

**Argyll & Bute Council
Development & Economic Growth**

This report is a recommended response to the Scottish Government's Energy Consents Unit (ECU) consultation on the Section 36 Consultation for An Carr Dubh wind farm comprising the erection of 13 turbines each up to a maximum of 180 metres in height to blade tip on Land Approximately 6km Northwest of Inveraray and 4.5km East of Dalavich

Reference No: 23/00795/S36/ECU00004781
Applicant: The Scottish Government
Proposal: Section 36 Consultation for erection of 13 turbines each up to a maximum of 180 metres in height to blade tip
Site Address: Land Approximately 6km Northwest of Inveraray and 4.5km East of Dalavich

(A) THE APPLICATION

Section 36 Application made up of the following key elements:

- Up to 13 wind turbines (including internal transformers), each up to a maximum tip height of 180m
- Foundations supporting each wind turbine
- Associated crane hardstandings and laydown areas at each turbine
- Network of onsite access tracks of approximately 23.1km (6.6km of upgraded existing track and 16.5km new track)
- 106 watercourse crossings and associated infrastructure, i.e. culverts
- Network of underground cables and cable trenches to connect the turbines to the onsite substation
- Permanent meteorological mast, up to 122.5m in height and associated track
- Vehicle turning heads
- Onsite passing places
- Site signage
- A permanent compound containing the control building, substation and 20MW energy storage facility
- An Outline Restoration and Enhancement Plan (OREP) (Peat, Biodiversity, Landscape and Forestry).

In addition to the above components, construction will require:

- Temporary construction compound
- Creation of one temporary borrow pit for the extraction of stone, and the reopening/use of two existing borrow pits
- Junction widening and upgrades on the A83 and the A819, and an upgraded access off the A83 into site
- Felling of approximately 3.77ha of forestry to facilitate access during construction.

Two blade transfer areas will also be required to facilitate construction of the Proposed Development; however, these do not form part of this application for

consent, as there is a degree of uncertainty associated with the final locations and requirements.

The expected operational life of the proposal is 40 years from the date of commissioning.

Connection to Electricity Grid - There is a feasible grid connection available, as advised by the network operator SSEN. The grid connection will be the subject of a separate application by SSEN.

(B) RECOMMENDATION:

That the ECU be notified accordingly that Argyll & Bute Council does not object to the proposed development and recommends that the following advice is considered by the Energy Consents Unit:

Mitigation - Consideration should be given to the mitigation suggested by the Council's Landscape Consultant:

- The well-wooded nature of the Loch Awe area restricts open views across and along the loch but where these views do occur, they are particularly valuable for their scenic qualities. The loch shores near Dalavich comprise one of these important open areas as does the road between Loch Awe and Loch Avich and the shores and waters of Loch Avich. The proposal appears poorly designed from these areas and ***it is strongly recommended that the layout of turbines is reviewed by the applicant from Viewpoints 2, 5 and 11 with the overlapping of Turbines 2, 8 and 10 resolved and Turbine 13 omitted as this appears dislocated from the main group of turbines and significantly increases the horizontal extent of the proposal in these views.***
- *In addition, significant adverse effects on the Dun na Cuaiche folly within the Inveraray Castle GDL are acknowledged likely to arise in the LVIA (Viewpoint 4). This is an important viewpoint, and the cluttered appearance of the proposal contributes to significant adverse effects on views. **It is therefore strongly recommended that the layout of turbines is reviewed by the applicant from Viewpoint 4 with the discordant overlapping of Turbines 2 and 8 resolved and the prominence of Turbines 1 and 2 reduced by adjusting their location and/or lowering their height.***
- *In addition, the cumulative effects of visible aviation lighting on landscape character and on views is also a concern and while there will be fewer people affected at night, it is considered important to retain the character of dark skies within Argyll & Bute, particularly given the number of wind energy proposals across the region with similar lighting. **It is therefore strongly recommended that radar activated lighting should be installed at the earliest opportunity as this would substantially reduce the duration and impact of night-time lighting.***

Conditions

All conditions recommended by consultees should be included in any Consent.

Ornithology and Trunk Road Matters

The ECU should note that it has not been possible for Argyll & Bute Council to reach a conclusion on the acceptability of this proposal in respect to Ornithology or Trunk Road matters. This is because these matters have not been resolved and discussions are ongoing between the Applicant, the ECU, NatureScot, RSPB Scotland and Transport Scotland.

In respect to the outstanding Ornithological matters, Argyll & Bute Council would defer to the expert advice of NatureScot and the RSPB Scotland.

In respect to the outstanding Trunk Road matters, Argyll & Bute Council would defer to the expert advice of Transport Scotland.

(C) CONSULTATIONS:

ENERGY CONSENTS UNIT RESPONSES

NatureScot (19th July 2023) – provide the following advice on Ornithology:

- Glen Etive and Glen Fyne Special Protection Area (SPA) – it is unlikely the proposal will have a significant effect on the qualifying interest either directly or indirectly. An appropriate assessment is not required.
- There is a high risk the G/LAE1B golden eagle territory could be abandoned without extensive revised mitigation. The current mitigation is unclear and potentially counterproductive.
- The proposed route of the access track should be reconsidered due to the risk of committing an offence under the Wildlife & Countryside Act 1981 (as amended).
- The Proposal has the highest predicted white-tailed eagle collision risk of any proposed wind farm, so far, in Natural Heritage Zone (NHZ) 14 with the current mitigation potentially unclear and counterproductive; and
- The Collision Risk Model (CRM) appears to exclude relevant flight data from VP C without explanation. VP C recorded numerous flights of target species over the site and NS request clarification as to why it was excluded from the CRM calculations and the potential re-assessment of collision risk. As part of this they also request clarification as to why osprey were scoped out of the CRM and the re-assessment of osprey collision risk.

NatureScot provide the following Landscape & visual advice:

- There would be a significant effect on landscape character in the surrounding Craggy Upland Landscape Character Type (LCT) and on smaller scale areas of the LCT on the west of Loch Awe exposed to skyline views of the turbines. Significant effects would also extend to parts of the Loch Fyne Upland Forest-Moor Mosaic LCT and the Rocky Mosaic LCT on the western shores of Loch Awe.
- Significant visual effects would extend up to c15km and would be mainly concentrated on settlements, roads, and recreational receptors on the west side

of Loch Awe. There would be significant cumulative landscape and visual effects when the proposal is considered in addition to operational, consented, and proposed wind farms, particularly the nearby operational An Suidhe wind farm and the proposed neighbouring Blarghour wind farm.

- Currently there are no operational or consented wind farms in the study area requiring lighting and the sparsely populated area is characterised by low levels of artificial light at night. While proposed measures to control the intensity and direction of lighting could substantially reduce the potential for effects, they consider there would be significant night-time landscape and visual effects within areas surrounding the proposal; and
- The Proposal does not conform with NatureScot's wind farm design guidance raising important design issues in terms of its relationship to the existing adjacent An Suidhe wind farm. In respect of the Argyll & Bute LWECS, there is no scope for turbines of this size due to the potential for effects on Loch Awe and its smaller scale, scenic and settled fringes. This could only be mitigated by significantly reducing turbine size.

Applicant (12th January & 1st February 2024) – responses were provided to NatureScot's Ornithology and Landscape & Visual comments.

NatureScot (19th March) – provided a further response in relation to Ornithology confirming osprey and red-throated diver issues have been resolved. They maintain their position regarding golden eagle displacement, the proposed access track, white-tailed eagle collision risk modelling (CRM), and the proposed Outline Restoration and Enhancement Plan (OREP).

RSPB Scotland (14th July 2023) – Object, they have significant concerns regarding the proposals impact on Golden Eagle, on the basis that the proposal will likely result in the loss of Golden Eagle range G/LAE1B due to loss of habitat and cumulative impacts. RSPB Scotland object until an off-site Habitat Management Plan area is secured by planning condition for Golden Eagle and delivered in the long-term against planned, measurable targets. Once they have received this information, they will reconsider their position.

Historic Environment Scotland (HES) (21st June 2023) – no objection - the Proposed Development does not raise historic environment issues of national significance. The impact on the setting of Ardchnonell Castle would be greater than assessed in the EIAR. The impacts on the Castle could be mitigated by removing, relocating, or lowering the height of turbines T9, T10, T11, T12 and T13, and it is recommended that this mitigation is considered.

Applicant (24th July 2023) – note that HES does not object and advise that it is not proposed to make any further changes to the design. Extensive work has gone into the design to develop a layout that contributes positively to carbon reduction targets, maximises energy yield whilst respecting technical and environmental constraints including ecological, ornithological, hydrological, cultural heritage and ground conditions.

Historic Environment Scotland (7th August 2023) – recommended in their earlier response to the EIAR that consideration should be given to the removal, relocation or lowering of turbines T9, T10, T11, T12 and T13. This continues to be their advice.

Applicant (15th August 2023) – responded to the ECU on the further comments received from HES and acknowledged the feedback.

Scottish Forestry (29th May 2023) – no objection subject to conditions to secure a native woodland plan and compensatory planting.

Transport Scotland (TS) (25th May 2023) – additional information required. Satisfied with the EIAR and no objection in terms of environmental impacts on trunk road network. However, they require additional information on the blade transfer points and access junction for the bypass of Inverary is before they can provide their final response.

Applicant (19th December 2023) – responded to request for additional information.

Transport Scotland (TS) (11th January 2023) – additional information still required. Concerns regarding the blade transfer points now addressed subject to a condition to ensure that no abnormal load deliveries commence until details of the blade transfer areas have been approved. Reiterated their previous request for 1:500 scale drawings showing the proposed junction layout and associated visibility splays to enable a final response to be provided.

SEPA (Scottish Environment Protection Agency) (29th May 2023) – initially objected/raised concerns - advised minor changes to the track layout could reduce the amount of peat and sensitive habitat that would be disturbed, and the Applicant should consider changes.

Applicant Response (4th July 2023) – responded to the concerns raised by SEPA in relation to the track layout.

SEPA (28th August 2023) – withdrew their objection subject to a planning condition to ensure that changes to the track layout to avoid deeper peat are considered at the detailed design stage to reduce the amount of peat disturbance. If this condition is not applied, then SEPA's objection will be maintained.

Marine Directorate (18th May 2023) – no objection subject to a planning condition to secure pre-construction fish population and fish habitat surveys are carried out in accordance with an integrated water quality and fish population monitoring programme. In accordance with the monitoring programme guidelines fully quantitative electrofishing fish population surveys and fish habitat surveys should be carried out in all watercourses at risk of an impact and control sites for at least 12 months pre-construction, during construction and for 12 months post construction.

Argyll District Salmon Fishery Board (ADSFB) (23rd May 2023) – no objection. Consideration needs to be given to the maintenance of stream habitats and water quality within and downstream of the site throughout the life of the Proposed Development. ADSFB fully expect Scottish Government guidelines to be followed in terms of pre, during and post development monitoring of Water quality, macroinvertebrates, and fish." ADSFB welcome both the commitments listed in the EIA in relation to stream crossings and the commitment to monitoring of fish populations.

Scottish Water (19th April 2023) – no objection. This does not confirm the proposal can be serviced. Advice is provided on drinking water protected areas and surface water.

Ironside Farrar, Peat Landslide Hazard Risk Assessment, Stage 1 Checking Report (PLHRA) (August 2023) – minor revisions required.

