matter and their response, it is agreed that it would be impractical to do so in this case whilst maintaining the revised size of turbine which the applicant's consider necessary to exploit the available wind resource and to secure the viability of the overall project. Accordingly, it is not considered that the additional landscape and visual effects of the amended scheme are of such magnitude as to give rise to significant landscape or visual effects which would warrant refusal of this proposal.

There have been two letters of support for the application, one of objection and one further representation raising a question.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal is for a commercial scale windfarm which is able to make a contribution towards international commitments and government targets aimed at reducing dependency on fossil fuels and the reduction of carbon emissions, in the interests of combating climate change. The environmental consequences of the development in respect of the receiving environment have been considered as part of the environmental impact assessment process and the views of relevant consultees have been sought. No significant adverse environmental impacts have been identified which are not capable of avoidance or mitigation, and controls are available by way of the imposition of planning conditions and the effect of a pre-existing legal agreement which confers obligations upon the prospective developers. The proposal is in compliance with the provisions of national policy and guidance and with the provisions of the Council's structure and local plans, and there are no other material considerations, including views expressed by third parties, which would warrant anything other than determination in accordance with the provisions of the approved development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/a

(T) **Need for notification to Scottish Ministers or Historic Scotland: No**

Author of Report: Richard Kerr

Date: 6th June 2012

Reviewing Officer: Angus Gilmour

Date: 13/6/12

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 11/02520/PP

1. Notwithstanding the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, the wind farm hereby permitted shall be operational within five years from the date of this approval unless otherwise agreed in writing with the Council as Planning Authority, following which, by virtue of there having been no start on the development hereby permitted, this consent will be considered to have lapsed. Development which has been commenced but which remains uncompleted and has not resulted in an operational windfarm within this five year timescale (or otherwise agreed timescale) shall be fully restored in accordance with the applicant's statement of intentions (i.e. Environmental Statement dated December 2011) and as provided for by conditions attached to this permission.

Reason: In order to reduce unnecessary blight over wind catchment areas and other potential sites which, cumulatively, may result in an adverse environmental impact, but individually might otherwise receive the benefit of planning permission.

2. The permission shall be for a period of 25 years from the commencement of the commercial operation of the wind farm, the date of which shall be notified in writing to the Council as Planning Authority. Within 12 months of the end of that period, unless a further planning application is submitted and approved, all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land reinstated in accordance with the applicant's statement of intentions and conditions listed below, to the satisfaction of the Planning Authority.

Reason: In order that the Planning Authority has the opportunity to review the circumstances pertaining to the consent, which is of a temporary nature and in the interests of the visual amenity of the area.

3. The development shall be implemented in accordance with the details specified on the application form dated 16/12/11 and the approved drawing reference numbers:

Plan 1 of 10 (Figure 1 Regional Location);

Plan 2 of 10 (Figure 2 Local Location);
Plan 3 of 10 (Figure 3 Application Site);
Plan 4 of 10 (Figure 4 Wind Farm Layout);
Plan 5 of 10 (Figure 5 Indicative Wind Turbine Design)
Plan 6 of 10 (Figure 6 Permanent Meteorological Mast);
Plan 7 of 10 (Figure 8 Substation Control and Operations and Maintenance Facility -Site Plan);
Plan 8 of 10 (Figure 8 Substation Control and Operations and Maintenance Facility - Plan);
Plan 9 of 9 (Figure 8 Substation Control and Operations and Maintenance Facility - Elevations);
Plan 10 of 10 (Figure 4b Microsited Layout around Turbine 8).

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended), and the operator shall at all times deal with the areas forming the subject of this approval in accordance with the provisions of the application and statement of intentions (i.e. Environmental Statement dated December 2011) except as otherwise provided by this approval, and shall omit no significant part of the operations provided for therein except with the prior written approval of the Planning Authority.

For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

4. For the avoidance of doubt, this permission should not be construed as conferring consent for the working of any borrow pits within the application site, the provision of which would require to be the subject of separate applications to the Council as Planning Authority for mineral planning consent.

Reason: For the avoidance of doubt, and having regard to the need for separate planning permission.

5. Prior to development commencing, details of the turbine model selected for installation on the site and confirmation of the final micro-siting of turbines shall be submitted to the Council as Planning Authority. Prior to the turbines first being brought into use, the developer shall submit to the Council as Planning Authority, location details for each turbine as erected in the form of Global Positioning System co-ordinates.

Reason: In order to demonstrate that the windfarm has been constructed in accordance with the approved plans.

6. If, by reason of any circumstances not foreseen by the applicant, it becomes necessary or expedient during the continuance of the operations hereby approved to materially amend or abandon any of the provisions hereof, the applicant or operator shall forthwith submit to the Planning Authority an amended application, plans and statement of intentions but shall also adhere to and comply with this consent until such time as an amended application shall have been determined by the said Authority.

Reason: In order that the consent may be reconsidered should a change of intentions become necessary.

7. If, by reason of any circumstances not foreseen by the applicant or operator, any wind turbine fails to produce an electricity supply to a local grid for a continuous period of 12 months then it will be deemed to have ceased to be required and, unless otherwise agreed in writing with the Planning Authority, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the site restored in accordance with the agreed scheme, all to the satisfaction of the Planning Authority.

Reason: In accordance with the Council's policy to ensure that full and satisfactory restoration of the wind farm site takes place should it fall into disuse.

8. The wind turbines shall be finished in a matt grey white colour (RAL 9002 or RAL 7035), or such other colour as may be agreed in writing with the Planning Authority, and the colour and finish of the wind turbines shall not be altered thereafter without the written consent of the Council as Planning Authority.

Reason: To reduce the impact of the turbines and minimise reflection in the interest of visual amenity.

9. There shall be no illumination of the wind turbines hereby permitted, nor shall any symbols, signs, logos, or other lettering be applied to the turbines without the prior approval of the Planning Authority.

Reason: To protect the upland rural character of the area in the interests of visual amenity.

10. Before the cessation of the planning permission, a decommissioning plan shall be submitted for the written approval of the Council as Planning Authority in consultation with Scottish Natural Heritage. Within 12 months of the planning consent lapsing, unless any further permission has been granted for their retention for an additional period, the wind turbines and all ancillary structures shall be removed, and the turbine bases and adjoining hard standings covered in soil/peat and re-seeded with appropriate vegetation in accordance with the requirements of the approved plan.

Reason: To ensure that disturbed areas of the site are reinstated in a proper manner in the interests of amenity.

11. All wires and cables between the wind turbines and sub-station shall be located underground within the access track verges or within three metres of the access tracks unless otherwise agreed in writing with the Planning Authority, and the ground thereafter shall be reinstated to a condition equivalent to the land adjoining the trenches within two months of completion of cable laying to the satisfaction of the Planning Authority. This excludes the identified cable connection route between Turbine No. 21 and the site of the approved substation, which shall be implemented in accordance with the route shown on Figure 3.3 of the Environmental Statement where above ground of the River Add is provided for, unless any subsequent variation of that route is approved in advance by the Council as Planning Authority. (For the avoidance of doubt, the route of the grid connection between the substation and the existing electricity network is not authorised by this permission and is subject to a requirement for separate consent).

Reason: In the interests of visual amenity and nature conservation.

12. Within six months of the windfarm becoming fully operational, all temporary site offices, containers, machinery and equipment shall be removed, and the materials storage compounds/laydown areas shall be fully restored in accordance with a scheme detailing vegetation replacement techniques and timing, which shall be submitted to and approved in advance by the Council as Planning Authority unless otherwise agreed in writing with the Council as Planning Authority.

Reason :In order to secure appropriate reinstatement of those areas disturbed by construction in the interests of amenity.

13. At least two months prior to the commencement of development, an Environmental Management Plan (EMP) detailing all mitigation and pollution prevention measures to be implemented during construction and the lifetime of the development shall be submitted to

and agreed by the Council as Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This should address all aspects of the construction process which might impact on the environment, including in particular, excavations and other earthworks, a management/reinstatement scheme for peat areas, the construction works associated with upgraded watercourse crossings, the management of waste streams, the timing of works to avoid periods of high rainfall; along with monitoring proposals, contingency plans and reinstatement measures. The development shall be implemented in accordance with the provisions of the duly approved EMP or any subsequently agreed variation thereof.

Reason: In the interests of pollution control and protection of the water environment.

14. Prior to the commencement of development, full details of the drainage proposals for the site, including foul drainage arrangements for the control building, and drainage for the vehicle accesses, storage areas and compounds, together with the provisions for the avoidance of sedimentation and pollution from construction works and the storage and use of oils and other potential pollutants, and measures for the monitoring and mitigation of erosion, shall be submitted for the approval of the Council as Planning Authority in consultation with the Scottish Environment Protection Agency. The scheme shall include details relating to the methods for collection and treatment of surface run-off using sustainable drainage principles. The development shall be implemented in accordance with the duly approved details.

Reason: In order to prevent pollution of the water environment.

15. Prior to the commencement of development, full details of a Restoration Method Statement and Restoration Monitoring Plan shall be submitted for the approval of the Council as Planning Authority, in consultation with Scottish Natural Heritage. The restoration method statement shall provide restoration proposals for those areas disturbed by construction works, including access tracks, hardstandings and other construction areas. Restoration of construction disturbed areas shall be implemented within 6 months of the commissioning of the windfarm, or as otherwise agreed in writing with the Council as Planning Authority. The monitoring programme shall include a programme of visits to monitor initial vegetation establishment and responses to further requirements, and long term monitoring as part of regular wind farm maintenance.

Reason: To ensure that disturbed areas of the site are reinstated in a proper manner following construction in the interests of amenity, landscape character and nature conservation.

16. The control building shall be faced in natural stone/smooth cement or wet dash render painted a recessive colour (or other natural/recessive finish as agreed in writing by the Planning Authority) with the roof finished in natural slate or a good quality slate substitute, samples or full details of which shall be submitted for the prior written approval of the Planning Authority prior to building works commencing.

Reason: In order to secure an appropriate appearance in the interests of amenity and to help assimilate the building into its landscape setting.

17. Prior to the commencement of development, details of materials, external finishes and colours for all ancillary elements, including transformers, switchgear/metering building, compound and fencing shall be submitted to and approved by the Council as Planning Authority. The development shall be implemented in accordance with the duly approved details.

Reason: In order to secure an appropriate appearance in the interests of amenity and to help assimilate the structures into their landscape setting.

18. Prior to the commencement of development, details of a programme for monitoring wild fish populations in the River Add, and a bird monitoring programme, both of which should be undertaken for the years of operation 1 to 5 inclusive (plus year 10 in respect of bird monitoring only) shall be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Scottish Natural Heritage and the Argyll District Salmon Fishery Board. Thereafter monitoring results for each period shall be submitted to the Council as Planning Authority within a four month period following each 12 month period of monitoring along with details of any mitigation measures required.

Reason: In the interests of nature conservation.

19. At the request of the Council, following a complaint to the Council relating to noise emissions from the wind turbines, the developer shall undertake an investigation of the complaint, carry out monitoring, prepare and submit a report upon the problem and advise of any necessary remedial action in accordance with the methodology set out in the report entitled "The Assessment and Rating of Noise from Wind Farms ETSU-R-97" produced by the Energy Technology Support Unit on behalf of the Department of Trade and Industry and take any such remedial action agreed to the satisfaction of the Council as Planning Authority.

Reason: To help to control and therefore, minimise possible noise pollution.

20. Prior to the commencement of the construction of the development, the Developer should agree with the Council as Planning Authority the working methods and operating times to be employed during the constructional phase, in order to prevent the occurrence of or minimise the effect of any nuisances.

Reason: To help to control and therefore, minimise possible noise pollution.

21. The level of noise from wind turbine noise shall not exceed 35 dB LA90 when measured at any residential property in accordance with the methodology of ETSU-R-97 or any successor standards. The noise should, in addition contain no audible tonal and/or impulsive components so as to cause nuisance to the occupiers of any residential dwelling.

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

22. Prior to the commencement of the development hereby permitted, the applicant shall provide warranty to the satisfaction of the Council as Planning Authority that the noise from turbine operation will be broad-band with no discernable tonal characteristics.

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

23. No development shall be commenced until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the developer, agreed by the West of Scotland Archaeology Service and approved in writing by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority.

Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on the site, and to allow any action required for the protection, preservation or recording of such remains.

24. Prior to the development commencing a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by

a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

25. Construction traffic shall access the site from the A816 via the Achnabreck/Kilmichael Forest haul road in accordance with the route stipulated in Figure 12.4 of the Environmental Statement. Specifically, no windfarm construction traffic shall access the site using the existing forest haul route from the A83(T) at Birdfield, by Minard.

Reason: In the interests of road safety.

26. Throughout the construction and commissioning stages of the development, and during decommissioning, an appropriately qualified 'Ecological Clerk of Works' (as stipulated in Section 9.115 of the Environmental Statement) shall be available to direct the micro-siting of turbines, compounds and access tracks, to ensure that sensitive features are avoided, and that habitat enhancement works and all mitigation and restoration measures are fully implemented. The ECOW should liaise with Scottish Natural Heritage and the role of the ECOW should be clearly conveyed to all personnel prior to their commencement of work on the site.

Reason: In the interests of nature conservation.

27. Prior to the commencement of construction work, an otter survey should be carried out by an experienced and appropriately licensed surveyor. The results of the survey should be submitted to the Council as Planning Authority for consultation with Scottish Natural Heritage. Where otter are recorded by the survey, and disturbance to this species is concluded to be likely, the developer must identify appropriate mitigation where practicable, or seek a licence to disturb otters from the Scottish Government in order to be able to undertake operations within affected areas. Mitigation measures shall be submitted to and be approved in writing by the Council as Planning Authority in consultation with Scottish Natural Heritage and the development shall be implemented in accordance with the duly approved measures.

Reason: In order to avoid disturbance to protected species in the interests of nature conservation.

28. Prior to the commencement of construction work, including forestry operations, a Mammal Protection Plan shall be developed in consultation with Scottish Natural Heritage which shall inform any required mitigation in relation to Otter and it shall be submitted for written approval by the Council as Planning Authority in consultation with Scottish Natural Heritage. The plan shall provide for re-survey immediately prior to the commencement of construction and it shall be implemented at such time as forestry operations commence for the full duration of the construction phase of the development, in accordance with the duly approved measures, including any required mitigation measures identified by the plan.