Applicant Response (25th February 2024) – addressed the minor revisions.

Ironside Farrar, Peat Landslide Hazard Risk Assessment, Stage 2 Checking Report (PLHRA) (April 2024) – minor revisions addressed nothing further required.
Defence Infrastructure Organisation (DIO) (5th May 2023) – no objection subject to conditions to secure an Aviation Lighting Scheme and Aviation Charting and Safety Management details.

NATS Safeguarding (3rd May 2023) – no objection the proposal does not conflict with their safeguarding criteria.

Glasgow Airport (26th May 2023) – no objection the proposal does not conflict with their safeguarding criteria.

Glasgow Prestwick Airport (GPA) (18th April 2023) – no objection the proposal lies out with their safeguarding area.

Edinburgh Airport (1st May 2023) – no objection the proposal lies out with their safeguarding zone.

The Joint Radio Company (24th April 2023) – no objection proposal is cleared with respect to radio link infrastructure operated by local energy networks.

BT (26th April 2023) – no objection the proposal should not cause interference to BT's radio network.

Mountaineering Scotland (25th May 2023) – no comment.

Inveraray Community Council (9th May 2024) - would like to offer their support for the application. The basis for their support includes: the project will create jobs for local people; community benefit which may include funding grants for distribution to the local community; influx of construction workers will benefit the local economy, by spending on accommodation, eating out, visiting local attractions and investing in clean energy helps to provide a more sustainable future for the next generation.

ABC CONSULTATION RESPONSES

ABC Landscape Consultant (21st March 2024) – has recommended that it is not considered that appropriate design mitigation has been applied in line with NPF4 Policy 11e (ii) and the significant adverse effects of the proposal could be mitigated to some degree by improving its appearance from key views.

Applicant Response (4th April 2024) – note that the review states “All wind farm developments will incur significant adverse landscape and visual effects and this proposal is no different in this respect”. Extensive work has gone into the design to develop a layout that contributes positively to carbon reduction targets, maximises energy yield whilst respecting technical and environmental constraints including ecological, ornithological, hydrological, cultural heritage and ground conditions. It is not proposed to make any further changes to the design at this time, as requested in the review.

ABC Landscape Consultant (25th April 2024) – the Applicants response contains no new information or reasoned judgement which would alter the finding of their review report and they have nothing to add or change in their advice to the Council.

ABC Roads & Amenity Services (25th April 2023) – no objection subject to conditions relating to the A819 Inveraray to Dalmally Road Vehicular Accesses and some additional conditions. They advise that as one of the proposed site accesses connects directly to the A83 Tarbet - Campbeltown Trunk Road, Transport Scotland should be notified. Notes for intimation to the Applicant are also provided - a Road Opening Permit will be required and there should be no surface water discharge.

Local Biodiversity Officer (22nd May 2023) – asks for the following: collisions by birds and bats are logged; that deer are included in the monitoring so as to avoid degradation of restored areas during establishment; a map of where the peatland restoration has been implemented; a detailed landscape planting plan is submitted once the areas have been identified; further details of sensitive burning locations and any changes to grazing livestock (type) and regime; and that invasive non-native species these are removed along the access track so as to avoid spread by traffic.

ABC Core Paths – no response received.

ABC Flood Prevention Officer (10th May 2023) – no objection. No conditions recommended.

ABC Noise Consultant (October 2023) – in general, good practice has been adopted by the applicant, with a few minor issues identified. The most significant of these issues are the omission to consider the contribution of two operational turbines at Blarghour Farm in the cumulative assessment; and confirmation of the correction of predicted LAeq to give LA90 by subtracting 2 dB. The cumulative assessment considers the consented layout of Blarghour wind farm, which is considered to represent the worst case (assuming the Blarghour Farm turbines are to be decommissioned). It is agreed that due to the need to avoid a cumulative exceedance of 35 dB LA90 at all receptors, the contribution of An Càrr Dubh is to be controlled with an apportioned limit. Following a satisfactory response to the above issues, it is considered there would be no reasons to object on noise grounds subject to a condition to limit the noise levels, tonality, and amplitude modulation to control noise levels from the proposal.

Applicant's Response (8th December 2023) – responded to the issues raised relating to: consideration of operational wind turbines which are close to receptors considered by the assessment (minimum of ~585m) (two existing turbines at Blarghour Farm); confirmed there are no derelict properties with residential planning status in the study area; confirmed correction of predicted LAeq to give LA90 by subtracting 2dB; and proposed noise conditions. In respect to the proposed Amplitude Modulation condition the Applicant raised concern regarding its necessity in terms of ETSU-R-97 and its preciseness and advised they could not agree the terms of the Proposed Amplitude Modulation Condition. No concerns regarding the remainder of the proposed noise conditions.

ABC Noise Consultant (12th December 2023) – re-emphasised the need for the two Blarghour turbines to be included in the cumulative assessment, and accepts: confirmation from the Applicant that there are no derelict properties with residential status; the confirmation of 2dB correction between LAeq and LA90; the typo in the planning condition; and retains their position in respect of the need for an Amplitude Modulation condition.

Applicant Response (14th March 2024) – still does not consider it is necessary to present a further cumulative assessment that includes the Blarghour turbines or that an Amplitude Modulation condition is required. However, have provided an alternative draft condition which includes an AM penalty wording which is considered clearer, and which includes the specific noise limits for the proposal. A similar condition is also provided without the AM clause.

ABC Noise Consultant (9th April 2024) – confirmed they agree the proposed apportioned noise limits for the wind turbines are correct on both AM & non AM conditions; that the more precise AM condition would be the Council's preferred option, and accept the proposed AM condition wording from the Applicant; they agree that there is no need to present a cumulative assessment; and, they maintain their position that the AM condition is required to protect residential amenity.

Applicant Response (3rd May 2024) - confirm that the applicant is happy with the requirement for an AM condition on the basis that their proposed wording has been accepted.

West of Scotland Archaeology Service (WoSAS) (21st June 2023) – no objection subject to a condition to secure a programme of archaeological works in accordance with a written scheme of investigation to be submitted by the applicant for the written approval of the Planning Authority in consultation with WoSAS.

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

(D) HISTORY:

13/02835/PP - Erection of 15 wind turbines of up to 111m in height to blade tip, including permanent foundations, associated hardstanding and electrical transformer buildings; construction of approximately 12.5km of new track and widening and upgrading of access tracks and road junction; erection of electrical substation and control building and temporary construction compound; erection of one permanent and two temporary anemometry masts up to 80m in height; and associated ancillary development, Ardchnonnel Windfarm Approx 6.5Km North West Of Inveraray And 1.5Km East of Loch Awe, Argyll & Bute – Refused, Appeal Dismissed September 2015.

Note: The proposal occupies the same site as the 'Ardchnonnel' wind farm proposal which was refused at Appeal in September 2015 (PPA-130-2045). Overall, the Reporter at the time, considered that the landscape and visual impacts would produce unacceptable significant adverse effects because of the poor design relationship between the proposal and An Suidhe, and that these impacts were sufficient to outweigh the benefits of the proposal.

(E) PUBLICITY:

As the Council is not the Determining Authority the ECU oversees the Publicity of the application.

Public Consultation – Whilst not a statutory requirement for Section 36 applications, the applicant has undertaken Public Consultation. Further information on this is contained in the An Carr Dubh Pre-Application Consultation Report (March 2023) available on the ECU website (reference: ECU00004781).

(F) REPRESENTATIONS:

As the Council is not the determining Authority any letters of representation are considered by the Energy Consents Unit. At time of writing, no letters of public representation have been received by the ECU.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

EIAR (March 2023) presented in 4 volumes:

- Volume 1: Written Text
- Volume 2: Figures
- Volume 3(a) – 3(d): Landscape and Visual Impact Assessment (LVIA) and Appendix 10.1 Cultural Heritage Assessment Visualisations (NS format)
- Volume 4: Appendices
- Non-Technical Summary

Confidential appendices (Appendices 9.3, 9.4 and 9.5 of the EIAR have been provided with respect to ornithological interests). These have been provided to the ECU, NS, and RSPB, but not to other consultees, and will not be made available online.

Key topics covered in the EIAR include: Introduction; Approach to the EIA; Site Selection and Design Strategy; Project Description; Statutory and Policy Framework; Landscape and Visual Amenity; Geology, Hydrology, Hydrogeology and Peat; Ecology; Ornithology; Cultural Heritage; Noise and Vibration; Traffic and Transport; Socio-Economics; Other Issues (including aviation and climate change); and Summary of Significant Effects.

In addition, the following documents are also provided in support of the application:

- Design and Access Statement
- Pre-Application Consultation Report; and
- Planning Statement

(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: NatureScot will advise the ECU

(iii) A Design or Design/Access statement: Yes

- (iv) **Sustainability Checklists (with reference to the requirements of LDP2 Policy 04):** Not required proposal accompanied by full EIAR.
 - (v) **A report on the impact of the proposal e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** All relevant reports are encompassed within the EIAR
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(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

- (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.**

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 5 – Soils
NPF4 Policy 6 – Forestry, Woodland, and Trees
NPF4 Policy 7 – Historic Assets and Places
NPF4 Policy 11 – Energy
NPF4 Policy 22 – Flood Risk and Water Management
NPF4 Policy 33 – Minerals

Annex B – National Statements of Need

3. Strategic Renewable Electricity Generation and Transmission Infrastructure

[Argyll & Bute Local Development Plan 2 \(Adopted 2024\)](#)

Policy 02 – Outwith Settlement Areas
Policy 04 – Sustainable Development

Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment
Policy 19 – Scheduled Monuments
Policy 20 – Gardens and Designed Landscapes
Policy 21 – Sites of Archaeological Importance

Policy 30 – The Sustainable Growth of Renewables
Policy 31 – Minerals

Policy 32 – Active Travel

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
Policy 43 – Safeguarding of Aerodromes

Policy 55 – Flooding
Policy 56 – Land Erosion
Policy 57 – Risk Appraisals
Policy 58 – Private Water Supplies and Water Conservation
Policy 59 – Water Quality and the Environment
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 62 – Drainage Impact Assessments
Policy 63 – Waste Related Development and Waste Management

Policy 70 – Development Impact on National Scenic Areas (NSA's)
Policy 71 – Development Impact on Local Landscape Areas (LLA's)
Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 74 – Development Impact on Sites of International Importance
Policy 77 – Forestry, Woodland, and Trees
Policy 78 – Woodland Removal
Policy 79 – Protection of Soil and Peat Resources

(ii) List of all other relevant planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

- Draft Energy Strategy and Just Transition Plan (January 2023)
- Onshore Wind Policy Statement (OWPS) (December 2022)
- Historic Environment Policy for Scotland (HEPS, 2019)
- Managing Change
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- Scottish Government Good Practice Principles for Shared Ownership and Community Benefit of Onshore Renewable Energy Developments (May 2019)
- Argyll & Bute Landscape Wind Energy Capacity Study (2017) (LWECS)
- Siting and Designing Wind Farms in the Landscape, SNH (August 2017)
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- Onshore Wind Turbines: Planning Advice, Scottish Government (May 2014)
- Guidance for Landscape and Visual Impact Assessment, 3rd Edition, Landscape Institute, and Institute of Environmental Management & Assessment, (2013)
- PAN 1/2011: 'Planning and Noise' (March 2011)
- The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- Views of statutory and other consultees
- Planning history of the site
- Legitimate public concern or support expressed on relevant planning matters

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No - Environmental Impact Assessment was required.