Reason: In the interests of nature conservation.

29. Prior to the commencement of construction work, including forestry operations, a Breeding Bird Management Plan shall be developed in consultation with Scottish Natural Heritage and shall be submitted and be approved in writing by the Council as Planning Authority in consultation with Scottish Natural Heritage. This should include appropriate measures to mitigate against Black Grouse colliding with handrails and lower tower sections. The plan shall be implemented at such time as forestry operations commence, for the full duration of both the construction and operational phases of the development, in accordance with the duly approved measures.

Reason: In the interests of nature conservation.

30. Prior to the commencement of construction work, including forestry operations, a Black Grouse Habitat Management Plan shall be developed in consultation with Scottish Natural Heritage and shall be submitted and be approved in writing by the Council as Planning Authority in consultation with Scottish Natural Heritage. The plan shall provide details of the measures proposed to be employed, proposed management practices and techniques, intended timings, monitoring protocols and shall identify definitive management compartments. The plan shall be implemented at such time as forestry operations commence, for the full duration of both the construction and operational phases of the development, in accordance with the duly approved measures.

Reason: In order to support national and local biodiversity action plan species in the interests of nature conservation.

31. Notwithstanding the provisions of the approved plans, the Environmental Statement and the effect of condition 3 above, none of the following shall be permitted within 50 metres of any identified watercourse forming part of the Abhainn Bheag an Tunns catchment, unless otherwise agreed in writing by the Council as Planning Authority:
- i) areas to be used for the storage of chemicals;
 - ii) operations involving the maintenance or refuelling of vehicles, plant or equipment;
 - iii) the construction of any crane platforms or access tracks;
 - iv) the location of Turbine No. 8 and its associated track and platform, which shall be micro-sited to ensure that the turbine and its associated infrastructure is located a minimum of 50 metres from the nearest watercourse, in accordance with approved plan 10 of 10 (figure 4b), or such revision thereof as may be agreed in writing in advance by the Council as Planning Authority, in consultation with Scottish Natural Heritage..

Reason: In order to avoid sedimentation or pollution of watercourses in order to protect confidential species listed in the European Habitats Directive 1992 and afforded protection by the Wildlife and Countryside Act 1981 (as amended), in the interests of nature conservation.

32. Throughout the full duration of construction works, silt traps shall be used in all drains and culverts which discharge water into watercourses within the Abhainn Bheag an Tunns catchment.

Reason: In the interests of nature conservation.

33. A full baseline survey of the confidential species ecology identified by Cosgrove P and Farquhar J (2007) shall be carried out in accordance with their recommendations prior to the commencement of development. During construction/dismantling works on site all mitigation measures as detailed in Section 7.1 of that report shall be implemented in full. All harvesting operations associated with the development shall be carried out in accordance with best practice set out in the Forestry commission's 'Forest and Water Guidelines' (4th edition)

Reason: In order to ensure the implementation of identified mitigation measures in order to protect confidential species listed in the European Habitats Directive 1992 and afforded protection by the Wildlife and Countryside Act 1981 (as amended), in the interests of nature conservation.

34. Prior to the commencement of development, a Site Waste Management Plan shall be submitted for the approval of the Council as Planning Authority in consultation with the Scottish Environment Protection Agency. The development shall be implemented in accordance with the provisions of the duly approved plan.

Reason: In order to ensure that waste arising from the development is managed in a sustainable manner.

35. National Right of Way SA25 shall remain open and free of obstruction during the construction, operation, and decommissioning of the windfarm, unless any temporary closure is necessary in the interests of urgent health and safety considerations, in which case short-term diversion of the route shall be put in place as soon as reasonably practicable, with the original route being reinstated as soon as the circumstances prompting temporary closure have been remedied.

Reason: In order to safeguard uninterrupted access along a route recorded in the National Catalogue of Rights of Way.

36. Prior to the commencement of turbine tower erection, a baseline TV reception study shall be undertaken and submitted to the Council as Planning Authority. Within 12 months of the final commissioning of the windfarm, any claim by any person for TV picture loss or interference at their household, office, shop or other building shall be investigated by a qualified television engineer and the results submitted to the Council as Planning Authority. Should any impairment to the TV reception be attributable to the windfarm, such impairment shall be improved to an acceptable standard of TV reception, such that the standard at the household, office, shop or other building at the time of the baseline reception study is maintained

Reason: In order to avoid interference with television reception as a result of the operation of the windfarm.

- The terms of this permission shall be read in conjunction with the legal agreement pertaining to the site, concluded under Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended, relating to the provision of a decommissioning bond, the implementation of a habitat management plan and the provision of a financial contribution to the Mountain Bothy Association.
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed
- The Planning Authority can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997, although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a non-material amendment (NMA) should be made in writing to Planning Services, Whitegates, Lochgilphead, PA31 8SY which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. It should be noted that only the original applicant can apply for an NMA under the terms of Section 64 of the Town and Country Planning (Scotland) Act 1997. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.
- Defence Estates should be notified of the date that construction commences, the latitude and longitude of each turbine and the maximum height of construction equipment to be used on the site, The turbines shall be fitted with 25 candela red omni-directional aviation lighting or infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms at the highest practicable point. Contact claire.duddy@de.MOD.uk for further advice.
- By virtue of their status as a European Protected Species, Otter present on the site are afforded protection by virtue of the Habitats Regulations 1994. Where it is proposed to carry out works affecting otters, or their shelter or breeding places, a licence will be required from the Landscapes and Habitats Division of the Scottish Government to authorise any such disturbance, which will only be consented in circumstances where the tests established by Regulation 44 are met. It is an offence to deliberately or recklessly injure, kill, capture, disturb or harass otters or to damage, destroy or obstruct resting or breeding sites.
- New or altered water crossings and any dewatering measures will require separate authorisation by the Scottish Environment Protection Agency. Contact: SEPA 2 Smithy Lane, Lochgilphead PA31 8TA 01546 602876.

REASONS FOR REFUSAL IN THE EVENT THAT SECTION 75 LEGAL AGREEMENT IS NOT CONCLUDED WITHIN 4 MONTHS.

1. A Section 75 Legal Agreement has not been concluded for this wind farm proposal. In order for the proposal to meet with the requirements of Development Plan Policy there is a requirement for a decommissioning bond to be secured by said Agreement.

Wind turbines are temporary structures, with an estimated life span in the region of 25 years, and decommissioning must be considered, to ensure that when the wind farm is no longer extant, the site is cleared and returned as closely as possible to its original state.

As the Section 75 Legal Agreement has not been concluded, no funds have been secured to ensure the proper decommissioning of this site contrary to the provisions of: Scottish Planning Policy, STRAT RE 1 – Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1 – Wind Farms and Wind Turbines of the Argyll & Bute Local Plan.

2. A Section 75 Legal Agreement has not been concluded for this wind farm proposal. In order for the proposal to meet with the requirements of Development Plan Policy there is a requirement for the implementation of a Habitat Management Plan to be secured by said Agreement.

The Habitat Management Plan is necessary to ensure that details of the measures proposed to be employed, proposed management practices and techniques, intended timings, monitoring protocols and identification of definitive management compartments are secured to support national and local biodiversity action plan species in the interests of nature conservation.

As the Section 75 Legal Agreement has not been concluded, there is no instrument to ensure the implementation of a Habitat Management Plan, contrary to the provisions of Scottish Planning Policy; Policies STRAT DC 7 – Nature Conservation & Development Control and STRAT RE 1 – Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan; and, Policies LP REN 1 – Wind Farms and Wind Turbines and LP ENV 6 – Development Impact on Habitats and Species of the Argyll & Bute Local Plan.

3. A Section 75 Legal Agreement has not been concluded for this wind farm proposal. In order for the proposal to meet with the requirements of Development Plan Policy there is a requirement for a financial contribution to be made to the Mountain Bothy Association.

As an element of 'planning gain', it was agreed that the developer would make a financial contribution to the Mountain Bothy Association towards the upkeep and improvement of the Carron Bothy, in recognition of the impact of the proposal on the wider landscape setting of this building.

As the Section 75 Legal Agreement has not been concluded, there is no mechanism to secure this planning gain contribution, contrary to the provisions of Policy LP PG 1 – Planning Gain of the Argyll & Bute Local Plan.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/02520/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy & Wind Farm Proposals Map

The application site straddles the boundary between the Sensitive Countryside zone delineated by the adopted local plan subject to the effect of Policy STRAT DC 5 of the 'Argyll & Bute Structure Plan', and the Very Sensitive Countryside zone delineated by

the adopted local plan subject to the effect of Policy STRAT DC 6 of the structure plan. Both policies are generally restrictive of development in these countryside locations, but provide exceptions for windfarm related development otherwise capable of being supported by virtue of development plan renewable energy policies. This site is separated into two parallel arrays with the northern array (14 turbines) being located in Very Sensitive Countryside and the southern array (7 turbines some 2km to the south) being located in Sensitive Countryside.

The development lies predominantly within a 'Broad Area of Search' for windfarm development sites of over 20MW identified by the local plan Windfarm Policy Map' which also acknowledges the consented development footprint of the preceding 2008 permission for 20 No 110m high turbines. The Council's recently approved landscape capacity study for wind energy developments recognises that there is some capacity for additional large scale typology development within the Craggy Upland landscape character type where 14 No. 126m turbines are now proposed rather than the 11 No. 110m turbines previously approved in the northern array. In the Loch Fyne Upland Forest-Moor Mosaic landscape character type, 7 No. 126m turbines are now proposed in place of the 9 No. 110m turbines previously approved in the southern array.

The principle of the suitability of the site for commercial scale windfarm development has been established by planning permission 07/02387/DET and is supported by both the local plan and the wind energy landscape capacity study. Therefore the primary issue under consideration in respect of this alternative proposal, is the environmental acceptability of the alternative size and disposition of the turbines now proposed, along with the addition of one extra turbine.

The likely environmental effects of the proposal and the extent to which they can be avoided or mitigated has been considered by way of the environmental assessment process, with the applicants having submitted an Environmental Statement and with relevant consultees having had opportunity to comment upon the validity of the conclusions reached and to identify conditions required to address their concerns in the event of planning permission being granted.

B. Location, Nature & Design of Proposed Development

The application relates to an upland area separating the west coast of Loch Fyne from the east coast of Loch Awe, approximately 10km north-east of Lochgilphead. In a more local context, the site is situated some 5 km to the west of the village of Minard and 1.5km north of Loch Glashan. The site lies 10km south of the nearest consented windfarm at An Suidhe, by Inveraray, which is now operational. It comprises around 800 hectares of land forming part of the extensive 80 sq. km. Kilmichael Forest; an area of mainly sitka spruce plantation owned by the Forestry Commission and managed by Forest Enterprise. The site comprises commercial forestry of varying ages, with some clear-felled areas and replanting is ongoing. Land to the south and west of the site is exclusively commercial forest. To the north and east there is open hill land forming part of the Cumlodden Estate for several kilometres, leading onto further forestry beyond on more upland ground. The forested areas contain extensive walking and cycling routes and public access is available, as far as forestry operations permit.

The proposed turbines are to be situated in two separate clusters separated by the intervening valley of the upper River Add and its tributaries. The river is at a level of about 130 metres AOD. The two arrays are to be situated on two NE-SW aligned ridges. The northernmost of these is the A'Chruach – Meall Reamhan ridge, at about 300 metres AOD. This is mainly mature forestry and has only recently become the subject of programmed felling operations. The southern parallel array is to be located on the Airigh

Ard ridge, at about 230 metres AOD, where systematic felling and restructuring is already taking place under the approved Forest Design Plan.

The proposal is to maintain the site in use for commercial forestry, by inserting the turbines within 100m diameter clearings known as 'keyholes'. The retention of forestry about the turbines will have consequences in terms of wind speed, turbulence and wind shear, which means that surrounding plantations cannot be allowed to continue to grow to optimum commercial heights. Therefore, a programme of short-rotation forestry (i.e. premature felling) is proposed, once trees have reached a height of 15 metres, followed by replanting of all areas other than the 'keyholes' and associated cable and access corridors. Replanting will be in accordance with the principles of the existing Forest Design Plan, and will incorporate more diverse conifer species, an increased proportion of native broadleaves and additional open ground which will benefit biodiversity..

There are no nature conservation or historic environment designations within the site. The nearest residential properties are at Strone and Garvachy Farm approximately 3 km away from the proposed windfarm, although there is a mountain bothy within 1km..

Access to the site is proposed to be taken from the A816 Lochgilphead – Oban road at Achanabreck, via an improvement of the existing principal forestry access route serving the Kilmichael Forest. This affords access currently to the locations of both arrays, but will need some limited upgrading to make it suitable for windfarm construction traffic. There would be two construction compounds, one located on the approach to either array. The control building, substation and associated transformer compound would be sited within the southern array. An underground cable would connect the two arrays to this single connection point. On-site access tracks would trend generally SW-NE along both ridges to serve both clusters, with spurs serving individual turbine locations.

The detailed layout of the site has been dictated by the following factors:

- The need to respect potential Black Grouse nesting areas;
- Avoidance of potential Golden Eagle habitat;
- Safeguarding of watercourses and the aquatic environment;
- Avoidance of blanket bog and steep slopes;
- The need to respect the setting of the Carron Bothy;
- Visual considerations.

Two on-site borrow pits are envisaged to provide an on-site source of stone to serve the needs of construction. These would need to be the subject of separate mineral planning consent applications. Cabling on the site would be underground following the alignment of access tracks wherever possible. The site would be connected to the grid by way of an underground link to the existing 132kv Port Ann – Inveraray transmission line to the east of the site, which would also be subject to the requirement for separate consent.

The construction period for the project is estimated at being 12 months following initial forestry operations. The windfarm would have a design life of 25 years following which it would be dismantled or re-powered, subject to any further planning permission being granted.

The application has been prompted by deficiencies in the original wind monitoring data which, on the basis of post-consent monitoring, apparently underestimated the available wind resource; coupled with the ability to use larger scale turbines now available commercially. The applicants estimate that the current proposal could improve upon the output of the 2008 consented layout by as much as 45% and that it would maximise the exploitation of the generation potential of the site whilst maintaining the envelope and scale of the development within environmental limits which are not dissimilar to those considered acceptable in relation to the original scheme.