(L) Has the application been the subject of statutory pre-application consultation (PAC): No - PAC is not required for S36 applications.

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

(N) Requirement for a pre-determination hearing: No

(O) Is the proposal consistent with the Development Plan: Not possible to conclude at this time due to unresolved matters raised by NatureScot, RSPB Scotland, and Transport Scotland.

(P) Need for notification to Scottish Ministers or Historic Environment Scotland:
No

Author of Report: Arlene Knox

Date: 9th May 2024

Reviewing Officer: Sandra Davies
Date: 9th May 2024

Fergus Murray
Head of Development & Economic Growth

COMMITTEE REPORT

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 23/00795/S36

PLANNING LAND USE AND POLICY ASSESSMENT

1. THE SECTION 36C CONSENTING REGIME

- 1.1 In Scotland, any application to construct or operate an onshore power generating station, in this case, a renewable energy development with an installed capacity of over 50 megawatts (MW) require the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of a consultee along with various other consultation bodies.
- 1.2 The Development Plan is not the starting point for consideration of S36 applications. This is because Sections 25 and 37 of the Town & Country Planning (Scotland) Act 1997 which establish the primacy of LDP policy in decision-making, are not engaged in the deemed consent process. NPF4 and the LDP 2 now form the Statutory Development Plan. Whilst the Statutory Development Plan does not have primacy in S36 decision-making it remains an important relevant consideration informing the Council's response to the proposal.
- 1.3 Schedule 9 of the Electricity Act does require both the applicant and the decision-maker to have regard to the preservation of amenity. It requires that in the formulation of proposals the prospective developer shall have regard to:
 - (a) the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest; and
 - (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings, or objects.
- 1.4 Similarly, it obliges the Scottish Ministers in their capacity as decision maker to have regard to the desirability of the matters at a) and the extent to which the Applicant has complied with the duty at b).
- 1.5 Consideration of the proposal against NPF4 and ABLDP2 will ensure that proper consideration is given by the Council to the extent to which the proposal satisfies these Schedule 9 duties.
- 1.6 It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by Scottish Ministers. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI) if they are minded to approve the proposal. They can also choose to hold a PLI in other circumstances at their own discretion. Such an Inquiry would be conducted by a Reporter(s) appointed by the Directorate for Planning and Environmental Appeals. In the event that consent is given, either where there has been no objection from the Council, or where objections have been overruled following PLI, the Council as Planning Authority would

become responsible for the agreement of matters pursuant to conditions, and for the ongoing monitoring and enforcement.

- 1.7 This report reviews the policy considerations which are relevant to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and any 3rd party opinion expressed to the Scottish Government following publicity of the application by them. It recommends views to be conveyed to the Scottish Government on behalf of the Council before a final decision is taken on the matter. The conclusion of this report is to recommend that the Council does not object to this Section 36 consultation for the reasons detailed in this report.

2. SPATIAL AND SETTLEMENT STRATEGY

- 2.1 Policy 02 – Outwith Settlement Areas establishes acceptable scales of development in three different ‘zones. The main wind farm site is predominantly located within Remote Countryside Area. Within the Remote Countryside Areas, only specific categories of development are supported. This includes renewable energy related development. In principle, Policy 02 supports renewable energy and ancillary developments in these areas, providing they are consistent with all other relevant LDP2 Policies. With respect to the requirement for developments to accord with all other relevant policies of LDP2, particular attention is drawn to the need for proposals to accord with Policies 70 to 76 with respect to landscape and the natural environment. Proposals will also be required to demonstrate that there will be no unacceptable adverse effects (either individually or cumulatively) on natural heritage resources, built and/or cultural heritage resources, and landscape and visual amenity.

- 2.2 Policy 04 – Sustainable Development requires that in preparing new development proposals, developers should seek to demonstrate the following sustainable development principles (where relevant): a) Maximise the opportunity for local community benefit, including the creation of district (renewable) heat networks, where viable; b) Make efficient use of vacant and/or derelict land including appropriate buildings; c) Support existing communities and maximise the use of existing infrastructure and services; d) Maximise the opportunities for sustainable forms of design including minimising waste, reducing our carbon footprint, increasing energy efficiency, solar panels, ground, water and air source heat pumps and other forms of renewable energy generation; e) Avoid the use of locally important good quality agricultural land; f) Utilise public transport corridors and active travel networks; g) Avoid the loss of important recreational and amenity open space; h) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and heritage assets; i) Respect the landscape character of an area and the setting and character of settlements; j) Avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground instability; and k) Avoid having significant adverse impacts on land, air and water environment. The application is supported by an Environmental Impact Assessment Report (EIAR) which sets out in detail the measures proposed to ensure the proposal is ‘Sustainable Development.’

- 2.3 Policy 11 – Energy of NPF4 and Policy 30 – Sustainable Growth of Renewables of LDP 2 provide the primary policy framework for assessing wind farms. In this case, subject to the mitigation recommended by the Councils Landscape Consultant it is considered that the Landscape & Visual Impact of the proposal is acceptable, and that all matters excluding Ornithology and Transport can be suitably mitigated by appropriate conditions. Due to the outstanding matters raised by NatureScot, RSPB Scotland and Transport Scotland it is not possible to reach a conclusion on whether the proposal is consistent with Development Plan Policy relating to the spatial and

settlement strategy, as they require development proposals to be consistent with all relevant policies.

2.4 For the reasons detailed below in this report, it is considered that this proposal satisfies Development Plan Policy and associated guidance in respect of renewable energy development in some respects. Areas where it has not been possible to reach a conclusion are explained.

2.5 Having due regard to the above it is not possible at this time to conclude whether this proposal can be considered 'sustainable' or whether it is consistent with the provisions of LDP 2 Policy 02 – Outwith Settlement Areas and LDP Policy 04 – Sustainable Development.

3. ENERGY & SUPPORTING THE SUSTAINABLE GROWTH OF RENEWABLES

3.1 Argyll & Bute Council is keen to ensure that Argyll & Bute continues to make a positive contribution to meeting the Scottish Government's targets for renewable energy generation. These targets are important given the compelling need to reduce our carbon footprint and reduce our reliance on fossil fuels, reinforced by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Council will support renewable energy developments where these are consistent with the principles of sustainable development, and it can be adequately demonstrated that there would be no unacceptable significant adverse effects.

3.2 Inveraray Community Council have also offered their support for the application not only in terms of economic benefits, but also on the grounds that investing in clean energy helps to provide a more sustainable future for the next generation.

3.3 This proposal has been assessed primarily against the criterion in the two lead Statutory Development Plan policies relating to renewable energy. These are: Policy 11 – Energy of National Planning Framework 4 and Policy 30 – the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan 2. Other policies are referred to where relevant.

4. LOCATION, NATURE, AND DESIGN OF PROPOSAL

4.1 The site is located on the plateau between Loch Awe to the northwest and Loch Fyne to the southeast. Settlements nearby are located within the glens and adjacent lochs, with Turbine (T) 1 of the proposal being the closest to Inveraray, located approximately 6km to the north-west, and T13 being the closest to Dalavich, which is located approximately 4.5km to the east. A number of small clusters of residential properties are found scattered along the shores of Loch Awe, with the closest properties to the site located at Ardchnonell and Blarghour, over 1km from the site boundary.

4.2 The area where turbines are proposed to be sited comprises undulating moorland plateau with rocky outcrops, orientated north-east to south-west, with frequent lochans in lower lying areas.

4.3 Large areas of commercial forestry are found adjacent to the site, extending down the lower slopes to the east, south and west, with forested areas also located within the eastern extent of the site boundary to the west of Inveraray.

4.4 The site is located within the Kames River, Allt Blarghour, River Aray and Douglas Water catchments. There are many watercourses and lochans within the site, including the Eas an Amair (a tributary of the Allt Blarghour), the Erallich Water and

Allt Bail' a Ghobhainn (tributaries of the River Array), and numerous smaller named and unnamed tributaries

4.5 The proposal will be accessed via the A82, south of Inveraray. Abnormal load vehicles will follow the 'Inveraray bypass' (the Upper Avenue) outlined separately on Figure 2, where some widening and realignment of the existing track will be required. The access will then join the A819 for a short section, approximately 1.2km long, before accessing the site, south of Electric Cottage.

4.6 There are three Core Paths within or traversing the site access and the Inveraray Forest Circuit forms a loop around Inveraray, following the Core Paths within the site. The Caledonia Way cycle route is located on the western side of Loch Awe approximately 4.8km from T12. There are a number of other recreational routes located within 15km of the site.

4.7 Proposed Development – the main components of the Proposed Development are:

- Up to 13 wind turbines, each with a maximum tip height of up to 180m. The currently considered candidate turbine has a rated capacity of 6.6MW;
- Foundations supporting each wind turbine;
- Associated crane hardstandings and adjacent laydown areas at each turbine location;
- A network of onsite access tracks of approximately 23.1km (of which approximately 6.6km will be upgraded existing track and 16.5km will be new track);
- 105 watercourse crossings and associated infrastructure (31 upgraded existing crossing and 74 new crossings);
- A network of underground cables and cable trenches to connect the turbines to the onsite substation;
- A permanent anemometer (meteorological mast) of up to 102.5m in height and associated track;
- Vehicle turning areas and onsite passing places (location and size to be determined by the turbine supplier);
- Site signage;
- A permanent compound containing the control building, substation, and energy storage facility; and
- An Outline Restoration and Enhancement Plan (OREP) for peat, biodiversity, landscape, and forestry.

4.8 Connection to Electricity Grid - There is a feasible grid connection available, as advised by the network operator SSEN. The grid connection will be the subject of a separate application by SSEN.

Infrastructure

4.9 Scottish Water have advised the ECU that they have no objection, however, this does not confirm that the proposal can currently be serviced. Advice is also provided on: Drinking Water Protected Areas and Surface Water.

4.10 Drinking Water Protected Areas – they have confirmed that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposal.

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

5. NET ECONOMIC IMPACT, INCLUDING LOCAL AND COMMUNITY SOCIO-ECONOMIC BENEFITS

5.1 Policy 11 – Energy of NPF4 states that proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy 30 - the Sustainable Growth of Renewables of ABLDP2 require all applications for wind turbine developments to be assessed in terms of net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

5.2 During construction, there will be direct employment generation to the equivalent of 30.2 'person year equivalent' (PYE) in the local economy. This equates to a 'gross value added' (GVA) of £1.91 million. Indirect benefits through spend in the local economy etc. will equate to an additional 55 PYE and additional GVA of £4.03 million, stimulating the local supply chain. This will be of minor (positive) significance for local employment and the economy within Argyll & Bute.

5.3 Due to their remote operational control and limited need for servicing, wind farms do not create large numbers of jobs during the operational stage. There will be direct employment generation to the equivalent of 1.6 PYE in the local economy. This equates to £56,000 GVA. Indirect benefits through spend in the local economy etc. will equate to a further 2.96 PYE and additional GVA of £99,700. As such, direct and indirect employment benefits once the proposal is operational will be minor.

5.4 The Applicant will contribute £5,000 per MW of installed capacity per annum into a community benefit fund. This equates to a maximum of £429,000 of income per annum, or over £17.1 million over the 40-year operational life of the proposal, subject to the eventual turbines and capacity installed. A moderate (positive) effect is therefore predicted in relation to direct economic benefits.