C. Landscape Character & Landscape Impact

Landscape impacts may be considered in terms of the disturbance, damage or loss of individual features of landscape character, such as streams, woodlands and open moorland. Landscape character is a fundamental starting point for assessing whether a landscape is suitable for assimilating wind energy development successfully, without giving rise to unacceptable impacts upon the countryside. The development straddles two upland landscape character types which are currently very much influenced by the presence of large scale coniferous woodland of varying ages.

The site lies within a broad expanse of largely forested high ground separating Loch Awe from Loch Fyne. It forms part of a wider area of elevated landscape of open moorland and forestry, with increasing elevation to the north. This landscape forms an unpopulated backdrop to the inhabited coastal margins, and is in itself, an area of diversity and interest, with value for recreation and for its sense of relative remoteness; albeit that it has been devalued somewhat by the extent of the cyclical harvesting and replanting of trees and the associated forest infrastructure.

The location has been prompted in part by the absence of any landscape designation in respect of the site. Nonetheless, the introduction of a large scale windfarm in an elevated location would be expected to have significant visual impact upon the surrounding area. However in this case, the effect of topography around the site is such that it is afforded considerable screening from populated areas, transport routes and vantage points. The proposal has progressed through a series of iterations, originating with the gestation of the 2007 application, and culminating in the reconfiguration of a layout to accommodate larger turbines, balancing the potential landscape and visual effects and other environmental considerations, with the need to occupy an area of sufficient wind yield.

The development would give rise to a variety of consequences as a result of 'keyhole' felling, forest restructuring based on short-rotation, and the presence of the turbines themselves. Whilst the magnitude of change will be significant, the sensitivity of this ever changing receiving environment is relatively low and therefore the impact during both construction and operation are assessed in the Environmental Statement to be of 'moderate adverse' magnitude in the context of a receiving environment which is considered to be of 'low' sensitivity.

An examination of the consequences of the development for adjoining landscape character types, surrounding landscape designations and transport routes has been carried out over a range of 35km from the site. Despite the elevation of the two ridges accommodating the arrays, separated by the route of the River Add, the effect of topography to both the east and west of the development is such that it does not exert any influence of significance over the transport routes or settled margins of either Loch Awe or over west Loch Fyne. Other than at relatively close quarters, influence is mainly towards the west coast of Cowal (and then predominantly only from generally unfrequented elevated locations at around 10km rather than from the coast) and also to the south over Lower Loch Fyne, where its influence will also extend to elevated vantage points above Crinan, Lochgilphead and Tarbert on the fringe of the Knapdale National Scenic Area, at a range of 12km to 25km or beyond. More immediate effect is displayed in respect of Loch Glashan to the south (a promoted recreational area) around the Carron Bothy to the north, and also from the Auchindrain – Loch Awe forestry road, which is also promoted as a recreational route. However, effects on designated landscapes are low, whilst visibility from road corridors is mainly restricted or absent because most of these follow low ground on the margins of lochs where topography shields visibility of the turbines.

Potentially 'significant' visual effects are restricted to locations around 12 km of the site as established by analysis of viewpoints at Dunardry by Cairnbaan (12.2km), Loch Glashan (4.2km), Tom Soiller (high point north of the site) Lachlan Castle (on the east side of Loch Fyne) and the Carron Bothy (close to the site itself at less than 1.0km). These are either close to locations where impact of development of this scale is unavoidable, or elevated countryside locations, valued for recreation but not generally frequented by large numbers of people.

The site lies on the transition between Craggy Upland and Upland Forest Moor Mosaic but is largely screened from the remainder of the Craggy Upland landscape character type. Neither of the character types are subject to landscape designations and despite some recreational usage, both are of 'low' sensitivity to change where predominantly 'moderate' localised impacts will arise from the development. The effects on surrounding landscape character types will be limited. In terms of surrounding designations, no significant effects are identified by the Environmental Statement in respect of the National Park or NSA's, of which only the northernmost part of Knapdale lies within 15km of the site. Of the local plan designated Areas of Panoramic Quality, the only significant effect identified is on East Loch Fyne but this is restricted mainly to elevated and unfrequented areas rather than to the lower slopes of the Cowal coast.

In their consultation response, Scottish Natural Heritage has not objected to the proposal on landscape grounds, although has commented that the increased height of turbines and some more elevated positions of turbines compared with the previously consented scheme will result in some wider landscape impacts, particularly to the south towards the Knapdale NSA where elevated vantage points above Crinan and Cairnbaan, for example, will afford views of the site, and where some lower level blade tip views may be achievable from the Moine Mor and Kilmichael Glen areas. Consideration of these matters is detailed in the following section on visual impact.

D. Visual Impact

Visual impact relates to the proposal's visibility and its impacts on views, as experienced by people. In determining the proposal's visual impact, the layout of the wind farm has been assessed from key viewpoints. Visually sensitive viewpoints include those where there are views to, or from, designated landscapes; however, sensitivity is not confined to designated interests. Visually sensitive viewpoints can include those which are frequently visited by people (such as well-used transport corridors, tourist roads, or picnic spots), settlements where people live, other inhabited buildings or viewpoints which have a landscape value that people appreciate (and which they might visit for recreational pursuits or areas for hill walking, cycling or education).

In order to assess the visual impact, the developer has agreed to appraise a series of 26 viewpoints identified to reflect the sensitivity of receptors, re-visiting those locations assessed at the time of the previous application in 2007, thereby enabling relatively easy comparison between the visual consequences of both schemes. Some supplementary wireframes have also been supplied to inform concerns raised by Scottish Natural Heritage. The various viewpoints are located in local settlements, transportation corridors, places of cultural/historical interest and known popular viewpoints. It is accepted that photomontages and other visual information can only give an indication of the relative scale of the proposals in relation to the surrounding landscape, but these do form a useful tool in arriving at conclusions as to the visual effects of development.

There is no disguising the visual impact of the proposal at close quarters, as 126.5 metre tall structures will be clearly readily visible in the surrounding area. Higher ground to the north, east and west of the site provides effective separation from vantage points along Loch Fyne and Loch Awe, and also separation from the operational An Suidhe windfarm.

site further north. Consequently, available longer distance views are mainly from the water in Lower Loch Fyne, and from higher vantage points on the fringe of north Knapdale. Only 6 of the 26 viewpoints assessed have been evaluated by the Environmental Statement as experiencing a 'significant' impact, only one of which (Baillimore Designed Landscape, west Cowal) benefits from any form of landscape designation. It is important to note that visual impacts are contained to mainly shorter range views and that no visual impacts of significance have been identified beyond about 12km.

In their consultation response, Scottish Natural Heritage has not objected to the proposal on landscape grounds, although has commented that the increased height of turbines and some more elevated positions of turbines compared with the previously consented scheme will result in some wider landscape impacts. This is likely to be particularly the case to the south towards the Knapdale NSA, where elevated vantage points above Crinan and Cairnbaan, for example, will afford views of the site, and where some lower level blade tip views may be achievable from the Moine Mor and Kilmichael Glen areas.