5.5 Inveraray Community Council would like to offer their support for the application. The basis for their support includes: the project will create jobs for local people; community benefit which may include funding grants for distribution to the local community; influx of construction workers will benefit the local economy, by spending on accommodation, eating out, visiting local attractions and investing in clean energy helps to provide a more sustainable future for the next generation.

5.6 The economic benefits associated with this proposal relating to job creation and benefits to the local economy from the influx of construction workers, by spending on accommodation, eating out and visiting local attractions are a relevant consideration, which has been considered. Community Benefit is not however, a 'material planning consideration' in the determination of planning applications, as there is no planning mechanism available to secure it. If consent 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.

5.7 Having due regard to the above it is considered a degree of net economic impact, including local and community socio-economic benefits, typical of such developments will be provided. It is therefore concluded that the

proposal is consistent with the provisions of Policy 11 – Energy of NPF4, and Policy 30 – The Sustainable Growth of Renewables of the ABLDP2.

6. IMPACTS ON COMMUNITIES AND INDIVIDUAL DWELLINGS, INCLUDING RESIDENTIAL AMENITY, VISUAL IMPACT, NOISE AND SHADOW FLICKER

6.1 Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrate how impacts on communities and individual dwellings, including, residential amenity, visual impact, noise, and shadow flicker have been addressed. Policy 30 – the Sustainable Growth of Renewables of the ABLDP2 requires all applications for wind turbine developments to be assessed in terms of impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker (including cumulative).

Noise

6.2 ABC Noise Consultant undertook a review of the noise assessment for the proposal. This review included a desktop assessment against current good practice, a check of the predicted noise levels from the wind farm, and a site survey of the area surrounding the wind farm site including the nearest residential receptors. The desktop review and site survey concluded that, in general, good practice has been adopted by the applicant, with a few minor issues identified. These issues related to exclusion of two operational wind turbines at Blarghour Farms from the cumulative assessment confirmation that there are no derelict properties with residential status in the study area; confirmation of the correction of predicted LAeq to give LA90 by subtracting 2 dB; and proposed noise conditions. Following a satisfactory response to these issues, it was considered that there would be no reason to object to the proposal on noise grounds subject to a suitably worded condition to limit the noise levels, tonality, and amplitude modulation to control noise levels from the proposed scheme.

6.3 The Applicant – provided a response to the matters raised by the ABC Noise Consultant. They disagreed that the Blarghour turbines should be included in the cumulative assessment. Confirmed that there are no derelict properties with planning permission for conversion to inhabited residential status located closer to the proposed wind farm. Confirmed the correction of predicted LAeq to give LA90 by subtracting 2 dB. Agreed with the wording of the proposed noise condition subject to a minor typo. They advised that they could not agree with the wording of the Proposed Amplitude Modulation Condition.

6.4 ABC Noise Consultant – advised that they still considered that the two Blarghour turbines should be considered in the cumulative assessment; accepted the confirmation of no derelict properties with residential status; accepted confirmation of 2dB correction between LAeq and LA90; accepted the typo in the noise condition and advised that the Council retains its position in respect of the need for an Amplitude Modulation condition.

6.5 The Applicant provided a further response to the points raised by the ABC Noise Consultant stating that inclusion of the operational wind turbines at Blarghour would not change the outcome of the cumulative noise assessment; that whilst they do not consider that an Amplitude Modulation condition is necessary they suggested alternative wording.

6.6 ABC Noise Consultant in their most recent response have confirmed that: they agree that the proposed apportioned noise limits for the wind turbines are correct on both AM & non AM conditions; they agree that the more precise AM condition would be the

Council's preferred option, and accept the proposed AM condition wording from the Applicant; they agree that there is no need to present a cumulative assessment; and they maintain their position that the Amplitude Modulation condition is required to protect residential amenity.

- 6.7 The Applicant – has now confirmed that they agree to the Amplitude Modulation condition.
- 6.8 Shadow Flicker – A shadow flicker assessment is required if any properties lie within 10 rotor diameters of the wind farm. This is in line with Scottish Government online renewables planning advice on 'onshore wind turbines' which states that "where separation is provided between wind turbines and nearby dwellings (as a general rule 10 rotor diameters), 'shadow flicker' should not be a problem." On the basis that the nearest property (Blarghour) is over 2.5 km from the nearest turbine (T9), a detailed shadow flicker assessment was not required.
- 6.9 Having due regard to the above it is concluded that the proposal is acceptable in terms of any potential shadow flicker impact and Noise subject to the conditions recommended by the Council's Noise Consultant and agreed by the Applicant and is therefore consistent with the provisions of Policy 11-Energy, and Policy 30 – The Sustainable Growth of Renewables of the ABLDP2 in this respect.**

7. SIGNIFICANT LANDSCAPE AND VISUAL IMPACTS

- 7.1 Policy 11 – Energy of NPF 4 requires that project design and mitigation demonstrates how significant landscape and visual impacts have been addressed, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Policy 4 a) – Natural Places of NPF4 states that proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy 30 – The Sustainable Growth of Renewables of ABLDP 2 requires all applications for wind turbine developments to be assessed against landscape and visual impacts.
- 7.2 The Council's Consultant Landscape Architect, has undertaken a Landscape and Visual Review, based on examination of the EIAR (March 2023) and visits to the area surrounding the proposed site.
- 7.3 The Proposal - would be located in the uplands lying between Loch Fyne and Loch Awe. It would comprise 13 turbines 180m high to blade tip. It would lie between the operational An Suidhe wind farm which comprises 24 turbines 83m high to blade tip and the consented Blarghour wind farm which comprises 17 turbines, 136.5m high to blade tip. A revision to the consented Blarghour wind farm has been submitted for 14 turbines, 180m to blade tip.
- 7.4 Ancillary development would include 16.5km of new access track and a permanent compound. 3.77 ha of forestry would require removal to accommodate access. Chapter 4 of the EIAR which describes the proposal does not provide a detailed specification of visible aviation lighting. Appendix 14.2 sets out a proposed lighting strategy whereby 2000 candela lights would be fixed to the hubs of 7 turbines. Reduced intensity lighting (where 2000 candela nacelle lighting would reduce to 200 candela during periods of clear visibility) and directional lighting with a focussed horizontal beam of light (limiting lighting intensity seen from lower-lying views) are both embedded features of the proposed lighting scheme.

- 7.5 A Restoration and Enhancement Plan is proposed which includes peat restoration across 132ha of degraded moorland and native tree planting.
- 7.6 The landscape and visual information provided by the Applicant - The LVIA set out in Chapter 6 of the EIAR accords with the Guidelines for Landscape and Visual Impact Assessment Third Edition. The Council's Landscape Consultant considers the LVIA to be comprehensive and robust and agrees with the majority of the findings on the significance of landscape and visual effects. The day-time visualisations accord with best practice guidance and present an accurate representation of the proposal. A variety of night-time visualisations has been produced depicting a worse case scenario and proposed mitigation to aviation lighting which would reduce intensity in some circumstances.
- 7.7 Landscape effects - Eleven of the turbines within the proposal lie within the *Craggy Upland* Landscape Character Type (LCT) and the remaining 2 turbines lie in the *Loch Fyne Upland Forest Moor Mosaic* LCT. The proposal would have significant adverse effects on the character of both these 'host' LCTs. Significant adverse effects would also occur on the smaller scale fringes of Loch Awe (which are in part defined as the *Rocky Mosaic* LCT) and on the narrow waters of the loch itself. Visible aviation lighting would introduce lighting to the dark skies of the sparsely settled Loch Awe area further diminishing its remote and little developed character.
- 7.8 The Council's Landscape Consultant considers that the proposal would not have a significant adverse effect on the Area of Panoramic Quality local landscape designation covering the head of Loch Awe and the Loch Fyne area.
- 7.9 Visual effects - The Zone of Theoretical Visibility map indicates that the proposal would be visible across approximately two thirds of Loch Awe and would be seen from both its western and its lower south-eastern shores. Close views <5km distance will occur from the waters of Loch Awe and from western shores in the Dalavich to Inverinan area. Between 5-10km the proposal would be visible from the lower Loch Awe area and across the lower half and northern shores of Loch Avich.
- 7.10 Beyond 10km there would be visibility of turbines from the eastern shores of Loch Fyne although the combination of distance and partial screening of turbine towers would reduce significant intrusion from settlement and roads along the fringes of the loch.
- 7.11 Significant adverse effects on views would occur from:
- The west side of Loch Awe, from the unclassified road/NCR 78, the road to Loch Avich and from promoted viewpoints on these routes (represented by VPs 5 and 9). The larger 180m high turbines proposed would increase discordancy with the much smaller operational An Suidhe wind turbines seen in views from this area. The overlapping of Turbines 2, 8 and 10 in key views adds to the discord and cluttered appearance of the proposal.
 - The settlements of Dalavich and Inverinan and from promoted footpaths along the north-western shores and hillsides of Loch Awe (represented by VPs 2 and 7). Turbine 13 would be noticeably more prominent from the Dalavich area (see VP 2) because of its location on west-facing slopes (and not set behind the ridge like the other turbines within the proposal) and its separation from the main group of turbines.
 - From the waters of Loch Awe experienced by people using watercraft and where, if the long length of the loch is traversed, sequential cumulative effects would occur with

the operational wind farm of Carraig Gheal (and the consented Blarghour wind farm). This is illustrated by the wireline visualisation in VP 1.

- The northern shores and waters of Loch Avich where the turbines would be prominently sited on elevated and open skylines (VPs 11 and 13). Turbine 13 appears to drift away from the main group of turbines and significantly increases the horizontal extent of the proposal and the magnitude of effect on the Loch Avich area.
 - The southern end of Loch Awe where views from the ruin of Fincharn Castle and from a short section of the B840 are channelled down the length of the loch and the combination of water and steep wooded side slopes creates a scenic composition. The proposal would lie some 13km + distance away but would be seen as a focus at the end of these views and would have a disruptive and detractive effect (exacerbating the effect of the consented Blarghour wind farm). These views are illustrated in VPs 15 and 16.
 - The folly at Dun na Cuaiche within the Inveraray Castle GDL (VP 4) – while the proposal would not interrupt the main focus of views along Loch Fyne, the proximity (5.69km) and size of the turbines and the intrusion of new tracks accessing the wind farm would result in significant adverse effects. The overlapping of Turbines 2 and 8, and the greater prominence of Turbines 1 and 2 contributes to the magnitude of effect likely to be experienced from this highly sensitive viewpoint.
- 7.12 Turbine lighting would extend the duration of significant adverse effects in close-by views from parts of Dalavich and from elevated viewpoints such as VP 4 at the Folly at Dun Cuaiche within the Inveraray Castle GDL and VP 9 at Kilmaha.
- 7.13 Cumulative landscape and visual effects with other proposed wind farms - It is assumed that the visualisations produced within the EIAR show the wind farm proposals listed in Table 6.8 of the LVIA. Clarification is sought that the Blarghour revised proposal (scoping stage layout comprising 17 turbines, 180m high) is shown in the visualisations rather than the consented scheme which comprises 17 turbines 136.5m high. The key (green) appears to indicate that the scoping scheme is shown.
- 7.14 Significant combined cumulative landscape and visual effects would occur where this proposal was seen together with the proposed revised Blarghour wind farm which lies within 1.5km of the proposal. Both developments would be largely seen together and would substantially increase the extent of very large wind turbines seen on the skyline of uplands which enclose the eastern side of Loch Awe. Large turbines would appear as a continuous feature seen in relatively close proximity to the loch, significantly exacerbating the diminishment of the sense of seclusion and naturalness likely to already be associated with the revised Blarghour wind farm.
- 7.15 The proposed Eredine, Ladyfield and Bheinn Ghlas repowering wind farm developments would also contribute to significant adverse combined cumulative effects on landscape and views when seen together and sequentially, principally in the Loch Awe area but also affecting elevated views at the head of Loch Fyne (for example VP 4 from the folly at Dun na Cuaiche at Inveraray Castle GDL). Visible aviation lighting on these proposals (which all comprise larger turbines >180m) would extend the duration of significant cumulative effects from some views. The combined cumulative effect would be one where the uplands on the eastern side of Loch Awe would appear to comprise a landscape dominated by wind farms – a ‘wind farm landscape’ in effect.