These concerns have been raised with the developers who maintain that impacts on the fringe of the Knapdale NSA will not be significant due to any blade tip visibility being offset from any of the key views available from vantage points or transport routes. Theoretical visibility based on 'bare earth' modelling indicates some visibility between Cairnbaan and Bridgend, although in practice at 8 to 10 km with intervening vegetation and other features, any oblique views of blade tips from the A816 will not assume importance. The applicants consider that development will not have consequences of any significance for key historic assets such as Dunadd, the Crinan Canal, Kilmartin Glen or Carnasserie Castle, with any blade tip visibility being at a distance, and again lying outside the focus of views. From Kilmichael Glen, views will not be in the direction of travel along the glen, but will be oblique and most of the route along the glen will be unaffected. Where elevated views from vantage points are available (Dunardry and Crinan Wood for example) these are 360 degree panoramas, with the main interest being to the west over the sea rather than inland towards the windfarm.

The lack of topographical variation across the application site, other on-site constraints and the wind regime are such that further amendment to the layout or specification of turbines would, in the applicant's view, prejudice project viability and therefore they do not consider themselves able to eradicate entirely all visibility from the margins of the NSA.

In reaching a conclusion in the matter, officers have been influenced firstly by the fact that SNH have not raised an objection (as they would otherwise do if they considered national interests unduly prejudiced), secondly, that the approved scheme already involved some limited visual encroachment into the area concerned, and thirdly, that where there is additional visibility, it is restricted to a small number of blade tips outwith the main field of view for most receptors and from most vantage points. The position of SNH that it would be desirable to see if any additional visibility could be mitigated is accepted, but in the light of the applicants consideration of the matter and their response, it is agreed that it would be impractical to do so in this case whilst maintaining the revised size of turbine which the applicant's consider necessary to secure the viability of the overall project. Accordingly, it is not considered that the additional landscape and visual effects of the amended scheme are such as to give rise to adverse effects upon the NSA which are of such magnitude as to warrant refusal of the application.

E. Cumulative Impact

Cumulative impact is difficult to assess and can have significant land use planning implications, particularly in relation to noise, visual, aviation, landscape, ecological, and hydrological impacts. The acceptability of proposals depends on the nature and character of the location, and sensitive visual receptors, wildlife species, and habitats. The Cumulative Impact Assessment considers other existing or approved wind energy developments and those subject to a scoping opinion (where information about the development was available). The principal cumulative concerns in respect of this proposal would tend to be in terms of landscape and visual effects.

In this case, there is little contribution to cumulative impact as a result of this proposal. Operational sites at Clachan Flats (Cowal) An Suidhe (above Inveraray) and the site at Allt Dearg (under construction south of Ardrishaig) have potential to give rise to cumulative effects, but their spacing and separate settings are such that the addition of A'Chruach in a discrete location will not contribute to the overall perception of a windfarm influenced wider landscape. Accordingly, given the relatively remote and discrete location of the development and the relative containment of the extent of its likely landscape and visual influence, it is not considered that will raise significant sequential or cumulative effects in terms of the number or distribution of consented windfarms across Argyll.

F. Ecological Impact

Argyll & Bute is rich in natural heritage. Several areas of Argyll & Bute have been designated to reflect their international, national or local importance for the protection of species, habitats, geology, landforms, or a combination of these. However, there are other habitats and species of importance found outwith designated sites and proposals outwith designated sites can still affect species or areas of natural heritage protected under national or international designations. To assist in the consideration of the magnitude of ecological effects, Scottish National Heritage, the RSPB and The Argyll & District Salmon Fishery Board have been consulted.

The site comprises predominantly sitka spruce plantation of varying ages, with a low percentage of other mainly conifer species. Residual areas comprise mainly forest rides, river corridors, rocky or peaty areas unsuited to silviculture. There are some clear-felled areas where restructuring is taking place under an approved Forest Design Plan. The River Add bisects the site along with the Carron Burn and numerous smaller tributaries. There are two very localised blanket bog areas; although where peat is present it only occurs in shallow deposits. The site is not subject to, or within close influence of, any European or national nature conservation designation. In view of the preponderance of conifer plantation, the site is mainly of low nature conservation and biodiversity value. There is a small area of mixed semi-natural woodland along the River Add corridor, some wet areas associated with peat, and some acidic grassland along the Carron Burn, which are of limited ecological interest, but these have been avoided entirely, other than for the cable route linking the two arrays.

In terms of species, badger, water vole, pine martin, wildcat, otter, red squirrels, bats and butterflies are present in the general area, although not all have been confirmed as being present within the site itself. These species are of conservation value and would be susceptible to disturbance from construction and operation of the windfarm. Much of the consequence for these species would derive from the tree felling and forest restructuring proposals associated with the development. It should be noted however, that firstly, disturbance would arise anyway in the normal course of events from forest operations, and secondly, most of these species are predominantly nocturnal, when disturbance from construction would be limited. The Environmental Statement concludes that the most significant ecological consequence of the development as a whole would be the loss of some foraging habitat for red squirrels. As there is potential for bats to be affected

by sudden air pressure changes around rotating blades, on a precautionary basis, this effect is identified as 'significant' particularly as foraging areas will increase as tree felling takes place, although the bat population as a whole is not considered at risk.

The upper Add and its tributaries are recognised of importance for the spawning of trout and salmon. The Add is recorded as Grade A1 by Scottish Environment Protection Agency and capable of supporting a sustainable fish population. It is a Freshwater Fish Directive Salmonid Water under the jurisdiction of the Argyll Fisheries Trust. Such quality freshwater habitat is susceptible to silt run-off and sedimentation as a consequence of construction and transportation, and therefore as the District salmon Fishery Board points out, mitigation and careful site management is required in order to avoid any deterioration in water quality and habitat.

Mitigation measures would be employed, such as avoidance of the more ecologically sensitive areas (blanket bog/riparian habitat/ancient woodland), the implementation of a mammal protection plan, the employment of an Ecological Clerk of Works, and long-term retention of tree stands suitable as red squirrel territory. In particular, it is intended to maintain a 20 metre buffer zone from all watercourses, and a 50 metre zone in the case of the River Add the Carron Burn and the Abhainn Bheag an Tunns catchment (where there is particular nature conservation concern on the part of Scottish Natural Heritage about a confidential protected species). Operations likely to mobilise sediments would be limited to months which would not be especially sensitive in terms of the life-cycle of aquatic species. The ABSFB has suggested that a period of post-consent monitoring be carried out and this has therefore been recommended as a condition.

Scottish Natural Heritage considers that the proposal would have adverse ecological consequences for protected species which frequent the area unless conditions were to be imposed to overcome those concerns. In the absence of such conditions SNH would object to the proposal. Their requirements are therefore met in full by the conditions listed in this report.

SEPA has raised an issue about the potential effect of development upon Groundwater Dependant Terrestrial Ecosystems (GWDTE's). In response, the applicants have carried out an ecological survey to NVC standard in order to identify those areas within the site which are dependent upon groundwater. Those have proven to be limited to restricted areas, predominantly in the valley of the River Add between the two arrays, and no consequences of significance are envisaged as a result of development taking place.

G. Ornithological Impact

Development of a wind energy development can affect bird species either in terms of bird strikes or in terms of disturbance to foraging and nesting sites. Timing of the construction of turbines, tracks and ancillary development in areas frequented by breeding birds should be such that it avoids the nesting season. The risk of disturbance to bird species during operation also requires consideration.