- 7.16 Conclusions - This proposal would be located in the *Craggy Upland* and the *Loch Fyne Upland Forest Moor Mosaic* LCT's and would have significant adverse effects on their character. It would also incur significant adverse effects on the *Rocky Mosaic* LCT which covers part of the shores of Loch Awe and on the character of Loch Awe and Loch Avich. Formally valued landscapes, including the Area of Panoramic Quality designation, would not be significantly affected by the proposal.
- 7.17 The proposal would be for 13 turbines 180m high to blade tip and would be much more visually prominent than operational wind farms. It would have significant adverse effects on open views from the minor road/promoted cycle routes and footpaths on the west side of Loch Awe and from part of the B840 and the shore of the loch east of Ford. There would be extensive visibility across a large part of the waters of Loch Awe with significant effects likely to extend between the settlements of Inverinan and Ford (an area comprising approximately two-thirds of the loch).
- 7.18 Significant adverse effects on views would also occur from the northern shores of Loch Avich and from the open waters of this loch. The layout of the proposal will exacerbate effects from the Loch Avich road (which offers spectacular views over Loch Awe) where considerable overlapping of turbines occurs. The positioning of Turbine 13 in particular gives the proposal an overly 'stretched out' appearance in views from Loch Avich which contributes to the magnitude of effect.
- 7.19 Lower elevation views from Loch Fyne and its settled shores will not be significant due to a combination of distance and partial screening of turbine towers by landform, although significant adverse effects would occur on views from the folly at Dun na Cuaiche which lies within the Inveraray Castle Inventory listed Garden and Designed Landscape. The design of the proposal is particularly poor from this important viewpoint with overlapping turbines creating a cluttered appearance and Turbines 1 and 2 being particularly prominent in relation to the other turbines which are more set back behind ridgelines.
- 7.20 There would be significant cumulative effects arising with both the consented and proposed Blarghour wind farm and the operational An Suidhe wind farm with this proposal effectively filling the gap between the 2 operational/consented developments. There would be a substantial increase in the horizontal extent of wind farm development seen simultaneously on containing skylines from Loch Awe and its shores. The addition of the Eredine, Ladyfield and Beinn Ghlas Repowering wind farm proposals (which all comprise much larger turbines) would add to sequential effects experienced when travelling on roads/promoted cycle routes along Loch Awe and from watercraft on the loch itself (in addition to a baseline which includes the operational Carraig Gheal wind farm which is already prominent from the loch and its shores). The proposal would also contribute to significant adverse combined cumulative effects on views from the folly at Dun na Cuaiche within the Inveraray Castle Garden and Designed Landscape when seen together with the operational Clachan Flats wind farm, the proposed Ladyfield, Blarghour and Eredine wind farms and the consented Creag Dhubh wind farm.
- 7.21 This proposal would introduce lighting to the dark skies of Loch Awe and while there will be fewer visual receptors during hours of darkness, the number of proposed wind farms requiring visible aviation lighting would result in significant cumulative effects associated with visible aviation lighting.
- 7.22 Recommendation - This proposal would not significantly affect national or local landscape designations.

- 7.23 All wind farm developments will incur significant adverse landscape and visual effects and this proposal is no different in this respect. One of the key significant adverse effects associated with this proposal would be its cumulative effect with the consented Blarghour wind farm and, to a lesser degree, the operational An Suidhe wind farm, which would result in a substantially more dominant combined effect of wind energy development on the character of Loch Awe and on views.
- 7.24 It is not considered that appropriate design mitigation has been applied to the proposal in line with NPF4 Policy 11e (ii) and the significant adverse effects of the proposal could be mitigated to some degree by improving its appearance from key views as follows:
- The well-wooded nature of the Loch Awe area restricts open views across and along the loch but where these views do occur, they are particularly valuable for their scenic qualities. The loch shores near Dalavich comprise one of these important open areas as does the road between Loch Awe and Loch Avich and the shores and waters of Loch Avich. The proposal appears poorly designed from these areas and ***it is strongly recommended that the layout of turbines is reviewed by the applicant from Viewpoints 2, 5 and 11 with the overlapping of Turbines 2, 8 and 10 resolved and Turbine 13 omitted as this appears dislocated from the main group of turbines and significantly increases the horizontal extent of the proposal in these views.***
 - In addition, significant adverse effects on the Dun na Cuaiche folly within the Inveraray Castle GDL are acknowledged likely to arise in the LVIA (Viewpoint 4). This is an important viewpoint, and the cluttered appearance of the proposal contributes to significant adverse effects on views. ***It is therefore strongly recommended that the layout of turbines is reviewed by the applicant from Viewpoint 4 with the discordant overlapping of Turbines 2 and 8 resolved and the prominence of Turbines 1 and 2 reduced by adjusting their location and/or lowering their height.***
 - In addition, the cumulative effects of visible aviation lighting on landscape character and on views is also a concern and while there will be fewer people affected at night, it is considered important to retain the character of dark skies within Argyll & Bute, particularly given the number of wind energy proposals across the region with similar lighting. ***It is therefore strongly recommended that radar activated lighting should be installed at the earliest opportunity as this would substantially reduce the duration and impact of night-time lighting.***
- 7.25 The Applicant provided a response to the key points raised by the Councils Landscape Consultant. In summary, they advise that extensive work has gone into the design of the Proposed Development to develop a layout that contributes positively to carbon reduction targets, maximises energy yield whilst respecting technical and environmental constraints including ecological, ornithological, hydrological, cultural heritage and ground conditions identified during the consultation and EIA process. As such, it is not proposed to make any further changes to the design at this time, as requested in the review of landscape and visual effects, for the reasons outlined above. As noted in the review “All wind farm developments will incur significant adverse landscape and visual effects and this proposal is no different in this respect.”
- 7.26 ABC Landscape Consultant – advised that the Applicants response contains no new information or reasoned judgement which would alter the finding of their review report and they have nothing to add or change in their advice to the Council.

7.27 NatureScot have provided the ECU with the following landscape advice (summary) –

- There would be a significant effect on landscape character in the surrounding Craggy Upland Landscape Character Type (LCT) and on smaller scale areas of the LCT on the west of Loch Awe exposed to skyline views of the turbines. Significant effects would also extend to parts of the Loch Fyne Upland Forest-Moor Mosaic LCT and the Rocky Mosaic LCT on the western shores of Loch Awe;
- Significant visual effects would extend up to c15km and would be mainly concentrated on settlements, roads, and recreational receptors on the west side of Loch Awe. There would be significant cumulative landscape and visual effects when the proposal is considered in addition to operational, consented, and proposed wind farms, particularly the nearby operational An Suidhe wind farm and the proposed neighbouring Blarghour wind farm;
- Currently there are no operational or consented wind farms in the study area requiring lighting and the sparsely populated area is characterised by low levels of artificial light at night. While proposed measures to control the intensity and direction of lighting could substantially reduce the potential for effects, they consider there would be significant night-time landscape and visual effects within areas surrounding the proposal; and
- The Proposal does not conform with NatureScot's wind farm design guidance raising important design issues in terms of its relationship to the existing adjacent An Suidhe wind farm. In respect of the Argyll & Bute LWECS, there is no scope for turbines of this size due to the potential for effects on Loch Awe and its smaller scale, scenic and settled fringes. This could only be mitigated by significantly reducing turbine size.

Officer's Conclusion

7.28 Based on the advice of the Council's Consultant Landscape Architect the proposed development does not warrant an objection on landscape and visual grounds. Another key factor in reaching this conclusion is the recent Blarghour decision on a site adjacent to the proposed development. The Council objected to the Blarghour proposal which caused a Public Inquiry to be held. The outcome was not in the Council's favour and the Blarghour proposal was approved by Scottish Ministers. The concerns raised by NatureScot are noted and will be a matter for the ECU to consider/resolve prior to reaching a decision on this application.

7.29 Having due regard to the above and consideration being given to the suggested mitigation (including a condition to secure ADLS (Aircraft Detection Lighting System) lighting) it is concluded that the proposal complies with the provisions of Policies 11 – Energy and 4 – Natural Places of NPF4, and Policy 30 – The Sustainable Growth of Renewables of ABLDP2 in this respect.

8. IMPACTS ON TOURISM AND RECREATION

8.1 Policy 11 – Energy of NPF4 does not require Impacts on tourism to be considered – this criterion is no longer included. Policy 30 – The Sustainable Growth of Renewables of ABLDP2 requires all applications for wind turbine developments to be assessed against impacts on tourism and recreation.

- 8.2 Tourism – It is acknowledged that Policy 11 of NPF4 does not include a requirement for the impact of proposals on tourism to be assessed. However, Policy 30 – The Sustainable Growth of Renewables of the LDP does. In Argyll & Bute the landscape is regarded as being a particularly valued asset both in terms of its intrinsic qualities and in terms of its value to the tourism economy. For all types of development, the maintenance of landscape character is an important facet of decision-making in the countryside in Argyll & Bute, regardless of the scale of development proposed.
- 8.3 As Tourism and Landscape & Visual matters are intrinsically linked, and there is little evidence to demonstrate whether wind farms adversely affect tourism, it is considered that such impacts are covered in the landscape and visual impact assessment of the proposal.
- 8.4 Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy 11 – Energy of NPF4 and Policies 04 – Sustainable Development and 30 – The Sustainable Growth of Renewables of ABLDP2 in this respect.**

9. PUBLIC ACCESS

- 9.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on public access are addressed, including impact on long distance walking, and cycling routes and scenic routes. Policy 30 – the Sustainable Growth of Renewables of ABLDP2 requires all applications for wind turbine developments to be assessed against impacts on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF. Policy 32 – Active Travel of ABLDP2 requires that requires active travel and recreation to be integrated in developments from the start of the wider design process and existing active travel networks should be safeguarded and integrated with the development.
- 9.2 Chapter 11 of the EIAR considers potential direct and indirect effects in relation to public access, recreation, and tourism. The assessment states that a number of Core Paths and regional cycle routes are located within the vicinity of the site, clustered around the communities and settlements, particularly along the shores of the Lochs, Inveraray and Dalavich. There are three Core Paths located within the area which includes the site access track.
- 9.3 Other routes located within the site include: The Inveraray Forest Circuit which is routed around Inveraray and forms a loop, including within the site following the above Core Paths.
- 9.4 There are no Rights of Way paths within the site; however, there are three Core Paths (C200a, C200b and C203a) which are located within / traversing the site access (which also form part of an advertised route on Walk Highlands called the Inveraray Forest Circuit. The assessment states that there is potential for direct disruption to the use of these Core Paths and circuit during construction for a small number of people. The routes may have some restricted access however these impacts can be satisfactorily management by way of an Access and Recreation Management Plan which could be secured by way of a planning condition.
- 9.5 ABC Core Paths – At time of writing no response has been received.
- 9.6 Mountaineering Scotland have advised the ECU they have no comment.

9.7 Having due regard to the above subject to a condition to secure an Access and Recreation Management Plan in the event that consent is granted it is considered that the proposal is consistent with the provisions of Policy 11- Energy of NPF4, Policy 30 – the Sustainable Growth of Renewables; and Policy 32 - Active Travel of the ABLDP2.

10. AVIATION AND DEFENCE INTERESTS INCLUDING SEISMOLOGICAL RECORDING

10.1 Policy 11 – Energy of NPF4 requires that project design and mitigations demonstrates how impacts on aviation and defence interests including seismological recording have been addressed. Policy 30 – the Sustainable Growth of Renewables of ABLDP2 requires impacts on aviation and defence interests and seismological recording to be addressed. Policy 43 – Safeguarding of Aerodromes of ABLDP2 stipulates that Development will not be permitted where it would compromise the safe operation of an Aerodrome or Technical Site or constrain their present or future operations.

10.2 Defence Infrastructure Organisation (DIO) – have advised the ECU that, subject to conditions to secure an Aviation Lighting Scheme and Aviation Charting and Safety Management details the MOD has no objection.

10.3 National Air Traffic Services Safeguarding (NATS), Edinburgh Airport, Glasgow Airport, and Glasgow Prestwick Airport – have all advised the ECU that they have no objection to the proposal.

10.4 Having due regard to the above, subject to the conditions recommended by the Ministry of Defence, it is concluded the proposal is consistent with the provisions of Policy 11 – Energy of NPF4 and Policies 30 – The Sustainable Growth of Renewables and 43 – Safeguarding of Aerodromes, of the ABLDP2 in this respect.

11. TELECOMMUNICATIONS AND BROADCASTING INSTALLATIONS

11.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on telecommunications and broadcasting installations, have been addressed particularly, ensuring that transmission links are not compromised. Policy 30 – The Sustainable Growth of Renewables of ABLDP2 requires all applications for wind turbine developments to be assessed against impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.

11.2 The Joint Radio Company and BT have both advised the ECU that they have no objection to this proposal.

11.3 Having due regard to the above it is concluded that the proposal will not have any adverse impacts on telecommunications, broadcasting installations and transmission links (including cumulative impacts) and is consistent with the provisions of Policy 11- Energy of NPF4 and Policy 30 – The Sustainable Growth of Renewables of ABLDP2 in this respect.

12. ROAD TRAFFIC AND ADJACENT TRUNK ROADS

12.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on road traffic and on adjacent trunk roads have

been addressed, including during construction. Policy 30 – the Sustainable Growth of Renewables of ABLDP2 requires all applications for wind turbine developments to be assessed against impacts on road traffic and impacts on adjacent trunk roads. Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes of ABLDP2 acceptance of development utilising new and existing public roads, private roads and private access regimes is subject to road safety and street design issues being addressed to the satisfaction of the Roads Authority and the Planning Authority. Policy 38 – Construction Standards for Public Roads requires that accesses which connect to or impact significantly on a Trunk Road require consultation with Transport Scotland.

- 12.2 The proposed development will be accessed from the A819, with all traffic approaching the site from the A83 trunk road. A bypass of Inveraray is proposed for AIL (abnormal indivisible loads) traffic, due to constraints located within Inveraray.
- 12.3 Transport Scotland (TS) – advised the ECU that they are satisfied with the submitted EIAR and have no objection in terms of environmental impacts on the trunk road network. However, they have sought additional information on the blade transfer points and the access junction for the bypass of Inveraray before they will provide their final response. The Applicant provided additional information for TS in respect to these points.
- 12.4 TS reviewed this additional information and provided further comment to the ECU. In respect to the access junction for the bypass of Inveraray, TS have reiterated their previous request for 1:500 scale drawings showing the junction layout and visibility splays etc. with any departures from standard known at this stage highlighted. In respect to the blade transfer points TS note that a separate planning application will be required, which they will review as a statutory consultee. To link this to the main wind farm application they request a condition is added to any consent to ensure that no abnormal load deliveries commence until the details of the blade transfer points on the A83 have been submitted and approved in writing by the Planning Authority in consultation with them to maintain the safety and free flow of the traffic on the trunk road network. They also confirm that they will conclude their consultation on the proposal once they have received and reviewed the additional information, they require for the access junction.
- 12.5 At time of writing, it is Officers understanding that the details requested by Transport Scotland in relation to the access junction have still not been provided. Consequently, no final response has been received from Transport Scotland and the matter remains unresolved. This will need to be resolved by the ECU prior to reaching a final decision on this application.
- 12.6 ABC's Roads & Amenity Services have advised they have no objection subject to conditions relating to the A819 Inveraray to Dalmally Road Vehicular Accesses and some additional conditions.
- 12.7 Conditions relating to the southern access - 1. Connection of site access to public road, 75 x 2.40 x 1.05 metres; 2. Access to be constructed as per the Council's standard detail drawing ref: SD 08/001 Rev a, or otherwise agreed in writing by Roads & Infrastructure Services; 3. Junction geometry and surfacing to be fully completed, prior to any work starting on site; 4. Existing permanent warning signs must remain in situ, unless otherwise agreed in writing by Roads & Infrastructure Services; and 5. Advanced warning signs for the site access to be erected on either approach, prior to any works starting on site.

- 12.8 Conditions relating to the northern access - 1. Connection of site access to public road, 160 metres to the north west and 75 metres to the south east; 2. Access to be constructed as per the Council's standard detail drawing ref: SD 08/001 Rev a, or otherwise agreed in writing by Roads & Infrastructure Services; 3. A positive surface water drainage system to be installed to prevent the discharge of surface water onto the public road, details to be agreed with Roads & Infrastructure Services, prior to any works starting on site; 4. Junction geometry, surfacing and drainage be fully completed, prior to any work starting on site; and 5. Advanced warning signs for the site access to be erected on either approach, prior to any works starting on site.
- 12.9 Additional Conditions - 1. Strictly no vehicular access from the B840 East Lochaweside Road; 2. Traffic Management Plan to be submitted for approval by Roads & Infrastructure Services, prior to any work starting on site. The Traffic Management plan should include details of all materials, plant, equipment, components, and labour required during the construction works; 3. A detailed Method Statement in relation to access and transport of materials, plant, and equipment. Method statement to be submitted for approval by Roads & Infrastructure Services, prior to any work starting on site; and 4. A detailed condition survey to be carried out between the A83 Tarbet - Campbeltown Trunk Road / A819 Inveraray - Dalmally Road junction and the application site, prior to any work starting on site. The condition survey to be recorded by means of video and photographs. A copy of the video and photographs to be submitted to Roads & Infrastructure Services for approval, prior to any work starting on site.
- 12.10 The Area Roads Engineer also advises that one of the proposed site accesses connects directly to the A83 Tarbet - Campbeltown Trunk Road and Transport Scotland should be notified. Furthermore, that a Road Opening Permit will be required and there should be no surface water discharge.
- 12.11 **Having due regard to the above, due to the outstanding matters still required to be resolved with Transport Scotland it has not been possible to reach a conclusion on whether or not the proposal is consistent with the provisions of Policy 11 – Energy of NPF4, Policy 30 – The Sustainable Growth of Renewables, Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes and Policy 38 – Construction Standards for Public Roads in this regard. It is recommended that the conditions required by Area Roads and Amenity Services are attached to any consent granted by the ECU.**

13. HISTORIC ENVIRONMENT

- 13.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how impacts on the historic environment have been addressed. Policy 7 – Historic Assets and Places of NPF4 intent is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Policy 30 – The Sustainable Growth of Renewables of ABLDP2 requires all applications for wind turbine developments to be assessed against impacts on the historic environment, including scheduled monuments, listed buildings and their settings. Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment Policy 19 – Scheduled Monuments Policy 20 – Gardens and Designed Landscapes Policy 21 – Sites of Archaeological Importance support the key policies and provide guidance on assessing development proposals against heritage impacts.
- 13.2 Historic Environment Scotland (HES) – have advised the ECU the proposal would have adverse impacts on the setting of several scheduled monuments, and they

judge that the impact on the setting of Ardchnonnel Castle SM291 would be greater than assessed in the EIAR. However, the severity of these impacts would not be sufficient to raise issues in the national interest. The impacts on the setting of Ardchnonnel Castle SM291 could be mitigated by removing, relocating, or lowering the height of turbines T9, T10, T11, T12 and T13, and they recommend that any opportunity to put this mitigation into action should be explored. Their report also identifies that there would be direct impacts on Inveraray Castle Inventory Garden and Designed Landscape from work to improve the existing access network and minor operational effects on Tower, Dun Na Cuaiche, Inveraray Castle Estate, within Inveraray Castle GDL. These would not raise issues of national significance. Historic Environment Scotland's view is that the proposals do not raise historic environment issues of national significance and therefore they do not object.

- 13.3 The Applicant provided a response to the ECU on the matters raised by HES. They note that HES does not object on the basis that *“the proposals do not raise historic environment issues of national significance”* and provide information in response to the comments raised in relation to the design of the proposal, and the potential effects on the setting of Ardchnonnel Castle & Island of Innis Chonnel, Loch Awe. In summary, they advise that extensive work has gone into the design of the proposal to develop a layout that contributes positively to carbon reduction targets, maximises energy yield whilst respecting technical and environmental constraints including ecological, ornithological, hydrological, cultural heritage and ground conditions identified during the consultation and EIA process. As such, it is not proposed to make any further changes to the design at this time as requested by HES for the detailed reasons outlined in their response.
- 13.4 Historic Environment Scotland have advised the ECU they have reviewed the applicants' response. They do not object to the proposal, which does not raise issues of national significance. However, they consider that the impacts of the development on the setting of Ardchnonnel Castle & Island of Innis Chonnel, Loch Awe have been underestimated in the EIAR, and that the impacts are likely to be significant. They recommended in their earlier response to the EIAR that consideration should be given to the removal, relocation or lowering of turbines T9, T10, T11, T12 and T13. This continues to be their advice. The applicant considers each redesign option, removal, relocation and lowering, in turn. In their response to the suggestion of removing these 5 turbines, their counter argument is based on the reduction this would cause in the scale of the proposal, and its associated power generation and carbon saving. However, these are not issues that HES can consider in their assessment of the proposals, but rather concerns to be considered as part of the planning balance overall by the determining authority. HES note the applicants seem to have considered each potential mitigation action separately, rather than in combination. It may be worth them considering whether removal, relocation and reduction of height can be used in various combinations to reduce the residual effects on the setting of Ardchnonnel Castle. HES would be happy to provide further advice and comments in response to any revised designs
- 13.5 The **Applicant** responded to the ECU on the further comments received from HES acknowledging their feedback.
- 13.6 HES have advised that the proposals as submitted do not raise issues of national significance for the setting of Ardchnonnel Castle such that they should object. This means that if the applicants either do not consider changing the turbines as discussed, or consider it and decide not to, HES will not change their position. Having said this, HES are clear as noted in their consultation responses, that the applicants have underestimated the impacts of the proposal on the setting of the castle in their EIAR,

and that the proposal would have serious impacts on the castle's setting. These impacts are not severe enough to justify HES objecting to the proposal, but if the applicants were to reduce, remove or relocate turbines 9, 10, 11, 12 and 13, then the impacts of the proposal on the setting of the castle would be reduced and the design would be improved. HES's comments were intended to help in mitigating the impacts of the proposal and to help the planners and ECU when coming to a final decision.