The site has been the subject of a prolonged period of ornithological study dating back to 2006. Ornithological interest in the site is limited given that it is largely given over to commercial forestry. Species of high conservation importance recorded at the site are red and black throated diver, golden eagle, hen harrier osprey and crossbill. Species of lesser conservation status are black grouse, skylark and song thrush.

The Environmental Statement does not identify significant concerns in respect of golden eagle, which may fly over the site but tend to avoid forestry areas for hunting. This position is accepted by both SNH and the RSPB. The principal species of concern is Black Grouse which is a UK and Argyll & Bute Biodiversity Action Plan priority species,

as they use the existing woodland and open areas for feeding, nesting and roosting. The closest lek site is at Garvachy adjacent to the windfarm footprint. Both SNH and RSPB would wish to see habitat management measures to support Black Grouse by management of the areas to be 'keyholed' and their associated short-rotation forestry areas, and by increasing species diversity in replanting.

Although some disturbance and displacement of birds will be associated with the construction and decommissioning periods and during associated forestry operations, given the lack of nesting on the site and the recorded height of flights, it is not considered that collision risk during the operational phase will be significant at this particular location.

No works are identified in the Environmental Statement as being required to mitigate for impacts upon birds, although it is recognised that forestry works will provide opportunities to improve biodiversity and enhance conditions for Black Grouse and a monitoring programme covering years 1 to 5 and year 10 of the life of the windfarm is proposed.

H. Hydrological & Hydrogeological Impact

Hydrology and the potential effects of drainage from turbine, access tracks and other ancillary development require consideration, in terms of effects upon the water environment (fluvial and groundwater), on or adjacent to the application site.

A number of tributaries across the site discharge into the River Add which flows in the valley between the two proposed arrays. The Add supports both trout and salmon species. Habitat types within the site include blanket bog and other groundwater dependant terrestrial ecosystems (GWDTE's). Impacts can arise from dewatering, siltation, sedimentation, pollution and changes in acidity or run-off. However, no important adverse consequences for water resources are identified, subject to prudent construction practice and appropriate mitigation measures being employed, as identified in the Environmental Statement. Consequences for the water environment are considered by the Environmental Statement not to be 'significant', as there are no particularly sensitive features within the site, and risk from pollution and sedimentation can be avoided by appropriate mitigation measures during construction. In particular, buffer zones are to be established relative to species sensitive watercourses by way of conditions preventing construction storage or maintenance works within such zones.

SEPA do not object to the proposal subject to the imposition of recommended conditions and having been supplied with additional details by the applicants in respect of GWDTE's

I. Peat Slide Risk

Development in upland peat areas has the potential to destabilise peat deposits thereby presenting a risk of peat slide. This site is not subject to widespread peat deposits although small areas of blanket bog have been identified. An initial study for the purposes of peat slide risk has been carried out, which has concluded that the thin shallow deposits present do not pose a risk which merits a full scale peat stability assessment.

J. Built Heritage & Archaeological Impact

There are no Scheduled Ancient Monuments or listed structure within the site or within 100m of the site access route. There are, however, some non-statutorily protected features of archaeological interest, including the remains of a pre-improvement settlement at Auchleck and farmbuildings/shelings/sheepfold at Carron.

There are 23 Scheduled Ancient Monuments (forts/duns/stones) within 15 km which could have theoretical visibility of one or more turbines, and 13 listed buildings; including the Grade A Lachlan Castle, 7km away. Actual visibility will be influenced by the localised effects of topography, buildings and trees.

The presence of the windfarm is not anticipated to have a significant visual impact in respect of any scheduled or listed asset, primarily due to intervening forestry, and distance. The only sites predicted to have a significant impact on their settings will be:

- The Carron Standing stone (SMR non-statutory) on the River Add, 2km SW of Carron
- Allt an Dubhair Fort (SMR non-statutory), 0.9km west of Feorlin and
- Dun 260m east of Loch Glashan (SAM)

The above sites are, of course, already compromised to a degree by the presence of extensive afforestation. The Dun by Glashan is the most sensitive site by virtue of its national designation, but Historic Scotland has accepted that as a consequence of distance (3km) views being orientated away from the site and the effect of intervening topography, there would only be a small magnitude of change to the setting of this site to which they have not raised objections.

The sparse distribution of recorded sites, and previous agricultural and forestry use of the land, means that there is limited potential for the presence of prehistoric remains. Sites along access routes are already known to the forest operators and have been preserved in situ. The site is accordingly considered to be of low archaeological importance. However a scheme of archaeological investigation and mitigation is proposed in order to address any features of historic value which may arise. The development will have some adverse consequences at distance for the setting of the listed Lachlan Castle on the opposite side of Loch Fyne, where 4 turbines would be visible at a distance of around 7km. Accordingly a 'moderate' effect classed of significance has been accorded by the Environmental Statement.

Neither Historic Scotland nor WOSAS object to the development proposed.

K. Tourism, Recreation & Access to the Countryside Impact

Argyll & Bute's landscapes and townscapes are a major economic asset for the tourism industry. Published research into public attitudes towards windfarm development is rather inconclusive given that some of the findings are somewhat contradictory. However, it may be reasonably concluded that inappropriately sited windfarms with adverse landscape, visual and cumulative effects may be expected to give rise to some adverse consequences for tourism, given that in Argyll tourism is mainly resource and scenery based. It is, however, difficult to predict with confidence the scale of consequences of a particular development for the decisions of tourists and the likelihood of them returning having experienced windfarm developments in the landscape.

In this case, there will be some impacts at close quarters on recreational visitors to the Kilmichael Forest, where public access is available, notably along Right of Way SA 25 passing through the site. More distant consequences can be envisaged for users of Loch Fyne and the Crinan Canal corridor, albeit restricted to very specific locations in respect of the latter. The 2008 Scottish Government commissioned 'Economic Impacts of Wind

Farms on Scottish Tourism' concluded that hostility to windfarms at application stage tends to wane when developments are implemented, and whilst some individuals are vehemently opposed to windfarms in all locations, overall across the wider community, there is no evidence to conclude that windfarms have anything other than a marginal effect upon tourism.

Given that the landscape and visual consequences of the development proposed have not been found to be unacceptable, and that there are no unacceptable impacts identified on particular recreation, tourism or historic environment assets, it may be concluded that whilst there may be some adverse consequences for the tourism economy, these will not be of such magnitude to warrant resistance to the proposal on these grounds.

L. Noise, Air Quality and Shadow Flicker

Standards for operational noise from windfarms are recommended in Planning Advice Note 1/2011. These are derived from Department of Trade and Industry guidance on '*The Assessment and Rating of Noise from Windfarms*' (ETSU-R-97). This suggests that where predicted noise levels will be low at the nearest residential properties, noise should be limited to an L_{A90} level of 35 dB(A). The nearest residential properties in this case are around 3km away, and none fall within this noise contour. The highest predicted noise level at a residential dwelling would be at Strone at 32.4dB(A), whilst noise levels at Minard village (where ambient noise levels will be higher) would be well within the necessary standard.