13.7 West of Scotland Archaeology Service – have advised that they have no objection subject to a condition to secure a programme of archaeological works in accordance with a written scheme of investigation to be submitted by the applicant for the written approval of the Planning Authority in consultation with WoSAS.

13.8 **Having due regard to the above subject to the condition recommended by the West of Scotland Archaeology Service it is considered that the proposal is consistent with the provisions of Policy 11 – Energy and Policy 7 – Historic Assets and Places of NPF4, and Policies 30 – The Sustainable Growth of Renewables; 15 – Protection, Conservation and Enhancement of Our Historic Environment; 19 – Scheduled Monuments; 20 – Gardens and Designed Landscapes; and 21 – Sites of Archaeological Importance of the ABLDP2**

14. HYDROLOGY, THE WATER ENVIRONMENT AND FLOOD RISK

14.1 **Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrates how effects on hydrology, the water environment and flood risk have been addressed. Policy 30 – Supporting the Sustainable Growth of Renewables of ABLDP2 requires all applications for wind turbine developments to be assessed against impacts arising from effects on hydrology, the water environment and flood risk (including cumulative). Policy 55 - Flooding of ABLDP 2 provides guidance on the type of development that will be generally permissible within specific flood risk areas. Policy 57 – Risk Appraisals requires flood risk assessments, and drainage impact assessments, to accompany applications where required.**

14.2 The Council's Flood Prevention Officer – has confirmed they have no objection to the proposal and have not recommended any planning conditions.

14.3 **Having due regard to the above, it is concluded that the proposal is consistent with the provisions of Policy 11 – Energy of NPF 4, Policy 30 – The Sustainable Growth of Renewables, Policy 55 – Flooding; and Policy 57 Risk Appraisals of ABLDP2.**

15. BIODIVERSITY

15.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how impacts on biodiversity, including birds have been addressed. Policy 3 – Biodiversity of NPF4 requires development proposals to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 5 – Soils of NPF4 supports the generation of energy from renewable sources that optimises the contribution of the area to GHG emissions reduction targets on peatland, carbon-rich soils, and priority peatland. A detailed site-specific assessment will be required for development on peatland which will include the likely net effects of the development on climate emissions and loss of carbon. Policy 30 – The Sustainable Growth of Renewables of the ABLDP2 requires all applications for wind turbine developments to be assessed against impacts arising from effects on the natural heritage, including birds and to be assessed against

impacts on carbon rich soils, using the carbon calculator (including cumulative) Policy 73 – Development Impact on Habitats, Species and Biodiversity requires Development proposals will be encouraged to incorporate, safeguard and enhance existing site biodiversity wherever possible.

Ornithology

15.2 NatureScot provided the ECU with the following Ornithology advice (summary).

- Glen Etive and Glen Fyne Special Protection Area (SPA) - advise that it is unlikely the proposal will have a significant effect on the qualifying interest either directly or indirectly. An appropriate assessment is therefore not required;
- There is a high risk the G/LAE1B golden eagle territory could be abandoned without extensive revised mitigation. The current mitigation is unclear and potentially counterproductive (see Annex 1, Section 1.2.1)
- The proposed route of the access track should be reconsidered due to the risk of committing an offence under the Wildlife & Countryside Act 1981 (as amended)
- The Proposal has the highest predicted white-tailed eagle collision risk of any proposed wind farm, so far, in Natural Heritage Zone (NHZ) 14 with the current mitigation potentially unclear and counterproductive; and
- The Collision Risk Model (CRM) appears to exclude relevant flight data from VP C without explanation. VP C recorded numerous flights of target species over the site and NS request clarification as to why it was excluded from the CRM calculations and the potential re-assessment of collision risk. As part of this they also request clarification as to why osprey were scoped out of the CRM and the re-assessment of osprey collision risk.

15.3 The Applicant provided a response to the ECU on the ornithological matters raised by NatureScot. NatureScot provided a further response advising that the response addressed the issues they raised regarding osprey and red-throated diver. However, they maintain their position regarding golden eagle displacement, the proposed access track, white-tailed eagle collision risk modelling (CRM), and the proposed OREP). In summary, NS's view regarding the G/LAE1B territory is unchanged. They advise there is a high risk this golden eagle territory could be abandoned without extensive revised mitigation; - They request the full figure used for the kernel analysis; - Their view regarding the proposed access track is unchanged. They advise the track should be reconsidered due to the risk of committing an offence under the Wildlife & Countryside Act 1981 (as amended); - Their view on white-tailed eagle is unchanged. They request full details of the CRM are provided; and - Their view regarding the effectiveness of the Outline Restoration and Enhancement Plan (OREP) is unchanged. The OREP, as currently proposed, is unlikely to mitigate potential impacts and needs to be reconsidered to provide appropriate management measures to ensure the intended overall objectives are achieved and to reduce the risk of the G/LAE1B golden eagle territory being abandoned.

15.4 RSPB Scotland – have advised the ECU that they have significant concerns regarding the ornithological impacts of the proposal, particularly its impact on Annex 1/Schedule 1 breeding Golden Eagle *Aquila chrysaetos*, on the basis that the proposal will likely result in the loss of Golden Eagle range G/LAE1B due to loss of habitat and cumulative impacts. Therefore, RSPB Scotland **objects** to the proposal until the following issue is addressed: An off-site Habitat Management Plan area is secured by

planning condition for Golden Eagle and delivered in the long-term against planned, measurable targets. Once RSPB Scotland have received this information, they will reconsider their position.

Peat & Sensitive Habitat (Tracks)

- 15.5 SEPA initially advised the ECU they are pleased to see that most of their requirements have been well covered. Mitigation has been planned and detailed as have peat management and restoration plans. They did, however, have some concerns relating to tracks. They advise that minor changes to the track layout could reduce the amount of peat and sensitive habitat that would be disturbed by the proposal, and that the applicant should consider changes. SEPA also refer the ECU to their advice on other planning matters and provide regulatory advice for the applicant.
- 15.6 The Applicant provided a response to the ECU regarding the concerns raised by SEPA in relation to tracks and their proximity to GWDTEs (Groundwater Dependant Terrestrial Ecosystem), areas of deeper peat; and regulatory advice. SEPA advised the ECU they withdraw their objection subject to a planning condition being attached to consent if granted. The applicant has acknowledged their previous comments regarding track layout and have provided justification for not committing to changes at this stage. SEPA understand that changes will be considered at the detailed design phase to avoid deeper peat. They request that a condition requiring changes to be considered at the detailed design phase is attached to reduce the amount of peat disturbance from this proposal. If this condition is not applied, then SEPA's objection will be maintained.

Peat Landslide Hazard Risk Assessment

- 15.7 Ironside Farrar (Peat Landslide Hazard Risk Assessment, Stage 1 Checking Report (PLHRA)) advised the ECU that the PLHRA required minor revisions. The Applicant provided a clarification letter to the ECU in response to the points raised. Ironside Farrar, Peat Landslide Hazard Risk Assessment, Stage 2 Checking Report (PLHRA) advised the ECU that the clarification provided by the Applicant addressed the matters raised in the Stage 1 Checking Report and no further response from the Applicant is required.
- 15.8 The Council's Local Biodiversity Officer – in summary, welcomes the details of the various biodiversity related survey reports along with the proposed mitigation including additional activities in terms of tree planting, habitat (including peat) restoration, boxes for Pine marten and Red Squirrel, as well as additional monitoring of Water vole and the Outline CEMP (Construction and Environmental Management Plan) to be overseen by an ECoW (Ecological Clerk of Works). The Local Biodiversity Officer asks for the following: collisions by birds and bats are logged; that deer are included in the monitoring so as to avoid degradation of restored areas during establishment; a map of where the peatland restoration has been implemented; a detailed landscape planting plan is submitted once the areas have been identified; further details of sensitive burning locations and any changes to grazing livestock (type) and regime and asks that invasive non-native species are removed along the access track so as to avoid spread by traffic movements.

Fish

- 15.9 The Marine Directorate have advised the ECU that baseline pre-construction fish population and fish habitat surveys should be carried out as part of an integrated water quality and fish population monitoring programme. The monitoring programme can be

secured, using suitable wording, in a planning condition, should the development be granted consent. In line with their monitoring programme guidelines fully quantitative electrofishing fish population surveys and fish habitat surveys should be carried out in all watercourses that are at risk of an impact and at control sites for least 12 months prior to construction commencing, to continue during construction and for at least 12 months after construction is complete.

15.10 Argyll District Salmon Fishery Board (ADSFB) have advised the ECU they have a responsibility to conserve and improve stocks of Migratory salmonid fish, the juvenile life-stages of which have been recorded as being present in some of the tributary streams of Allt Blarghour and Allt Beochlich in the Awe catchment and the tributaries of the River Aray, including the Eralich Water. Therefore, ADSFB urge that all consideration is given to the maintenance of stream habitats and water quality within and downstream of the site throughout the project's lifetime. ADSFB fully expect Scottish Government guidelines to be followed in terms of pre, during and post development monitoring of Water quality, macroinvertebrates, and fish." ADSFB welcome the commitments listed in the EIA within the response / Action taken tabled in chapter 8 in relation to stream crossings and welcome the commitment to monitoring of fish populations throughout the proposal.

15.11 In light of the advice provided by NatureScot and RSPB Scotland to the ECU and the fact that ornithological matters remain to be addressed, it is not possible for Officers to reach a conclusion on the proposal's acceptability in this regard. It is recommended that this matter is deferred to the expert advice of NatureScot and RSPB Scotland.

15.12 Having due regard to the above, due to the unresolved ornithological matters it is not possible at this time for a conclusion to be reached on whether or not the proposal is consistent with the provisions of Policies 11 – Energy and 3 – Biodiversity of NPF4, and Policies 30 – The Sustainable Growth of Renewables, Policy 73 – Development Impact on Habitats, Species and Biodiversity of ABLDP2.

15.13 In respect to other matters detailed above and subject to the conditions recommended by consultees being attached in the event that consent is granted it is considered that the proposal is consistent with the provisions of Policies 11 – Energy, 3 Biodiversity, 5 – Soils and Policies 30 – The Sustainable Growth of Renewables of and 79 – Protection of Soil and Peat Resources of ABLDP2

16. TREES, WOODS, AND FORESTS

16.1 Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrate how impacts on trees, woods and forests have been addressed. Policy 6 – Forestry, woodland, and Trees of NPF4 intent is to protect and expand forests, woodland, and trees. Policy 77 – Forestry, Woodland, and Trees of ABLDP2 states that there is a strong presumption in favour of protecting our woodland resources. Policy 78 – Woodland Removal of ABLDP2 states that proposals that would involve the removal of woodland resources will be assessed against the criteria for determining the acceptability of woodland removal, in accordance with the Scottish Government's Control of Woodland Removal Policy. Where this assessment concludes that compensatory planting would be appropriate, developers will need to provide for this in accordance with the advice in the Scottish Government's Control of Woodland Removal Policy.

16.2 Scottish Forestry – have advised the ECU that they have no objection subject to conditions to secure a native woodland plan and compensatory planting.

16.3 Having due regard to the above it is concluded that subject to the conditions recommended by Scottish Forestry being attached in the event that the proposal receives consent it is consistent with the provisions of Policies 11 – Energy and 6 – Forestry, woodland and Trees of NPF4, and Policies 30 – The Sustainable Growth of Renewables; 77 – Forestry, Woodland and Trees and 78 – Woodland Removal of the ABLDP2.

17. MINERALS

17.1 Policy 33 – Minerals of NPF4 states that development proposals for borrow pits will only be supported where: the proposal is tied to a specific project and is time-limited; the proposal complies with the mineral extraction criteria in Policy 33 taking into account the temporary nature of the development; and appropriate restoration proposals are enforceable and Policy 31 – Minerals of ABLDP2 states that proposals for mineral extraction will generally be supported for borrow pits where the proposal is found to be acceptable after being assessed against National Planning Framework 4 Policy 33 criterion e).

17.2 To minimise the volume of stone bought onto the site for construction of the Proposed Development, and any associated environmental effects, if suitable, stone will be sourced from three borrow pits to provide the material necessary for new or upgraded tracks and hardstanding construction. The proposed development will include the creation of one temporary borrow pit for the extraction of stone, and the reopening/use of two existing borrow pits.

17.3 Having due regard to the above taking into account that the proposed borrow pits are tied to the proposal it is concluded that the proposal is consistent with the provisions of Policy 33 – Minerals of NPF4 and Policy 31 – Minerals of the ABLDP2 in this regard, subject to a condition to secure details of the borrow pits and a borrow pit restoration plan.

18. DECOMMISSIONING, SITE RESTORATION AND QUALITY OF SITE RESTORATION PLANS

18.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration have been addressed. It also requires that project design and mitigation demonstrate how the quality of site restoration plans have been addressed including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans. Policy 30 – The Sustainable Growth of Renewables of the ABLDP2 requires consideration to be given to the long-term environmental management of the site.

18.2 The operational life of the proposed development is 40 years from the date of commissioning. At the end of the 40-year operational period, it will be fully decommissioned, or an application may be made to extend its operational life or replace the turbines. It is estimated that decommissioning would take approximately 12 months. This would involve the dismantling and removal of the wind turbines, hardstandings, electrical equipment, and control building as well as restoring the turbine areas, hardstandings and tracks. A Decommissioning Plan would set out environmental protection measures and restoration principles which would be implemented. This Plan would be agreed with ABC. It is recommended that this matter is covered by planning conditions consistent with other projects across Argyll & Bute in the event that the proposal obtains consent from the ECU.

18.3 Having due regard to the above it is concluded that subject to an appropriate condition being attached if the proposal receives consent the proposal is consistent with the provisions of Policy 11 – Energy of NPF4 and Policy 30 – The Sustainable Growth of Renewables of the ABLDP2

19. CUMULATIVE IMPACTS

19.1 Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrate how cumulative impacts have been addressed. Policy 30 – The Sustainable Growth of Renewables of the ABLDP2 also requires cumulative impacts to be addressed. Any cumulative impacts which have been identified are covered in the preceding sections of this report.

20. RENEWABLE ENERGY GENERATION TARGETS AND GREENHOUSE GAS EMISSIONS REDUCTION TARGETS.

20.1 Policy 11 – Energy of NPF4 requires that, in considering the impacts of the proposal, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Policy 1 – Tackling the climate and nature crises of NPF4 requires that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 30 – The Sustainable Growth of Renewables of ABLDP2 require all applications for wind turbine developments to be assessed against the scale of contribution to renewable energy generation targets and greenhouse gas emissions.

20.2 Renewable Energy Generation Targets - The proposal would consist of up to 13 wind turbines, each with a rated capacity of approximately 6.6MW (based on candidate turbine), therefore the overall installed capacity of the wind farm would be approximately 85.8MW. In terms of contribution to renewable energy generation targets, the proposal would therefore contribute approximately 85.8MW of capacity to the Scottish Governments minimum targets for having 20GW of onshore wind operational by 2030.

20.3 Greenhouse Gas Emissions Reduction Targets - Assuming a 40-year operational life and based on an overall expected annual carbon saving of 40,000 tCO₂e and a total carbon loss (during both construction and operation) of just over 116,000 tCO₂, this equates to a total saving of approximately 1.48 million tCO₂e over the proposed development's operational lifetime. The results of the Scottish Government Carbon Calculator show that the Proposed Development is estimated to produce annual carbon savings of approximately 40,000 tCO₂ per year, through the displacement of grid electricity, based on the current average grid mix.

20.4 The renewable electricity generated could power an estimated 95,872 homes on average each year. To put this into context, Argyll & Bute has an estimated 42,384 households.

20.5 Having due regard to the above it is considered that the proposal is consistent with the provisions of Policies 1 – Tackling the climate and nature crisis and 11 – Energy of NPF 4, and Policies 30 – The Sustainable Growth of Renewables and 04 – Sustainable Development of ABLDP2

21. GRID CAPACITY & ENERGY STORAGE

21.1 Policy 11 – Energy of NPF4 requires that grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator and that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, which includes energy storage. Policy 30 – The Sustainable Growth of Renewables of ABLDP2 requires the Council to have regard to the opportunities for energy storage.

21.2 Grid Capacity - Connection to Electricity Grid - There is a feasible grid connection available, as advised by the network operator SSEN. The grid connection will be the subject of a separate application by SSEN. Energy storage – battery storage is proposed as part of this development. It is intended to be located in the permanent compound which will also contain the control building and substation. This will be able to store excess power generated by the wind farm and release the power on to the grid when the wind drops. Inclusion of a battery within the scheme increases the sustainability of the power generated. Energy storage enables renewable integration, helps to balance supply and demand, and enhances the security of supply.

21.3 **Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy 11 – Energy of NPF 4, and Policy 30 – The Sustainable Growth of Renewables of the ABLDP2 in respect to Grid Capacity and Energy Storage.**

22. PERPETUITY

22.1 Policy 11 – Energy of NPF4 requires that consents for proposals may be time limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity. It is acknowledged that areas identified for wind farms are expected to be suitable for use in perpetuity. However, as the expected operational life of the Proposed Development is 40 years from the date of commissioning, should consent be granted, Officers would expect it to be time limited to 40 years to reflect the life of the wind farm as detailed in the EIAR.

23. CONCLUSION

23.1 This proposal is classed as “Strategic Renewable Electricity Generation” - a National Development, in terms of the Spatial Strategy given its capacity to generate and store more than 50MW. In principle, there is support for this scale of development given its importance in the delivery of Scotland’s Spatial Strategy. However, such projects are still required to be assessed against the provisions of the Development Plan, which now consists of National Planning Framework 4 and the Argyll & Bute Local Development Plan 2.

23.2 The lead Development Plan policies support renewable energy development in principle but requires that proposals are assessed against the criterion detailed in this report. While the weight to be given to each of the considerations is a matter for the decision maker, NPF4 is clear that significant weight will require to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. However, a balance still requires to be reached in terms of the impact of the development.

23.3 In relation to landscape and visual impacts NPF4 advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. However, NPF4 must be read as a whole, and detailed consideration given to linked policies. Policy 4 (Natural Places) – sets out

that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. Whilst it is considered that this proposal will have a significant landscape and visual impact, it is not considered that it warrants an objection from the Council subject to consideration of the mitigation suggested by the Councils Landscape Consultant by the ECU.

- 23.4 Development Plan Policy also requires Biodiversity and Transport impacts to be resolved – there are outstanding Ornithological and Transport matters that still require to be addressed. It has therefore not been possible for officers to reach a conclusion on the acceptability of this proposal in terms of policy in this regard. In terms of Ornithology, the Council would defer to the expert advice of NatureScot and RSPB Scotland. In terms of Transport matters the Council would defer to Transport Scotland.
- 23.5 The Scottish Government gives considerable commitment to renewable energy and encourages Planning Authorities to support the development of wind farms where they can operate successfully in appropriate locations. This is not however blanket support without qualification. In considering the appropriateness of the development, significant weight has been given to these matters. In addition, the advice of the Council's Landscape Consultant is not to object and to seek mitigation for Landscape & Visual impact.
- 23.6 In conclusion, it is recommended by Officers that the Council does not object to this application subject to the inclusion of any conditions recommended by consultees in any consent granted by the ECU. That the Landscape and Visual Impact mitigation recommended by the Councils Landscape Consultant is considered by the ECU prior to reaching a decision on the application. That it is brought to the attention of the ECU that it has not been possible to draw a conclusion on Ornithology and Transport because these matters have not been resolved. Finally, to highlight to the ECU that the Council would defer to the expert advice of NatureScot, RSPB Scotland and Transport Scotland on the outstanding ornithological and transport matters.

24. RECOMMENDATION

That the ECU be notified accordingly that Argyll & Bute Council does not object to the proposed development and recommends that the following advice is considered by the Energy Consents Unit:

Mitigation

That consideration should be given to the mitigation suggested by the Council's Landscape Consultant as follows:

- The well-wooded nature of the Loch Awe area restricts open views across and along the loch but where these views do occur, they are particularly valuable for their scenic qualities. The loch shores near Dalavich comprise one of these important open areas as does the road between Loch Awe and Loch Avich and the shores and waters of Loch Avich. **The proposal appears poorly designed from these areas and *it is strongly recommended that the layout of turbines is reviewed by the applicant from Viewpoints 2, 5 and 11 with the overlapping of Turbines 2, 8 and 10 resolved and Turbine 13 omitted as this appears dislocated from the main group of turbines and significantly increases the horizontal extent of the proposal in these views.***

- *In addition, significant adverse effects on the Dun na Cuaiche folly within the Inveraray Castle GDL are acknowledged likely to arise in the LVIA (Viewpoint 4). This is an important viewpoint, and the cluttered appearance of the proposal contributes to significant adverse effects on views. **It is therefore strongly recommended that the layout of turbines is reviewed by the applicant from Viewpoint 4 with the discordant overlapping of Turbines 2 and 8 resolved and the prominence of Turbines 1 and 2 reduced by adjusting their location and/or lowering their height.***
- *In addition, the cumulative effects of visible aviation lighting on landscape character and on views is also a concern and while there will be fewer people affected at night, it is considered important to retain the character of dark skies within Argyll & Bute, particularly given the number of wind energy proposals across the region with similar lighting. **It is therefore strongly recommended that radar activated lighting should be installed at the earliest opportunity as this would substantially reduce the duration and impact of night-time lighting.***

Conditions

The inclusion of all conditions recommended by consultees in any consent granted by the ECU.

Ornithology and Trunk Road Matters

That the ECU should note that it has not been possible for Argyll & Bute Council to reach a conclusion on the acceptability of this proposal in respect to Ornithology or Trunk Road matters. This is because these matters have not been resolved and discussions are ongoing between the Applicant, the ECU, NatureScot, RSPB Scotland and Transport Scotland.

In respect to the outstanding Ornithological matters, Argyll & Bute Council would defer to the expert advice of NatureScot and the RSPB Scotland.

In respect to the outstanding Trunk Road matters, Argyll & Bute Council would defer to the expert advice of Transport Scotland.