The closest building to the site would be the Carron Bothy, which is not permanently occupied, but is in periodic overnight use by walkers. The nearest turbine would be within 1km of this building. As an element of 'planning gain', the windfarm developer has agreed to make a financial contribution to the Mountain Bothy Association towards the upkeep and improvement of the Carron Bothy, in recognition of the impact of the proposal on the wider landscape setting of this building.

The Environmental Statement concludes that predicted operational noise levels for the layout and turbine type proposed meet recognised standards in terms of night time noise limits and the lower amenity hours noise limits in all circumstances.

It is not anticipated that construction noise will be significant at this site, other than for traffic associated noise. Likewise, given the distance to residential receptors and the high rainfall in the locality, dust propagation will not pose an amenity issue. Mitigation measures will be included in the Construction Management Plan in order to protect surface waters and vegetation. In view of the distance between buildings and the turbines, these will be out of range of the potential disturbing effect of shadow flicker.

The Council's environmental health officers have recommended appropriate conditions to address noise considerations.

M. Aviation Issues

Tall structures such as wind turbines can potentially interfere with electromagnetic transmissions of aviation operations, depending on their size, shape, construction materials and location. Their support structure and rotating blades can have an effect on communication, navigation and surveillance by giving off false radar returns and masking (shadowing) genuine aircraft returns.

Consequently, the relevant bodies have been consulted about this proposal. None have any objections to the development subject to appropriate aviation lighting being fitted.

N. Telecommunications issues

Wind turbines produce electro-magnetic radiation, which can interfere with broadcast communications, micro wave links and other signals.

Consequently, the relevant bodies have been consulted about this proposal. None have any objections to the development.

O. Road Network, Parking and Associated Transport Matters.

The existing forest access onto the A83(T) at Birdfield would not be used for construction purposes. Construction and operational access would be taken exclusively from the A816 Lochgilphead – Oban road at Achnabreck, near Cairnbaan. This utilises a forestry standard access with good junction visibility and geometry with the public road. This would be upgraded to cater for abnormal loads over the 10km length up to the site (with any localised water crossing or other improvements being the subject of separate applications for planning permission as necessary).

Due to the intended sourcing of construction aggregate from on-site borrow pits, unnecessary vehicle movements will be avoided, although concrete, turbine components, associated equipment, and mobile cranes will require transportation to the site.

During the construction of the windfarm, it is estimated that there would be 160 abnormal loads within 600 HGV visits in all; peaking at 26 HGV's per day over a 40 day period at the height of construction activities, plus 20 non-HGV trips. The additional vehicle movements associated with the project are not significant in terms of the traffic capacity of the A816.

The Council's Roads Engineers and Transport Scotland are both satisfied that the access arrangements to the site from the public road are acceptable.

P. Macro-environmental considerations

In considering this proposal, in addition to having regard to local environmental issues, it is necessary to have regard to those macro-environmental factors which are material considerations in assessing the acceptability of renewable energy developments. EU Renewable Energy Directive 2009 sets a target for the UK to achieve 15% of energy consumed from renewable sources by 2020. The UK Climate Change Act 2008 sets a legally binding commitment to cut UK carbon emissions by 80% by 2050, with an intended minimum 34% reduction against a 1990 baseline by 2020. The UK Renewable Energy Strategy 2009 predicts that in order to meet targets, renewables should provide 30% of electricity generation by 2020, with two-thirds of that expected to be met by a combination of onshore and offshore windfarms.

In Scotland, the Climate Change (Scotland) Act 2009 seeks to cut greenhouse gas emissions by 42% by 2020 and by 80% by 2050. Given that Scotland is estimated to have 20% of the European wind resource, it is important that wind energy should be fully exploited where it does not compromise other overriding environmental considerations.

In terms of the most up to date expression of national planning policy, Scottish Planning Policy 2009 indicates that planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. An emphasis is placed on the role of Development Plans in providing clear indication of the potential for development of wind farms of all scales, and setting out the criteria that will be considered in deciding applications for all wind farm developments, including extensions. The criteria will vary depending on the scale of development and its relationship to the characteristics of the surrounding area, but are likely to include: landscape and visual impact; effects on the natural heritage and historic environment; contribution of the development to renewable energy generation targets; effect on the local and national economy and tourism and recreation interests; benefits and disbenefits for communities; aviation and telecommunications; noise and shadow flicker, and cumulative impact. The design and location of any wind farm development should reflect the scale and character of the landscape. In the absence of a spatial framework established by the Development Plan, planning authorities should continue to determine applications whilst policies are being updated to meet the new approach set out in the guidance.

In terms of Development Plan policy, Structure Plan Policy STRAT RE 1 reflects government policy in expressing support for the development of windfarms provided that they do not have adverse consequences for landscape assets, the historic environment, nature conservation interests, local communities or telecommunications installations. Likewise, Local Plan Policy REN 1 supports exploitation of the available wind resource provided that there are not environmental or other constraints which would have an adverse impact directly, indirectly or cumulatively on the economic social or physical aspects of sustainable development.

The net emission savings from the development proposed are estimated to be;

Between 37,346 and 75,915 tonnes of CO²
Between 37.6 and 275 tonnes of NO_x
Between -2.2 and 115 tonnes of SO²

It is estimated that the CO² associated with the life of the windfarm would be paid back between 5,4 and 12.2 months.

The macro-environmental benefits of the proposal, along with the economic and employment benefits associated with the construction phase, are material considerations weighing in favour of the proposal.

Q. Grid Network

The best wind speeds are often some distance from a national grid connection point requiring the construction of a grid connection and substation. There are often also issues relating to the capacity of the grid, and although these are not planning matters directly but which may determine when a project is in a position to proceed. It is important to limit the life of permissions so that unimplemented consents do not act as an unnecessary cumulative constraint upon other proposals which are better placed to proceed to implementation.

It is intended in this case that this site be connected to the existing 132kv Port Ann - Inveraray overhead line, but that connection is to take place by underground connection (subject to separate consent).

R. Forestry

The windfarm site covers approx. 741 hectares, with elevations between 130m to 300m AOD afforested with commercial plantation of varying age, of which 82% is sitka spruce. The site is in the control of the Forestry Commission. One of the two arrays is to be sited on the A'chruach ridge which is a first rotation forest planted between 1972 and 1988, whilst the second array is on the site of a 1950's forest which has undergone restructuring. Management of the forest is proceeding in line with an approved Forest Design Plan. Development is to take place on the basis of 169 hectares of forest clearance, plus the removal of a further 73 hectares over the life of the windfarm. Turbines are to be 'keyholed' within 100m clearings and short-rotation forestry (i.e. premature felling regime) is to take place beyond that out to 700m, with growth not permitted to exceed 15m. Access to the site is to be obtained by the upgrading of an existing timber extraction route in the Forestry Commission's control.

S. Community Benefit

This issue is not to be considered as a 'material planning consideration' in the determination of this proposal. In the event that permission were to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the application process.

T. Decommissioning

Wind turbines are considered to be temporary structures, with an estimated life span in the region of 25 years, and decommissioning needs to be considered.

A requirement for a bond covering decommissioning and site clearance costs was attached to the previous 2008 permission by way of a Section 75 legal agreement. Based on the fact that the revised site is larger, and, there are more turbines of a greater height, the bond will need to be recalculated and the Section 75 legal agreement will require to be amended accordingly in the event that this alternative proposal were to be granted permission.